



Forms and Patterns of Social Discrimination in Nepal

A Report



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Glossary

Adivasi:	Adivasi is a native term used in place of “indigenous people”.
Jains:	More commonly known as the Marwaris, they are originally from Rajasthan in India and have established themselves in Nepal as very successful traders and business community.
Janajati:	Janajati is a native term used in place of “ethnic group”.
Janai:	Janai is a small bundle of thin thread that is worn by Hindu high caste people as a symbol of their ritual purity. Janai is also known as ‘Taga’.
Hill:	The hill region ranges in altitude from 610 meters to 4876 meters above sea level.
Impure Caste:	An “impure caste” is a ritual status of a caste group. Its impurity is defined in the sense that members of some other castes do not accept water offered by members of these caste groups.
Inner Terai:	Inner Terai is the river valley between Mahabharat hills (Southern hills- 2000meters) and Siwalik hills (Terai hills- 600meters).
Kumal:	An ethnic group found in the eastern Terai working as potters.
Magar:	Ethnic group inhabiting the western hills of Nepal.
Matwali:	Matwali is a native term which is used to refer to those groups of population that consume Mat (or liquor).
Mountain:	The mountain region ranges in altitude from 4877 meters to 8848 meters above sea level.
Newars:	Newars are the indigenous inhabitants of the Kathmandu Valley.
Pure Caste:	The “pure caste” is a ritual status of a caste group. Its purity is defined in the sense that people of all caste categories accept water offered by its members.

Pakka:	Pakka refers to the quality of a house. A Pakka house is one that is constructed by use of concrete and bricks.
Rai:	An ethnic group based in the eastern hills.
Ropani:	Ropani is a unit of land measurement system. Twenty ropani of land is equal to a hectare.
Rudri:	A religious ceremony dedicated to God Shiva
Satya Narayan Ko Puja:	A religious ceremony dedicated to God Vishnu
Terai:	The plains located in the southern part of the country, bordering India
Tagadhari:	Tagadhari is a Nepali term used in the Civil Code of 1854 to refer to the section of the population, the caste status of which ritually requires them to wear Janai/Taga. They are also termed as upper caste people in the present study.
Thakali:	An ethnic group originally from Thak Khola in the western hills who are commercially very successful.
Tharu:	Tribal ethnic group found in the Terai
Varna:	The literal meaning of Varna is colour. However, in Hindu social organization, Varna refers to each among the four fold divisions of the population under the ritually ranked hierarchical status. Each Varna is further divided into a number of caste segments.

List of Abbreviations

ADB	-	Asian Development Bank
CBS	-	Central Bureau of Statistics
CEDA	-	Centre For Economic Development and Administration
CEDAW	-	Convention on the Elimination of all forms of Discrimination Against Women
CFUG	-	Community Forestry User Group
DDC	-	District Development Committee
FWLD	-	Forum for Women Law and Development
HMG	-	His Majesty's Government
ICERD	-	International Convention on the Elimination of All Forms of Racial Discrimination
INSEC	-	Informal Sector Service Centre
MOLJ	-	Ministry of Law and Justice
MP	-	Member of Parliament
NEFIN	-	Nepal Federation of the Indigenous Nationalities
NESAC	-	Nepal South Asia Centre
NGO	-	Non Governmental Organization
UNESCO	-	United Nations Educational Scientific and Cultural Organization
VDC	-	Village Development Committee

Executive Summary

1. Research Context and Objectives

Socio-cultural diversity is one of the important features of Nepalese society. Its people are categorized into a number of caste groups as well as ethnic communities. They possess different types of cultural traditions and assume different levels of economic standing. In view of these diversities, public debates in Nepal have raised the issue that these different types of social categories share the opportunities and privileges available in this society differentially. Given this, this report aims to:

- highlight the existing forms and patterns of social discrimination experienced by people of Nepal, as they occur, on the grounds of their caste, ethnicity, gender, and religion-based identities,
- draw attention to the difference types of social discrimination experienced by people of the aforementioned social categories, and
- discover the variations of social discrimination among people, as they occur, in terms of their class-based position within these social categories.

2. Methodology

Discussions were made by using both primary and secondary types of data. Primary data was collected by way of surveys of a sample of respondents from individual households and through observation, key informant interviews, as well as focus group discussions. For the collection of this type of information, four settlements of ethnic communities and nine settlements of caste groups were visited in two municipalities and three Village Development Committees distributed in the hill and Terai regions in different parts of the country were also visited. Likewise, in order to gather information on religion, one separate settlement was visited in Banke district. The views of key informants from other institutions have also been taken into consideration. Kumal, Magar, Rai and Tharus represented the ethnic groups and upper caste and Dalits of both the hill and Terai regions as well as the middle caste of the Terai represent the caste groups visited for this purpose. A total of 169 households were visited from among the ethnic groups and 153 households from the caste groups.

3. Findings

Untouchability is the most severe form of discriminatory practice existing between the caste groups. The non-Dalits, including both caste and ethnic communities in both the hill and Terai regions as well as in rural and urban settings, exclude Dalits by following this customary way of behaviour. Research shows this is much stronger in the domestic and religious domains compared to that in business activities. In the business domain, Dalits are 'tolerated' in order to establish client relationships with the non-Dalits. Consequently, the practice of untouchability appears less severe in urban settings as most business transactions occur in these areas. Dalits are considered to be the least educated and lack adequate access

to productive resources in comparison to all the other social categories. As a result, they have nominal representation in decision-making positions at all levels of social organizations.

Issues related to discrimination of ethnic communities are different from those between castes. Firstly, the ethnic groups themselves behave in a caste-like manner when they relate to the caste people. They exclude Dalits in the same way as people of non-Dalit caste groups. Secondly, the cultures and languages of ethnic communities have been highly affected by Hindu culture and non-ethnic languages. Historically, the Nepali state has been inclined to promote the influence of Hindu culture and Nepali language among all groups of people within its territory. As a result, ethnic culture and languages have not received adequate support from the state to date. Furthermore, state support is heavily in favour of Hinduism, even in the context of religion.

Regarding gender relations, there are a number of discriminatory laws against women, particularly those related to property rights, nationality and citizenship, reproductive health, marriage and family. These are, for the most part, in favour of males. Women are also behind when it comes to educational status, occupational choice, and participation in decision-making forums of social life compared to males. It was found that, Dalit women suffer the most in all of these areas compared to other categories of women. Ethnic women of the hill region enjoy more freedom in occupational choice than any other categories of women. In terms of rural-urban areas, no significant difference can be found in the case study localities. Given that the national level information shows some discrepancies, our data suggests that the urban area needs to be strictly defined while making such a comparison. Disparities can still be observed in matters of access to productive resources, educational attainment and the participation pattern in decision-making bodies and positions in the government.

Differences are observed among people of different social categories in matters of access to productive resources, educational attainment and participation patterns in decision-making bodies in positions of the government. These types of differences can be noticed between the caste and ethnic categories and those located in the hill and Terai regions. The Dalits are the most disadvantaged among all social categories in all of the above-mentioned indicators. The upper castes have an advantage over all the Dalit and ethnic communities. However, these aggregate results do not reflect reality. There are internal inconsistencies among the caste groups as well as among ethnic communities and among the people within each of these categories. Therefore, issues of discrimination related to access of resources, educational attainment, and participation in public forums and positions have to be incorporated into the discussion on a class-based analysis of the population.

Social policies and programs intending to address the problem of social discrimination need to be aware of these internal diversities expressed in terms of class as well as the specific problems related to the different types of social categories.

Chapter - 1

Introduction

1.1 Background

The United Nations Educational Scientific and Cultural Organization, hereinafter referred to as UNESCO, entrusted us to conduct a study into the existing patterns of social discrimination in Nepal. This report is an outcome of that assignment. The “research framework” provided by UNESCO, for this study, defined discrimination as “the differential treatment and failure to treat all persons equally without reasonable or intelligible criteria”. It is the practice of distinction, exclusion, or preferences made between people based on their race, colour, sex, religion, political opinion, or any other types of social position. Such a preference or exclusion is discriminatory in the sense that it nullifies or impairs equality of opportunity, and favours some against others in employment, occupation, the control, distribution, and use of political power as well as economic resources.

Preferences made to a certain section of society by overlooking others in the distribution and share of social privileges and opportunities is a serious violation of human rights. A number of international agencies and conventions have declared that equality in opportunities of life is a fundamental human right of all categories of people living in all parts of the world. This concern shown by the international community and related voices raised by civil societies are however, not taken seriously in many places. People in many parts of the world still suffer from the problem of discriminatory practices on the grounds of their race, colour, creed, caste, gender, and ethnicity.

People belonging to any of these social categories suffer in numerous ways and to different degrees of magnitude in various contexts and conditions. In some societies, the law and constitutions themselves may endorse discriminatory practices. They may tolerate differences in rights to property, to citizenship, to vote and participate in the electoral process, to follow religious beliefs and practices, and so forth among people of different social categories. Even where legal provisions are not discriminatory, people may still feel discriminated against due to problems associated with the implementation of those rules. People from minorities may feel discriminated against due to the poor representation of their group in social, political, and economic spheres of society. Cultural traditions may add to social discrimination by ascribing different roles, responsibilities, and privileges to different categories of the population.

The social composition of a population also affects the ways in which social discrimination is exercised. Societies that are composed of people with multiple social identities are likely to face discriminatory problems in multiple ways as they differ in terms of roles and responsibilities assumed by members of these social categories. The caste, ethnicity, gender, religion, and class-based status of a population also creates differences to the extent and type of discrimination experienced, as well as the available opportunities in society. Furthermore, these social categories may receive varying degrees of assistance from different types of institutions. They themselves may also treat members differently within, and between, those categories. Given all of the aforementioned complexities associated with discriminatory practices, it was decided to conduct research into existing patterns of social discrimination in Nepal in relation to caste, ethnicity, gender, religion, and class.

1.2 Statement of the Problem

Nepal is a country steeped in socio-cultural diversity. Its population is divided into a number of known, and unknown, caste and ethnic groups of which at least 101 have been formally identified (see Annex 1; Nepal Population Census, 2001). These various castes and ethnic groups speak different languages and follow different religious practices.

The caste groups are predominantly Hindu and are divided into a number of ranked groups, which is determined by their ascribed status. In contrast, ethnic groups are to some extent homogenous. Their members are not divided into sub-groups in a hierarchical order internally. Yet, when they encounter caste people, their relationship with them is governed by caste-based principles. The ethnic groups of Nepal also differ from each other in terms of their religious faiths and practices, namely Buddhism, Hinduism, Shamanism, Christianity, and Islam.

Prior to the 1950s, the legal system of Nepal was conducted completely under the extremely influential Hindu religious principles. As a result, social divisions and discrimination entrenched in Hindu religion were legally recognised. It was only after the termination of Rana rule in 1951 that the laws and constitutions of the country gradually agreed to treat all categories of people on an equal basis. Through the formulation of a law in 1963, the government of Nepal also declared the caste-based practice of ‘untouchability’ as an illegal act. Nepal’s commitment to ensure fundamental rights to equality for all of its citizens was reiterated by the constitution, after the introduction of a multi-party system of rule in 1990. The 1990 constitution also agreed to the existence of plural culture in Nepali society. Accordingly, it endorsed the proliferation of plural organizations in order to defend the culture of their respective groups. During the course of these developments, Nepal also

expressed its commitment to the Universal Declaration of Human Rights approved by the United Nations and accepted or ratified the provisions, protocols and declarations endorsed in favour of human rights by various types of international laws and conventions.

Notwithstanding these international, legal, and constitutional commitments, social discrimination is still evident in many sectors of society in both legal provisions and practical forms. Various studies have explored the idea that these types of discrimination are extensive in the field of caste, ethnicity, and gender-based relations (Dahal et al, 2003; Bhattachan et al, 2002; Subba et al, 2002; FWLD, 2000) throughout numerous locations in Nepal.

To date, only a limited body of literature has discussed the issues of social discrimination in Nepal. Unfortunately, the available literature is restricted in that it merely focuses on only one, or a small number of, specific social categories. Consequently, there is a need for comparative studies on the differences of problems faced by people of different social categories. This gives raise to the following questions:

- Do the forms of social discrimination faced by people differ in different types of social categories?
- Do the people of different social categories face the problem of social discrimination in a uniform way?
- Do these variations find their expressions among different classes of people even within the same caste, ethnicity, or gender-based categories

This study intends to seek answers to these questions.

1.3 Objectives

Guided by the above-mentioned issues, this study has the following objectives:

1. To highlight the existing forms and patterns of social discrimination experienced by people of Nepal on the grounds of their caste, ethnicity, gender, and religion-based identities,
2. To draw attention to the differences of social discrimination experienced by people of the aforementioned social categories,
3. To discover the variations of social discrimination among people in terms of their class-based position within these social categories

1.4 Methodology

1.4.1 Sources of Data

Two different sources of information were consulted for this report, namely primary and secondary. The former consisted of the experiences and views of scholars, schoolteachers, governmental officials, NGO staff, and social volunteers by way of interview. In addition, the views of respondents were incorporated through making direct contact with them in the selected field sites. These ideas were used to supplement the secondary information.

The secondary information comprised research reports produced on the issues of caste, ethnicity, gender, class, and religion by various types of governmental and non-governmental organizations as well as the writings published by individual scholars. The views of the various people were collated by way of focus groups, key informant interviews, and the survey of views of respondents from individual households (see Annex 7 for questionnaires).

The interviews, with various categories of informants, were conducted at numerous points throughout the period covered by this study. The fieldwork required for the collection of information from individual households was completed in September 2005.

1.4.2 Complexity Associated with Social Diversity and Its Implication on the Selection of Study Sites and Sampling Units

Methodological problems arose with regard to the selection of field sites and the respondents to be interviewed therewith. This was due to the amount of work that would be involved in carrying out a detailed empirical investigation into the problem of social exclusion and/or discrimination faced by the people of Nepal belonging to all of the above-mentioned categories owing to their internal subdivisions, socio-diversity, and religious diversity to name but a few.

Caste, ethnicity, gender, and religion as social categories treat their respective populations in a homogenous way. However, people belonging to any of these categories may differ from each other in terms of their access to political power and economic resources. This, in turn, makes it necessary to explore the patterns of social discrimination as it appears in class-based forms.

Another complexity for the observation of social discrimination is created by the hill – Terai¹ regions and the rural-urban divides of society. Such divisions erase the boundary between

¹ plains located in the southern part of Nepal, bordering India.

caste and ethnicity and bisect them into Parbate (associated with hill) and Madhese (associated with Terai). In addition, the issues of class and gender that cut across all social categories had to be taken into consideration. The problem is further compounded by the fact that people belonging to these different types of social categories are settled in various locations throughout Nepal.

Given the difficulties associated with the social diversity of the population, two options were available for the researchers to select the study sites and respondents.

- To concentrate the study on only one or two of the social sub-categories, for example the Dalits, among the caste groups or women of a particular caste and/or an ethnic group

This type of study has the advantage that it enables researchers to carry out a detailed investigation into the issues, pertaining to those particular groups, with a relatively high degree of quantitative precision through the collection of information from a representative sample of a larger number of respondents living in different parts of the country. However, such a study is very consuming in terms of time, manpower, and costs relating to research. Furthermore, the conclusions drawn will only reflect the conditions of a specific group of the population. A number of separate studies among different groups of the population would be required to make it a valid generalization.

- To carry out the study on issues related to caste, ethnicity or gender as the broader social categories

In this case, the views of a sample of individual respondents could be used as supplementary information to provide quantitative flavour to the arguments. This could be done practically by selecting a number of field sites consisting of a heterogeneous population and collect the necessary data from people living within them. This type of strategy is important particularly in the case of obtaining the views of individual respondents.

For this purpose, a designated number of households representing the caste, class and ethnic categories available in those areas could be selected either randomly or in a judgmental way according to the demands of the situation. The research tools can be administered to members of those individual households either collectively or in person according to their time and other types of limitations. The research can also be administered either locally, and/or to people in the vicinity.

Due to the broadness of issues covered in this study, we chose to employ the second research strategy.

1.4.3 Selection of Study Sites and Respondents to Gather Primary Data on Ethnic Communities

Field level data relating to ethnic groups was gathered by visiting four ethnic groups located in four different parts of the country, two from the hills and two from the Terai.

These ethnic groups include:

- Athparia Rai in Dhankuta district in the eastern hills
- Magar in Syanja District in the western hills
- Tharu in Dang District in mid-western Terai
- Kumhal in Sunsari district in eastern Terai

The study was conducted in one settlement of each of these respective groups. A total of 169 households were visited, ranging from 39 to 45 households for each specific group (see Table 1) depending upon the size of the village and willingness of the household members to participate. The households were selected on a first-come-first-serve basis, as the number of households per village was not large enough to warrant the use of a random selection process. The responses were assessed by consulting both male and female members of the household units in a single sitting.

1.4.4 Procedures Followed for the Selection of Study Sites and Respondents to Gather Primary Data on Caste Groups

The procedures followed for the selection of these households and their respondents is essentially the same as mentioned for the case of ethnic groups above.

In contrast to the ethnic categories that have a major concentration in specific localities, caste groups in Nepal are distributed in different parts of the country, particularly in the middle hills and the Terai. As a result, the settlements of caste groups that are close to field sites selected for study of ethnic communities were taken into consideration for the collection of data on caste-based issues. One of the reasons for adopting this strategy is, of course, to minimize the cost of field research. Such an approach also holds some level of scientific rationality for methodological purposes as well. It allowed the researchers to get first hand knowledge of inter-group relations, in the field, between the caste and ethnic communities.

Originally, it was thought that the distribution of caste groups was even throughout the areas. Accordingly, it was planned that the proportion of households selected from the Dalit and non-Dalit castes in the sample would be almost equal in all of the areas. However, during the course of the field visit, it became apparent that the distribution of caste groups was not

necessarily even in all places. It transpired that they were located in eight different settlements (see Table 1), all of which were visited for the collection of caste-based data in this study.

However, another problem arose when it was realised that the caste groups in the above-mentioned settlements belonged only to the hill caste people. As a result, it was felt necessary to visit a separate site for the collection of data on Terai caste people. The incorporation of Terai caste people into the sample selected for this study was necessary for two reasons. Firstly, the middle-caste categories that lie between the Brahmans and Chhetris in the upper rank and the Dalits/untouchables in the lower rank can be found mainly among the Terai caste people. Secondly, the Dalits among the caste groups of the Terai also constitute a number of different caste categories.

For the satisfaction of such a requirement, one settlement inhabited only by the Terai caste people was visited.

In total, 153 households were visited for caste groups (see Table 1).

1.4.5 Procedures Followed for the Selection of Study Sites and Respondents to Gather Data on Issues of Class, Gender and Religion

Data related to class and gender-based perceptions of the respondents was collected from members of all the aforementioned households by way of interviews conducted with key informants, the analysis of legal and political documents as well as observation of the patterns of participation of people in the existing political institutions.

The castes as well as the ethnic groups visited for this study also belong to some religious communities. As a result, data collected on the issues of caste and ethnicity also supply a part of information on religion. In all these study localities (see Figure 1), the views of key informants were also elicited on the issues of religion. Five key informants belonging to the Islamic religious community were consulted in Inaruwa Municipality in the east and Nepalgunj municipality of Banke district in the west for identifying their views on religion-based disparities. Nepaljung Municipality is a separate site that was visited mainly for obtaining the views of key informants from the Muslim community on religion-based discrimination.

1.4.6 Procedures Followed for the Collection of Data on Issues of Hill-Terai and Rural-Urban Discrimination

Discrimination among people of the hill and Terai regions as well as those of rural and urban areas can be compared in terms of issues related to caste, ethnicity, and gender-based

relations. A cross analysis of data collected relating to caste groups, ethnic groups, and gender are relevant to this part of the report. The settlements were divided into rural and urban areas as follows:

Rural: Rautahat, Syanja and Dang Districts

Urban: Inaruwa and Dhankuta Municipalities

In Nepal 16.2% of the total population is defined as urban population. The population size of a locality is an important criteria for defining the urban setting. Consequently, in some instances, some of the suburban areas were upgraded to urban status by inflating the size of their respective population through adding into them a number of village setting located around their vicinity. This resulted in insignificant differences between those urban areas and the other village settings. Subsequently, this study also considered data available from secondary sources at least in the case of urban population.

1.5 Focus Groups and Case Studies

As previously stated, focus groups and case studies were some of the import research tools used to gather information for this study. Accordingly, discussions involving both male and female members were conducted in the settlements of each caste and ethnic groups in each of the relevant districts. Apart from the Terai castes of the village in Rautahat due to a lack of a distinct segregated settlement for each caste group. As a result, only two discussions were held in this location, of which one was with upper and middle castes and another one was with the Dalits. In the study villages of Syanja and Dang District, two separate discussions were conducted with females only. One such discussion was with the caste women and another with the ethnic women. The number of participants involved in these discussions ranged from 5 to 15. Information collected through these conversations was subsequently used for qualitative discussions. Specific case studies relating to specific areas of issues have also been mentioned in the appropriate parts of the report.

1.6 Feedback from Workshop on the Preliminary Findings of the Study

A workshop was organized during the month of November, in Kathmandu, to disseminate the preliminary findings of this research to seek comments, suggestions and advice from scholars. Feedback received from the participating scholars proved invaluable in enriching the contents of the report. The list of scholars who participated in the workshop are listed in Annex 6.

1.7 Rationale for the Organisation of the Report

Social discrimination faced by people of different social categories is subject to similarities and differences. The historical and legal context of social discrimination depends upon their caste, ethnicity, gender and religion based identities. For example, “untouchability” relates only to caste groups, whereas language-based discrimination is an issue related to ethnic groups. The differential recognition provided by the state to festivals observed by various types of communities is a religion-based issue. In addition, there are specific issues that apply to people from rural and urban areas. It is important to note that, the class-based context of social discrimination requires a different type of analysis from that related to caste, ethnicity, gender and religion.

Despite this, some problems of social discrimination have similarities. They span the boundary of some or all of these social categories. These issues were observed by comparing the relative level of their occurrence among people belonging to the different categories. Particularly, discrimination associated with access to social opportunities and economic resources as well as participation in administrative and decision-making institutions fall into this category of problems.

These similarities as well as uniqueness of social discrimination experienced by people of various social categories led to two possible avenues for the organization of the following arguments. One approach would involve selecting a number of specific problems as the units of analysis and identifying the relative level of deprivation of each group by comparing the similarities and differences with regard to their share of those problems. Alternatively, each social category could be taken as the unit of analysis to discuss the issues of discrimination faced by each individual category, separately.

The first strategy would allow for a comparative discussion of those problems experienced by all of the social categories. However, its focus on the analysis of some specific problems rather than problems of specific groups does not provide adequate room for the discussion of all problems faced by each individual category. Nevertheless, this type of limitation could be reduced to a certain extent by following the second method. More precisely, by focusing on the problems faced by individual groups rather than the problems in themselves would allow adequate opportunity to discuss both the unique and commonly shared problems of each individual group.

Given the diversities inherent in each of the social categories in addition to the unique and commonly shared problems of each individual group, this report has incorporated both strategies for organizing the arguments. The first strategy allows for a comparative

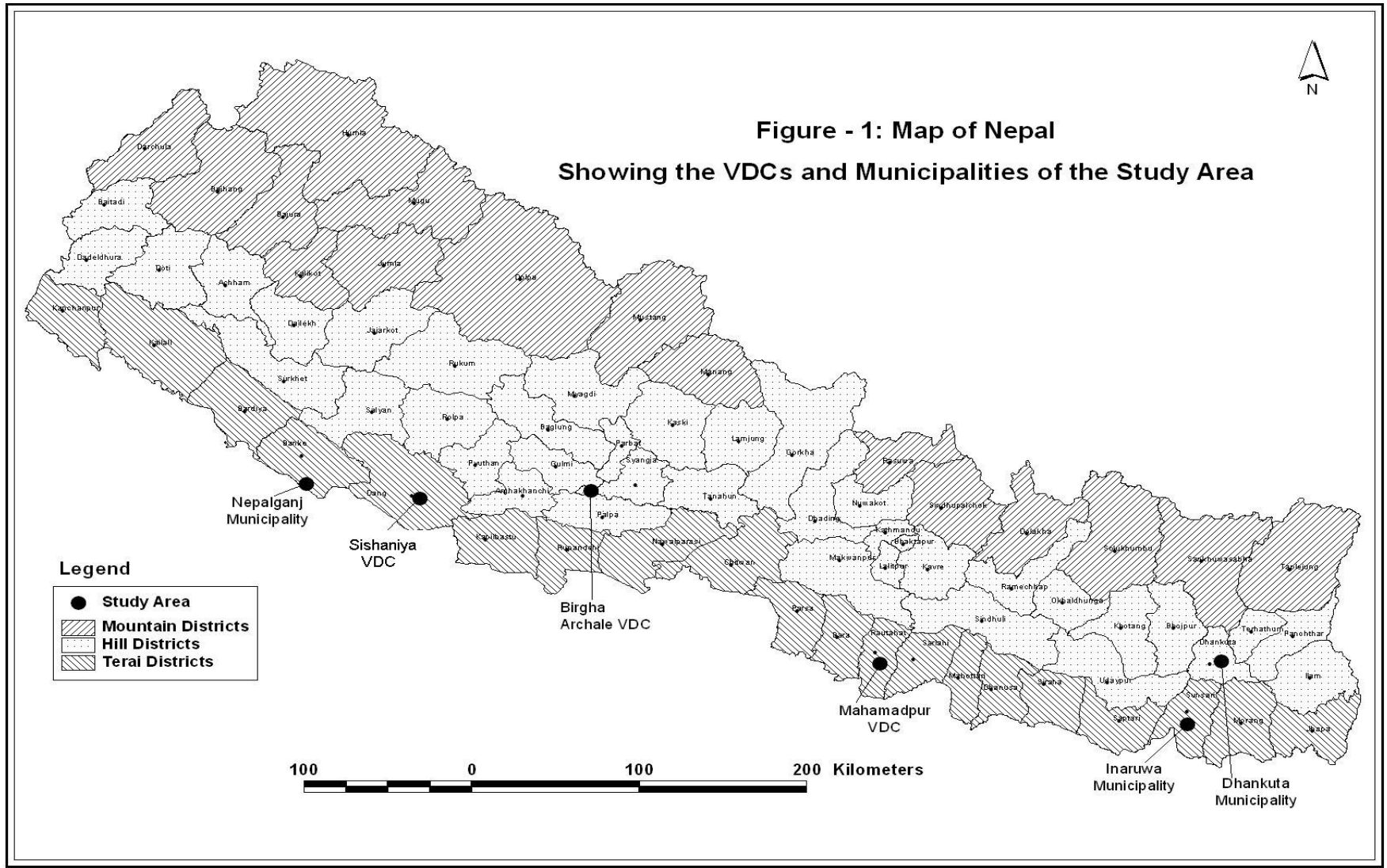
discussion of the specific problems experienced by all of the social categories and provides coherence to the report. On the other hand, the second approach permits the exploration of the separate and commonly shared problems faced by the individual groups.

However, the degree of differences in the experience of commonly shared problems is not uniform among all social categories. Caste-based discrimination can be discussed within the caste groups themselves without making reference to non-caste people. In matters of ethnic-based discriminations, some of the problems can be discussed only when they are compared between the caste and ethnic people. Gender and class-based discrimination can be discussed at both the caste and ethnic levels. These differences at the relative level of internal autonomy or the sharing of problems experienced by different types of social categories motivates us to unfold our discussion by starting from the case of those categories whose problems can be discussed within themselves thus making a minimum of comparison with the problems of other social categories. Accordingly, the next chapter concentrates on discussing the issues of caste-based discrimination in Nepal. It is followed by a discussion on problems relating to ethnic groups. Chapter 4 focuses on gender-based issues of social discrimination. Class-based problems are discussed in chapter 5. Issues pertaining to religion-based discrimination are dealt with in chapter 6. Chapter 7 concludes the report with some recommendations. It should be noted that, the issues relating to regions span all of the above-mentioned categories, consequently, they are discussed in the appropriate context of each group in each of their respective chapters.

Table 1: Sample Household by Caste, Ethnicity, and District

Caste/Ethnicity	DISTRICT					
	Dhankuta	Sunsari	Rautahat	Syanja	Dang	Total
Bahun/*Chhetris(C)	15	10	16	15		56
Dalit (C)	5	8	24	16	15	68
Tharu (E)					45	45
Magar (E)				39		39
Kumal (E)		40				40
Rai (E)	45					45
Terai Middle Caste (C)			29			29
Total	65	62	69		60	322

* All, except four Chhetris in Syanja district, are Bahuns in this category. C = Caste group; E = Ethnic group



Chapter - 2

Caste-Based Discrimination

2.1 The Structure of Caste System: Problems of Definition

As previously stated, Nepal's population is divided into at least 101 known caste and ethnic groups (see Annex 1 & annex 2.1). Despite this categorisation, difficulties still arise in being able to distinguish clearly between the various castes and ethnic groups and are, unfortunately, not adequate for providing an exhaustive picture of the caste structure of this society.

