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## Role and Responsibility of Indigenous, Marginalized and Disadvantaged People on Succession of Different People Movement in Nepal

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### ABSTRACT:

*There is no long history of ethnic politics in Nepal; rather it has been manifestly enlightening since the 1990's movement to restore democracy. Ethnic mobilizations in all fields began to flourish through their ethnic organizations in terms of activism, that for identity and recognition, particularly cultural revitalization during post-democracy and the democratic constitution of 1990 AD. The open democratic environment, along with provisions of basic human rights, favored articulating marginalized and excluded voices from oppressed and deprived strata of dalits, women and the ethnic population. The restorations of democracy with the principles of popular sovereignty, equality, freedom and cultural rights have provided a platform for ethnic and gender-related activism. Hence, ethnic agendas have gained much weight in the center of Nepalese politics as marginalized and deprived ethnic grievances. In this paper, the researcher has tried to discuss the role of indigenous, marginalized and disadvantaged groups on a succession of people movements in Nepal and the outcomes related to it.*

**KEYWORDS:** *Democracy; Equity; Indigenous and marginalized; People's Movement, Role and Responsibility, Succession*

### INTRODUCTION

Democracy is the most widely admired political system, but perhaps the most difficult to maintain in the world. Democracy begins with excellent objectives in human governance with unquestionable intentions to impart freedom from injustice and social exclusion (Chaturvedy; Errico; Hachhethu). It is characterized as a system in which expectations are raised because people identify themselves with the polity. There has been a greater urge for opening up the space for participation and competition in a state like Nepal which had a long history of monarchical domination.

Nepal's democracy is in its embryonic stage which faces several challenges from various fronts. However, it would be too early for Nepal to anticipate a nearly perfect democracy as democracy is a self-learning and self-correcting system that requires longer exercise as well as commitment

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and sincerity of people. With the promulgation of an Interim Constitution (IC) in Nepal, the latest wave of democracy now appears to effectively institutionalize democracy at all levels and achieve sustainable peace, coupled with the implementation of a visionary sustainable development agenda. But, the leaders have an uphill task to make the roots of democracy go deep into the fabric of Nepal's social system(Chaturvedy).

There is no long history of ethnic politics in Nepal; rather it has been manifestly enlightening since the 1990's movement to restore democracy. Ethnic mobilizations in all fields began to flourish through their ethnic organizations in terms of activism, that for identity and recognition, particularly cultural revitalization during post-democracy and the democratic constitution of 1990(Government of Nepal). The open democratic environment, along with provisions of basic human rights, favored articulating indigenous, marginalized and excluded voices from oppressed and deprived strata of Dalits, women and the ethnic population. The restoration of democracy with the principles of popular sovereignty, equality, freedom and cultural rights have provided a platform for ethnic activism”(Hachhethu). Hence, ethnic agendas have gained much weight in the center of Nepalese politics as indigenous, marginalized and deprived ethnic grievances, which were rooted in the Maoist peoples' war in February 1996. After two years, Maoists urged the ethnic people for co-operation with the war, through the slogan of 'liberation from centuries long of exploitation, oppression, and suppression, while seeking an ethnic autonomous republic with the right of self-determination'. Maoists strategically catalyzed the grievances of the exploited, oppressed and marginalized strata of the population, like ethnic and Dalits, in favor of their peoples' war, by ensuring them ethnic autonomy; however, these events not only succeeded in the fueling of the war but also increased the