As a result, preparation of a complete outline of the caste system in Nepal would be subject to a number of difficulties. Firstly, many of the ethnic groups of Nepal exhibit some caste-based features. For example, the majority of people belonging to three of the most populous ethnic groups of Nepal, such as the Magars, Tharus and Newars follow of Hinduism². People of these ethnic groups, and many others, treat Dalits as untouchables in the same ways as the Hindus of other castes treat them.

Secondly, some ethnic groups, such as the Newars, are divided within themselves into a number of caste groups. In a study, Rosser (Rosser, 1966) observed that the Newars from Kathmandu valley are grouped into a minimum of 33 castes whereas the census report refers to them collectively as "Newars".

Thirdly, the caste structure in Nepal has regional variations as well. It is relatively simple in the hill region. The caste groups of this region belong only to the Brahman, Chhetri and Sudhra Varnas. The Soodras of this region comprise only those caste groups that are labelled as untouchables. There are no Vaishyas and touchable category of Soodras in this region. The caste groups in the Terai region are more numerous and are distributed in all four Varnas.

The segmental character of each caste also contributes significantly to the difficulty in mapping out the complete structure of the caste system. Members belonging to a caste may or may not follow the ritual norms of their caste uniformly. Depending upon the degree of their compliance with those regulations, they may be ranked into a number of sub-castes with comparative differences in their ritual status and related privileges.

² According to 2001 population census of Nepal, 97.6% of the Tharus, 74.6% of the Magars, and 84.1% of the Newars are Hindus (CBS 2002, Table 18).

A lack of precision in the social units covered by some emerging concepts on castes also causes difficulties in defining the units of comparison. In particular, the social groups incorporated into Dalit, as a broader social category, are defined differently according to the agency doing the defining. In some contexts, they are regarded as a class of oppressed, marginalised and/or disadvantaged people representing some ethnic communities as well as some touchable and untouchable castes³. Sometimes, only those caste groups that are labelled as untouchables are incorporated into this category (see Gurung, 2005 for an elaborate discussion on these definitional variations). Given these complexities involved in merely defining the structure of caste system, it is extremely important to demarcate the boundary of the castes assigned for comparative study.

Existing literature has classified the relationship between caste groups into Upper, Middle and Lower level categories. According to this, the Brahmans Chhetris, and the others whose members wear *Janai*, are considered as the upper-castes. The caste groups labelled as untouchables are placed in the lower-caste category. The remaining groups, which are not untouchable but the ritual status of which is lower than those of the upper-castes, are listed in the middle-caste category.

Table 2.1, below, shows the list of caste groups found between the hill and Terai regions by breaking them into the abovementioned categories. Table 2.2 illustrates the proportion of population covered by these categories. This chapter adheres to this breakdown as a model for the comparative study of social discrimination as it occurs among people in terms of their caste-based identities.

³ For example, the Dalit Bikas Samiti formed in 1997 incorporates some ethnic groups into Dalits such as the Santhals as well as some impure but touchable castes such as the Kasai, Kuche and Kusle among Newars. These Newar castes are, however, grouped together on many occasions with all the other categories of Newars into a single ethnic community.

Table 2.1: Caste Group Distributed in the Hill and Terai Regions by Their Relative Rank in the Hierarchical Order of the Caste System

Category of Hierarchy	Name of Caste Group
Hill Caste	
Upper	Brahman, Thakuri, Chhetri
Middle	Sanyasi
Lower (Dalit)	Kami/Sunar, Sarki, Damai, Badi, and Gaine
Terai Caste	
Upper	Maithali Brahman, Bhumihaar, Rajput,
Middle	Baniya, Kayastha, Kurmi, Rauniar, Hazam, Lohar, Badahi, Kewat, Malaha, Sudi, Teli, Yadav and Others
Lower (Dalit)	Tamta, Khatwe, Chamar, Dusad, Mushahar, Chidimar, Batar, Dhobi, Dom, and Halkhar

Source: Dahal et al, 2002: 2-4; Gurung, 2005: 8

Note: Caste groups mentioned in the table may have a number subdivision within themselves. Some of the caste groups that fall under the middle-caste category in terms of their ritual status such as the Kayastha and Yadav in the Terai are, however, highly advanced in terms of their status in other developmental indicators such as in literacy rate and participation in political and administrative institutions. As a result, some scholars (e.g., Dahal 2002) prefer to place them in the upper-caste category for comparison with others. For the discussion in this study, these castes are treated in the form of middle-caste category by following their ritual status as the basis for the ranking the caste groups.

Table 2.2: Percentage of households and population by caste/ethnicity

Caste/Ethnicity	% Households in Total	% Population in Total
Hill/TeraiB/C+	36.6	32.8
Hill B/C+	35.1	30.9
Terai B/C+	1.5	1.9
Terai Middle-caste	9.3	12.9
Dalits	12.0	11.8
Hill Dalits	8.1	7.1
Terai Dalits	3.9	1.7
Janajatis (ethnic groups)	38.0	37.2
Hill <i>Janajatis</i>	31.6	28.5
Newar/Thakali	6.0	5.5
Other Hill <i>Janajatis</i>	25.6	23.0
Terai <i>Janajatis</i>	6.4	8.7
Religious Minorities	3.1	4.3
Others	1.01	1.0
Total	100.0	100.0

Source: Summarized from Annex 2.1

2.2 Caste-Based Discrimination: Its Historical and Legal Context

Today's social discrimination derives its legitimacy from the ancient scriptures of the Hindu religion. These scriptures provide for this on the assumption that there is no uniform source of the origin of the human population. The Vedas, which are the most ancient among these scriptures, mention that the bodily parts of the god of creation (Brahma) are the initial source from which people were created in society. It is believed that the god produced people from four separate parts of its body and attributed them with different types of character assigning them different roles and responsibilities. The four different social groups were identified as Brahmans, Chhetris, Vaishyas, and Soodras respectively, otherwise known as 'The Four Varnas' in Hindu social structure. These legendary ideas about differences in the origin as well as the related roles and responsibilities of people are the basis for providing support to Varna, a model of social organization as well as caste-based division and discrimination in society.

In the late 14th century, caste-based social discrimination was a direct consequence of the prevailing traditions. The formation of Muslim hegemony in Mogul India and the expansion of Christian faith in this territory, after it came to be a part of the British Empire, motivated the then Hindu rulers of Nepal to provide state level protection for this religion. From that day forth, the Nepali state has made frequent attempts to define the caste structure of its population. It has even provided legal support to social relations based on the principles of the caste system. Furthermore, it has, on occasion, identified discriminatory contents in those relations and declared them illegal through the introduction of favourable legal provisions.

During this process, Jayasthiti Malla (1382-1395) divided the Newars of Kathmandu valley into 64 castes. Later, Ram Shaha of Gorkha implemented some strict regulations, prescribing different qualities of garments for different castes, prohibiting low caste people from living in *Pakka* houses, and requiring them to settle in areas close to riverbanks or in rural areas (INSEC, 1993). During the Malla period and, consequently, the Sen Rulers of Palpa provided their support to the caste-based organization of society. It should, however, be noted that, until the mid-19th century, caste rules induced by the state were effective only in specific localities. The Nepali state attempted to universalize these regulations for all categories of people living in all parts of the nation through the introduction of the Mulki Ain (Civil Code) in 1854.

The Code redefined the Varna model in order to comply with Nepal's social environment. Firstly, it classified the caste groups into *pure* and *impure* classes and then divided them again by ranking them into five broader categories (Table 2.3). The *Tagadharis* were placed in the first rank. Brahmans, Chhetris, Sanyasis, and some high caste Newars were also incorporated into this caste group.

People belonging to different types of ethnic and tribal groups were ranked into the second and third categories. Despite both these caste groups being termed as *Matwalis*, their ranks in the caste order were determined by the punishment imposed upon their members if they committed the same crimes. One group of these *Matwalis* were relatively privileged in that their members were immune from the punishment of becoming slaves. This privilege did not apply to another group who were deemed "enslavable".

The fourth and the fifth categories were considered as containing impure population. Members were regarded as touchable and untouchable, respectively, by the pure castes. The Civil Code also approved some differences in the privileges provided by law to people belonging to these different caste categories. This Code governed the pattern of social relation until its provisions were amended and replaced by the New Civil Code (Naya Muluki Ain) in 1963.

Table 2.3: Caste Categories Classified by the Civil Code 1854

A	PURE CASTES
1	Tagadhari: Caste Group of the 'Wearers of the Holy Cord' (<i>Janai</i>) Upadhyaya Brahman Rajput (Thakuri) (warrior) Jaisi Brahman Chhetri (Ksatri) (Warrior) Dew Bhaju (Newar Brahman) Indian Brahman Sanyasi Lower Jaisi Various Newar Castes
2	Matwali: Caste Group of the Alcohol-Drinkers (Non-enslavable) Magar Gurung Sunuwar Some Other Newar Castes
3	Matwali: Caste Group of the Alcohol Drinkers (Enslavable) Bhote Chepang Gharti Hayu Kumal Tharu
B	IMPURE CASTES
4	Impure but Touchable Castes (Pani Nachalne Chhoi Chhito Halnuparne) Kasai (Newar Butcher) Kusle Hindu Dhobi Kulu Musalman Mlechha (European)
5	Impure and Untouchable Castes (Pani Nachalne choi chito Halnuparne) Kami Sarki Dadara (Stemming from unions between Kami and Sarki) Damai Gaine Badi Pore (Chyame)

Source: Höfer, 2004

A political movement launched in 1950 replaced the prevailing system of oligarchic rule with a multi-party system of government. Accordingly, constitutional procedures were introduced into the system of rule of the country. These constitutions, including the constitution of the Kingdom of Nepal 1990, guarantee the right to equality. They state that the state shall not discriminate against citizens based on religion, caste, ethnicity, sex, colour, and belief. To abide by these provisions, the New Civil Code erased privileges based on caste. It declared the practice of untouchability illegal.

The Civil Rights Act 1955 and the Defamation Act 1963 also support the principle of non-discrimination and elimination of untouchability. In 1971, Nepal ratified the provision in Article 6 of the International Convention on the Elimination of All Forms of Racial Discrimination and Untouchability (ICERD). The Article states, “state parties shall assure to everyone within their jurisdiction, effective protection and remedies through the competent national tribunals and other state institutions against any acts of racial discrimination, which violate his human rights and fundamental freedoms”

Notwithstanding, these constitutional, legal and international commitments made by the state to eliminate all forms of discrimination, including those based on caste, some provisions of law still provide support for these types of practices. The New Civil Code as amended in 1992 states that the traditional practices at religious places shall not be considered as discriminatory. It also implies that untouchability might be punishable in some contexts but not in others.

2.3 Caste-Based Discrimination in Practice: The Issue of Untouchability

Discrimination marked by differences in touchable and untouchable status is one of the major forms of caste-based discrimination practiced in Nepal. This section attempts to summarize these practices as they occur in the domestic domain, business domain, and the domain of community life in study areas.

To date, the practice of untouchability still occurs despite the law declaring it illegal in the New Civil Code in 1963. In this form of discrimination, people of touchable castes perceive that they, or their objects, become polluted if touched by members of Dalit castes. Bhattachan et al (2003) investigated the existing practice of caste-based untouchability and identified 205 areas in which Dalits are discriminated against by non-Dalits. They concluded that discrimination is inherent in the denial of entry, denial of services, denial of access to common resources, denial of kinship and/or social relationships, denial of participation, forced labour, dominance, atrocities, social boycott, attitudinal untouchability, and

discrimination to name but a few. Further observations can also be found in Dahal et al (2002) and others (Onta et al 2001).

2.3.1 Untouchability in the Domestic Domain

Information available from primary and secondary sources suggests that non-Dalits, including ethnic people from all case study areas, do not allow Dalits to enter their homes, especially those with a kitchen. This applies uniformly to all categories of Dalits in the hill areas. However, in the Terai, some variations can be observed between different categories of Dalits. The Doms are the most ostracized among all caste groups of this area. They are not allowed to enter any type of house in any situation. Food is provided in separate dishes,

on a lotus leaf, plankton, or Saal tree. Other Dalits are, however, allowed to provide services in construction, repair, and thatching of roofs of houses, except the kitchen. Chamar women are used by non-Dalits to take care of new babies and mothers at the time of delivery. Dalit women also help to plaster and paint newly built houses. In addition, the services of Dalits

are used in the case of emergencies, for example to help extinguish a fire. However, once a Dalit enters a house for these services, the non-Dalits in the hills and Terai areas purify them by sprinkling Ganga Jal (water from river Ganga), cow urine, or even observing the worship of God after the work has been done.

One important form of discrimination made by non-Dalits against Dalits is their denial to establish any form of kinship relation with the Dalits. For instance, a marital relationship between members of Dalit and non-Dalit castes is not entertained in any area. Hypergamy is the only form of inter-caste marital relation endorsed by religion for the Hindu population. This means that a man may marry a woman from a lower-caste group than his. However, both partners

Case Study

A Magar youth fell in love with a Damai girl. Despite the members of his community not accepting this relationship, they still got married. He was forced to bear the caste status of his wife and stay in her community. As a result, the man and his children were classed as untouchables.

Case Study

Hariram Malli, a 63 years old Dom caste member of the village in Rautahat District has never had any respect shown to him or his family members by his Dalit and non-Dalit neighbours alike. He lives on the outskirts of the village with other members of his caste, separately from both the other Dalits and non-Dalits. His family prepares bamboo baskets and raise pigs for sale at the market. His non-Dalit neighbours occasionally invite him and the members of other Dalit communities for household ceremonies and festivals. Nevertheless, they treat them differently. Everyone is allowed to enter the courtyard except him and his caste group members. They offer him food on a leaf plate and ask him to dispose of it by himself. In addition, the other Dalits of the village community also prohibit him and his caste group members from entering their houses.

involved in such a relationship need not lose the dignity of their original caste. Rather, the caste status of the children may be upgraded to that of the caste status of their mother. Yet, such a relationship is only endorsed among touchable categories. Marriage to a Dalit girl relegates one to the status of an untouchable. An example of such was found in the Damai-Magar field site visited in Syanja district.

Discrimination among Dalits and non-Dalits also appears in the form of language they use to address each other. Dalits address their non-Dalit neighbours more politely and respectfully than by non-Dalits to Dalits. The level of respect is also shown in terms of comforts they are provided with when they reach the houses of each other. Dalits provide the best cushions they have if non-Dalits go and rest in their houses. On the contrary, the non-Dalits provide the Dalits a mat at best or they have to sit on the bare floor in a corner of their courtyard.

Interestingly, untouchability is exercised not only in the case of relationships between members of Dalit and non-Dalit caste groups but also internally among the Dalit castes themselves. Dalit castes are also ranked in a hierarchical order and those in the upper rank do not allow their lower-ranked neighbours to share their kitchen. In the hill villages, Damais are untouchables for Sarkis and Sarkis have a lower rank compared to that of the Kamis. The Doms are treated by all the Dalit castes of the Terai village in the same way as they all are treated by the non-Dalits. These are only illustrative examples.

Overall, whenever the divisions are marked by touchable and untouchable status, it affects all types of relationships that exist between the people of these categories in their domestic domain. On the other hand, one important point to note is that the practice of purifying oneself through taking a bath or sprinkling water on the body is no longer in practice among the non-Dalits of the study areas, even when they come into physical contact with Dalits.

2.3.2 Untouchability in the Business Domain

Within this area, untouchability is manifested in different ways depending on the status of the entrepreneurs and clients. Dalits bearing an untouchable status are not permitted to work in enterprises such as grocery shops, tea-stalls, restaurants, or hotels. This was true of all the study areas. Furthermore, non-Dalits in the hill villages do not buy milk from their Dalit neighbours. Such a practice has discouraged the Dalit people of this region from being involved in businesses related to the production and sale of milk and milk-based products. In the Terai village, such a rule applies mainly to the Dom caste. The non-Dalits of this region accept milk sold by their Dalit neighbours other than Doms.

Non-Dalit entrepreneurs, however, accept their Dalit neighbours as customers in order to sell their goods. Even in the case of tea stalls and restaurants, no cases were found in any of the

study areas of any entrepreneur demanding that Dalit clients wash their cups and utensils after they paid for food and drink. Dalits, other than Dom, in the Terai villages may also work as vegetable vendors in their localities.

2.3.3 Untouchability in Community Life

Untouchability in the domain of community life can be divided into two different areas. One such area is related to the religious life of the community. Another area is marked by the opportunities available for people of touchable and untouchable castes in the use of community-based resources.

2.3.3.1 Untouchability in Religious Life of the Community

Hindus in Nepal perform a variety of religious rituals and celebrate a number of festivals at different periods throughout the year. Both in the hill and the Terai regions, Hindu upper-castes and some of the ethnic groups such as Magar, Tharu, Kumals, etc. perform worships called 'Satyanarayan ko Puja' and 'Rudri' for purification. The rituals related to these and other types of worships are overseen by a Brahman priest. However, these priests do not provide these services to Dalit households. The Dalits have priests from their own caste groups to perform the rituals related to birth, marriage, death, and other types of ceremonies. Dalits in both the hill and Terai as well as in urban and village areas are not allowed to enter the temples of gods and goddesses established by the upper-caste people. For example, no one, except

Brahman priests, is allowed to enter the temples of Pashupatinath in Kathmandu, Ram Janaki of Janakpur and some temples of Baitadi and Dadeldhura districts. Dalits are not allowed to worship in these religious places unless they hide the identity of their caste.

Case Study

Dhana Maya Pariyar, a 65 years old Damai caste woman, in Dang village has no experience of wearing the Rakshya Bandhan. It is a ritual thread bound to the wrist of touchable clients by Brahman priests during Rakshya Bandhan, a Hindu festival. As a Dalit, Dhana Maya and her other neighbours are untouchables to the non-Dalits and no Brahman priest serves them during this festival. However, she remembered that in the past, the non-Dalits used to bathe or sprinkle their body with Sun-Pani (water purified by putting a gold item into it) after coming into physical contact with Dalits. Nowadays, this is no longer in practice in her village. She is surprised that the non-Dalits, including the Brahmans, wear clothes and offer them to their deities after they have been stitched by members of her caste, who are considered as impure people to touch them and worship their deities.

In contrast, the upper and middle-caste Hindus require the services from their Dalit caste neighbours in many of their social and religious ceremonies. The Chamars in the Terai and the Damais in the hills are invited to beat drums and/or play music during festivals as well as

in marriage, initiation and other types ceremonies. Even when they have been invited, the Dalits are positioned in a separate location to avoid physical contact with people of the higher caste. For example, during feasts, high caste people sit in a separate row, middle-caste in another and the Dalits have to sit in a different place away from the others. When the feast is over, the Dalits are required to dispose of the plates they used, as high caste people cannot touch the leftovers.

Rituals, festivals, and ceremonies are at the heart of the Hindu religion. In the Terai, Holi festival is celebrated wholeheartedly when people from different castes mix and exchange colours and nuts. Even in this case, high and middle-caste people do not visit Dalits. Not only this, Brahman priests in both the hill and Terai villages do not accept feasts from those households which belong to touchable castes but from whom water is not accepted. In this case, the priests provide their services in return for Dakshina (monetary rewards) and/or other types of dry present.

2.3.3.2 Untouchability and Community-Based Resources

Sources of drinking water and community/public forests are two important resources that are usually shared by members in a community. Among Hindus, there is a belief that water is a purifier of things that are polluted and it itself is susceptible to being polluted. Consequently, upper and middle-caste people consider the Dalits to be among the pollutants of water.

Various studies illustrate that non-Dalits do not allow their Dalit neighbours to collect water from sources that are used by them for their domestic use (Bhattachan et al 2001; Onta et al 2001). However, this was not confirmed by Dalits in either the rural or the urban localities covered by this study. On the contrary, it was shown that non-Dalit households in all these areas are unwilling to use water touched or offered by Dalit neighbours.

Unlike water, people believe that there are materials that cannot be polluted merely by the touch of a person. For example, people, religious places, forest products like firewood, timber, and grass and leaf fodder. As a result, the issue of caste-based discrimination does not arise concerning touching these products. Yet, the Dalits that

Case Study

Devilal Nepali (Sarki) is a leather worker who operates a shoe stall in a rented house in Dhankuta Municipality. Every day, he buys a cup of tea from a tea stall run by a Newar family next to his shoe stall. The members of this family do not ask him to wash his cups after he pays for it. However, they bring the cup into the tea stall only after they wash it out. They do not allow him to touch their oven where they cook their family food. Devilal's and the Newar family's children are friends and play together in the street. However, Devilal's children are not allowed to enter the house of their Newar friend.

participated in our case study reported that the issue of respect still arises. It would appear that non-Dalits would like Dalits to treat them in a respectful way and that the division of labour benefits the non-Dalits, in that more tasks are assigned to the lower-caste members.

Untouchability as a form of social discrimination can be observed in both the rural and urban areas. It is highly manifested in domestic and religious domains compared to that of the business sector. Such discriminatory practice even occurs among the various castes within the Dalits themselves. See case studies below to substantiate the existence of such practices.

2.4 Caste-Based Discrimination in Land Holding

Untouchability does not prohibit the Dalits from owning land for cultivation. However, their status has forced them to live on the outskirts of settlements thus affecting the extent to which they can access cultivable land. Table 2.4 indicates the landownership status of sample households according to their caste. It shows that 50% of Dalit households own only a homestead, and 39.7% of the remaining 50% own between 1 and 5 *ropanis* of land in addition to their homestead. The proportion of upper-caste and Terai middle-caste households which own land between 1 and 5 *ropanis* is not very different, 38.6 and 34.5% respectively, from that of the Dalit households. However, the land owned by upper and middle-caste people is of superior quality as it is mostly located at the bottom of valleys and/or in irrigable areas.

It can also be seen that households, in both rural and urban areas of Nepal, own land for agricultural purposes. The Brahman households in Dhankuta municipality possess a larger area of farmland compared to that of their caste mates in the village of Syanja District. In contrast, the five Dalit households in the sample from Dhankuta municipality possess only a homestead. However, the data available at national level indicates that about 60% of hill Dalits and 45% of the Terai Dalits own agricultural land in urban areas. In the case of rural areas, this rises to 87.6% and 58.8% respectively (Tank Prasad Acharya Memorial Foundation: 2005: 26).

Case Study

Prasadi Pariyar, a Dalit member of Panchnagar Community Forest User-Group in Dang district, is aware that non-Dalits use a different type of language to address the Dalit and non-Dalit members of the group. The Dalits have to address the non-Dalits by addressing them as "sir", Baraju (great-grandfather), Malik (lord), Hajoor (your obediently) etc. However, the non-Dalits address them as Don, Dholi, Dumetro, Dholetro, and other derogatory terms whenever they interact with each other.

Table 2.4: Land Holding Status of Sample Household by Caste and Hill-Terai Region (Land in *Ropani)**

Caste	Total Land										
	0.0-5.0	5.1-10.0	10.1-15.0	15.1-20.0	20.1-25.0	25.1-30.0	30.1-35.0	35.1-40.0	40 and above	Only Homestead	Total
Upper-caste in Hill District											
Dhankuta	1 6.7	1 6.7	3 20.0	4 26.7	2 13.3	2 13.3	2 13.3	-	-	-	15 100.0
Syanja	12 80.0	2 13.2	-	1 6.7	-	-	-	-	-	-	15 100.0
Total	13 43.3	3 10.0	3 10.0	5 16.7	2 6.7	2 6.7	2 6.7	-	-	-	30 100.0
Upper-caste in Terai District											
Sunsari		2 20.0	3 30.0	-	-	2 20.0	-	2 20.0	-	1 10.0	10 100.0
Rautahat	3 18.8	7 43.8	4 25.0	2 12.5	-	-	-	-	-	-	16 100.0
Total	3 11.5	9 34.6	7 26.9	2 7.7	-	2 7.7	-	2 7.7	-	1 3.8	26 100.0
Upper-caste Total	16 38.6	12 21.4	10 17.9	7 12.5	2 3.6	4 7.1	2 3.6	2 3.6	-	1 1.7	56 100.0
Dalit Caste											
Hill Dalit	17 38.6	2 4.5	-	1 2.3	-	-	-	-	-	24 54.5	44 100.0
Terai Dalit	10 41.7	3 12.5	1 4.2	-	-	-	-	-	-	10 41.7	24 100.0
Dalit Total	27 39.7	5 7.3	1 1.5	1 1.5	-	-	-	-	-	34 50.0	68 100.0
Terai Middle-caste	10 34.5	5 17.2	4 13.8	1 3.4	-	1 3.4	-	2 6.9	2 6.9	4 13.8	29 100.0
All Caste Total	53 34.6	22 14.4	15 9.8	9 5.1	2 1.3	5 3.3	2 1.3	4 2.6	2 1.3	39 25.5	153 100.0

Source: Field Survey

Note: (1) 20 *Ropani* of land make one hectare. (2) Figures with fractions are percentages.

2.5 Caste-based Discrimination in Educational Attainment

The Dalits are also less advanced with regard to education. Lack of adequate income in the family, perception about lack of employment opportunities for the educated people in society and lack of a literacy tradition are some of the reasons that explain the low level of education among Dalits.

According to the 2001 population census of Nepal, the literacy rate for Dalits was 33.8%, about 20% less than that of the national average (53.7%). In the case of Brahmans, the literacy rate is 67.5% and for the middle-caste of the Terai region, the figure is 41.7%. Due to the high proportion of literacy among Brahmans, they have also attained higher-level education in both urban and rural areas. At the opposite end of the spectrum, Dalits have the highest proportion of illiterates at 48.63% in comparison to the Terai middle and upper-castes with 43.35% and 10.63% respectively.

Case Study

Kalu Ram Damai lives in the village of Syanja district. He has four sons employed as Chaukidars (gatekeepers and security guards) in New Delhi. Two of his elder sons never attended school, due to a lack of adequate income to pay for their clothes and other types of school accessories. The other two left school in grade four, one year prior to completing their primary level of education. After they left school, they worked for a wage in whatever chores were available in the village for a few years and then went to India after they came of age. He says that their education is enough for the type of job that they perform now. Even if he had educated them up to matriculation level, he foresees no opportunities available for their employment allowing them to return that investment.

Case Study

Mohan Prasad Sharma, the Headmaster of a primary school in Syanja district, has observed an increase in the number of Dalit students in his school after the government began to provide monetary support for Dalits with the objective of increasing their enrolment rate in primary education. However, he has also observed that the number of Dalit students drops abruptly when the support ends.

There are, however, regional variations. Among the sample population, more than 80% of the Terai Dalits are illiterate. This figure is only 31.51% in the case of hill Dalits. The data provided by the national census also indicates that 32.8% of Dalits in urban areas are more literate than those of rural areas with only 20.1% (CBS, 2002). On the contrary, data collected from our samples indicate no marked difference at the level of educational achievement among Dalits from rural and urban areas, within the context of a geographical region. It can be seen that only 3 Dalits in the sample have attended college level education and they all are from a rural setting.

Another relevant case study is shown below.

Case Study

Ram Lakhan Malli, a member of the Dom caste in a Rautahat village, perceives that he could not change the socio-economic status of his family even if he sent his children to school. Most of his children did not attend school because he could not provide them with clothes to cover their bodies, as per the requirement for attending school.

Table 2.5: Education Status of Sample Population by Caste and Hill-Tarai Regions

Caste	Level of Education							Total
	Pre-school	Illiterate	Primary	Lower Sec	Higher Sec	Plus2/Coll ege	Higher Edu.	
Upper Caste								
Hill	17 8.01	25 11.79	38 17.92	28 13.20	38 17.92	41 19.33	25 11.79	212 100.00
Tarai	7 7.86	7 7.86	39 43.82	8 8.99	14 15.73	5 5.61	9 10.11	89 100.00
Total	24 7.97	32 10.63	77 25.58	36 11.96	52 17.27	46 15.28	34 11.29	301 100.00
Dalit Caste								
Hill	31 13.02	75 31.51	95 39.92	26 10.92	9 3.78	2 0.84	-	238 100.00
Tarai	14 10.93	103 80.47	8 6.25	-	2 1.56	1 0.78	-	128 100.00
Total	45 12.29	178 48.63	103 28.14	26 7.10	11 3.0	3 0.81	-	366 100.00
Tarai Middle caste	27 15.60	75 43.35	32 18.49	19 10.98	16 9.24	2 1.15	2 1.15	173 100.00
All Caste Total	96 11.42	285 33.92	212 25.23	81 9.64	79 9.40	51 6.07	36 4.28	840 100.00

Source: Field Survey, 2005.

Note: Pre-school in the present context is meant to refer to children who are not of school going age.
Figures with fractions are percentages

2.6 Caste-Based Discrimination in Employment

Agriculture is the prime occupation and main source of income in both rural and urban areas for most caste groups. However, differences regarding their level of access to farmland and the educational status of their members have resulted in people engaging in different professions, the distribution of which can be seen in table 2.6.

A total of 840 people, from different castes, were interviewed. From them, 29.1% were not engaged in any economic activity, either because they are too old, too young or because they

were students. Of the remaining informants, domestic agriculture was the major occupation for 19.5%; 19.6% were involved in domestic work and 9.5% worked as paid labour in agriculture, carpentry, masonry and other types of local activities. Finally, 13.7% perform other tasks related to their caste-based occupation, business activities, and so on. 5% also serve in administrative or professional jobs for the government. A small number, 3.4%, have migrated in order to earn money to support their families. It is interesting to note that the proportion of wage earners is higher among Dalits and Terai middle-caste while the proportion of those engaged in governmental services is higher among the upper-caste population.

Table 2.6: Occupational Status of Sample Population by Caste and Region

Caste	Occupation											
	Government Jobs					Household Agriculture	Wage Labour	Migration	Domestic Work	Others	No Occupation	Total
	School Teacher	University Teacher	Gazetted Officer	Non-Gazetted Officer	Total							
Upper-caste												
Hill	4 1.9	2 0.9	5* 2.4	13* 6.1	24 11.3	64 30.2	5 2.4	9 4.2	12 5.7	31 14.1	67 31.6	212 100.0
Terai	8 8.9	-	1 1.1	3 3.3	12 13.4	9 10.0	-	-	26 29.2	6 6.7	36 40.0	89 100.0
Total	12 4.0	3 1.0	6 2.3	16 5.3	36 12.0	73 24.2	5 1.6	9 3.0	38 12.6	37 12.3	103 34.2	301 100.0
Dalit Caste												
Hill	1 0.4	-	-	2 0.8	3 1.2	29 12.2	24 10.0	20 8.4	31 13.0	51 31.4	80 33.6	238 100.0
Terai	-	-	-	-	-	28 21.9	22 17.2	-	46 35.9	15 11.7	17 13.3	128 100.0
Total	1 0.2	-	-	2 0.5	3 0.8	57 15.7	46 12.6	20 5.4	77 21.0	66 18.0	97 26.5	366 100.0
Terai Middle Caste	3 1.7	-	-	-	3 1.7	34 19.6	29 16.8	-	50 26.9	12 6.9	45 26.0	173 100.0
Caste Total	16 1.9	2 0.2	6 0.7	18 2.1	42 5.0	164 19.5	80 9.5	29 3.4	165 19.6	115 13.7	245 29.1	840 100.0

Source: Field Survey.

Figures are shown as percentage

* Four among the Gazetted officers and 9 among the non-gazetted officials mentioned here are from among the upper casts households of Dhankuta and Inaruwa municipality.

2.7 Caste-Based Discrimination in Decision-Making Activities

The issues related to participation in decision-making activities cover a broader area. They involve questions related to one's share in decision-making positions of the government as well as in local level committees and groups formed for settling community problems. Participation in government decision-making bodies enhances one's opportunity to influence the policies of the state and their implementation. Representation of a group, or a community, in the legislative organizations as well as in the highest positions of administration reflects the level of opportunity available for that group to have a say in those policies and activities.

In the context of Nepal, this can be evaluated by analyzing the level of representation in national legislature, like parliament, and in district development committees. Although there is no formal electoral process of these institutions at the moment, the formation of these institutions in the past can also help to evaluate the situation. Furthermore, data available on the formation of the central level administrative elite can also be cited as evidence for this type of discussion.

Annex 2.2 of this report presents data on the pattern of caste and ethnic representation in top positions of bureaucratic and constitutional agencies of the government. It shows that the Dalits have no share of these positions except four members representing their caste in parliament. Despite this information being for the year 1999, when the last parliamentary election was held, it is sufficient evidence to indicate that Dalits are not in a position to influence the activities of these institutions. The same source also shows an overwhelming representation from the Hindu upper-castes. The upper-caste Hindus of the hill region (Brahmin, Chhetri and Thakuri) who comprise 30.6% of the total population, represented over 66.2% of these bureaucratic and legislative positions.

Annex 2.3 presents specific data of the representation pattern in parliament formed after the 1999 election. There was no representation from the Dalits of the Terai region. The representation even from among the Dalits of the hill region was a mere 1.5% in the 265

Case Study

Ramlal Nepali (Kami), from the study village in Syanja district, has two wives. His wives used to quarrel frequently about family matters. One day, one of his wives decided to live separately from the other, and demanded her share of their household property. Ramlal invited his Brahman Bista (patron) to resolve the problem. He also invited other caste members to help him come to a decision on the matter. It was necessary for the Brahman's presence to assure his wives about the fairness of the decisions made about their share of the property.

seats comprising both houses of parliament. The share of this group in the total population was, however, 8.7%. There was also a large difference in the representation pattern between people of mountain/hill and Terai origin. The people of Terai origin who comprise 32% of the total population shared over 17.4% of the total seats in parliament. Even among the Terai castes, representation of Bahun and Yadav (middle-castes) was larger than that of other castes. Also in the case of chairpersons and Vice-chair persons of District Development Committees (DDC), the results from 1997 election show that the Hindu upper-castes of the hills have an overwhelming majority. Among the DDC chairpersons, 67.27% were elected from the hill upper-castes. (Annex 2.4).

Case Study

Krishna Pariyar, a Dalit member of the Panchakanya Forest User-Group Committee in Dang district, has experienced that non-Dalits, which are in majority, make all the decisions related to management and use of their community forest. Her role is merely to disseminate those decisions among the users of the forest that belong to her caste group.

Participation of Dalits in decision-making activities is not encouraged even at village level. In 1997, when the last election was held for representatives of Village Development Committees (VDCs) and Municipalities, Dalits had no representation in executive positions of these bodies formed in all the study areas irrespective of their geographical location. In the case of Dang and Syanja districts, two Dalits were introduced as members of the village council for their respective areas. In the executive

committees, formed of 11 members selected from the village councils, there were again no representatives for the Dalits. The domination of non-Dalits in making decisions on the daily affairs of the community is evident also from the fact that Dalits invite non-Dalits to settle all major disputes in their communities. However, non-Dalits do not invite Dalits for to help solve their disputes. A few examples may be cited here to illustrate these issues:

The above discussion on caste-based discrimination in Nepal is, however, a discussion of the problem faced by only one part of the population. These types of problems are also apparent in the case of ethnic groups as well. The next chapter discusses these problems as they appear in the context of ethnic communities.

Chapter - 3

Ethnicity-based Discrimination

Problems related to discrimination of ethnic communities differ from those of the caste groups in many ways. These problems focus on two important areas. One relates to questions of social identities provided by the state to cultures, custom, and languages followed, practiced, or used by people of these communities. Another area is concerned with problems regarding the sharing of power as well as socio-economic resources between people belonging to certain caste and ethnic categories.

It should be noted that the ethnic population of Nepal does not constitute a homogenous category. It is divided into a number of separate groups having their own specific cultures, customs, and languages. Given this context, this chapter begins by introducing the structure of ethnic diversity of Nepal. After that, it discusses the historical issues of discriminatory behaviour committed by the state against the various cultures, and then examines the current context of discriminatory practices found in the legal provisions as well in operational strategies of the state today. Finally, it discusses discrimination in areas of landownership status, educational attainment, occupational affiliation, and involvement in decision-making positions of the state by making a comparison within the ethnic groups as well as between them and the caste groups to the extent that it is possible from the information available.

3.1 The Ethnic Structure of Nepal

The National Foundation for Uplift of Adivasi/*Janajati* Act 2002 defines Adivasi *Janajati* as those groups or communities who have their own mother tongue, customs, distinct cultural identity, distinct social structure and written or oral history. Under this definition, the law has recognized the existence of 59 ethnic groups in the country, which can be found in different geographical regions. Table 3.1 presents a list of these 59 ethnic groups according to the size of their respective population and their geographical distribution. It shows that 18 groups are concentrated in the Mountain region, 23 in the hill region, 7 in the inner-Terai and 11 in the Terai region.

It is important to note that these ethnic groups have no uniform social standings due to being endowed with different types of resources and other social facilities. Owing to relative differences in literacy rate, quality of houses, land ownership status, occupation, language,

population size and educational status of their respective populations, the Nepal Federation of the Indigenous Nationalities (NEFIN) has classified them into five categories, namely (a) endangered, (b) highly marginalized, (c) marginalized, (d) disadvantaged, and (e) advanced groups.

Table 3.1: Population Size and Regional Distribution of Ethnic Groups in Nepal

Ethnic Group	Population		Ethnic Group	Population
A. Mountain Region			B. Hilly Region (Continued)	
1. Baragaule	-		31. Limbu	359,255
2. Bhote	19,261		32. Magar	1,622,339
3. Byansi	2,103		33. Newar	1,245,232
4. Chhairotan	-		34. Pahari	11,505
5. Dolpo	-		35. Fri	-
6. Larke	-		36. Rai	635,151
7. Lhomi	-		37. Sunuwar	95,254
8. Lhopa	-		38. Surel	-
9. Marphali	-		39. Tamang	1,282,304
10. Mugali	-		40. Thami	22,999
11. Sherpa	110,358		41. Yakha	17,003
12. Syar	-		C. Inner Terai	
13. Tangbe	-		42. Bote	7,969
14. Thakali	13,731		43. Danuwar	53,229
15. Thudam	-		44. Darai	14,856
16. Tingaule	-		45. Kumal	99,389
17. Topkegola	-		46. Manhi	72,614
18. Walung	1,148		47. Raji	2,399
B. Hilly Region			48. Raute	658
19. Bankariya	-		D. Terai Region	
20. Bhujel/Gharti	117,644		49. Dhanuk	188,150
21. Baramu	7,383		50. Dhimal	19,530
22. Chepang	52,237		51. Gangai	31,318
23. Chhental	9,814		52. Jhangad	41,764
24. Dura	5,169		53. Kisan	2,876
25. Gurung	543,571		54. Kushwadiya	-
26. Hayu	1,821		55. Meche	3,763
27. Hyolmo	579		56. Rajbamsi	95,812
28. Jirel	5,319		57. Satar	42,698
29. Kusunda	164		58. Tajpuriya	13,250
30. Lepcha	3,660		59. Tharu	1,533,879

Source: Nepal Gazette, 7 February 2002

Note: The data presented in the Table is based on the 2001 census. However, the census did not record this information for all categories of ethnic groups. As a result, the relevant information is not available for them.

Table 3.2: Classification of Ethnic Groups Based on Their Broader Socio-Economic Standing

Category	Ethnic Group	Category	Ethnic Group
A. Endangered	<ol style="list-style-type: none"> 1. Kusunda 2. Bankariya 3. Raute 4. Surel 5. Hayu 6. Raji 7. Kisan 8. Lepcha 9. Meche 10. Kushwadiya 	C. Marginalized (continued)	<ol style="list-style-type: none"> 10. Darai 11. Tajpuria 12. Pahari 13. Tapkegola 14. Dipo 15. Fri 16. Mugali 17. Larke 18. Lhopa 19. Dura 20. Balamu
B. Highly Marginalized	<ol style="list-style-type: none"> 1. Majhi 2. Syar 3. Lhomi 4. Thudam 5. Chepang 6. Dhanuk 7. Satar/Santhal 8. Jhangad 9. Thami 10. Bote 11. Danuwar 12. Baramu 	D. Disadvantaged	<ol style="list-style-type: none"> 1. Gurumg 2. Magar 3. Rai 4. Limbu 5. Chhairotan 6. Tangbe 7. Tingaunle Thakali 8. Barhagaule 9. Marphali Thakali 10. Sherpa 11. Yakhha 12. Chhantel 13. Jirel 14. Byansi 15. Hyolmo
C. Marginalized	<ol style="list-style-type: none"> 1. Sunuwar 2. Tharu 3. Tamang 4. Bhujel 5. Kumal 6. Rajbansi 7. Gangai 8. Dhimal 9. Bhote 	E. Advanced	<ol style="list-style-type: none"> 1. Newar 2. Thakali

Source: Nepal Federation of Indigenous Nationalities (NEFIN, 2004)

Notwithstanding these variations, no comparative studies have been made in a systemic way for measuring the patterns and degree of discrimination faced by each individual group within the ethnic categories. Available literature on ethnic discrimination in Nepal traces the issues by classifying all ethnic groups as a single homogenous category, and as a result, it contrasts the problems of ethnic groups with the positions and privileges occupied by high-caste Hindus regarding them, also, as a single homogenous category. Given the above, this chapter addresses the issues mainly by focusing on the problems, as they are raised based on this dichotomy. Internal variations among the ethnic groups will be addressed to the extent that it is allowed by the data available from our field study.

3.2 Historical Context of Ethnicity-based Discrimination

Social discrimination faced by ethnic groups in Nepal is a historically built phenomenon. It started with the introduction, or even prior to, the territorial unification processes launched by Gorkhali rulers during the formation of the present state. The Gorkha King began to expand his territory in the second half of the XVIII century, and in doing so appropriated a number of autonomous principalities to it. Prior to this, all these principalities had their own political, economic, social, and cultural systems. As they were annexed into it, those unique religious, lingual, and cultural practices were gradually subsumed into the Hindu cultural tradition. In fact, the process of territorial unification and the subsequent socio-political processes introduced in these newly annexed territories were the imposition of hill culture developed by Chhetri rulers and their Brahman advisors (Subba et al, 2002: 25). For example, the imposition of Hindu values, ways of life and cultures as well as Nepali language on all people who had been incorporated within this state structure (Gaige, 1976).

The Nepali state followed a number of strategies to accomplish such a process. One such strategy was the establishment of its control over the resources on which the ethnic communities depended for their income. The state gradually seized the right to dispose of their resources, including land. During the early period of territorial unification, the Gorkhali rulers followed a strategy to ease the problems faced by the ethnic communities by allowing them to keep their traditional rights over the land of their respective areas intact. For example, in the case of the Limbus in east Nepal, the King of Gorkha, who initiated the annexation process, ensured their traditional right over their Kipat land (communally owned land). As he mentions in a decree issued for this purpose:

"Although we have conquered your country by dint of our valour, we have afforded you and your kinsmen protection. We hereby pardon all of your crimes, and confirm all the customs and traditions, rights and privileges of your country....Enjoy the land from generation to

generation, as long as it remains in the existence....In case we confiscate your lands...may our ancestral gods destroy our kingdom." (Regmi, 1978: 540)

After the entrenchment of power of the Gorkha Kingdom, the rulers in the subsequent period were, however, gradually diverted from satisfying these commitments. In that, they advocated the conversion of Kipat land into a taxable category and thus subsequently abolishing the community-based landownership system through the formulation of legal provisions (Regmi, 1978: 532-628).

Such a transfer of right to the state deprived many of the indigenous communities from their traditional rights over these resources. Together, it also allowed the state to transfer the land of their habitat into the hands of non-ethnic castes of the country. This process encouraged the systematic decomposition and dissolution of ethnic areas by the settlement of Hindu high-caste population (Kramer, 2003; Caplan, 1970).

The second strategy followed by the state towards the 'Hinduization' of ethnic communities was by bringing them into the framework of the caste system. This strategy was fulfilled by the formulation of laws under the caste-based principals. The Muluki Ain (Civil Code) enacted in 1854 redefined the structure of the caste system in Nepal. It created within it a way to insert all ethnic groups within the hierarchy of the caste order. It labelled the ethnic communities as a caste of liquor drinking population and placed them below the Brahmans and Chhetris in the caste order by assigning them a lower ritual status. It also divided them into slavable and un-slavable categories and opened the way of their subjugation by creating a legal environment that allowed the enslavement of those social categories. The law also imposed a number of other values of Hindu religion upon these ethnic communities. One example that may be cited here is the prohibition of cow slaughter and consumption of beef in the country. In one provision of this law, it was written:

'Persons who commit the heinous crime of slaughtering oxen on Hindu land shall be flayed alive, impaled, or hanged upside down until death. Their property shall be confiscated and members of their families enslaved' (Civil Code, quoted by Burghart, 1996: 241).

Cow slaughter had now become a crime, deserving capital punishment, for members of ethnic communities who were traditionally the consumer of this animal. Even for other types of activities, the punishments for the same crime differed between the higher and lower castes, the latter being punished more harshly than the former (Subba et al, 2002).

Thirdly, the process of Hinduization was enhanced by the involvement of the state in the promotion of Khasa (Nepali) language spoken by Hindu caste categories. In this regard,

there is evidence that the Gorkhali rulers used to issue orders to their local level functionaries to promote the use of Nepali language in their respective areas (Subba et al, 2002: 32-33).

Literature on the history of Nepal refrains from documenting such a painful story of suppression of the ethnic communities. For a long period, the official history of Nepal was recorded as a story of genealogies of ruling dynasties and the process of subsuming the culture and territories of ethnic groups into the socio-political structure dominated by caste groups upholding Hindu religious ideologies (Schlemmer, 2003/2004). In this context, the written documents on the history of Nepal are also discriminatory. They avoid documenting the stories experienced by people of local communities.

After 1950, a number of developments occurred in the socio-political settings of the country. In 1951, the oligarchic rule of the Ranas was replaced through the introduction of a Multi-party system. In 1960, the “party-less” Panchayat political system replaced the previous government. In 1990, the multi-party type of political system was reinstated again. All these political systems kept the uniformity that they had all agreed to abide by in the constitutional procedures. All the constitutions formed during this period principally committed to ensure equality for all citizens. As Section 2 of Article 11 of the 1990 constitution mentions “[no] discrimination shall be made against any citizen in the application of general law on grounds of religion, race, sex, caste, tribe, or ideological conviction of any of these.”

3.3 Discrimination in Provisions of Constitutions and Law

Notwithstanding these changes in political environment and the commitments made by the state through its constitutional provisions, the law of the land continued to appear discriminatory towards ethnic groups on many grounds. Indeed, the goal of the Panchayat regime was to promote uniform national culture through the education system and media, which it controlled. This goal was encapsulated in the Panchayat slogan of “*ek bhasha, ek bhash, ek desh*” (one language, one style of dress, one country). Such a monolithic conception of the social, political, and cultural reality failed to recognize not only the multi-cultural, multilingual and multi-religious characters of the nation, but also prohibited the ethnic communities from their fundamental right to develop and promote their culture, language, religions and customs as well (Whelpton, 2005). In order to do so, the Panchayat system endorsed the continuity of many of the discriminatory practices faced by ethnic groups throughout a long period of their history. The “democratic” constitution of 1990 and the existing laws of the country have also encouraged these discriminatory policies.

A detailed discussion on the legal discrimination against ethnic nationals can be seen in various other studies (Subba, 2002; Lawati, 2001). However, these studies as well as the current debates on this issue have revealed that many of the discriminatory provisions of the laws and constitution revolve around the following four issues.

They include:

- (1) the declaration of Nepal as a Hindu Kingdom;
 - (2) the declaration of Nepali as the language of the nation;
 - (3) the deprivation of ethnic communities from their traditional rights over land of their areas; and
 - (4) the prohibition of ethnic communities to unite themselves into political communities.
- This section discusses the issues by focusing on these major areas.

3.3.1 Discrimination Based on Declaration of Nepal as a Hindu State

Article 4(1) of the Constitution of the Kingdom of Nepal 1990 discriminates against Nepal's ethnic communities through the formulation of a discriminatory provision. On the one hand, it recognizes that Nepal is a "multiethnic, multilingual" and "democratic" Kingdom. At the same time it also defines Nepal as a "Hindu" state. It is true that the majority of the population of Nepal follows Hinduism. The 2001 population census has reported that 80.6% of the total population is Hindu. Thus, it can be assumed that, Hindus are not the only people living in this country. The same census reported that 10.2% of the population are Buddhist, 4.3% Islam, 3.6% Kirant, and a significant numbers are Jains and Christians. In addition to this, the members of the above-mentioned religious communities have been gradually increasing in the past few decades (see Chapter 5). Given this context, the constitutional provision that has defined the country as a Hindu state has provided it a sectarian character.

The policies and programmes formulated by such a sectarian state are biased towards imposing the Hindu religious values on the rest of the religious population. It has already been mentioned that slaughtering cows/oxen has been declared a severe crime in the country. As such, the cow has been upgraded to the status of national animal. The state provides long holidays for the celebration of festivals based on Hindu religion. However, it does not provide a similar type of recognition to the festivals and ceremonies practiced by ethnic groups and other religions communities.

One example here is the case of festivals observed by Athpariya Rais in the Dhankuta district, who are included in the sample of our study. Their main festival falls in the month of Mansir (November/December). Before the 1950s, the Rana government used to allocate 3 days holiday for the celebration of this festival. After the termination of their rule, the subsequent governments stopped this facility. The national holidays provided for the

celebration of other types of non-Hindu religious ceremonies are not on par with the national holidays provided to Hindu ceremonies.

3.3.2 Discrimination Based of Declaration of “Nepali” as the Language of the Nation

Article 6(1) of the present constitution states that “[t]he Nepali language in the Devanagari script is the language of the nation of Nepal. The Nepali language shall be the official language”. In fact, Nepali is only one of 92 known languages spoken as mother tongues by the people of Nepal (CBS, 2003). The census also reported that some people speak still different languages, the identities of which are still unknown. This suggests that the number of languages spoken in Nepal is larger than previously assumed. Nepali is the mother tongue of only 46.7% of the population. The mother tongues of the remaining 51.3% of the population are languages other than Nepali (Yadav, 2003).

Table 3.3 supports the above. The mother tongue is the language of communication for all ethnic people, in both the hill and Terai, within their households. The Magars may use Nepali for this purpose together with their mother tongue. This may even be true among Hindus, where their mother tongue is different from Nepali. They use this language while communicating with other members of their families. Even in the case of communication with people outside the household, most of them prefer to use their mother tongue among members of their respective communities (Table 3.4). Nepali is used mainly in the context when they have to communicate with people who do not belong to their community. The constitution relegates the status of all these languages to the national language of Nepal.

Table 3.3: Use of Language within Household by Caste/Ethnicity

Caste/Ethnicity	Use of Language within Household			
	Mother Tongue Other than Nepali	Nepali	Both	Total
Upper-caste	16 (29.6)	40 (71.4)	-	56 (100.0)
Dalit	24 (35.3)	44 (64.7)		68 (100.0)
Tharu	41 (91.1)	-	4 (8.9)	45 (100.0)
Magar	-	16 (28.6)	39 (100.0)	39 (100.0)
Kumal	40 (100.0)	-	-	40 (100.0)
Rai	45 (100.0)	-	-	45 (100.0)
Terai-MiddleCaste	29 (100.0)	-	-	29 (100.0)
Total	195 (60.6)	84 (26.1)	43 (13.3)	322 (100.0)

Source: Field survey, 2005

Figures within parentheses indicate percentages

Table 3.4: Use of Language with Others in the Same Group by Caste/Ethnicity

Caste/Ethnicity	Use of Language within Household			
	Mother Tongue other than Nepali	Nepali	Both	Total
Brahmin	16 (28.6)	40 (71.4)	-	56 (100.0)
Dalit	24 (35.3)	44 (64.7)	-	68 (100.0)
Tharu	44 (97.8)	1 (2.2)	-	45 (100.0)
Magar	-	-	39 (100.0)	39 (100.0)
Kumal	39 (97.5)	1 (2.5)	-	40 (100.0)
Rai	45 (100.0)	-	-	45 (100.0)
Terai Middle Caste	29 (100.0)	-	-	29 (100.0)
Total	195 (60.6)	84 (26.1)	43 (13.3)	322 (100.0)

Source: Field survey, 2005

Figures within parentheses indicate percentages

The declaration of Nepali as the only official language of the country is itself an example of the imposition of the *Khasa* culture (culture of the hill castes) on the rest of the population. The effort made by the state to suppress the languages of ethnic nationalities is, however, not a recent phenomenon. The rulers of Nepal have historically given importance to the expansion of the use of Nepali language in all parts of the country. They have used this strategy as an important instrument for imposing Hindu culture on non-Hindu societies. For example, Subba et al (2002: 32) cites that “a few years after Limbuwan came within the boundaries of the Kingdom of Nepal, the Limbus received orders from King Rana Bahadur Shah not to use their own language but to use the Khas-Nepali language”. It is apparent that, other languages were seen as obstacles in the expansion of *Khasa /Gorkha* language, and the complete elimination of these languages was felt necessary in order to promote Nepali.

As early as 1917, such a view was expressed as follows:

“Till now, the ‘Gorkha Bhasa’ [Language] has not been able to acquire universality, and the wild languages like Newar, Bhote, Magar, Gurung, Limbu, Sunuwar, Danuwar Tharu, also have not been able to leave their native places. As long as the one ‘Gorkha Bhasa’ can not kick out all the other wild languages in the country, it is just wishful thinking to say that the ‘Gorkha Bhasa’ can develop and that ‘Gorkha Bhasa’ is capable of calling itself the primary language” (Yakha Rai, quoted by Subba et al, 2002: 32). The Supreme Court’s decision against Kathmandu Municipality’s decision to use Newari as the official language may also be taken as an example of such a suppression.

The declaration of Nepali as the only official language has many other discriminatory implications as well. It is the language used for all competitive examinations to apply for government jobs. Consequently, those whose mother tongues are not Nepali are less likely to succeed. This also contributes to the lack of representatives for one ethnic groups in Nepal's bureaucracy. Nepali also predominates in the media, thus making it difficult for members of ethnic communities to benefit from them adequately. As an official language of the country, Nepali is the medium of instruction in all educational institutions run by the state. The languages of ethnic groups are allowed to be a medium of instruction only up to primary level of education (Article 18.2 of the 1990 constitution). However, Sanskrit, which is not spoken by anyone in Nepal as a mother tongue or a second language, has been taught in the country through a separate Sanskrit University.

3.3.3 Discrimination Related to Deprivation of Ethnic Communities of Their Traditional Rights over the Land in Their Areas

Some of the issues of this kind of discrimination have already been discussed while discussing the historical context. The ethnic groups no longer retain their traditional rights over the land and other resources available in their respective areas. Their land is now property of the state and they need to pay tax in order to use their previously owned resources. Their traditional localities have been penetrated by non-ethnic population. The state encouraged this process through the formulation of specific legal provisions.

3.3.4 Discrimination Related to the Prohibition of Ethnic Groups to Organize Themselves into Political Communities.

The law of the nation does not allow ethnic groups to organize themselves as political entities. This applies particularly to the formation of political parties. Article 113(3) of the 1990 constitution provides that, “[t]he Election Commission shall not register any organization or party if any Nepali citizen is discriminated against in becoming a member on the basis of religion, caste, tribe, language or sex or if the name, objectives, insignia or flag is of such a nature that it is religious or communal or tends to fragment the country”. This provision deprived the ethnic groups of emerging as political entities.

Discrimination provided by the state through the formulation of laws against the interest of ethnic communities throughout history resulted in many problems in the economic as well as socio-political life of the ethnic people. Deprivation of their traditional rights over the control of local level resources has affected their level of access to land. The imposition of Khasa language as the official language of transaction has affected the level of their educational attainment and related opportunities in life. The prohibition of these ethnic societies to organize themselves into the form of their own respective political communities has affected their access to power. A detailed analysis of this type of causal relationship

between these issues requires a separate study. The following sections, however, attempt to highlight the prevailing status of the ethnic population in areas of land holding, occupation, education, and participation in decision-making positions within their village as well as in governmental agencies.

3.4 Level of Disparities in Landholding

Available data regarding landownership status of households at national level shows that 77.5% of ethnic households in Nepal own land for cultivation. This figure is 0.9% larger than that in the case of upper-caste households. However, there are disparities even among the ethnic communities in relation to their access to this productive resource. Such a disparity is visible even in regional terms, where the proportion of households among the hill-ethnic categories with access to agricultural land is 83.9%, and 75.9% in the case of the Terai region. Even among our sample population, the proportion of households owning only a homestead is larger among the Tharus and Kumals in the Terai villages in comparison to that of the Rais and Magars in the hills.

There are some historical reasons responsible for these types difference within the ethnic communities. The civil code enacted in 1854 endorsed that members belonging to ethnic groups like Bhote, Chepang, Gharti, Hayu, Kumal and Tharu could be employed as a slave. Despite the government eliminating slavery as a form of socially sanctioned institution, in the 1920s, members of these ethnic communities continued to be employed as domestic servants by both the caste groups and the ethnic people. The problem related to Tharu Kamaiyas (domestic servants) of the Terai region (Chhetri 2005) has this type of historical origin. The following case studies provide examples of such a condition.

Case Study

Bodhiram Chaudhary, from Dang, is a Kamaiya Tharu working in the house of one of his neighbours. For three generations, his family has earned its living through this type of profession. Bodhiram works in his Malik's (employer) house as a domestic servant. Through this service, he generates the means of subsistence support for his family. His wife and children also assist in domestic chores for the employer's family and receive some additional rewards. There is no legal compulsion for Bodhiram to stay in this profession. However, as a descendent of the Kamaiya parents, he has no inherited property to establish a separate business of his own. There are also no opportunities available for him, in his locality, to claim an area of the public forest and convert it into farmland. He was landless in the past and will continue to be so in, at least, the near future.

In addition, there are internal disparities regarding the landholding status of households even within each specific community. Data in Table 3.4 shows that such a disparity appears in all ethnic communities covered by this study. Overall, the average size of landholding of ethnic communities also appears larger in comparison to that of all caste groups. In the case of hill regions it has, however, been observed that the upper-caste households have access to both dry fields and irrigated areas, whereas most of the land owned by ethnic households are in dry fields.

Our data from the sample households also reveals the fact that, the proportion of households possessing a relatively larger size of landholding is higher in urban localities. This applies particularly to the upper-caste and ethnic population. Data presented in Tables 2.4 and 3.4 show that the proportion of ethnic and upper-caste households incorporated in the sample from Dhankuta and Inaruwa Municipalities is higher than those of other areas in terms of relatively large landowning status.

Table 3.5: Land Holding Status of Sample Household by Ethnic Group and Hill-Terai Region

Ethnic Group	Total Land										Total
	0.0-5.0	5.1-10.0	10.1-15.0	15.1-20.0	20.1-25.0	25.1-30.0	30.1-35.0	35.1-40.0	40 and above	Only Homestead	
<i>Hill Ethnic Group</i>											
Rai	5 11.1	7 15.6	7 15.6	5 11.1	7 15.6	4 8.9	2 4.4	3 6.7	1 2.2	4 8.9	45 100.0
Magar	32 82.0	7 18.0	-	-	-	-	-	-	-	-	39 100.0
Total	37 44.1	14 16.7	7 8.3	5 6.0	7 8.3	4 4.7	2 2.3	3 3.5	1 1.2	4 4.7	84 100.0
<i>Terai Ethnic Group</i>											
Tharu	15 33.3	1 2.2	7 15.6	5 11.1	1 2.2	2 4.4	3 6.7	3 6.7	5 11.1	3 6.7	45 100.0
Kumal	1 2.5	7 17.5	4 10.0	6 15.0	3 7.5	5 12.5	2 5.0	3 7.5	2 5.0	7 17.5	40 100.0
Total	16 18.8	8 9.4	11 12.9	11 12.9	4 4.7	7 8.2	5 5.9	6 7.1	7 8.2	10 11.8	85 100.0
Ethnic Total	53 31.3	22 13.0	18 10.7	16 9.5	11 6.5	11 6.5	7 4.1	9 5.3	8 4.7	14 8.3	169 100.0
<i>Caste Group</i>											
Upper-caste Total	16 38.6	12 21.4	10 17.9	7 12.5	-	4 7.1	-	2 3.6	-	2 3.6	56 100.0
Dalit Total	27 39.7	5 7.3	1 1.5	1 1.5	-	-	-	-	-	34 50.0	68 100.0
Terai Middle Caste Total	10 34.5	5 17.2	4 13.8	1 3.4	-	1 3.4	-	2 6.9	2 6.9	4 13.8	29 100.0
All Total	106 32.9	44 13.7	33 10.2	25 7.8	13 4.04	16 5.0	9 2.8	13 4.0	10 3.1	54 16.5	322 100.0

Source: Field Survey, 2005

Figures with fractions are percentages

3.5 Level of Disparities in Occupational Affiliation

Data concerning the landholding status of ethnic households at both a national level as well as in our sample indicate that agriculture is the major profession of the vast majority of Nepal's ethnic population. This is further supported by Table 3.5, which shows the status of occupational distribution of the sample population. From the 985 people living in the selected households, 32.6% are young children, old adults and some students who do not appear to be involved in any type of economic activity as their primary occupation. From the remainder, 34.2% have selected agriculture as their major profession. This is in stark contrast to the 19.5% represented by caste groups in the same profession.

This difference is counterbalanced by the proportion of caste and ethnic population engaged in domestic work such as housekeeping and other related activities. Among the ethnic groups, 19.2% of the sample population work in this field, as its main profession. The number of people engaged in agriculture is much larger among the ethnic groups of the hill region, standing at 50.0% for the Rais and 44.3% for the Magars. Whereas, those who do domestic and related work as their major occupation, represent only 5.2% among the Rais and 10.8% among the Magars. This proportion goes up to just over 25% among the ethnic people of the Terai.

Regarding other professions, 3.7% of the sample population are engaged in administrative work and teaching. The proportion of ethnic people involved in these occupations is 2.5 against 5% of the caste population engaged in these activities. However, the proportion of those involved in official jobs such as gazetted or non-gazetted positions in administration is higher among the upper-caste and ethnic people of urban areas compared to their caste and ethnic mates of rural areas (see Tables 2.6 and 3.5).

Case Study

The condition of Narayan Kumal, in the study location of Sunsari district, is not better either. He has a homestead on unregistered land. Like Bodhiram Chaudhary, his family also subsists on the remuneration received from his services in the form of a Haruwa (who drives a plough) in the house of a local patron.

Table 3.6: Occupational Status of Sample Population by Ethnic Categories and Region

Ethnic Group	Occupation										
	Government Jobs					Agriculture	Wage Labour	Migration	Works and others	No Occupation	Total
	School Teacher	University Teacher	Gazetted officer	Gazetted Officer	Total						
Hill Ethnic Group											
Rai	1 0.4	-	-	2 0.9	3 1.3	115 50.0	2 0.9	22 9.6	12 5.2	75 32.6	229 100.0
Magar	4 16.4	-	1 0.4	2 0.8	7 3.1	108 44.3	21 8.6	29 12.9	25 10.2	54 22.1	244 100.0
Total	5 1.1	-	1 0.2	4 0.8	10 2.1	223 47.2	23 4.9	51 10.8	37 7.8	129 27.3	473 100.0
Terai Ethnic Group											
Tharu	8 2.8	-	-	-	8 2.8	70 24.7	15 5.3	6 2.1	72 25.4	112 29.6	283 100.0
Kumal	5 2.2	-	-	2 0.9	7 3.1	44 19.2	8 3.5	9 3.9	81 35.4	80 34.9	229 100.0
Total	13 2.5	-	2 0.4	2 0.4	15 2.9	114 22.3	23 4.5	15 2.9	153 29.9	192 37.5	512 100.0
Caste/Ethnic Total											
Ethnic Total	18 1.8	-	1 0.1	6 0.6	25 2.5	337 34.2	46 4.7	66 6.7	190 19.2	321 32.6	985 100.0
Caste Total	16 1.9	2 0.2	6 0.7	18 2.1	42 5.0	164 19.5	80 9.5	29 3.5	280 33.3	245 29.2	840 100.0
All Total	34 1.9	2 0.1	7 0.4	24 1.3	67 3.7	501 27.5	126 6.9	95 5.2	470 25.8	566 31.0	1825 100.0

Source: Field Survey, 2005

Figures with fractions are percentages

3.6 Ethnic Dimensions of Discrimination in Educational Attainment

Literacy status is an important indicator when measuring the level of educational attainment of a given population. Available data from the national census shows that the literacy rate of Nepal's ethnic population is, on average, 53.6%. However, regional disparities are clearly visible. This is clearly indicated in that 71.4% of the urban ethnic population compared to 50.2% of those living in rural areas are literate. Such a high literacy rate among the ethnic population is impressively large compared to that of the people belonging to Dalit castes, which stands at a mere 41.9%.

However, upper-caste people surpass ethnic population in both literacy rate and the attainment of higher education. It has already been mentioned that 80.9% of the urban population and 64.7% of rural people are literate among the upper-castes. Of which, 20.7% of the literate population has completed up to at least matriculation level of education, and 5.4% are graduates in this category of castes. On the contrary, only 12.9% of the ethnic population have completed up to matriculation level and a mere 2% have graduated.

Data concerning the level of education of the sample population (Table 3.6) further supports the existence of such a situation. The ethnic population in the sample lags behind the upper-castes in relation to the level of its educational attainment. Such a disparity is clearly visible in the proportion of illiterate population as well as among those who have attended above a secondary level of education. There are also inter-ethnic disparities and these disparities are even manifested in regional terms. It is important to note that the literacy status of all categories of ethnic population incorporated in this sample is higher than the national average mentioned by the census report for the total ethnic population. However, even among the groups in the sample, our data suggests that the Magars are more literate than the Rais of the hill region and the Tharus are more literate than the Kumals in the Terai (Table 3.7). Given that the data in our sample was collected from a limited number of study localities, it may not be enough to advocate any valid conclusions. However, they do indicate that disparities are visible in the educational standing of different categories of the population and in different locations.

Table 3.7: Educational Status of Sample Population by Caste and Ethnicity

Ethnicity Total	Level of Education							Total
	Pre-school	Illiterate	Primary	Lower Sec	Higher Sec	Plus-2/College	Higher Edu.	
Ethnic Total	121 12.3	287 29.1	258 26.2	114 11.6	149 15.1	43 4.4	13 1.3	985 100.0
Upper-caste Total	24 7.7	32 10.7	77 25.6	36 11.9	52 17.3	46 15.3	34 11.3	301 100.00
Dalit Total	45 12.3	178 48.6	103 28.1	26 7.1	11 3.0	3 0.8	-	366 100.00
Terai Middle caste Total	27 15.6	75 43.3	32 18.5	19 11.0	16 9.2	2 1.2	2 1.2	173 100.00
All Caste Total	96 11.4	285 33.9	212 25.2	81 9.6	79 9.4	51 6.1	36 4.3	840 100.00
All Caste and Ethnic Total	217 11.9	572 31.3	470 25.7	195 10.7	228 12.5	94 5.1	49 2.7	1825 100.0

Source: Field Survey, 2005

Figures with fractions are percentages

Note: Pre-school in the present context refers to children who are not of school going age.

Table 3.8: Educational Status of Sample Population by Ethnicity and Region

Ethnicity Total	Level of Education							Total
	Pre-school	Illiterate	Primary	Lower Sec	Higher Sec	Plus-2/College	Higher Edu.	
Hill Ethnic Group								
Rai	14 6.1	71 31.0	83 36.2	28 12.2	20 8.7	13 5.7	-	229 100.0
Magar	42 17.2	58 23.8	56 23.0	36 14.8	42 17.2	5 2.0	5 2.0	244 100.0
Total	56 11.83	129 27.27	139 29.38	64 13.53	62 13.10	18 3.80	5 2.0	473 100.0
Terai Ethnic Group								
Tharu	21 7.4	81 28.6	69 24.4	38 13.4	54 19.1	14 4.9	6 2.1	283 100.0
Kumal	44 19.2	77 33.6	50 21.8	12 5.2	33 14.4	11 4.8	2 .9.0	229 100.0
Total	65 12.7	158 30.8	119 23.2	50 9.8	87 17.0	25 4.9	8 1.6	512 100.0
Ethnic Total	121 12.3	287 29.1	258 26.2	114 11.6	149 15.1	43 4.4	13 1.3	985 100.0

Source: Field Survey, 2005

Figures with fractions are percentages

Note: Pre-school in the present context refers to children who are not of school going age.

3.7 Discrimination in Relation to Participation and Share in Decision-Making Activities

Issues related to participation and share of the population in decision-making activities can be discussed at the level of its role in influencing the policies and operations of the state as well as in opportunities available for it in shaping the activities of local communities. The state-induced process of 'Hinduization' and 'Nepalization' has historically facilitated the state to be imbued with the norms and values of the elite male of hill originated Hindu high caste population (Lawati, 2005: 126). The political, economic, and socio-cultural marginalizations of the ethnic groups stemmed from these processes, which, has consequently, resulted in their marginal share in decision-making bodies of the government.

The data presented in Annex 2.2 of this report shows that 66.6% of 1,212 leadership positions existing in different types of governmental and political institutions are occupied by the hill upper-castes. Their share in the total population is, however, only 31.6%. The ethnic communities including the Dalits as well as the Terai upper-castes, which comprise

the remaining 68.4% of the population, have to be satisfied with a share of the remaining 33.3% of those positions. Annex 2.3 illustrates the specific breakdown of the data pertaining to caste and ethnic representation for the elected and nominated membership of parliament. During the two elections held for representation of this body in 1991 and 1999, the hill upper-castes who comprised 30.6% of the 1991 population gained 55.3% and 56.9% of these representative positions in the respective elections. Consequently, the share of ethnic groups, which comprised 36.5% of the total population, was limited to less than 30% of those representative positions. Among the ethnic communities, representation from those of the hills was marginally higher than that of the Terai region. However, overall, the position of ethnic groups in all these representative and governmental organizations is stronger in comparison to that of the Dalits.

Ethnic representation in decision-making bodies of local communities, however, seems different in different contexts and conditions. In areas inhabited by a homogenous ethnic population, only the ethnic leaders lead their communities. In these contexts, discrimination between castes and ethnic communities is not a debatable issue. Among the sample population, the Tharus in Dang, Magars in Syanja, and the Rais in Dhankuta are concentrated in their own homogenous settlements. Consequently, during the past two elections held in the 1990s, the members elected from these settlements to represent their respective wards in the VDC or Municipality Councils of their respective localities only came from these groups.

However, an imbalanced representation may appear as a social problem when social units are composed of a heterogeneous population. Even in the case of the VDCs and municipalities visited during our study, people were distributed in different settlements of these social units and belonged to different castes and ethnic communities. Such a condition opens the possibility that, whenever elections are held for common leadership positions, some caste or ethnic groups may seize the opportunity to organize the results in favour of their group. This may happen in the case of elections for the posts of Chair and Vice-Chair persons of VDCs/Municipalities as these positions have to be filled by election procedures involving voters from all the settlements of these social units.

Data from the field indicates that there are local specific variations in the representation pattern of these leadership positions. The Magars and Tharus of the study localities share these positions with upper-castes of their respective areas. In Dang village, the VDC Chair was a Brahman and the Vice-Chair person was a Tharu. In the case of Magars, both the Brahman and Magar leaders had alternately shared these positions in the two elections held after 1990. The Rais and Kumals were unrepresented in these positions. The representation of Rais in the executive body of Dhankuta Municipality was also relatively low in proportion

to the size of their population. Their share in the total population of this municipality is 32.79%. Yet, their share in the representative positions of this municipality was only 29.72% during the 1997 election. On the contrary, the Brahmans, who comprised 8.27% of the population, attained a staggering 23.41% of these positions. Yet again, there was inter-ethnic disparity. The share of Newars was also proportionately large (23.41) in comparison to their share in the population (16.59). The chairperson was a member of the Walung ethnic community, the absolute population of which is less than 1500 people throughout the municipality.

Discussions made by focusing at the level of caste and ethnic categories allows for the analysis of problems only at the level of a group. Within these social categories, male and female members may have no uniform type of experience as they have to perform a number of different roles assigned to them by the existing rules and values of society. Our job in the following chapter is, therefore, to explore these differences as they occur in the context of male and female members of society.

Chapter - 4

Gender-Based Discrimination

Discussions focused at the level of broader social categories like caste and ethnicity can only partially analyze any problem. Firstly, they take into account only a segment of the population and thus cannot accurately reflect the problems of the totality. Secondly, they take the groups or households of those groups as units of their analysis, yet they do not account for the discrimination faced by the members of those units. A discussion based on gender as an analytical category would help to delve into the problem more adequately as it would open up the possibility of analysing the problems by breaking them down into the context of male and female components of each social unit. Secondly, gender as a social category cuts across the boundaries of a number of other social categories and it helps to enable the analysis of the problems by taking into consideration a number of social categories simultaneously.

Undeniably, men and women always comprise the two halves of the population in every society. However, the rights and opportunities accorded to women have never been on par with the rights and opportunities accorded to men of the said societies. These differences in the opportunities of life found between men and women have forced women in many contexts to bear a subordinate position. This can be seen in a number of sectors, namely the economic, political, social, and cultural life of each society.

The prevalence of child marriages and polygynous form of marriages, social aversion towards widow remarriage, and other events like low literacy rates, confinement in domestic work and lack of adequate access to productive resources for females are also some examples of social discrimination against Nepalese women. Regrettably, these types of discrimination are a historical phenomena. They are supported by the ideological contents of culture and rules and regulations of society. They appear in different forms and to different extents in different types of social settings. This chapter begins by highlighting the historical and ideological elements that are discriminatory towards Nepalese women. Then, it proceeds to discuss the forms of discrimination made by the provisions of its laws. Finally, it highlights the prevailing patterns of discrimination faced by women in areas related to control of resources, educational attainment, occupational affiliation, and involvement in decision-making and the implementation of processes based on data available from different categories of sample households.

4.1 Gender-Based Discrimination in Nepal: Historical and Ideological Context

Ideologies are the fundamental forces perpetuating the socio-cultural milieu of any society. They are manifested in culture of those societies and influence many aspects of the lives of people living within those societies. As a country inhabited predominantly by Hindus, the ideological contents of Nepali society have been shaped by the religious ideologies provided for in the ancient Hindu scriptures. These ideologies are still the basis of many ideological elements adopted by the state, and play a primary role in shaping the structure of relationships between different sections of the population including that between men and women.

Classical Hindu laws that discuss women almost exclusively place them in an oppressed position. They have stressed that women need to be controlled as they bear many evil characteristics (Wadley, 1977). In this regard Manu, the great Hindu Philosopher, stated in his “Manusmriti”:

“In childhood a female must be subject to her father; in youth to her husband, when her lord is dead to her sons. A woman must never be independent (Manu, V, 145, cited in Kumari, 1990)”.

The central motif that revolves around women in this statement and other such sayings of Hindu Holy scriptures is that women need to be controlled by men. This type of ideological belief is put into practice in many spheres of the life of women. On the one hand, it is exercised by imposing the notion of “purity” and “pollution” with regard to certain aspects of their life cycle events. Menstruation and childbirth are two important events in which women are required to remain in confinement. They are also not allowed to enter the shrine of family God during the time of worship. A male child is considered a must to perform death-related rituals in the family. The social ideologies prescribing to this patriarchal form of marital relations have also negatively contributed to the defence of the interests of women.

As one who has to leave the parental home after being married at a young age, the daughter is generally perceived as “someone that adorns the other’s house”. This type of concept is paramount even in the preference of children. This has manifested itself in the form of popular sayings such as ‘Never mind the delay as long as it is a son.’ Alternatively, ‘Birth of a daughter is a doomed faith’.

This attitude has directly contributed to strengthen the patriarchal norms and values in Nepal today. They have helped to justify the relative differences of opportunities available to men and women. Patriarchy as an institutionalized system of male dominance is expressed in a variety of ways in Nepal. It is legally supported, and tied to the ownership of property, access to political power, and the attainment of social status. Women are for the most part confined to the domestic sphere. Males are considered the breadwinners of the family, and their roles are defined in the public spheres. We will now explore these modes of discrimination against women.

4.2 Gender-Based Discrimination in Constitutional and Legal Provisions

Discrimination against women by way of religious principles was historically supported through provisions in the law of the country. The 1854 Civil Code did not provide any protection for women concerning their property rights. Furthermore, it required purity of their body and endorsed a lower ritual status for the upper-caste widows, if they remarried. Prior to the Rana regime being overthrown in 1950, no other laws were formulated to amend these provisions. However, after the downfall of the Rana regime, constitutional procedures were introduced into the system of rule of the country. In 1963, the government replaced the 1864 Civil Code with a new one in its place. The constitutions formulated during this period accepted the right to equality in the application of laws to all categories of citizens. In Section 2 of Article 11, the 1990 constitution states, “No discrimination shall be made against any citizen in the application of general laws on the grounds of religion, race, sex, caste, tribe, or ideological conviction or any of these (MOLJ, 1999)”. Nepal also ratified, without reservation, the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) in 1991. Nonetheless, there are still many provisions to this day that discriminate against women.

Studies carried out on the legal provisions of the country regarding women have shown that the laws of the country discriminate against women in numerous ways. More specifically, “118 Clauses/Sections/Rules, two Rules in their entirety, and 67 Schedules/Annexes/Forms in 54 different laws including the Constitution which have discriminatory Provisions”, according to FWLD in 2000 (See Annex 4). The main areas in which women are discriminated against by these provisions include their rights in relation to nationality and citizenship, property, trafficking and sexual abuse, education, employment, health including reproductive rights, marriage and family and legal and court proceedings. While the specific details of these discriminatory provisions are mentioned in Annex 4.1, they have been summarized here accordingly.

Property Rights

The eleventh amendment made in 2002 on the New Civil Code initiated in 1963 recognized daughters as coparceners in the ancestral property by birth. However, this amendment is not adequate to establish equal rights between the male and female children in relation to their access to ancestral property. The daughters have to return the remaining share of the property to their maternal home, upon marriage. However, for sons, there is no such obligation.

Nationality and Citizenship

The present Constitution of Nepal confers citizenship only through the male line. Only a child whose father is a citizen of Nepal at the time of birth is entitled to citizenship of Nepal by descent. Women cannot transfer citizenship to their child nor her spouse if he is of foreign nationality.

Women and Employment

Women aspiring to foreign employment require parental consent in addition to approval from the government. This provision is discriminatory against women because women are thus denied their right to mobility and employment despite attaining the status of adulthood. Likewise, women are not recruited for combatant purposes in the army. In spite of an amendment being made to allow the recruitment of women into the Military Police, only single women and unmarried women are considered eligible (Adapted from, FWLD, 2005, draft).

Health Including Reproductive Right

Even though the Eleventh Amendment to the New Civil Code has made some changes in the laws relating to abortion under certain conditions, it is still dealt with under the chapter of Homicide (FWLD, 2005 draft)⁴. This provision treats abortion as a form of homicide but not as a medical condition.

Marriage and Family Rights

The definition of marriage in many laws does not make provision for married daughters. This can be claimed to be discriminatory as it reinforces the traditional notion that the daughter's house is the husband's house. Likewise, a husband is allowed to divorce his wife if a medical board recognized by His Majesty's Government (HMG) certifies that a wife is incapable of bearing a child after ten years of marriage. However, the same is not true of males (FWLD, 2005, draft).

Legal and Court Proceedings

Women's names are not mentioned independently in any legal documents. They have to be identified by the names of their fathers or husbands. This negates any independent identity of women.

⁴ for a detailed discussion of discriminatory provisions against women see "An Update of Discriminatory Laws in Nepal and their Impact on Women, (FWLD, 2005, draft)

The patriarchal values established by the prevailing ideologies of society have received legal support through the above-mentioned discriminatory provisions. As a result, the legal system of Nepal has relegated women to such a position that they are unable to fight for their rightful claim of equality to rights. The impact of these forms of discrimination resonates in all spheres of their social, political, and economic life, including access to resources such as ownership of land, educational attainment, employment status, and participation in decision-making activities in both public as well as domestic sectors of their social life.

4.3 Gender-Based Discrimination of Ownership of Productive Resources

Land is a fixed asset and is one of the most valued belongings of those who possess it. It is also a symbol of their status and provides them with a sense of economic security and bargaining strength in economic transactions (Agrawal, 1994). However, land and property inheritance rights in Nepal are patrilineal. The 2002 amendment of the New Civil Code established the rights of unmarried daughters as coparceners of their parental property with their male siblings by birth. Nevertheless, at the same time, it requires them to renounce their right to this property after they get married.

The law, however, does protect the right of married women with regard to their husband's property. On the other hand, the available data concerning the landownership status of women does not suggest that this type of right is being adhered to in practice. National statistics show that only 10.8% of women in Nepal are landowners. The proportion of women owning land in the Terai region is reasonably high at 12%, whereas it is only 9.9% in the case of the hill regions. As the proportion of total women owning land in the country is very small, it is an indication that there are no important variations in the status of women living in either rural or urban areas. A great majority of women depend upon resources controlled by the male members of their family (CBS, 2001).

Data collected from the field also reinforces the fact that huge disparities exist between the male and female population in terms of their landownership status. Table 4.1 shows that only 8.6% of the sample households

Case Study

Dhanamaya, a Brahman widow of one of the study villages, has the family land registered in her name. About 20 years ago, her husband died before their separation from his parental family. She had two male children below five years of age. After the death of her husband, the family was separated. Dhanamaya had to form a separate household consisting of herself and her two children. As both of her children were of minor age, Dhanamaya had to register the inherited property in her name. To date, her children still live with her so she has not yet needed to transfer the ownership status.

have part, or all of the land, registered in the names of women. Even within this nominal proportion, it is relatively large among the upper-castes compared to that among the other caste and ethnic categories. No further breakdown of the data is required on regional terms, as the situation remains the same for both the hill and Terai areas. Even in an urban setting like Dhankuta municipality, women's status as landowners is not very established. Our observations in the field also reveal the fact that even where lands are registered in the name of females' it has been done so where in the majority of cases the females are the heads of the household. This is mainly where the household has to be managed by a widower or where the male head of the family is absent from their household for a long period. The following case studies illustrate the such a situation.

Table 4.1: Registration Status of Farm Land by Caste, Ethnicity, and Sex

Caste/Ethnicity	Male	Female*	Both	Total**
Upper-caste Total	37 66.1	7 12.5	12 21.4	56 100.0
Dalit Total	55 93.2	3 5.1	1 1.7	59 100.0
Terai Middle Caste	27 93.1	1 3.4	1 3.4	29 100.0
Ethnic Group Total	167 98.81	2 1.18	-	169 100.0
Total	286 91.4	13 4.2	14 4.4	313 100.0

Source: Field Survey, 2005

Figures with fractions are percentages

* Households having lands registered in the name of women are either the widow headed households or those in which the male heads are out of family for a long period.

** Nine of the total households have not responded about this information because they have either no land or they possess only the unregistered land.

4.4 Gender-Based Discrimination in Educational Attainment

Discrimination against women is also reflected at the level of their educational attainment. Data available from the national census shows that the female literacy rate is 42.8% as compared to 65.5% for males. However, there are caste and ethnic level variations concerning educational achievements and these variations are manifested in regional terms.

The literacy rate from all regions is highest among the Brahmans, in urban areas, with 89.6%. This figure is 71.4% in the case of female Brahmans. Even in rural areas, Brahmans have the highest proportion of literate population for both males and females. The literacy rate of the Dalit females in rural areas of the Terai region is the lowest among all sections of the population, standing at 10.7%. Even the literacy rate of male members of this category is very low in that it does not exceed 21.2%.

Also in the case of ethnic communities, it differs between the male and female population in both the hill and Terai regions as well as in rural and urban areas. Male literacy rates for the hill ethnic communities are 82.8% in urban areas and 42.4% in rural areas respectively. This is in contrast to the rates for females, in the same areas, with 65.1% and 42.4% respectively. These figures are slightly less in the case of Terai ethnic communities (CBS, 2002).

These national trends in gender disparities in educational attainment are corroborated by data collected from the sample population. About 63% of females in the sample are illiterate in comparison to 37.1% of males. Such a disparity can be noticed at all levels of education (Table 4.2). It should be noted from the data that both the male and female children have almost an equal chance to acquire primary and a lower secondary level of education. The opportunity for higher-level education is, however, only available to a relatively small proportion of the population for both male and female children. It can also be seen that, the proportion of female students sharply decreases after lower secondary education. There are caste and ethnic specific variations in these trends.

Case Study

Parbati Sharma, of the same village, is the owner of part of her household land. Her husband is employed in India. In his absence, one of his neighbours decided to sell a piece of his family land closely tied to the homestead of Parbati's house. Parbati asked her husband, via a telephone call, whether his income would allow their family to enlarge the area of their homestead. He agreed and sent money asking her to purchase the land. In this way, Parbati registered the land under her name.

Table 4.2: Education Status of Sample Population by Caste, Ethnicity, and Sex

Caste/Sex	Level of Education							Total
	Pre-school	Illiterate	Primary	Lower Sec	Higher Sec	Plus2/ College	Higher Edu	
Upper-caste								
Male	16 10.66%	8 5.3	25 16.6	15 10.0	26 17.3	31 20.7	29 19.3	150 100.0
Female	8 5.3	24 15.9	52 34.4	21 13.9	26 17.2	15 9.9	5 3.3	151 100.0
Total	24 7.97	32 10.6	77 25.6	36 12.0	52 17.3	46 15.3	34 11.3	301 100.0
Dalit Caste								
Male	28 14.5	78 40.4	57 29.5	18 9.3	10 5.2	2 1.1		193 100
Female	17 9.8	100 57.8	46 26.6	8 4.6	1 0.6	1 0.6		173 100.0
Total	45 12.3	178 48.6	103 28.1	26 7.1	11 3.0	3 0.8		366 100.0
Terai Middle Caste								
Male	10 11.5	24 27.6	24 27.6	13 14.9	13 14.9	1 1.1	2 2.3	87 100.0
Female	17 19.8	51 59.3	8 9.3	6 7.0	3 3.5	1 1.2	-	86 100.0
Total	27 15.6	75 43.3	32 19.0	19 11.0	16 9.2	2 1.15	2 1.15	173 100.0
All Caste Total								
Male	54 12.6	110 25.6	106 24.6	46 11.0	49 11.4	34 7.9	31 7.2	430 100.0
Female	42 10.2	175 42.7	106 25.8	35 8.5	30 7.3	17 4.1	5 1.2	410 100.0
Total	96 11.4	285 33.9	212 52.2	81 9.7	79 9.4	51 6.1	36 2.2	840 100.0
Ethnic Total								
Male	60 12.4	102 21.1	114 23.6	61 12.6	102 21.1	31 6.4	13 2.7	483 100.0
Female	61 12.2	185 36.8	144 28.7	53 10.6	47 9.4	12 2.4	-	502 100.0
Total	121 12.2	287 29.1	258 26.1	114 11.2	149 15.1	43 4.4	13 1.3	985 100.0
All Total								
Male	114 52.5	212 37.1	220 46.8	107 54.9	151 66.2	65 69.1	44 89.8	913 50.0
Female	103 47.5	360 62.9	250 53.2	88 45.1	77 33.8	29 30.9	5 10.2	912 50.0
Total	217 12.0	572 31.3	470 25.5	195 10.7	228 12.5	94 5.1	49 2.7	1825 100.0

Source: Field Survey, 2005

Figures with fractions are percentages

Note: Pre-school in the present context is meant to refer to children who are not of school going age.

The data in the table also reveals the fact that the educational status of males is higher than the females in all caste and ethnic categories. However, among the Brahmans such a disparity appears only after matriculation level. Among the Dalits, it is manifested immediately after primary level education. The proportion of Dalit population that attends further than lower secondary level of education is nominal for both males and females. Noticeably, the female illiteracy rate is higher among this group as the women in this group have the disadvantage of being both a Dalit and a woman. The proportion of females attending more than primary level education is not encouraging even among the Terai middle castes. The educational standing of the ethnic female population is much better than that of the Dalits and Terai middle caste. However, unlike in the case of Brahman women, it can be seen that most female students leave school immediately after the primary education.

There are, of course, regional variations even among these caste and ethnic groups. These differences are that visible among males of the upper-castes (Table 4.3). However, the proportion of females attending more than primary level of schooling is very low among the Terai upper-caste in comparison to those from the hill region. The literacy status of both the male and female Dalits of the hill region is superior to their caste-mates in the Terai region. Even among the Dalits in these regions, the conditions are worst for their female population. Among the 56 women involved in the sample from Dalits of the Terai village, only two were literate.

Table 4.3: Education Status of the Upper-caste Population by Sex and Hill-Terai Region

Caste/Sex	Level of Education							Total
	Pre-school	Illiterate	Primary	Lower Sec	Higher Sec	Plus2/ College	Higher Edu	
Upper-caste (Hill)								
Male	9 8.7	7 6.8	13 12.6	8 7.8	18 17.5	27 26.2%	21 20.4	103 100.0
Female	8 7.3	18 16.5	25 22.9	20 18.3	20 18.3	14 12.8	4 3.7	109 100.0
Total	17 6.1	25 11.8	38 17.9	28 13.2	38 17.9	41 19.3	25 11.8	212 100.0
Upper-caste (Terai)								
Male	7 14.9%	1 2.1	12 25.5	7 14.9	8 17.0	4 8.5	8 17.0	47 100.0
Female	-	6 14.3	27 64.3	1 2.4	6 14.3	1 2.4%	1 2.4	42 100.0
Total	7 7.8	7 7.8	39 43.8	8 9.0	14 15.7	5 5.6	9 10.1	89 100.0
<i>Upper-caste Total</i>								
Male	16 10.7	8 5.3	25 16.6	15 10.0	26 17.3	31 20.7	29 19.3	150 100.0
Female	8 5.9	24 15.9	52 34.4	21 13.9	26 17.2	15 9.9	5 3.3	151 100.0
Total	24 8.0	32 10.6	77 25.6	36 11.9	52 17.3	46 15.3	34 11.3	301 100.0

Source: Field Survey, 2005

Figures with fractions are percentages

Note: Pre-school in the present context is meant to refer to children who are not of school going age.

Table 4.4: Education Status of the Dalit Population by Sex and Hill-Terai Region

Caste/Sex	Level of Education							Total
	Pre-school	Illiterate	Primary	Lower Sec	Higher Sec	Plus2/ College	Higher Edu	
Dalit (hill)								
Male	20 16.5	23 19.0	51 42.1	18 14.9	8 6.6	1 0.8	-	121 100.0
Female	11 9.4	52 44.4	44 37.6	8 6.8	1 0.9	1 0.9	-	117 100.0
Dalit (Terai)								
Male	8 11.1	55 76.4	6 8.3	-	2 2.8	1 1.4	-	72 100.0
Female	6 10.7	48 85.7	2 3.6	-	-	-	-	56 100.0
Total Male	28 14.5	78 40.4	57 29.5	18 9.3	10 5.2	2 1.0	-	193 100.0
Total Female	179.8	100 57.8	46 26.6	8 4.6	1 0.5	1 0.5	-	173 100.0
All Total	45 12.3	178 48.6	103 28.1	26 7.1	11 3.0	3 0.81	-	366 100.0

Source: Field Survey, 2005

Figures with fractions are percentages

Note: Pre-school in the present context is meant to refer to children who are not of school going age.

No important difference can be noticed in the proportion of literate population among the ethnic communities of the hill and Terai regions. However, a distinction can be made between different types of ethnic communities within the region. Namely, among the sample population, Magars are more literate than Rais, and Kumals are more literate than Tharus. The most important fact to note is that the female literacy rate is higher among the ethnic groups of the hill region compared to those of the Terai (Table 4.5).

The patriarchal values requiring women to be confined to the domestic domain still exerts its influence in depriving daughters from having equal opportunities in education. The following statements of Yam Kumari Chaudhary, a girl in the Tharu village, may be cited here as evidence. She explains the reasons that forced her to stop her schooling.

Case Study

“I was in the 7th class when I had to leave my studies. My parents advised me to stop my education in order to learn to perform domestic duties. It was required partly because there was nobody to help my mother with the domestic chores as my younger brother and sisters were at school. And partly because my parents did not have enough resources to support me to a higher-level of studies so they wanted me to learn domestic activities, which I would need to perform in my future life. This is the customary reason that many girls in our village leave their studies.”

Table 4.5: Education Status of the Ethnic Population by Sex and Hill-Terai Region

Ethnicity/ Sex	Level of Education							Total
	Pre-school	Illiterate	Primary	Lower Sec	Higher Sec	Plus2/ College	Higher Edu	
Ethnic Group (Hill)								
Magar								
Male	18 17.0	19 17.9	18 17.0	13 12.3	30 28.3	3 2.8	5 4.7	106 100.0
Female	24 17.4	39 28.3	38 27.5	23 16.7	12 8.7	2 1.4		138 100.0
Total	42 12.2	58 23.9	56 23.0	36 14.8	24 9.9	5 2.0	5 2.0	243 100.0
Rai								
Male	6 5.3	28 24.6	43 37.7	15 13.2	15 13.2	7 6.1		114 100.0
Female	8 7.0	43 37.4	40 34.8	13 11.3	5 4.3	6 5.2		115 100.0
Total	14 6.1	71 31.0	83 36.2	28 5.7	20 8.7	11 4.8	-	229 100.0
Ethnic Group (Terai)								
Kumal								
Male	25 20.2	31 25.0	21 16.9	8 6.5	28 22.6	9 7.3	2 1.6	124 100.0
Female	19 18.1	46 43.8	29 27.6	4 3.8	5 4.8	2 1.9	-	105 100.0
Total	44 19.2	77 33.6	50 21.8	12 5.2	33 14.4	11 4.8	2 0.9	229 100.0
Tharu								
Male	11 7.9	24 17.3	32 23.0	25 18.0	29 20.9	12 8.6	6 4.3	139 100.0
Female	10 6.9	57 39.6	37 25.7	13 9.0	25 17.4	2 1.4		144 100.0
Total	21 7.4	81 28.6	69 24.4	38 13.4	54 19.1	14 5.0	6 2.1	283 100.0
Ethnic Total								
Male	60 12.4	102 21.1	114 23.6	61 12.62	102 21.1	31 6.4	13 2.7	483 100.0
Female	61 12.2	185 36.8	144 28.7	53 10.6	47 9.4	12 2.4	-	502 100.0
Total	121 12.1	287 29.1	258 26.2	114 11.6	149 15.1	43 4.4	13 1.3	985 100.0

Source: Field Survey, 2005

Figures with fractions are percentages

Note: Pre-school in the present context is meant to refer to children who are not of school going age.

The data relating to the Rais from the Dhankuta Municipality suggests that the educational status of the urban population of Nepal may not necessarily be higher than that of the rural areas, under all conditions. This is partly because one important criteria for defining an urban area is the size of its population rather than its functional features. Consequently, the village units distributed around some suburban areas were incorporated to boost the size of their population thus allowing them to be declared as urban settlements. The sample Rai village in Dhankuta Municipality constitutes one of these settlements. This has the implications that while the proportion of illiterate population in the Municipality, is 22% (CBS, 2002); this rate is actually 31% for the Rai's as a whole and 37.4% for their women (Table 4.5).

4.5 Gender-Based Discrimination in Employment

The national statistics show that agriculture and other extended economic activities⁵ of households are the major sectors in which female labour is extensively used. Census data indicates that approximately 69% of economically active females are engaged in the aforementioned activities. The proportion of females involved in activities other than agriculture is a mere 16.5%. In stark contrast, this figure is 46.7% for the male population (CBS, 2002).

Data concerning the occupational distribution of the sample population further confirms that the majority of women are confined to their traditional roles as housekeepers and farm workers. Table 4.6 reveals that 92% of those who perform domestic work as their main profession are females. The proportion of female workforce is quite high with 51.9% performing agricultural work as their chosen occupation. Men dominate official jobs like teaching and administration. They are also in the majority in paid sectors of the economy, for example in carpentry, masonry, and agricultural work as well as in employment gained through migrating to other countries. Needless to say, men choose farm work as their secondary occupation. In this respect, Acharya and Bennett (1981), found that men in Nepal are more likely to combine their work on the family farm with work in the market economy on a seasonal or daily basis both within and beyond the village.

Women belonging to different caste and ethnic categories, however, differ in terms of the level of their involvement in these various types of activities. The proportion of women involved in agriculture as their main profession is larger among women in the hill regions than those in the Terai caste and ethnic categories. As a result of the low share of

⁵ Extended economic activity as a separate concept refers to specific types of economic activities such as production of goods consumed within the household, collecting wood and fetching water, etc for the household. It was introduced in the 2001 census.

landholding, the number of Dalit women engaged in domestic agriculture is lower than those of the upper-caste. However, the proportion of female Dalits in paid labour is higher than for the other castes. This is the opposite in the Terai, where domestic work is the major profession of a large proportion of women from all the caste and ethnic groups. In the hills, the proportion of women with domestic work as their major profession is higher in the upper-castes than in the ethnic groups. The need to earn an income may explain the large proportion of women choosing agriculture as their main profession from the ethnic groups in comparison to the upper-castes. These variations are, however, not sharply pronounced among all categories of women of the Terai region.

Table 4.6: Sex Distribution of Sample population by Primary Occupation

Primary Occupation	Population by Sex					
	Male		Female		Total	
	N.	%	N	%	N	%
Agriculture	241	48.1	260	51.9	501	100.0
School Teacher	31	91.2	3	8.8	34	100.0
University Teacher	2	100.0	-	-	2	100.0
Gazetted Officer	7	100.0	--	--	7	100.0
Non Gazetted Officer	18	75.0	6	25.0	24	100.0
Wage Labour	68	61.2	43	38.7	111	100.0
Migrant worker	67	97.1	2	2.9	69	100.0
Overseas Migrant	38	95.0	2	5.0	40	100.0
Domestic Work	21	8.0	243	92.0	264	100.0
Study	165	46.3	191	53.7	356	100.0
Others	141	76.6	44	23.3	185	100.0
No Occupation	114	48.7	120	51.5	234	100.0
Total	913	50.0	912	50.0	1825	100.0

Source: Field Survey, 2005

Table 4.7: Occupational Status of Sample Women by Caste and Ethnicity

Caste/Sex	Primary Occupation												Total
	Domestic Agriculture	School Teacher	Professor	Gazetted Officer	Non Gazetted	Wage Labour	Overseas Migrant	Domestic Work	Study	Others	Not available		
Upper-caste Female													
Hill	45 41.3	1 0.9	-	-	3 2.8	3 2.8	1 0.9	12 11.0	23 21.1	10 9.2	11 9.2	109 100.0	
Terai	-	-	-	-	1 2.4	-	-	26 61.9	15 35.7	-	-	42 100.0	
Dalit Caste Female													
Hill	15 12.8	1 0.9	-	-	1 0.9	17 14.5	-	31 26.5	19 16.2	15 12.8	18 15.4	117 100.0	
Terai	5 8.9	-	-	-	-	3 5.4	-	36 64.3	1	5	6	56 100.0	
Terai Middle Caste Female	8 9.3	1 1.2	-	-	-	10 11.6	-	44 51.2	6 7.0	1 1.2	16 18.6	86 100.0	
Ethnic Female													
Magar	76 55.1	-	-	-	-	2 1.4	-	2 1.4%	25 18.1%	-	33 23.9	138 100.0	
Rai	66 57.4	-	-	-	1 0.9	1 0.9	1 0.9	3 2.6	33 28.7	2 1.7	8 7.0	115 100.0	
Kumal	18 17.1	-	-	-	-	3 2.9%	-	37 35.2	20 19.0%	9 8.6	18 17.1	105 100.0	
Tharu	27 18.8	-	-	-	-	4 2.8	-	52 36.1	49 34.0%	2 1.4	10 6.9	144 100.0	
Total	260 51.9	3 8.8	-	-	6 25.0	3 4.7	2 0.2	243 26.6	191 20.9	44 4.8	120 13.5	912 100.0	

Source: Field Survey, 2005

Figures with fractions are percentages

4.6 Gender-Based Discrimination in Decision-Making

Lack of ownership of productive resources, a lower level of educational achievement as well as confinement to domestic and agricultural work have contributed to women having a limited hold in areas of decision-making. Gender discrimination concerning decision-making areas of social life can be viewed by classifying the areas into the public and domestic domain. In the public domain, they can be measured by observing the extent of women's representation in leadership positions of legislative and administrative institutions of the government. Similarly, in the domestic domain, it can be observed in terms of their roles in making decisions regarding household activities related to land transactions, borrowing/lending money, arrangement of marriages of the family members and other such issues.

4.6.1 Discrimination in the Public Domain: Issues of Representation

The constitution of the Kingdom of Nepal, 1990, stipulated that all political parties must reserve at least 5% of seats for female candidates in the elections held for the Lower House of Representatives of the Parliament, while three seats must be reserved for them in the Upper House. However, the political parties have not adhered to this stipulation when providing candidates for the election (see Annex 4.2). The result is that the representation of women in the lower house of Parliament was a mere 3.4% during the elections held in 1992 and 1996. Similarly, in the General Election of 1999, women's representation for this legislative body did not exceed 5.8% (Table 4.8).

Table 4.8: Comparative Chart of Women's representation in the Last Three Elections

Year	House of Representatives			National Assembly		
	Women MPs	Total MPs	Women%	Women MP	Total Mps	Women%
1992	7	205	3.41	3	60	5.0
1996	7	205	3.41	5	60	8.33
1999	12	205	5.85	9	60	15.0

Source: Data collected by FWLD, cited in Shadow Report on Initial Report of Government of Nepal in CEDAW.

The Local Self-Governance Act of 1997 also stipulated that there should be at least one seat reserved for women at each level of representative organisations to be filled through electoral procedures for both the District and Village Development Committee levels. This stipulation resulted in around 40,000 women being part of local political bodies, mainly as ward representatives. However, female representatives in the executive body of the village development committee were negligible. Among our study localities, there were no female

elected representatives in the executive body of their respective VDCs, with the exception of one in Dang who belonged to the upper-caste.

Women's participation in the civil service is not very optimistic either. They only accounted for 2.9% of the total administrative positions in 1981, which has only slightly increased to date. Regardless of the level of government services participated in, at least up to 1997, female representation has not exceeded 6.8% (Annex 4.3). Their share in the judiciary system is still less than the abovementioned proportion (Annex 4.4). The caste and ethnic specific disparities of the representation patterns in these governmental institutions have already been discussed in previous chapters.

4.6.2 Discrimination in the Domestic Domain

Decision-making activities are not only limited to the public domain. Even within the domestic domain people have to make decisions on a number of activities. The opportunity for people making decisions related to the domestic affairs of their respective families defines the level of their power within their household as well as their position in influencing the opinion of other households with regard to strategies that may have to be implemented. Some important areas in which households have to make major decisions are related to buying or selling property, borrowing or lending when necessary, and arranging marriages for their children.

However, our data from the field indicates that women, despite their main role being in agricultural and other domestic activities, do not enjoy a proportionate share in making decisions for major family-related events (Table 4.9). The proportion of women who make decisions independently in relation to matters of land transaction, borrowing/lending money, and arranging marriages for their family members is only 1.9%, 6.2%, and 4% respectively. The corresponding figures for males are 38.8%, 37%, and 11.2%. The remainder of the population make decisions after consulting with each other. Despite the male consulting with the female, the final decision will ultimately be made the man. If caste-ethnic and regional variations are taken into account, consultation with female members is important among all caste groups in the Terai region and the ethnic groups of both the hill and Terai regions. Among the hill caste population, mainly the men make the decisions regarding land transaction and borrowing and/or lending money for the family. However, issues related to arranging marriages are normally decided through mutual consultation.

Table 4.9: Involvement in Decision-making According to Sex for Different Activities

Activities	Only male	Only female	Both (consultation)	Total
Land Transaction	125 38.8	6 1.9	191 59.3	322 100.0%
Seeking/Taking Debt	119 37.0	21 6.5	182 56.5	322 100.0
Settling Marriage	36 11.2	13 4.0	273 84.8	322 100.0

Source: Field Survey, 2005

Figures with fractions are percentages

Table 4.10: Household Decision-making by Caste Ethnicity, Sex, and Hill- Region

Decision-Making by Transactions and Sex	Household							
	Upper-caste		Dalit		Terai Middle Caste	Ethnic Group		Total
	Hill	Terai	Hill	Terai	Terai	Hill	Terai	
Land Transaction								
Male	14 35.0		25 56.8			37 44.0	49 56.3	125 100.0
Female	1 2.5		1 2.3			2 1.19	2 1.14	6 100.0
Both (Consultation)	25 62.5	16 100.0	18 40.9	24 100.0	29 100.0	45 61.9	34 40.2	191 100.0
Total	40 100.0	16 100.0	44 100.0	24 100.0	29 100.0	84 100.0	85 100.0	322 100.0
Borrowing/lending money								
Male	11 27.5		17 38.6			35 41.6	56 65.8	119 100.0
Female	4 10		6 13.6			6 7.1	5 5.9	21 100.0
Both (Consultation)	25 62.5	16 100	21 47.7	24 100.0	29 100.0	43 51.2	24 28.2	182 100.0
Total	40 100.0	16 100.0	44 100.0	24 100.0	29 100.0	84 100.0	85 100.0	322 100.0
Marriage Settlement								
Male	2 5.0		5 11.4			2 2.4	27 31.8	36 100.0
Female	2 5.0		1 2.3			4 4.8	6 7.1	13 100.0
Both (Consultation)	36 90.0	16 100.0	38 86.4	24 100.0	29 100.0	78 92.9	52 61.2	273 100.0
Total	40 100.0	16 100.0	44 100.0	24 100.0	29 100.0	84 100.0	85 100.0	322 100.0

Source: Field Survey, 2005

Figures with fractions are percentages

Chapter - 5

Discrimination Based on Religious Affiliation of the Population

5.1 Religious Structure of the Nepalese Population

Social diversities expressed in caste and ethnic divisions of Nepal are mainly a reflection of its religious diversity. Castes groups are the manifestations of existing differences among the Hindus of the country. Furthermore, the ethnic communities, as non-caste sections of the population, are divided into Hindus and non-Hindus. Available information suggests that Nepal's population belong to five major religious categories. More than 80% of the population follows Hinduism. The next main following is Buddhism which is represented by 10.74% of the population. Islam, Kirant, and Christianity are followed by 4.19%, 3.59% and 0.44% respectively. A minority of the population also follow other religious traditions such as Jainism (0.01%), Sikhism (0.02%), and Bahai (0.005%) (Table 6.1). In addition to these, some *tantric* and animistic cults exist in Nepal, which were not recognised in the data gathered by the census.

Table 5.1: Distribution of Population by Religion (1981-2001)

Religion	1981	1991	2001
Hindu	89.5	86.51	80.62
Bouddha	5.32	7.78	10.74
Islam	2.66	3.53	4.20
Kirant	Not reported	1.72	3.60
Christian	0,03	0.17	0.45
Jain	0.02	0.04	0.06

Source: CBS, 2003

All figures are in percentages

The scenario of religious diversity grows even larger when we take into account the existence of different factions within almost all the religions that are practiced in Nepal. Regrettably, there is a lack of numerical data to substantiate the exact figures. It is, however, evident that Hindus are traditionally divided into Shaivite and Vaishnavite divisions. The Buddhists of Nepal can be grouped into those that practise Hinayana, Mahayana and Tantric Buddhism. Muslims are divided into Sunni and Shia sects⁶, while Christians follow Catholicism and Protestantism.

⁶ This division may not apply to the hill Muslims who are known as *Curaute* (sellers of women's bracelets).

These diversities in religious traditions and the degree of difference in the proportion of people adhering to these various types of religion suggest the possibility that the majority may impose their culture on other smaller communities. It has already been noted that Hinduism as the majority religion has exerted its influence over the system of values of diverse ethnic communities. However, Hindus as followers of a specific religion do not constitute in themselves a homogenous community. The Dalits among the Hindus are the most ostracized and marginalized category of people. They are behind all the other categories of the population in the level of their educational attainment, choice of occupation, landholding status, and participation in decision-making bodies of society. This is in relation to not only the upper and middle-caste Hindus. Ethnic people belonging to non-Hindu categories such as the Rais, who are devotees of the Kirant religion, are also far superior to Dalits in all of the aforementioned features with regard to their social and economic standing.

Information available on the broader context of the country indicates that many of the socio-economic features of people belonging to a number of non-Hindu religious categories are on par with, or better, than that of the caste groups. The Newars, who comprise both Hindu and Buddhist followers surpass in many of these features in comparison to all other social categories. These, including the Thakalis among the Buddhists, have the highest proportion of literate, urban, and non-agricultural population (CBS, 2001) compared to any other caste group. The literacy rate of the Jains is 93.94%. More than 88% of people in this category live in urban locations. These are the highest rates found in these features among all castes and ethnic groups. The Christians of Nepal do not constitute a separate category distinct from the caste or ethnic populations. They come mainly from the Tamang, Rai, Magar, Limbu, Chepang and Santhal ethnic groups, and the Sarki and Damai caste groups. The status held by these Dalit and ethnic groups are the reflection of conditions of life experienced by Nepal's Christian community. Among other religious minorities such as the Muslims, Shikh, Jains, and others, the proportion of households engaged in non-agricultural sectors of economic activities like manufacturing, trade, transport and services represents more than double (32%) than in the case of upper-caste households (CBS, 2002). It can be seen that the literacy rate among the Muslims of the hill regions, 58.7%, is above the National average of 53.7%. However, for the Muslims in the Terai region, it is less than 35% (CBS, 2003).

One important reason for this low literacy rate among the Muslims of the Terai is the low literacy rate among their female population. Less than 23% of Muslim women are literate in this region. Another reason, as noted by some of our key informants, may also be a lack of recognition and support of the type of education they would like to receive from their own religious institutions on the part of the government. The share of these religious minorities in

decision-making bodies such as Parliament is also nominal. During the parliamentary election in 1999, the Muslims gained only 2.3% of the total seats in Parliament (Annex 2.3) in contrast to their 4.3% share in 2001.

The nominal share of religious minorities in decision-making bodies of the state has hindered them from having an adequate say in influencing social policies. Even if their presence in the representative and policy making organs of the state is upgraded in proportion to their share of the total population, their minority status does not permit them to amass an adequate voice to influence those policies, unless their problems strike a chord with those in the majority. The predominance of Hindu population in the country and the subsequent domination maintained by their cultural tradition over all other cultures throughout the centuries have motivated the Nepali state to formulate its policies mainly in favour of Hindu culture which is still the case to date. Such a preference shown by the state regarding the culture and traditions of a particular religious category has also been manifested in the provisions of its law and constitutions. Public debate in Nepal has perceived these discriminatory provisions as the major area for assessment of religion-based discrimination in Nepal. The remaining part of this chapter highlights the issues pertaining to discriminatory provisions of the law, by drawing attention to the historical context of discriminatory practices, followed by the problems associated with the current provisions of law and related practices.

5.2 The Historical Context of Religion-Based Discrimination in Nepal

The history of religious discrimination in Nepal stems from the rule of King Prithvinarayan Shah who is credited with laying the foundation of modern Nepal. After being crowned as the King of Nepal, Prithvinarayan Shah declared himself as Hindupati (a supreme and holy title meaning 'Hindu King') and described Nepal as 'Asli Hindustan', in other words, 'real Hindu land' (Sharma 2005). His approach was strong and direct in that he assumed that Christian missionaries were 'secret agents of the British rulers, whose aim was to preach the Christian religion and break Nepal into pieces', and ordered their expulsion (Josse 2004).

The Shah and Rana rulers succeeding King Prithvinarayan Shah made significant efforts to claim and consolidate their orthodox faith in Hinduism, thereby moulding Nepal into a homogenous country in terms of language, religion, and ethnic/caste structure (Dahal 2003). They spent the wealth of the state on building and renovating Hindu temples; attributing high importance to Hindu religious festivals; and seeking legitimacy for their political actions in the name of Hinduism. The ethnic people, who had previously never encountered the Hindu religion, were forced to observe Hindu rituals (such as thread wearing) and celebrate Hindu festivals (such as Dashain). The Shah and Rana rulers attributed some importance to the non-

Hindu gods and goddesses of the Newars in Kathmandu valley, but otherwise, religions except Hinduism were largely disregarded.

The most significant example of state protection to Hinduism was provided for in the 1854 Muluki Ain (Civil Code). By implementing this Ain, Junga Bahadur Rana not only gave legal support to the supremacy of orthodox Hindu Brahmannical values, but also made Hindu religious principles the basis of the state jurisprudence (Hofer, 2004). The Muluki Ain prescribed a hierarchical social structure based on traditional Hindu values of Jat (caste). Accordingly, the high-caste priests and the rulers were placed in the highest stratum whereas the non-Hindu local groups such as Magars, Gurungs, Newars, Rais, Limbus, and so on, were labelled as *Matwali* castes thus providing a lower rank in the hierarchy of the caste system. The same code prescribed low-caste status to the Musalman (Muslims) and the Mlechhas (Christians) by defining them as water-unacceptable touchable castes (Sharma, 1980).

The Civil Code remained in practice for 110 long years until King Mahendra formally replaced it through the introduction of Naya Muluki Ain (New Civil Code) in 1963. The new code erased the legal support of the caste-based practice of untouchability and declared such a practice illegal. The constitution promulgated by King Mahendra in 1962 also forbade following the discriminatory practices rooted in the concept of ritual purity among castes. However, this constitution and the consequent constitution established in 1990 still define Nepal as a Hindu state. This type of definition has failed to recognize religious diversity as one of the most important features of Nepal.

5.3 Discrimination Rooted in Constitutional and Legal Provisions

The legal and constitutional provisions of Nepal incorporate a mixture of modern, customary, and theocratic values (Sharma 2005). The former, which are often detached from religious principles, occupy a significant place in the core assumptions of the constitution and civil code formulated post 1950. The policy of non-discrimination provided for in the constitutional provisions such that all categories of people regardless of their caste, ethnicity, gender, religion, and ideology-based identities indicates the interest shown by the Nepali state to respect the importance of modern values in society. The customary and theocratic values are still clearly present in some provisions of these constitutions. These types of provision effectively obstruct the implementation of those policies that were formulated to appease the discriminatory regulations. Furthermore, The constitution formed after the popular movement of 1990 also fell short of correcting these limitations (Hutt, 1993). The following specify some of the important forms of discrimination endorsed by the law of the state with regard to people that adhere to different types of religions.

5.3.1 Advocacy over the Myth of the Hindu State

During the drafting of the constitution, Buddhist, Christian and Muslim associations and other secularists demanded that Nepal be declared a secular state (Hutt 1993). Similarly, representatives of religious (non-Hindu) and ethnic organizations strongly recommended that the Constitution Recommendation Committee declare Nepal a secular state. On 30th June 1990, a mass rally was held in Kathmandu where thousands of people demonstrated against Nepal being declared a Hindu state. On the other hand, some Hindu religious organizations such as Vishwa Hindu Parishad and Sanatan Dharma Sewa Samiti criticized such demands arguing that conversions to Christianity and the loss of Hindu values would destroy Nepali nationalism.

Amidst these controversies and strong debates on the issue of religion, the constitution of 1990 declared Nepal a Hindu state. In spite of its observation of democratic values and the principle of non-discrimination, the 1990 constitution could not free itself from the old legacy of defining Nepal as a Hindu state. Article 4 of the Constitution states ‘Nepal is a multiethnic, multilingual, democratic, independent, indivisible, sovereign,’ but a “Hindu and Constitutional Monarchical Kingdom’.

This provision clearly conveyed the differences in the respect provided by the state to people belonging to Hindu and non-Hindu types of religious categories. It is incomprehensible as to why the words ‘Hindu State’ were kept in a constitution that claimed to have recognized the ethnic, lingual, and religious diversity of Nepal. The proclamation of a Hindu state, in which other religions were naturally relegated to a secondary status, does not conform to the universal principle of equality and non-discrimination (Hachhethu 2005). It has “established an inevitable formal inequality. The result of which is that those outside the established religion feel themselves excluded from or peripheral to a defining characteristic of national identity” (Ellingson, 1991).

5.3.2 Restrictions on Conversion

The 1990 constitution also guaranteed freedom to the Nepalese people to ‘practice’ and ‘profess’ their ‘own’ religion. As Article 19 of the constitution states, ‘every person shall have the freedom to profess and practice his own religion as handed down to him from ancient times having due regard to traditional practices’. The second section of the same article also states that every religious denomination shall have the right to maintain its independent existence and, for this purpose, to manage and protect its religious places and trusts. This type of protection had a number of positive consequences, in that all the households and/or respondents except some Dalits in our sample had no complaints about being denied access to religious sites of their interest.

Table 5.2 Opportunities Available to Have Access to Religious Sites of Interest

Caste/Ethnicity	Availability Status		Total
	Yes	No	
Brahmin	56 (71.4)		56 (100.0)
Dalit	31 (45.6)	37 (54.4)	68 (100.0)
Tharu	45 (100.0)		45 (100.0)
Magar	39 (100.0)		39 (100.0)
Kumal	40 (100.0)		40 (100.0)
Rai	45 (100.0)		45 (100.0)
Muslim*	10 (100.0)		10 (100.0)
Terai Middle Caste	29 (100.0)		29 (100.0)
Total	295.(88.9)	(11.1)	332 (100.0)

Source: Field Survey, 2005

Figures within parenthesis are percentages

* The views expressed in this category are the views of Key informants

Case Study

The law in Nepal prohibits the slaughtering of cows. Across the eastern border, particularly in areas like Sikkim and Darjeeling in India, cow meat is heavily consumed. Taking advantage of this opportunity, some of the Muslim businessmen from Banke district used to collect cows from around the area within Nepal and also in India and supply them to butchers in those Indian territories. In the mean time, local authorities became aware of the situation and started to take unauthorized levies from them on the charge that they were involved in transactions of the holy cow. This surprised our informant because the authorities, who had imposed this levy, were neither interested in stopping the cow trade so that it could help to minimize the killing of their holy animal, nor was the levy they imposed on the businessmen legally sanctioned so that it could increase the revenue of the nation. Due to the difficulties that arose out of this situation, the cows are now supplied to those areas through the Indian route.

Nepal's Civil Code declares it illegal to profess one's religion in ways that can affect other people's religion. The same Code says that an effort to convert people from one religion to another is a punishable activity. According to the Code, individuals found involved in such activities will be imprisoned for three to six years, and foreigners who are involved in such activities will be sent back to their country upon completion of their imprisonment period. In 1990, during the debate on whether Nepal should declare itself a Hindu state, more than a dozen Nepalese people were imprisoned for attempting to convert others (Hutt, 1993).

5.3.3 Influence of Hinduism on the Selection of National Symbols

The 1990 constitution defines the cow as the national animal (Article 7). It is a sacred animal for Hindus, and is worshipped by

them under the belief that it is an incarnation of the Goddess Laxmi (or the Goddess of wealth). Due to being the national animal, cow slaughter is legally prohibited within the nation. However, a cow is perceived as an ordinary animal for the non-Hindu population. The consumption of beef is normal practice among Muslims, Christians and many Tibeto-Burman groups of Nepal. Amidst these cultural diversities, the elevation of the cow to the national animal and the consequent restrictions against its slaughtering not only reflects the dominance of Hinduism but also disrespects the rights of the non-Hindu religious population. Occasionally, local authorities abuse this legal provision and use it to enhance their personal gains. One of the key informants from the Muslim community in Banke district discussed his experience of this:

5.4 Discriminatory Provisions concerning Festivals of Hindu and Non-Hindu Communities

In addition to the constitutional and legal provisions, there are a number of traditional practices adopted by the Nepali state that do not take into account the sentiments of the Nepalese people who follow religions other than Hinduism. This is most apparent in the provision of public holidays for Hindu religious festivals. In addition to Dashain and Tihar holidays, which are nearly two weeks long, the Nepalese government declares public holidays for several other Hindu festivals such as Krishnashthami, Gurupurnima, Indraajatra, Teej (for women), Janai Purnima and so on. With the exception of a one-day holiday for Muslims on Bakri Id, civil servants and students following religions other than Hinduism are deprived of holidays for their important religious festivals. Shamsuddhin Siddiqui, the former Deputy Mayer of Nepaljung Municipality in Banke district, expresses his feelings regarding this:

Case Study

When I was a student, I had to attend examinations even though I was fasting for some of the important religious ceremonies of my community. The examinations were scheduled by the government, which did not then, and still does not now; perceive it to be important to take into consideration whether its programs are held on some important ceremonies of the religious communities other than Hindus. However, at the time of Hindu festivals I had to remain idle, as has to be done by other students even today, even though I wanted to attend school and continue my studies. Even when I was the Deputy Mayor of the Municipality, I was helpless to change these rules in favour of my community. These are the problems of all non-Hindu religious communities in Nepal.

Although not specifically mentioned in any law of the country, the Nepalese government does not permit the butchers of any religious category to slaughter animals on Ekadasi –the

day on which Hindus do not consume meat. On this day, the police seize meat and equipment from the butchers in case they are found selling meat or killing animals, force them to close their meat stall and punish them if they do not abide by their orders. Yet, this rule is not enforced in large business companies like major hotels and restaurants of the cities. This restriction on animal slaughtering on Ekadashi can be viewed as an example of the dominance of Hindu values protected by the state.

5.5 Discrimination regarding Garments for Official Purposes

The garments prescribed as the national dress of Nepal are the garments commonly used by upper-castes of the hill region and the Newars in Kathmandu valley. However, the garments of other ethnic and religious communities living in different parts of the country have not received this status. State officials wear national dress during their working hours. For other categories of the general male population, wearing a Nepali cap is necessary when having a photograph taken that will be submitted when applying for citizenship certificates from the government. The traditional Nepali cap is worn mostly by the Parbate caste Hindus from the hills. The majority of Nepalese people are not accustomed to wearing it. The Muslims and Shikhs, for instance, have their own caps prescribed by their religions, and people following Christianity and Kirant are not used to wearing this cap either. However, this rule applies to all.

5.6 Discrimination on Choice of Information Released to Religion by State-Owned Media

Case Study

He does not feel that there is any discrimination with regard to his religious practices within the context of his locality. However, he feels discriminated against when he needs, unlike his Hindu neighbour, to turn on the foreign news channels or other types of television programmes broadcast from India or Pakistan to listen about his religion. There is a marked division in the population covered by state owned media of Nepal in relation to programmes broadcast by them about religion.

Another example of discriminatory practice adopted by the state is directed through the operation of the state-owned media. Radio Nepal and Nepal Television are two important electronic forms of media controlled by the state. They have their own programmes on religion, which are broadcast all over Nepal. These programs, however, contain materials almost exclusively based on Hindu religious texts, ritual practices, myths, and legends. With regard to the contents of the religious programmes, some of the non-Hindu informants consulted in this study are of the opinion that they are offensive to

non-Hindu religious denominations. They undermine the importance of religious values upheld by people belonging to non-Hindu communities. Rahimullah Quraishi, a Maulana (priest) of a Mosque in Banke District states that:

5.7 Implications of Religion-based Discrimination: Examples from Public Agitations

The vital roles played by the state in strengthening religion-based discrimination have cultivated a feeling of difference and division among the people of Nepal (Ishii and Karan 1996). In the previous sections, we have specified some of these discriminatory policies, practices and feelings among the population. The consequences of such policies, practices, and feelings are more often than not latent. However, some recent incidences of public agitation directed against some religious communities suggest the fact that the feelings of division and diversity may surface more violently if these types of feelings are not solved amicably.

For instance, the uncontrolled riots in Kathmandu and other major cities of Nepal on 1st September 2004 can be seen as the manifestation of deep-rooted feelings of divisions between Hindus and non-Hindus. In response to the killing of 12 Nepalese workers by Iraqi insurgents in Baghdad on 31st August, a riot of huge magnitude erupted in Kathmandu the following morning. Thousands of young Nepalese came to the streets expressing their anger and frustration. At the beginning, the protestors targeted manpower agencies which send Nepalese workers to various Gulf states as paid labourers. Later on, however, the protest turned to religious sites and the Muslim population. The protesters attacked Jama mosque in Kathmandu, which resulted in the damage of property worth millions of rupees. Despite the killing being committed far away from Nepal, the innocent Muslims of Nepal suffered a threat to their lives as a result of a crime committed by the insurgents of an occupied Middle East country. The government did little to control the riots immediately.

Chapter - 6

Discrimination Founded on Class-Based Position of the Population

6.1 Fallacies of a Homogenous Caste and Ethnic Population

Discussions on any social problem that take caste, ethnicity, gender, and religion as their analytical units will only permit tracing the issues at the level of these groups. These types of discussions deal with the problem as they apply to all of the members of those respective groups. There is no doubt that people face some of the problems, not as individuals, but as members of a group. Untouchability is suffered by all Dalits as a community. The high and middle-caste Hindus as well the ethnic groups of touchable category avoid contact with Dalits in many affairs of their lives. Discriminatory provisions of law related to women and ethnic groups apply uniformly to all of their members. Religious programmes covered by the media appeal to all of those who are their followers.

However, discrimination associated with the distribution of power and economic resources are matters of individual experience as well. These types of problems can be analysed more meaningfully only when these types of differences are also addressed. Available literature on social discrimination in Nepal has paid little attention to this. Its emphasis on the comparison between caste and ethnic communities has concluded that Bahuns and Chhetris as a category are the most privileged among all caste and ethnic communities. They have remained in positions of power and have used this privilege to shape the system of values in society and divert the opportunities and resources available in their favour. This type of perception has been expressed in the metaphor of what has been commonly termed as “Bahunvada” (Bista, 1992). In addition, problems of discrimination in matters of gender are discussed mainly by formulating a dichotomy between men and women.

At a broader level of generality, there are reasonable grounds to justify these arguments. The present state of Nepal was formed through initiatives taken by the Chhetri Kings. They accomplished this task by conquering a number of principalities inhabited by ethnic people. Upon the formation of this state, the Chhetri rulers became the central power of this country. Before the 1950s, the state elite were comprised solely of their nominees. For example, the Bahuns were their priests and advisers. Even when a competitive process was introduced to appoint members, the Bahuns and Chhetris retained their dominance. These two caste groups as a category also have the upper hand with regard to literacy rate, attainment of higher education, and in overall human development.

Comparisons made between the forms and patterns of discrimination between different types of social categories have produced many results which have been instrumental in enhancing the bargaining power of Dalits and ethnic leaders to gain their share of power in the structure of society. They have also contributed to bringing about political debates requesting the redistribution of power through restructuring the framework of the state (Khanal, 2004). This has, in turn, played an important role in enhancing the process towards the diffusion of power through enlarging the circle of elite in society.

However, comparisons made at the level of caste and ethnic groups only discuss the issues in terms of averages. Such an approach is acceptable for political purposes but from a human rights perspective, it is essential to discuss this problem at the level of those who suffer from it. Such an approach entails discussing the issues by identifying the variations amongst the social sub-categories within the caste and ethnic population as well as between members belonging to them.

The chapters dealing with caste, ethnicity and gender in this report have compared the differences at the level of social sub-categories. They have discussed the variations between caste groups, ethnic groups, and gender, which have been further substantiated by collecting relevant cases from those living in the hill and Terai regions as well as in rural and urban settings. They have identified that upper-caste people are more advantaged than the ethnic people are, and that the ethnic population is of a superior status to the Dalits in most social situations. Simultaneously, variations among different categories of ethnic population were also highlighted.

It can be seen that Nepal's caste and ethnic population involves a number of diversities, which can be found both in the domain of their culture as well as in their socio-economic standing. Table 6.1 provides additional support to the existence of internal variations among different types of ethnic communities. Data available for the case of Newars and Thakalis indicate that, unlike what has been said about the ethnic population, the share of these two ethnic groups in the opportunities and facilities available in the country is higher than any caste group or any other ethnic community. This is true of their share in graduate population, urban population, business transactions, technical, legislative, administrative, and clerical jobs in governmental institutions, income levels, and access to other facilities. Such a context also enables us to be aware of the limitations associated with perceiving caste and/or ethnic population as homogenous categories.

Table 6.1 Proportion of Households Enjoying Different Types of Facilities by Selected Caste and Ethnic Groups, Nepal

FACILITIES	Caste and ethnic groups				Year	
	Bahun /Chhetri	Newar and Thakali				
		Newar	Thakali	Both		
Percent share in total population	32.8	5.5	0.06	5.56	2001	
Percent share in literate population	42.3	-	-	7.9	2001	
Percent share in graduate population	66.7	-	-	13.6	2001	
Proportion of urban population	17.1	-	-	46.4	2001	
Proportion of households involved in trade and businesses	48.1	-	-	56.5	2001	
Percent share in technical jobs	62.2	-	-	13.8	2001	
Percent share in legislative/administrative jobs	58.3	-	-	20.8	2001	
Percent share in clerical jobs	53.6	-	-	12.7	2001	
Proportion of household living in Pakki* houses	Urban	57.8	-	-	84.9	2001
	Rural	46.4	-	-	54.1	2001
Proportion of population having access to tap water	60.7	-	-	80.5	2001	
Proportion of rural household having access to electric/bio-bas facility	44.7	-	-	91.1	2001	
Percent population below poverty line	34	-	-	25	1998	

Source: Data for the year 2001 are taken from the Population Census conducted in 2001 by the Census Bureau of Statistics and for that in 1998 from NESAC, 1998.

* Pakki means permanent or those built with concrete and bricks

6.2 Class as a Conceptual Tool for Discussions of Individual Experience

There is no doubt that discussions made at the level of social sub-categories can lead to a deeper level of analysis of any problem than that done at the level of their generic categories. However, the image of social discrimination mirrored in all levels of caste and ethnic categories reflects the problem from the standpoint of those who are not discriminated against themselves. This type of discussion addresses these issues by pointing out the differences in terms of the proportion of privileged population contained within each group. Consequently, it can be concluded that these problems can be resolved by bringing a balance to that proportion. Yet it should be noted that those who hold power and privileges comprise

only a small fraction of the population. The interpretation of social discrimination by taking into account this privileged section of the population only helps to diffuse the concentration of these problems, rather than to solve them. To find an effective solution to the problem, it has to be discussed from the perspective of those who are deprived of those privileges. Such an approach requires examining class as a unit.

Problems related to social discrimination in society can be discussed more effectively by taking class as a unit of comparison. Firstly, the class-based division of a given population is itself a manifestation of the discrepancies in privileges enjoyed by different sections of that population. Secondly, it also allows for the comparison between different types of privileges enjoyed by the people of those classes. However, the main problem is that the concept of class has no uniform definition. Theoretical literature defines this concept in three different ways. One way conceives it as a group of people having a similar type of economic standing (Weber, 1947). The second way defines class as a 'relational' category in that it is composed of those who have similar status in the relationships involved in economic activities (Marx, 1971). The third approach categorises it in a political way, and defines class as a form of a social collectivity, which retains its status based on its place in relation to its control and use of power in society (Marx/Poulantza, 1968).

A detailed discussion of class-based discrimination following the abovementioned definitions of class would require a separate study. It would need data regarding the level income and access to resources among the population, patterns of use and distribution of income and resources among them, relationships established among people in the process of using those resources, and the positions occupied by them relating to the distribution of power in society. The latter is a multi-layered issue involving various relationships between different sections of society ranging from local units to the central power structure. An analysis of such a relationship would require a detailed investigation of the political and administrative structure of the country, which is a very broad issue in itself demanding the investment of a large amount of time and resources. Even the analysis of social relations involved only in the economic processes demands a focused type of sample population engaged in different types of economic activities in order to assess the different types of status. Our sample was selected by giving priority to cultural diversity of the country, namely that reflected in the caste and ethnic division of the population living in different parts of the country. Consequently, it is not possible to cover a wide range of economic relations and related activities of the population.

Regrettably, we also lack adequate data on the income level of the sample population. Differences in productivity of different types of farmlands, diversities in the sources of household income, lack of appropriate records among households regarding their income

from different sources, and the reluctance shown by people to provide detailed information about their household income impaired us in collecting the relevant information. In addition to this, time constraints regarding fieldwork research did not permit for an in-depth anthropological investigation in order to elicit this information.

However, given that agriculture is still a major economic occupation followed by the vast majority of the population, some inferences can be drawn in this regard by taking landownership as a proxy for measuring this status. Accordingly, the subsequent part of this chapter presents the variations on landownership status of sample households by inferring data presented in the previous chapter of this report. After that, it attempts to relate them to the educational status, occupational diversities, and level of participation in local political affairs as found in the sample population.

6.3 Disparities in Landownership Status

Inconsistencies in the distribution of productive resources like land are an important feature of Nepal's agrarian structure. Prior to the 1950s, the state itself was involved in creating this disparity by adopting a policy of land grants and assignment systems. It was in the habit of allocating land in favour of religious priests, brave soldiers, members of the royal family and nobility as well as to various levels of state dignitaries under a land tenure system (Regmi, 1978). This type of land grant system was duly terminated in the period following the 1950s. However, disparities created by the involvement of the state in the pre-1950 era have continued to have an effect to date. Available data concerning the distribution of land in the country indicates that 45% of agricultural households in Nepal share just over 13% of farmland. In addition, 8% of agricultural households have access to 36% of that land (Table 6.2). These national disparities in landholding are visible even in the micro-settings. With regard to the sample population, a detailed discussion has already been made on such an issue in the previous chapters. Table 6.3 summarizes that information. It shows that 16.5% of the sample households own only a homestead and 32.9% own not more than one quarter of a hectare.

Table 6.2 Distribution of Agricultural Households by Size of landholding and Their Share in Total Area of Agricultural Land of the Country*

Farm Size in Hectares	Agricultural Households		Area of Agricultural land	
	Percent	Cumulative Percent	Percent	Cumulative Percent
Under 0.10	7.5	7.5	0.5	0.5
0.10 - 0.20	10.0	17.6	1.7	2.2
0.21 - 0.50	27.4	45.0	11.0	13.2
0.51 - 1.00	28.0	73.0	20.3	33.5
1.01 - 2.00	19.1	92.0	32.5	66.0
2.01 and above	8.0	100.0	36.0	100.0
Total	100.0	100.0	100.0	100.0

* Summarized from Nepal Living Standard Survey, 2004: 9

All figures are in percentages.

Disparities in the distribution of land are an all-encompassing phenomenon. It appears between all castes and ethnic groups. Approximately 39% of households in the upper-caste, 34.5% of them in the Terai middle-caste, and 31.3% of those among the ethnic population in the sample own no more than 5 *ropani* of land. Meanwhile, some households in both the caste and ethnic categories own more than 1.5 hectares of land. However, internal diversities can be observed even among the caste and ethnic categories. All the households among Magars in the hill districts are small landowners. Nonetheless, the Dalits are the most deprived of this resource than any other category of the population. About 90% of them own either only a homestead or less than 5 *ropani* of land. Such a landownership status relegates the Dalits to the status of a deprived class category. These disparities in access to resources have resulted in some implications in relation to occupational choice, level of educational attainment, and opportunities available for members taking part in decision-making activities of society.

**Table 6.3 Landholding Status of Sample Household by Caste and Ethnicity
(Land in Ropani*)**

Caste/ Ethnicity	Land Size										Total
	0.0-5.0	5.1-10.0	10.1-15.0	15.1-20.0	20.1-25.0	25.1-30.0	30.1-35.0	35.1-40.0	40 and above	Only Homestead	
Upper Caste	16 38.6	12 21.4	10 17.9	7 12.5	2 3.6	4 7.1	2 3.6	2 3.6	-	1 1.7	56 100.0
Dalit	27 39.7	5 7.3	1 1.5	1 1.5	-	-	-	-	-	34 50.0	68 100.0
Terai Middle Caste	10 34.5	5 17.2	4 13.8	1 3.4	-	1 3.4	-	2 6.9	2 6.9	4 13.8	29 100.0
Caste total	53 34.6	22 14.4	15 9.8	9 5.1	2 1.3	5 3.3	2 1.3	4 2.6	2 1.3	39 25.5	153 100.0
Rai	5 11.1	7 15.6	7 15.6	5 11.1	7 15.6	4 8.9	2 4.4	3 6.7	1 2.2	4 8.9	45 100.0
Magar	32 82.0	7 18.0	-	-	-	-	-	-	-	-	39 100.0
Tharu	15 33.3	1 2.2	7 15.6	5 11.1	1 2.2	2 4.4	3 6.7	3 6.7	5 11.1	3 6.7	45 100.0
Kumal	1 2.5	7 17.5	4 10.0	6 15.0	3 7.5	5 12.5	2 5.0	3 7.5	2 5.0	7 17.5	40 100.0
Ethnic Total	53 31.3	22 13.0	18 10.7	16 9.5	11 6.5	11 6.5	7 4.1	9 5.3	8 4.7	14 8.3	169 100.0
All Total	106 32.9	44 13.7	33 10.2	25 7.8	13 4.04	16 5.0	9 2.8	13 4.0	10 3.1	53 16.5	322 100.0

Source: Chapters 2 and 3

Note: (1) 20 Ropani of land make one hectare. (2) Figures with fractions are percentages.

6.4 Landownership status, Occupational Choice and level of Education

Some level of relationship is clearly visible between landownership status, occupational choice and the level of education among the sample population. Table 6.4 presents data on the number of people engaged in paid labour in relation to the size of landholding of their respective households. More precisely, it shows that those engaged in paid labour belong to households that possess either only a homestead or agricultural land that does not exceed 5 Ropanis. The majority of the wage earners are recruited from the Dalits, of which 50% own only a homestead. The remainder are either landless or marginal farm owners.

Table 6.4 Caste and Ethnic Distribution of Population Engaged in Paid Labour by Landholding Size of Household

Caste/ Ethnicity	Land Size and Involvement in Wage Labour (Land in Ropani)									
	Wage Labour as a Primary Occupation					Wage Labour as a Secondary Occupation				
	Only Hometead	0.01-5.0 Ropani	5.1-10.0	Above 10 Ropani	Total	Only Hometead	0.01-5.0 Ropani	5.1-10.0	Above 10 Ropani	Total
Upper Caste	2	3	-	-	5	-	7	-	-	7
Dalit	39	7	-	-	46	14	40	-	-	54
Terai Middle Caste	8	17	4	-	29	-	16	-	-	16
Caste total	49	27	4	-	80	14	63	-	-	77
Rai	2	-	-	-	2	-	7	-	-	7
Magar	-	21	-	-	21	-	7	-	-	7
Tharu	6	9	-	-	15	-	11	-	-	11
Kumal	7	1	-	-	8	15	13	-	-	28
Ethnic Total	15	31	-	-	46	15	38	-	-	53
All Total	64	58	-	-	126	29	101	-	-	123

Source: Field survey, 2005

Note: (1) 20 Ropani of land make one hectare.

(2) The numbers presented in the Table show the number of people engaged in paid labour rather than that of households. The total number of sample population is 1825. The number of population engaged in paid labour as a primary or secondary occupation is 249 i.e. 13.6% of the total population.

Thus, the landownership status of households and the type of profession followed by their members partly explains the low literacy rate of the Dalits and the high dropout rate of their children in education beyond primary level. Their landlessness and/or the marginal farm status do not allow them to have adequate savings to invest in their children's education. Furthermore, the opportunities for wage earners are inconsistent and are only available occasionally during agricultural seasons or during a construction activity conducted by people from the surrounding areas. The income generated from these types of activities is spent mainly on necessities for the family. As a result, investment in children's education is not their top priority.

The proportion of those who have attended to above matriculation level of studies is nominal in all these categories. Our observations in the field found that those who had received this

level of opportunity were mainly from large farm households or from those who have family members with permanent jobs and drawing a regular salary. Even in this case, the opportunity provided to women is still lower than that for the male members.

6.5 Socio-Economic Status and Participation Pattern in Decision-Making Forums

Opportunities available for members of a society to participate in its decision-making forums relates to their share in the power structure of that society. These types of forums range from the level of local communities to central bodies of the government. Decisions made at different levels of these organizations may affect the life of the population. However, people have the opportunity to participate in making these decisions in a limited number of organizations.

Indeed, decisions at the central level of political and administrative organizations are made by a small section of the ruling population. This section of the ruling elite may or may not be selected from each of the village units. However, in a “democratic” social system, some level of participation is ensured for the people even within these types of central organizations. This opportunity is provided through an indirect means by allowing them to select the recipients of those decision-making positions by participating in the electoral process.

However, the unstable political environment of Nepal has prevented such an electoral procedure that could provide these institutions with a flavour of representative character. Even when such an electoral process was in operation, the unitary framework of Nepal’s state structure did not motivate its political elite to devolve adequate power to organizations working with people in their local communities. Even today, the majority of the development budget of the country is controlled by its central bureaucratic structure.

Thus, the possibility of people having a direct share in decision-making activities exists only in the case of their local level organizations. The Village Development Committees and Municipalities among the governmental institutions and the user groups as well as their committees formed for the management of local level resources may be taken as examples of this category of organizations. However, our data from the field indicates that elitism prevails in decision-making processes even in these types of social units. We have already referred to the case of the Panchakanya Community Forest User Group in the study village of Dang. There are many users of this forest, namely Tharus, upper-caste people, and Dalits. The members of its executive committee are drawn from all of these categories. However,

the members representing the Tharus and upper-caste are economically stronger than those from the Dalit community are. These non-Dalit members exert their influence on most of the decisions made on behalf of the group. The Dalit members of the committee mainly have the role of disseminating these decisions to other users in their community. In our case study of a village in Syanja district, the Chairperson and Vice-Chairperson of the VDC elected in the past two elections held during the tenure of multi-party rule came alternatively from the upper-caste and the Magar communities. These were from among the most educated and prosperous households of the area. The remaining nine positions of the executive body of their VDC comprised of members of those two social categories. The Dalits were not represented despite voting for the candidates that subsequently won the elections. Even in Dhankuta Municipality, a business tycoon from the Walung community was elected as its mayor, even though the numerical strength of the population of this community was nominal in comparison to that of the other communities. The Rais, who represent the majority of all the social groups in the Municipality, were also under-represented in this body. This type of representation pattern suggests that the numerical strength of a community is not sufficient in itself for maintaining its influence on society. The economic status and the social privileges derived by individual members by the means of that status also play a tremendous role in determining one's position in society.

Chapter – 7

Conclusions

Discussions in the previous chapters of this study have revealed that social rewards and opportunities of life in Nepal are distributed differentially amongst the different sections of the population. These types of disparities are mainly manifested among people divided in terms of caste, ethnicity, gender, religion, and class-based identities. However, the issues involved related to social discrimination for these social categories are not uniform. As a result, a separate analysis was necessary for these problems faced by each of these categories.

Among the caste groups, untouchability as a social practice was found to be the most severe form of discrimination. This is usually found in the form of some groups of people avoiding the touch of members of a group with a lower status, and cleansing themselves in the event that contact does occur. The Dalits, as victims of such a social behaviour, are prohibited from interspersing with all other categories of the population. Consequently, it is not possible for them to be part of social activities in their locality.

This type of exclusionary behaviour has remained in practice despite no longer being advocated by the provisions of law. In 1963, the New Civil Code declared that any practice of untouchability illegal and hence made it a punishable act. However, the provisions have not been effectively implemented thus this form of discriminatory problem exists in society to date.

The effective implementation of legal provisions is, of course, one important strategy required for the solution of this problem. However, legal means alone is not sufficient to upgrade the Dalits from such a marginal social position that has been endorsed through centuries of exclusion. The Dalits as a group of ostracized people are the least educated among all sections of society. They lack adequate access to the productive resources required for making a living. Such a social and economic marginality has hindered them from developing adequate courage and confidence to fight for their rightful claims to social justice in society. The lack of representatives for their groups in all levels of decision-making positions is an example of such a situation. Any effort addressed towards resolving the problem of the Dalit community should be aware of these issues.

Ethnic communities do not face the problem of untouchability. Rather, as non-Dalits in themselves, the ethnic groups also treat Dalits in similar ways as other caste communities do

it. However, the ethnic groups have their own problems of being discriminated against in society, namely differences made by the state in its dealing with the culture and languages of the caste and ethnic communities. Since the beginning of the territorial unification of the country, the Hindu rulers of Nepal established a legal framework to inject the cultures of Hinduism and the values of this religion among the ethnic communities.

Debates are even now being raised on issues of state control over territories and resources located in areas inhabited by ethnic communities. These types of debates pose questions as to the legitimacy of the process of the formation of the state. As a result, it is appropriate to discuss these issues as political debates separately in political forums. However, the Hindu cultural values induced by the state have had a tremendous influence on the cultures of ethnic communities. In the absence of corresponding support received by these communities, many of them have found difficulties in preserving their separate cultural identities.

State support geared towards promoting certain languages, such as Nepali and Sanskrit, without providing similar support to languages of other ethnic communities has also generated a feeling of exclusion among those communities. The same applies to the case of its dealings with religions. The state has failed to instigate uniform standards to take into consideration the feasts, festivals and ideologies of the Hindu and non-Hindu population. Consequently, it has been unable to ensure equal opportunities to protect, preserve, and observe the various cultural traditions and religious faiths.

The problems faced by women as a social category are somewhat different compared to those of caste and ethnic communities. There is no doubt that the cultural values of each caste and ethnic community affect the pattern of distribution of roles as well as the responsibilities between male and female members of that community. However, the legal provisions relating to property rights, employment procedures, nationality and citizenship, right to reproductive health, marriage and family rights, and so on, are discriminatory against women. These types of discrimination provided for by the law of the country have resulted in women falling behind men in areas of education, political participation, and control of productive resources owned by their families. Notwithstanding these uniformities, the cultural values have also played an important role in creating differences in the extent and areas of discrimination among women belonging to different types of social categories. The discrimination against Dalit women is twofold in that they are ostracized from the broader communities due to their caste and as women, they have limited rights compared to men. This may also be the reason as to why Dalit women have the lowest proportion of literate population. Even among Dalit women, those in the Terai region are in the most disadvantaged positions.

In the case of other caste and ethnic communities, women from the hill ethnic groups have a lot of liberty in their choice of occupation. While the majority of women in all castes and also in ethnic groups in the Terai region are confined to domestic work, the ethnic women of the hills exercise a major role in the economic activities of their respective families. Such a liberty in occupational choice and the flexibility with regard to widow remarriage in these communities have placed these women in a superior status compared to those of the caste groups as well as the ethnic groups in the Terai. These types of differences have to be taken into account whenever any policies and programmes are implemented for the improvement of the status of women.

Lastly, national level information indicates that people in urban areas are in a better social position compared to those of rural areas. However, our data illustrated that a clear definition of 'urban' is required before coming to a definitive conclusion. Merely incorporating village units within the administrative domain of a municipality does not provide for any change in the status of their population unless urban facilities are evenly distributed in all of those localities.

Unlike the issues related to discrimination made under the provisions of law or cultural values of a community, discrimination associated with access to productive resources, educational attainment and share of decision-making positions in the governmental institutions are issues related to class. The aggregate information suggests that some castes or ethnic categories are more advantaged than others are. Without a doubt, it is true that the upper-caste Hindus have the largest share of decision-making positions in the government. The Newars and the Thakalis have the largest proportion of population enjoying the facilities available in society. The Dalits are the most disadvantaged among all the sections of the population. However, amidst these aggregate features of different types of social categories, there are internal divisions of the population within each of these social categories. The proportion of uneducated, resource deprived and powerless people spans all of the caste and ethnic communities. Any programmes intended to deal with the problems of social discrimination need to be willing to increase the access of this marginal section of the population. In the situation where the problems are considered only as aggregate features of each specific category, the strategy developed will only help to enlarge the circle of elite in society without bringing about any significant change in the lives of the suppressed population. This is one of the reasons that the human development index is very low in those districts of the country where the upper-caste people are in the majority (UNDO 2004; Dahal 2003)

References

- Acharya, M. and Bennett, L. (1981) *The Status of Women in Nepal, Aggregate Volume*. Centre For Economic Development and Administration (CEDA): Kathmandu.
- Agrawal, Beena (1994) *A Field of One's Own: Gender and Land Rights in South Asia*. South Asian Studies 58. Cambridge University Press: New Delhi.
- Allen, N.J. (1997) "Hinduization: The Experience of the Thulung Rai" in Gellner, David, N. and Joanna Pfaff-Czarnecka and John Whelpton (eds) *Nationalism and Ethnicity in a Hindu Kingdom*. Harwood Academic Publishers: Amsterdam.
- Asian Development Bank (ADB) (1999) *Women in Nepal*. ADB: Kathmandu.
- Bhattachan Krishna, B. (2005) *Nepalese Buddhist's View of Hinduism* in Occasional Papers in Sociology and Anthropology. Central Department of Sociology and Anthropology: Kathmandu.
- Bhattachan, Krishna, B. (1995) *Ethnopolitics and Ethnodevelopment: An Emerging Paradigm*. In Nepal in Kumar, Dhruva (ed.) *State Leadership and Politics in Nepal*, Centre for Nepal and Asian Studies (CNAS). Tribhuvan University: Kathmandu.
- Bhattachan et. al (2003) *Existing Practices of Caste-Based Untouchability in Nepal: and Strategy for a Campaign for its Elimination*. Action Aid Nepal: Kathmandu.
- Bista, Dor, B. (1992) *Fatalism and Development: Nepal's Struggle for Modernization*. Oxford University Press: New Delhi.
- Caplan, Lionel (1970). *Land and Social Change in Easter Nepal: A Hindu Tribal Relationship*. University of California Press: Berkeley.
- CEDAW Monitoring Committee (2003) *Shadow Report on the Second and Third Periodic Report of Government of Nepal on CDEAW Convention*. CEDAW Monitoring Committee: Kathmandu.
- Central Bureau of Statistics (CBS) (2002). Population Census of Nepal 2001, Main Report. CBS: Kathmandu.
- Central Bureau of Statistics (CBS) (2002) *Population Census Report in Gender Perspective Volume I, II and III*. CBS: Kathmandu.
- Central Bureau of Statistics (CBS) (2003) *Population Monograph of Nepal*. CBS: Kathmandu.
- Central Bureau of Statistics (CBS) (2004) *Nepal Living Standard Survey*. CBS: Kathmandu.
- Chhetri, Ram, B. (2005) "The Plight of the Tharu Kamaiyas of Nepal: A Review of Social, Economic and Political Facets". In Occasional Papers in Sociology and

- Anthropology, Central Department of Sociology and Anthropology, Tribhuvan University: Kathmandu.
- Dahal, Dilli, R. (2002) *National Dalit Strategy*. Action Aid/Care Nepal: Kathmandu.
- Dahal, Dilli, R. (2005) *Democracy and Regionalism: Perspectives from the Nepal Terai*. In Nepali Journal of Contemporary Studies, Volume V, No. 1: pp. 11-27.
- Dahal, Dilli, R. (1995) *Ethnic Cauldron, Demography and Minority Politics: The Case of Nepal*. In Kumar, Dhruva (ed.) *State Leadership and Politics in Nepal*. Centre for Nepal and Asian Studies (CNAS), Tribhuvan University: Kathmandu.
- Dahal, Dilli, R. (2003) *Social Composition of Population: Caste/Ethnicity and Religion in Nepal*. In Population Monograph of Nepal, Vol. 1. Central Bureau of Statistics/UNFPA: Kathmandu.
- Dahal, Dilli, R. (1985) *An Ethnographic Study of Social Change Among the Athpahariya Rais of Dhankuta District*. Centre for Nepal and Asian Studies, Tribhuvan University: Kathmandu
- Dumont, Louis (1980) *Homo Hierarchicus*. University of Chicago: Chicago.
- Elingson, T. (1991) *The Nepal Constitution of 1990: Preliminary Considerations in Himalayan Research Bulletin*, Vol. XI, Nos. 1-3.
- Forum For Women Law and Development (FWLD) (2000) *Discriminatory Laws in Nepal and their Impact on Women: A Review of the Current Situation and Proposal for Change*. Forum for women, Law and Development: Kathmandu.
- Forum For Women Law and Development (FWLD) (2003) *Special Measures For Women and Their Impact*. Forum for women, Law and Development: Kathmandu.
- Forum For Women Law and Development (FWLD) (2005) *An Update of the Discriminatory Laws in Nepal and their Impact on Women (Draft)*. Forum for women, Law and Development: Kathmandu.
- Gaige, Fredrick H. (1976) *Regionalism and National Unity in Nepal*. Sage Publication: New Delhi.
- Gurung, Hark (2005) *Inclusive Development*. In Readings in Human Development. UNDP/NPC: Kathmandu.
- Gurung, Hark (2005) *The Dalit Context*. In Occasional Papers in Sociology Anthropology, Vol. 9. Central Department of Sociology/Anthropology: Kathmandu.
- Höfer, Andras (2004) *The Caste Hierarchy and the State in Nepal: A Study of Muluki Ain 1854*. Himalbooks: Lalitpur, Nepal

- Hutt, Michael (1993) *Drafting of the 1990 Constitution*. In Michael Hutt (ed), *Nepal in the Nineties: Versions of the past visions of the future*. Oxford University Press: New Delhi.
- IIDS (1996) *The Third Parliamentary Election: A Study of the Evolving Democratic Process in Nepal*. IIDS: Kathmandu
- IIDS (2000) *The Fourth Parliamentary Election: A Study of the Evolving Democratic Process in Nepal*. IIDS: Kathmandu
- INSEC (1994) *Human Rights Year Book 1993*. Informal Sector Service Centre: Kathmandu.
- Ishii, Hiroshi and Karan, Pradyumna P. (1996) *Nepal: A Himalayan Kingdom in Transition*. Bookwell: New Delhi.
- Josse, M. R. (2004) *Nepal's Strategic Balancing*. South Asia Journal. January-March 2004
- Khanal, Krishna (2004) *State Restructuring in Nepal*. Centre for Contemporary Studies: Kathmandu.
- Kramer, Karl-Heinz (2003) "The Janajati and the Nepali State: Aspects of Identity and Integration". In Marie Lecomte-Tilouine and Pascale Dollfus(eds) *Ethnic Revival and Religious Turmoil: Identities and Representations in the Himalayas*. Oxford University Press: New York.
- Kumari, Ranjana (1990) *Femaleness: The Hindu Perspective*. In Jyotsna Chatterji (eds), *Religions and the Status of Women*. Uppal Publishing House: New Delhi.
- Lanau, Nepal (2005) *Annual Report 2004, Campaign Against the Crime of Untouchability*. Lawyers's National Campaign Against Untouchability: Kathmandu
- Lawati, Mahendra (2005) *Towards a Democratic Nepal: Inclusive Political Institutions for a Multicultural Society*. Sage Publications: New Delhi.
- Maharjan Panch, N. (1998) *Local Election in Nepal.1997*. Centre for Nepal and Asian Studies, Tribuvan University: Kathmandu.
- Marx, Karl (1971) *Capital, Vol. I*. Progress Publishers: Moscow.
- Ministry of Law and Justice (MOLJ) (1999) *The Constitution of The Kingdom of Nepal*. Ministry of Law and Justice: Kathmandu.
- Nepal Federation of the Indigenous Nationalities (NEFIN) (2004) *Bishwo Asibasi Dibas. Bisheshanka (International Day for Indigenous Community, Special Issue)* NEFIN: Kathmandu.
- NESAC (1998) *Nepal Human Development Report 1998*. NESAC: Kathmandu.
- Onta, Pratyoush, Pramod Bhatt, Vidyanath Koirala, Khagendra Sangroula and C. K. Lal (2001) *Chhapama Dalit (Dalits in Prints)*. Kathmandu: Ekta Books.

- Poulantza, N (1968) *Political Power and Social Classes*. NLB: London.
- Regmi, Jagadish, C. (1989) *Religion in Nepal*". In kamal p. malla (ed.), perspectives on continuity and change. Center for Nepal and Asian Studies: Kathmandu.
- Regmi, Mahesh, C. (1978) *Land Tenure and Taxation in Nepal*. Ratna Pustak Bhandar: Kathmandu.
- Regmi, Mahesh, C. (1975) *Land Ownership in Nepal*. California University Press: Berkeley.
- Rosser, Colin (1966) *Social Mobility in the Newar Caste System*. In C. Von. Furer-Haimendorf (ed.) *Caste and Kins in Nepal, India and Ceylon*, Asia Publishing House: Bombay.
- Schlemmer, G. (2003/2004) *New Past for the Sake of a Better Future: Re-inventing the history of the Kirant in East Nepal*. In European Bulletin of Himalayan Research; Special Double Issue. Autumn 2003/Spring 2004, 25/26 pp 119-144. Kathmandu
- Sharma, Prayag, R. (1977) *Caste, Social Mobility and Sanskritization: A Study of Nepal's Old Legal Code*. In Kailash, Vol. 5, No. 4, 277-300.
- Sharma, Prayag, R. (1989) *Nepali Culture and Society: Reflections on Some Historical Currents*. In Kamal P. Malla (ed.), *Nepal: Perspectives on Continuity and Change*. Center for Nepal and Asian Studies: Kathmandu.
- Shrestha, Sangini Ranamagar and DwarikaNath Dhungel (2002) *Adivasis/Janajatis in National Development : Major Issues, Constraints and Opportunities (Plan of Action Proposed for the Tenth Plan, 2003-2007)*.
- Subba, Chaitanya, Amrit Yonjan, Nilambar Acharya, Laxmi Limbu, Shyamal Krishna Shrestha, Sangini Ranamagar, DwarikaNath Dhungel. (2002) *Adivasis/Janajatis in National Development : Major Issues, Constraints and Opportunities (Plan of Action Proposed for the Tenth Plan, 2003-2007)*
- Tanka Prasad Acharya Memorial Foundation (2005) *Analysis of caste, Ethnicity and Gender Data from 2001. Population Census in Preparation for Poverty Mapping and Wider PRSP Monitoring*. Report submitted to the DFID.
- UNDP (2004) *Human Development Report 2004*. UNDP: Kathmandu.
- UNDP/HMG (2001) *Human Development Report 2001*. UNDP: Kathmandu
- Wadley, Susan. (1977) *Women in Hindu Religion*. In Signs, Vol. 3, No. 4. Pp. 113-125
- Weber, Max (1947) *The Theory of Social and Economic Organizations*. Translated by Hender Anderson A.M. and Talcott Parsons. Oxford University Press: New York.
- Whelpton, John (2005). *A History of Nepal*. Cambridge University Press: Cambridge, UK.

Annexes

Annex 1.1: Population by Caste and Ethnic Group, 2001

S.N	Caste/Ethnic Group	Population	
		No.	Percent to Total Population
1	Chhetri	3,593,496	15.80
2	Brahmin-Hill	2,896,477	12.47
3	Magar	1,622,421	7.14
4	Tamang	1,533,879	6.75
5	Tharu	1,282,304	5.64
6	Newar	1,245,232	5.48
7	Mislim	971,056	4.27
8	Kami	895,954	3.94
9	Yadav	895,423	3.94
10	Rai	635,151	2.79
11	Gurung	534,571	2.39
12	Damai/DholiLimby	390,305	1.72
13	Limbu	359,379	1.58
14	Thakuri	334,120	1.47
15	Sharki	318,989	1.40
16	Teli	304,536	1.34
17	Chamar/Harijan/Ram	269,661	1.19
18	Koiri	251,274	1.11
19	Kurmi	212,842	0.94
20	Sanyasi	199,127	0.88
21	Dhanuk	188,150	0.83
22	Mushahar	172,434	0.76
23	Dushad/Paswan/Pasi	158,525	0.70
24	Sherpa	172,434	0.76
25	Sonar	145,088	0.64
26	Kewant	136,953	0.60
27	Brahmin-Terai	134,496	0.59
28	Baniya	126,971	0.56
29	Gharti/Bhujel	117,568	0.52
30	Mallaha	115,968	0.51
31	Kalwar	115,606	0.51
32	Kumal	98,389	0.44
33	Hajam/Thakur	98,169	0.43
34	Kanu	95,826	0.42
35	Rajbamsi	95,812	0.42
36	Sunuwar	95,524	0.42
37	Sudi	89,846	0.40
38	Lohar	82,367	0.36
39	Tamta	76,512	0.34
40	Khatwe	74,972	0.33
41	Dhobi	73,413	0.32
42	Majhi	72,614	0.32
43	Nuniya	66,873	0.29
44	Kimhar	54,413	0.24
45	Danuwar	53,229	0.23
46	Chepang(Praja)	52,237	0.23
47	Halwai	50,585	0.22
48	Rajput	48454	0.21

49	Kayastha	46,701	0.20
50	Badahi	45,975	0.20
51	Marwari	43,971	0.19
52	Santhal/Satar	42,698	0.19
53	Dhagar/Jhangar	41,764	0.18
54	Bantar	35,839	0.16
55	Barae	35,434	0.16
56	Kahar	34,531	0.15
57	Gangai	31,318	0.14
58	Lodha	24,738	0.11
59	Rajbhar	24,263	0.11
60	Thami	22,999	0.10
61	Dhimal	19,537	0.09
62	Bhote	19,261	0.08
63	Bind/Binda	18,720	0.08
64	Bhediya/Gaderi	17,729	0.08
65	Nurang	17,522	0.08
66	Yakha	17,003	0.07
67	Darai	14,589	0.07
68	Tajpuria	13,250	0.06
69	Thakali	12,973	0.06
70	Chidimar	12,296	0.05
71	Pahari	11,505	0.05
72	Mali	11,390	0.05
73	Bangali	9,860	0.04
74	Chantel	9,814	0.04
75	Dom	8,931	0.04
76	Kamar	8,761	0.04
77	Bote	7,969	0.04
78	Brahmu/Baramu	7,383	0.03
79	Gaine	5,887	0.03
80	Jeral	5,316	0.02
81	Adibasi/Janajati	5,259	0.02
82	Dura	5,169	0.02
83	Churaute	4,893	0.02
84	Badi	4,442	0.02
85	Meche	3,763	0.02
86	Lepcha	3,660	0.02
87	Halkhor	3,621	0.02
88	Panjabi/Sikh	3,054	0.01
89	Kesan	2,876	0.01
90	Raji	2,399	0.01
91	Byansi	2,103	0.01
92	Hayu	1,821	0.01
93	Koche	1,429	0.01
94	Dhunia	1,231	0.01
95	Walung	1,148	0.01
96	Jaine	1,015	0.01
97	Munda	660	0.01
98	Raute	658	0.01
99	Yehlmo	579	0.01
100	Patharkats/Kushwadia	552	0.01
101	Kusunda	164	0.00
102	Dalit-unidentified	173,401	0.76
103	Caste/Ethnic Unidentified	231,641	1.02

Annex 2.1: Growth of Population by Caste/Ethnicity and Sex Ratio, 1991-2001

Caste/Ethnicity	Population, 1991			Population, 2001			Annual% Increase 1991-2001
	Total	Percent	Sex Ratio	Total	Percent	Sex Ratio	
Hill/Terai B/C+	6248829	33.8	97.4	7451580	32.8	98.1	1.76
Hill B/C+(2,1,14,20)	5837736	31.6	96.5	7023220	30.9	97.3	1.85
Brahmin-Hill	2388455	12.9	97.7	2896477	12.7	97.1	1.93
Sub-Group (Chhetri+)	3449281	18.7	95.7	4126743	18.1	97.5	1.79
Terai B/C+	411093	2.2	110.4	428360	1.9	111.5	0.41
Terai Middle Castes	1982817	10.7	109.5	2938827	12.9	109.5	3.93
Yadav	765137	4.1	111.2	895423	3.9	112.2	1.57
Sub-Group (Teli +)	412778	2.2	110.3	737713	3.2	107.2	5.81
Sub-Group (Koiri+)	520999	2.8	108.4	814366	3.6	109.8	4.47
Sub-Group (Kewat +)	283903	1.5	105.9	491325	2.2	108.0	5.48
Dalits	2201781	11.9	97.6	2675182	11.8	97.7	1.95
Hill Dalits	1619434	8.8	95.3	1615577	7.1	93.3	-0.02
Kami	963655	5.2	96.0	895954	3.9	93.5	-0.73
Damai/Dholi	367989	2.0	94.1	390305	1.7	93.2	0.59
Sarki	276224	1.5	94.5	318989	1.4	93.0	1.44
Sub-Group (Gaine+)	11566	0.1	93.1	10329	0.0	94.2	-1.13
Terai Dalits	582347	3.1	104.3	1059605	4.7	104.7	5.99
Chamar/Harijan/Ram	203919	1.1	104.2	269661	1.2	106.2	2.79
Musahar	141980	0.8	101.6	172434	0.8	104.3	1.94
Sub-Group (Dusadh+)	159854	0.9	105.5	367075	1.6	107.0	8.31
<i>Sub-Group (Dobhi+)</i>	76594	0.4	106.9	250435	1.1	100.1	11.85
Janajatis	6572265	35.5	98.0	8460701	37.2	98.0	2.53
Hill <i>Janajatis</i>	5119613	27.7	96.9	6484849	28.5	96.8	2.36
Newar/Thakali	1054821	5.7	99.4	1258205	5.5	99.2	1.76
Newar	1041090	5.6	99.5	1245232	5.5	99.2	1.79
Thakali	19731	0.1	93.7	12973	0.1	92.0	-0.57
Other Hill <i>Janajatis</i>	4064792	22.0	96.3	5226644	23.0	96.2	2.51
Magar	1339308	7.2	94.1	1622421	7.1	93.7	1.92
Tamang	1018252	5.5	100.1	1282304	5.6	100.1	2.31
Rai	525551	2.8	97.1	635151	2.8	96.8	1.89
Gurung	449189	2.4	92.4	543571	2.4	91.3	1.91
Limbu	297186	1.6	95.6	359379	1.6	94.7	1.90
Sherpa	110358	0.6	99.0	154622	0.7	100.5	3.37
Sub-Group (Bhote+)	12463	0.1	94.2	23091	0.1	106.5	6.17
Sub-Group (Gharti+)	122955	0.7	87.8	336358	1.5	98.3	10.06
Sub-Group (Yakha +)	10271	0.1	166.3	52161	0.2	90.9	16.25
Sub-Group (Majhi+)	129733	0.7	97.4	152502	0.7	99.0	1.62
<i>Sub-Group (Chepang+)</i>	49526	0.3	99.4	65084	0.3	102.3	2.73
Terai <i>Janajatis</i>	1452652	7.9	101.9	1975852	8.7	102.4	3.08
Tharu	1194224	6.5	101.2	1533879	6.7	102.1	2.50
Dhanuk	136944	0.7	108.3	188150	0.8	107.6	3.18
Sub-Group (Rajbansi+)	121484	0.7	101.7	167216	0.7	100.4	3.20
Sub-Group (Santhal+)	-	-	-	86607	0.4	100.8	-
Religious Minorities	664125	3.6	106.0	979003	4.3	106.9	3.88
Sub-Group (Musaalman+)	654833	3.5	106.2	975949	4.3	106.9	3.99
Punjabi/Sikh	9292	0.1	95.2	3054	0.0	105.4	-11.13
Unidentified Caste/Ethnicity	821280	4.4	104.4	231641	1.0	101.3	-12.66
Total Population	1849109	100.0	99.5	22736934	100.0	99.8	2.07

Source: CBS, Population Census of Nepal 2001, Main Report. Kathmandu: CBS 2002.

Annex 2.2: Integrated National Index of Governance

Institution	Khasa (Bahun, Chhetri)	Newar	Madhesi	Kirant (Ethnic)	Dalit	Total	Organ
1. Constitutional	14	6	3	2	-	25	Political
2. Cabinet	20	3	5	4	-	32	Political/ Executive
3. Parliament	159	20	46	36	4	265	Legislative
4. Judiciary	181	32	18	4	-	235	Judiciary
5. High level Administration	190	43	9	3	-	245	Executive
6. Party Leadership	97	18	26	25	-	166	Political
7. DDC Chairperson/ Mayor	106	30	31	23	-	190	Political
Total	767	152	138	97	4	1158	
Raw%	66.2	13.1	11.9	8.4	0.3	100.0	
Population%	31.6	5.6	30.9	22.2	8.7	100.0	
Difference%	+34.6	+7.5	-19.0	-13.8	-8.4	-	

Source: Neupane, Govinda, 2002. Nepal Ma Jatiya Prasna: Samajik Banot Ra Sajhedariko Sawal. (Ethnic issues in Nepal: Social Make Up and Prospects for Commonality) Kathmandu: Center for Development Studies

Annex 2.3 Caste/Ethnic Representation in Parliament, 1991-1999

Caste/Ethnicity	1991		1999		% of total population
	No.	%	No.	%	
Mountain/Hill	213	80.4	219	82.6	67.9
Caste	152	57.4	158	59.6	40.3
Brahmin	101	38.1	105	39.6	12.9
Chhetri	33	12.5	30	11.3	16.1
Thakuri	15	5.7	16	6.0	1.6
Sanyasi	0	0	3	1.1	1.0
Damai	1	0.4	1	0.4	2.1
Kami	1	0.4	3	1.1	5.2
Sarki	1	0.4	0	0	1.5
Ethnic/Others	61	23.0	61	23.0	27.5
Gurung	9	3.4	7	2.6	2.4
Magar	4	1.5	9	3.4	7.2
Rai	5	1.9	6	2.3	2.8
Limbu	11	4.2	9	3.4	1.6
Tamang	5	1.9	4	1.5	5.5
Newar	22	8.3	22	8.3	5.6
Thakali	4	1.5	2	0.8	0.1
Bhote	1	0.4	0	0	0.1
Sunuwar	0	0	1	0.4	0.2
Muslim (hill Origin)	0	0	1	0.4	0.0
Inner Terai/Terai	52	19.6	46	17.4	32.0
Caste	25	9.4	31	11.7	16.1
Brahmin	6	2.3	5	1.9	0.9
Bhumihar	1	0.4	2	0.8	N.A
Rajput	5	1.9	1	0.4	0.4
Kayastha	6	2.3	0	0	0.3
Yadav	6	2.3	14	5.3	4.1
Teli	0	0	2	0.8	1.4
Halwai	0	0	3	1.1	0.2
Ahers	1	0.4	4	1.5	N.A
Ethnic	20	7.5	12	4.5	9.0
Danuwar	1	0.4	0	0	0.3
Rajbanshi	1	0.4	0	0	0.4
Tharu	17	6.4	11	4.2	6.5
Dhanuk	1	0.4	1	0.4	0.7
Other	7	2.6	3	1.1	7.0
Muslim	6	2.3	2	0.8	3.5
Marwari	1	0.4	1	0.4	0.2
Total	265	100.0	265	100.0	100.0

Source: Election Commission, 1999

Annex 2.4 Caste/Ethnic Representation in the District Development Committee (DDC),1997

Ethnic/Caste Groups	DDC Chairman		DDC Vice Chairman	
	No.	%	No	%
Brahmin/Chhetri (M./Hill)	37	67.27	33	60.00
Brahmin (Terai)	1	1.82	0	0
Yadav	5	9.09	2	3.64
Kurmi	1	1.82	1	1.82
Teli	1	1.82	0	0
Muslim	0	-	1	1.82
Terai Ethnic Groups	0	-	3	5.45
Ethnic Groups(M./hill)	8	14.55	11	20.0
Newar	2	3.64	3	5.45
Data Not Available	-	-	1	1.82
Total	55	100	55	100

Source: Local Election in Nepal, 1997

Annex 3:1 Discriminatory Laws against Women

S.N.	Name of the Legislation	Section/Article	Discriminatory Provisions
1	The Constitution of the Kingdom of Nepal, 1990	9 (1) and 9(2) 9(5)	Women cannot transfer citizenship to her children Women cannot transfer citizenship to her spouse
	The Citizenship Act (2020) 1963	3(1) and 3(4) 3(6)	Women cannot transfer citizenship to her children Women cannot transfer citizenship to her spouse
	The Country Code (2020) 1963	107	No sons or daughters are identified by the name of their mothers
	(i) Court proceedings	110 152(1) 161(1)	Women are considered incapable of receiving court summons and notices Recognition of a person through the father but not through the mother No recognition through the name of the mother
	(ii) Paupers	3(1), 3(2), 3(3), 3(4)	Deprives mothers from their child's care and guardianship
	(iii) Husband and Wives	2 3(2) and 3(4) 4 4(A)	No similar ground of divorce between man and woman Mothers are deprived to maintain their children Impose conditions on the use of property right to divorcee women Only temporary and conditional maintenance to divorcee women
	(iv) Partition	1 3 4 5 8 10 10 (A) 11 12 19awq	Limited right in ancestral property to unmarried daughters and no right to married daughters Denies equal inheritance right to daughters Law still support polygamy and women should share her partition with her co-wife Chastity of women is basic requirement to hold the share from husband's property. Daughters are denied from her father's property Daughters are denied from the right to maintenance Impose conditions for women to get share from his husband's property Law encourage bigamy Impose conditions for widow to get share of husband's property Consent of wife not required in disposing of inherited property
	(v) Women's Exclusive Property	2 7	Impose conditions for women to use her exclusive property Women are restricted to use freely their own share acquired from their husband's property
	(vi) Adoption of son	Title 1 2 10 12	Only "Adoption of son" excludes daughter, bias title Women's relation gives less preference for adoption of son's than men's do Restriction to adopt a child for women if her co-wife has son Law is silent about adopted daughter Law is silent about single daughter

	(vii) Intestate Property	1 2 6	Discrimination in the line of succession Discrimination on the intestate property to daughter Unequal treatment in the intestate property to daughter
	(viii) Transaction	9	Role of daughter is not recognized in the household business
	(ix) Registration	1	Provision of Registration of deed of adopted daughter is silent
	(x) Homicide	28 31	Abortion is considered homicidal offence and is penalized up to life imprisonment Higher punishment for woman (mother) than on malice by others
	(xi) Intention of Sexual Harassment	1 5	Minimum punishment for sexual harassment Inadequate penal provision
	(xii) Rape	1 7 10	Narrow definition, and marital rape is not considered as rape Minimal punishment for rape committed against prostitute Rape of a married women creating an end of family relation
	(xiii) Incest	1,8	Different Penalty for the offence of incest against women who have maintained chastity and who haven't
	(xiv) Bestiality	2 and 3	Higher punishment to women than men in the same offence
	(xv) Marriage	2 8 9 10 11	Discrimination on the age of marriage Discrimination on penalty for forged marriage Second marriage is allowed without divorcing the first wife Penalty for Bigamy is minimal Discrimination on the limitation to bring polyandry cases
	(xvi) Adultery	6	Discrimination on the limitation to bring case on adultery than on case of polygamy
	(xvi) Miscellaneous	9	Discrimination on women in religious rights
4	Birth, Death and Other Personal Events (Registration) Act (2033) 1976	4 (1)	Equal rights not given to mother for registration of birth and death
5	Land Act, (2021) 1964	26 (10)	Tenancy right not transferable to daughter before the age of 35 years
6	The Military Act (2016) 1959	10	Women are denied the right to join the army
7	Foreign Employment Act (2042) 1985	12	Permission of the guardian and the government is a prerequisite to go abroad for employment
8	Bonus Act, (2030) 1974	10 (2)	Discrimination against daughter on the succession of bonus
9	Income Tax Act (2031) 1974	21 (a)	Non-recognition of independent status of women on tax assessment
10	Insurance Act (2049) 1992	38	Discrimination on the basis of marital status against women
11	Labor Act (2048) 1992	5	Service hour of women restricts them from

			various employment
12	Social Practice (Reform) Act (2033) 1976	4 5 (2)	Discrimination on penal provision of marriage Encourage for marriage gift in the form of dowry
13	Employees Provident Fund Act (2019) 1962	15(a) 1	Discrimination on line of succession to get provident fund
14	Succession to Throne Act (2019) 1962	5 (1)	Discrimination on succession to throne Gender Discrimination on definition of “Royal Title”
15	Commercial Bank Act (2031) 1974	23 (1)	Discrimination on line of succession to get bank deposit
16	Human Trafficking Control Act (2043) 1967	4 5 8 (5)	Narrow definition of the Crime of Trafficking Pre-approval of the court is required for investigation Buyer exempted from legal constitution
17	Nepal Health Service Act (2053) 1997	50 (6)	Discrimination on succession of pension
18	Act Relating to the Remuneration, Terms and Conditions of the Office-bearers to the Constitutional Bodies (2053) 1997	19 (1)	Discrimination on succession of pension
19	Nepal Citizenship Rules (2049) 1992	4 (2)	Status of mothers and wives are denied in the application forms and the certificate of citizenship
20	Arms and Ammunition Rules (2028) 1972	2	Women are not allowed to use and keep any type of arms and ammunition Application forms for purchase, sale or license of such arms accepts only male as eligible
21	Appellate Court Rules (2048) 1991	103	Discrimination on court dress
22	District Court Rules (2052) 1995	Annex 4 (a)	Reply format assumes that only son can submit it
23	Rules Regarding Voter Name List (2052) 1996	Form No. 6,14,23,24	Status of mothers and wives are denied as that of fathers and husbands
24	Civil Service Rules (2059) 1993	98 (2) (a) 101 (1)	Widows of government employee is discriminated for family allowances and gratuity Discrimination on the succession of pension
25	Police Rules (2049) 1992	83 107 Annex (2)	Policemen can conduct second marriage without divorcing the first one Discrimination on the succession of gratitude and others Identification by the name of the father and grandfather only
26	Boy (Recruitment and Terms of Service) Rules (2028) 1971	Whole Rules	Girls are discriminated on the recruitment of army
27	Royal Nepalese Army (Pension Gratitude and other benefits) Rules (2033) 1977	2 (b) 7(6) 10	Discrimination on definition of successor Discrimination on definition of successor Discrimination against married daughters regarding beneficiaries
28	Income Tax Rules (2039) 1982	7	Wives are discriminated to assess the income tax

29	Rules Regarding to Employees of the Department of Auditor General (2050) 1994	145 (4)	Women are discriminated to be representative of family member
30	Government Contract Rules (2022) 1964	Annexes (1) and (2)	Identification by the name of father only
31	Scholarship Rules (2029) 1972	Application Form	Guardian's approval is necessary for daughter to study in foreign country
32	Marriage Registration Regulations (2028) 1972	Annex 1,2, 4	Identification by the name of father and grandfather only
33	Birth, Death and other Personal Events Registration Rules (2034) 1976	Annexes 2,3,4,5,7,8,9, 10	Identification by the name of father and grandfather only in birth, death, marriage and divorce registration book
34	Nepal Health Service Rules (205) 1999	99 (2) Annex 10	Discrimination on role of succession of pension and other benefits Identification by the name of father and grandfather only
35	Nepal Medical Practitioner Council Rules (2053) 1997	Annex 1 and 2	Identification by the name of father and grandfather only
36	Land Administration Rules (2042) 1968	Annex 2	Identification by the name of father only
37	Land (Measurement) Rules (2032) 1975	Annex 1(a), 1 (c), 2, 2 (a), 2 (b), 3, 3 (a), 3 (b), 3 (c), 4, 4 (a),4(b), 4(c)	Identification by the name of father and grandfather only
38	Rules Relating to land (2021) 1964	Annex 1, 1(a), 7, 10(a), 16, 18	Identification by the name of father and grandfather only
39	Passport Rules (2027) 1970	Page 3 of the Passport	Application form for passport requires only the father's name and making woman as a dependent child
40	District Court Rules (2052) 1995	Annex 4 (a)	Reply formats assumes that only son can submit it
41	Rules Relating to Security Exchange (2050)	Annex 11	Identification by the name of the father only
42	Police Boy (Recruitment and Terms of Service) Rules (2020) 1985	Whole rules	Girls are discriminated on recruitment in the police
43	Rules Regarding Voter Identity Card (2053) 1996	Form No. 6,14,23,24	Status of mothers and wives are denied as that of fathers and husbands
44	Member of the House of Representatives Election Rules, (2047) 1996	3 (1)	Status of mothers and wives are denied as that of fathers and husbands when notification of voter list
45	House of Representative Rules (2054) 1997	Annexes 4 and 6	Identification by the names of father and husband only on recording forms of personal data of the Parliamentarians
46	National Assembly Rules (2055) 1997	Annexes 4 and 6	Identification by the names of father and husband only on recording forms of personal data of the Parliamentarians

Source: Discriminatory Laws in Nepal and their Impact on Women: A Review of the Current Situation and Proposals for Change, FWLD, 2001

Note: The list does not include Eleventh Amendment to the Civil Code

Annex 3.2 Comparative Chart of Female Nomination for Lower House of Representatives

Parties	General Election 1992			
	Women	Men	Total	Women%
NC	11	193	204	5.39
CPN(UML)	9	168	177	5.08
CPN(ML)	-	-	-	-
RPP	17	301	318	5.35
NSP	5	70	75	6.67
RPP(Chand)	-	-	-	-
Others	40	531	571	16.21
Total	82	1263	1345	6.09

Parties	General Election 1996			
	Women	Men	Total	Women%
NC	11	194	205	5.37
CPN(UML)	11	186	197	5.85
CPN(ML)	-	-	-	-
RPP	13	190	203	6.40
NSP	9	77	86	10.47
RPP(Chand)	-	-	-	-
Others	43	708	751	13.73
Total	87	1355	1442	6.03

Parties	General Election 1999			
	Women	Men	Total	Women%
NC	14	191	205	6.82
CPN(UML)	12	183	195	6.15
CPN(ML)	11	187	198	5.55
RPP	14	183	197	7.10
NSP	5	63	68	7.35
RPP(Chand)	13	171	184	7.06
Others	66	1099	1165	6.00
Total	135	2077	2212	6.10

Source: Data collected by FWLD in 2056, cited in Special Measures for Women and their Impact, FWLD, 2003

**Annex 3.3 Proportion of Women in Government Administration,
July 1978-July 1997**

	1978			1993			1997		
	Number		% of women in Total	Number		% of woman in Total	Number		% of woman in Total
	Total	Female		Total	Female		Total	Female	
Gazetted	6099	197	3.23	11232	493	4.39	10648	560	5.26
Special	45	0	0	41	0	0	79	3	3.8
First Class	353	4	1.13	650	16	2.46	604	32	5.3
Second Class	1326	33	2.49	3.103	139	4.48	2767	133	4.81
Third Class	4375	160	3.66	7438	338	4.54	7198	392	5.45
Non-Gazetted	34530	819	2.37	Na	Na	Na	56162	3492	6.22
Lower Support Staff	16104	444	2.76	Na	Na	Na	32720	1147	3.51

Source: Nijamati Kitabkhana, Special Data Sheet, April 1998; cited in Women In Nepal, ADB, 1999

Annex 3.4 Representation of Women in the Judiciary

Level of Court	Male Judges	Women Judges	Women Judges (in percent)	Total
District Court	130	3	2.3	133
Appellate Court	88	2	2.2	90
Special Court	3	0	0	3
Supreme Court	14	1	6.7	15
All Courts	235	6	2.5	241

Source: Judicial Council, 2003; cited in Special Measures for Women and Their Impact, FWLD, 2003

Annex 4: List of Key Informants

Kathmandu

- | | |
|------------------------|--|
| 1. Sabin Shrestha | Forum for Women Law and Development (FWLD) |
| 2. Srijana Lohani | Women for Human Rights, Single Women Group |
| 3. Devendra Mishra | General Secretary on Nepal Sadhbhavana Party |
| 4. Banshidhar Mishra | Former Assistant Minister for Health |
| 5. Mohammed Habibullah | Central Department of Political Science, TU |

Dang

- | | |
|----------------------------|---|
| 1. Krishna Pariyar | Member, Panchakanya Community Forestry User Group |
| 2. Takchya Chaudhary | Teacher, Sarbodaya High School |
| 3. Mangal Prasad Chaudhary | Principal, Sarbodaya High School |
| 4. Laxmi Pariyar | Member, Shipgadhi Mahila Samuha |
| 5. Sita Chaudhary | Member, Shankhar Community Forestry User Group |

Banke

- | | |
|------------------------------|--|
| 1. Mr. Shamsuddin Siddiqui | Ex-Asst. Mayor Banke Municipality |
| 2. Ms. Mohammedi Siddiqui | President Shree Fatima Foundation |
| 3. Mr. Rahimullah Quraishi | Maulana (Priest) |
| 4. Mr. Prem G.C. (President) | Nepal Federation of Journalist (Banke) |
| 5. Mr. Shamim Quraishi | Teacher, Laxmi Higher Secondary School |

Inaruwa

- | | |
|-----------------------|--|
| 1. Bhola Pandit | Former Chairperson of Kumal Tole, Ward no. 7 |
| 2. Nathuni Pandit | Nepali Congress Activist |
| 3. Purshottam Pokhrel | Social Worker, Kumal Tole, Ward no.7 |
| 4. Mohhamed Abdul | Principal of Hijaayate Madrassa |
| 5. Nameen Ansari | School Teacher |

Synja

- | | |
|------------------------|----------------------------|
| 1. Iman Singh Rana | Former VDC Chairperson |
| 2. Khum Bahadur Thapa | School Teacher |
| 3. Yagya Prasad Panday | Former VDC Chairperson |
| 4. Kalu Nepali | Key Informant, Dalit |
| 5. Ram Lal Biswokarma | Key Informant, Dalit |
| 6. Sanu Biswokarma | Key Informant, Dalit Woman |
| 7. Damai Magarni | Key Informant, Dalit Woman |

Rautahat

- | | |
|---------------------------------|------------------------------|
| Mr. Krishna Dev Giri | Social Worker |
| 2. Dr. Nanda Krishna Jha | Medical Doctor |
| 3. Mr. Nathuni Prasad Chaudhary | School Teacher |
| 4. Ganesh Ram Mali | Key Informant, Dom Community |
| 5. Ram Dulare Kanau | Key informant, Middle Caste |
| 6. Mrs. Parbati Malah | Female Health Volunteers |

Dhankuta

- | | |
|--------------------------|--|
| 1. Asta Bahadur Rai | Chairperson, Athpariya Rai Kirant Samaj |
| 2. Gehendra Bahadur Rai | Secretary, Athpariya Rai Kirant Samaj |
| 3. Dhantal Rai | Key Informant, Dhankuta Municipality |
| 4. Hari Bhakta Bantawa | Chairperson, Kirat Rai Yayokhya, Dhankuta |
| 5. Tej Narayan Singh Rai | Chairperson, Council of Indigenous Professionals |
| 6. Sukhakala Rai | Key Informant, Dhankuta |
| 7. Bimala Limbu | Key Informant, Dhankuta |

Annex 5: List of Participants

Central Department of Sociology and Anthropology (CDSA), Tribhuvan University		
S.N.	Name	Institution/Department/Organization
1	Dr. Ram Bdr. Chhetri (Department Head)	CDSA
2	Prof. Dr. Chaitanaya Mishra	CDSA
3	Prof. Dr. Kailasnath Pyakuryal	CDSA
4	Dr. Om Prasad Gurung	CDSA
5	Dr. Samira Luintel	CDSA
6	Mr. Prabhakar Lal Das	CDSA
7	Mr. Suresh Dhakal	CDSA
8	Mr. Bhanu Timilsina	CDSA
9	Mr. Kiran Dutta Upadhaya	CDSA
10	Mr. Madhusudhan Subedi	CDSA
11	Mrs. Shyamu Thapa	CDSA
12	Mr. Keshav Shrestha	CDSA
13	Mr. Krishna Karki	CDSA
14	Mr. Prem Shrestha	CDSA
15	Mrs. Sulochana Thapa	CDSA
16	Mr. Rakesh Shakya	CDSA
17	Mr. Ram Bhakta Karki	CDSA
Heads of Department		
18	Prof. Dr. Yogendra Prasad Yadav	Central Department of Linguistics
19	Prof. Dr. Mohammed Habibullah	Central Department of Political Science
Centre for Nepal and Asian Studies(CNAS)		
20	Prof. Nirmal Tuladhar (Director)	CNAS
21	Prof. Dr. Dilli Ram Dahal	CNAS
22	Prof. Dhruva Kumar	CNAS
23	Mr. Mrigendra Karki	CNAS
24	Mr. Nani Ram Khatri	CNAS
25	Mrs. Damini Vaidya	CNAS
26	Mrs. Prabha Kaini	CNAS
27	Prof. Dr. Nobel Kishor Rai	CNAS
Other Special Invitees		
28	Mr. Tilak Chaulagai (Head)	Department of Sociology/Anthropology (Trichandra Campus)
29	Mr. Tika BhatTerai (Head)	Department of Sociology/Anthropology (Patan)
30	Dr. Harinder Thapaliya	Women's Studies (Padma Kanya Campus)
31	Mrs. Mira Mishra	Women's Studies (Padma Kanya Campus)
32	Mrs. Gyanu Chhetri	Patan Multiple Campus
33	Mrs. Bindu Pokhrel	Women's Studies (Padma Kanya Campus)
34	Mr. Mukta Lama	Ph. D. Candidate, Cornell University, Ithaca, NY

Annex 6: Interview Questionnaire

Structured interview questionnaire for the collection of data through household surveys from individual respondents

Name of the Respondent: _____ Age: _____ Sex: _____
 Caste/Ethnic Identity: _____ Religion: _____ Sect: _____
 Name of the Settlement: _____ VDC: _____ Ward: _____

1. Demographic Information and Occupational Status of Household Members of the Respondent:

S.N.	Age	Sex	Relationship to Respondent	Education	Occupation			
					Primary	Secondary	Tertiary	Others

2. Land ownership Status of Household:

Land Type	Size in Ropani/ Bigha/Kattha	Ownership Status			Land Registered in the Name of male or female Member		
		Total Owned	Taken as Tenant	Leased to Tenant	Male	Female	Both
Irrigated							
Un-irrigated							
Grass and grazing field							
Other							

3. Debts owed by household:

Debts owed (Specify source)	Does not owe Debt	Remarks
Government Institution		
Private Institution		
Money lenders from within the caste/ethnic group		
Money lenders from outside the caste/ethnic group		
Other		

4. Gender Role: Who performs the following economic transactions in the household:

Transactions	Gender of the performer			Remarks
	Male	Female	Both	
Seeking/taking debt for the household				
Lending loan to others				
Sale or purchase of land				
Sale or purchase of livestock				
Sale or purchase of farm inputs				
Sale or purchase of farm products				
Control and regulation of festival expenditure				

5. Mobility Status of Household Member by Gender: Has any member of the family gone out of the settlement for education and/ or employment?

Yes: (specify purpose by gender)			No
Purpose	Male	Female	
Education/Study			
Employment			
Other			

6. Gender Role in Decision-Making/Participation: Who participates and/or makes decisions related to the following matters in the household?

Matters	Gender of the decision maker		
	Male member	Female member	Both
Decision on issues of arranging marriage of family members			
Participation in public programs and activities			
Decisions regarding economic transaction of the family			
Other (specify)			

7. Level of awareness of constitutional commitment to keep gender-based equality in society

Level of awareness	
Yes I know	I do not know

8. Do you feel you are discriminated against in your relations with people of other caste and/or ethnic groups of your area? *

Yes: (Specify the type of relations)	No
1.	
2.	
3.	
4.	

*Identify details of the discriminatory practices on these issues found in the areas by using the checklists prepared for this purpose.

9. Whom do you interact with in your daily life to receive necessary commodities and services?

With members of your own caste and/or ethnic group	
With members of another caste	
Both	

10. Have the people of other religious categories intervened in the performance of your rituals, festivals and other religious activities?

Yes	No
-----	----

11. Have you, or your family members, ever been excluded on the ground of your religious belief from having a share or participation in the following events or opportunities?

Events or opportunities		
To be employed in Govt. Jobs (specify how)		
To be employed in local Jobs (specify how)		
To get enrolment in the local school		
To get justice from local community/legal court (Specify how)		
Other		

12. Have you received access to your religious sites and ceremonies as equally as it is available to other members of your group?

Yes	No
-----	----

13. Have you ever been humiliated by others for your religious faith and practices?

Yes		No	
-----	--	----	--

14. Which language do you use in the following situations?

Context	Language	Remarks
While communicating with other members of your family		
While communicating with other members of your group		
While communicating with your neighbours other than those of your group		
While dealing with people in the offices		

15. Which language do you feel it is easier to use in the following situations?

Context	Language	Remarks
While communicating with other members of your family		
While communicating with other members of your group		
While communicating with your neighbours other than those of your group		
While dealing with people in the offices		

16. Have all the adult members of your family received a citizenship certificate?

No: Specify Reasons		Yes
They have not initiated the process		
The government does not consider them eligible*		
Other reasons		

* Identify causes through informal interview.

17. Are you aware that there are discriminatory laws protecting ethnic groups?

Yes there are (specify what)	Do not know
------------------------------	-------------

Annex 7: Checklist Used For Key Informant Interviews

7.1. Checklist for Informal Interview and Focused Group Discussions on the Issues of Ethnicity-Based Discrimination

1. Medium of communication; within the household, with other members of ethnic groups, with other people and institutions outside the community. Perceptions regarding ethnicity-based discrimination in society. How do the members define discrimination? What are the major areas of that discrimination?
2. Feelings regarding relative advantages or disadvantages experienced by people in the locality; based on one's caste and/or ethnic identities.
3. Areas of conflict and cooperation faced with other categories of people on the grounds of caste and ethnic identities.
4. Knowledge of any change (positive/negative) in these types of relations.
5. Knowledge of legal and constitutional provisions of the country that have addressed these areas of inequitable practices.
6. Knowledge about the existence and activities of the institutions that are involved in fighting against these practices.
7. Whether there are any differences in the extent of such discrimination faced by people belonging to different ethnic categories?
8. Whether there are also some differences in the extent of such discrimination faced by different classes of people belonging within, and between, the ethnic categories?
9. Leadership structure and its representation pattern by ethnic identity of people in local level institutions like the Village Development Committee/Municipality, schools, and other governmental and non-governmental organizations including local groups and political parties ; numbers of ethnic teachers in the local schools.
10. Are there any other types of discrimination defined or perceived by people?

7.2. Checklist for Key Informant Interview on Issues of Ethnicity-Based Discrimination

1. How do you perceive the present context of ethnicity-based discrimination in society? What are the major areas of that discrimination?
2. Have you experienced any change in this type of discriminatory behaviour?
3. How have the legal and constitutional provisions of the country addressed these areas of inequitable practice?
4. Are there any institutions that are involved in fighting against these practices? What types of activities have been carried out by those institutions? What are their constraints?
5. Are there any differences in the extent of such discrimination faced by people belonging to different ethnic categories?
6. Are there also some differences in the extent to which such discrimination is faced by different classes of people belonging within and between the ethnic categories?
7. What do you think are the possible ways to eliminate such an evil practice from society? What role do you expect to play by different types of **actors** in this process?

7.3. Checklist for Informal Interviews and Focused Group Discussions on the Issues of Caste-Based Discrimination

1. How do the caste groups define discrimination? The extent of discrimination regarding entrance to public and private places such as temples, mosques, monasteries, churches, religious programmes, hotels, schools, and so on.

2. Discrimination regarding giving and taking of services such as sale or purchase of milk, giving or taking loans, renting a room, getting training, getting service of priests, giving or taking Prasad or Tika (Mark), eating food or drink tea without washing utensils/glass, giving or taking help and support to/from neighbours, carrying dead bodies, getting government services, getting health care and facilities, and so on.
2. Discrimination regarding access to common resources such as water in the wells, springs and containers, products of community forest, use of the crematory, getting scholarships, etc.
3. Discrimination regarding intensity and direction of social interaction such as that between Dalit and non-Dalit/ and Hindu and Muslim teachers and students, possibility and events of inter-caste marriages, the opportunity to share a common settlement, etc.
4. Discrimination regarding participation in social and religious events in the village such as in worship functions, marriage ceremonies, governmental and non-governmental activities and programs launched in the area, etc.
5. Discrimination experienced through domination by members of one group over another as it is practiced in terms of use of abusive language to denote the membership of caste and religious group, sprinkling of holy water when touched by Dalits, seeking of respect one-sidedly in expression and behaviour, imposing some occupation on the basis of caste based identity of the people, forcing some to provide unpaid labour services for household chores and other economic activities.
6. Discrimination faced through atrocities used by members from one group to another such as rape, violence, physical and mental torture, false charges, burning huts and houses, murder, etc.
7. Discrimination regarding chances of employment in government jobs including problems related to transfer from one place to another or any other related situations.
8. Leadership structure and its representation pattern by caste in local level institutions like the Village Development Committee/Municipality, schools, and other governmental and non-governmental organizations including local groups and political parties; numbers of Dalit teachers in the local schools.
9. Level of awareness of legal and constitutional guarantee against caste-based discrimination.

7.4. Checklist for Key Informant Interview on the Issues of Caste-Based Discrimination

1. How do you perceive the present context of caste-based discrimination in society? What are the major areas of that discrimination?
2. Have you experienced any change in this type of discriminatory behaviour?
3. How have the legal and constitutional provisions of the country addressed these areas of inequitable practice?
4. Are there any institutions that are involved in fighting against these practices? What types of activities have been carried out by those institutions? What are their constraints?
5. Are there any differences in the extent of such discrimination faced by people belonging to different caste categories?
6. What do you think about the possibility of eliminating such an evil practice from society?

7.5. Checklist for Informal Interviews and Focused Group Discussions on Gender-Based Discrimination of the Population

1. Leadership structure and its representation pattern by gender based identity of the people in local level institutions like the Village Development committee/Municipality, schools, and other governmental and non-governmental organizations including local groups and political parties ; numbers of female teachers in the local schools; ratio of male/ female students in the local schools.
2. Events and practices of gender-based discrimination in employment opportunities and wage rate in the area.

3. Participation of male/female members of the locality in vocational training such as:
 - Agriculture
 - Micro-credits
 - Health and sanitation
 - Income generation
 - Skills training
4. Frequency of visits to the health post by male/female members of the community (find or verify data by visiting the local health post)
5. Cases of gender based violence reported in the VDC/Municipality office.
6. Prevalence of traditional practices that hinder women's rights such as:
 - Second marriage after widowhood
 - Menstruation seclusion
 - Social seclusion (participation of widows in rituals)
7. Socio-cultural ideology prevailing in the community:
 - How males and females are viewed, preference for giving birth to a son
 - What roles are designated to the male and female members because of this ideology?
8. Incidence of Child Marriages (case studies)
9. Level of awareness about legal rights for women regarding issues of property, inheritance, and so on.

7.6. Checklist for Key Informant Interview on the Issues of Gender-Based Discrimination

1. How do you perceive the present context of gender-based discrimination in society? What are the major areas of that discrimination?
2. Have you experienced any change in this type of discriminatory behaviour?
3. How have the legal and constitutional provisions of the country addressed these areas of inequitable practice?
4. Are there any institutions that are involved in fighting against these practices? What types of activities have been carried out by those institutions? What are their constraints?
5. Are there any differences in the extent of such discrimination faced by people based on their caste, class and ethnic positions in society?
6. What do you think are the possible ways to eliminate such an evil practice from society? What role do you expect to play by different types of **actors** in this process?

7.7. Checklist for Informal Interviews and Focused Group Discussions on Religion-Based Discrimination of the Population

1. Types of religious groups existing in, and around, the area.
2. Groups with which interaction occurs on a regular or sporadic basis, type of interaction such as economic, social, cultural, religious etc; nature of interaction such as harmonious, co-operative, conflicting.
3. Perceptions made by people about the relative grading of social status of different religious categories as they are expressed in terms of ritual beliefs and practices, access to power and control over economic resources.
4. Feelings of being discriminated against by people and/or institutions located within/outside and/or beyond their own group and/or locality.
5. Actions and strategies taken to address the respective discriminatory practices.
6. Leadership structure and its representation pattern by religious identity of the people in local level institutions like the Village Development Committee/Municipality, schools, and other

governmental and non-governmental organizations including local groups and political parties, numbers of teachers belonging to different religious groups in the local schools.

7. Status of freedom to write, teach, or disseminate about religious rights, beliefs, and customs. The availability of public holidays for important religious festivals and ceremonies.

7.8. Checklist for Key Informant Interview on Issues of Religion-Based Discrimination

1. How do you perceive the present context of religion based discrimination in society? What are the major areas of that discrimination?
2. Does the government declare public holidays on the important festivals and religious ceremonies of your religious society?
3. Have you experienced any change in this type of discriminatory behaviour?
4. How have the legal and constitutional provisions of the country addressed these areas of inequitable practice?
5. Are there any institutions that are involved in fighting against these practices? What types of activities have been carried out by those institutions? What are their constraints?
6. Are there any differences in the extent of such discrimination faced by people belonging to different religious categories?
7. Are there also some differences in the extent to which such discrimination is faced by different classes of people belonging within, and between, those categories?
8. What do you think are the possible ways to eliminate such an evil practice from society? What role do you expect to play by different types of actors in this process?

7.9. Checklist for Key Informant Interviews on Issues of Class-Based Discrimination

1. What is your opinion about the current process of distribution of power in society?
2. Do you think that all categories of people have equal opportunity to get access to decision making and implementation processes in major social issues?
3. How have the poor and marginal sections of the population received this opportunity?
4. Do you consider that the current social policies related to distribution of land and labour relations provide justice to the poor and marginal economic families?
5. How are these policies implemented in your areas or in practical fields?
6. Has the government implemented any programmes to promote the conditions of life of the poor and marginal section of the population?
7. Have the real targets been benefited through the implementation of these programmes?
8. What is your opinion about the role of different classes of the population in influencing the state and the state-sponsored programmes?

7.10. Checklist for Key Informant Interviews on Issues of Hill-Terai-Based Discrimination

1. What are the major areas of social discrimination experienced by people in terms of their regional divisions between the hill and the Terai regions?
2. Who do you think are the people of the hill and the Terai regions?
3. Are all the people of these regional categories equally discriminated against?
4. Are there any internal divisions and diversity among these regional categories of the population?
5. What are the causes of the discrimination and what are their solutions?



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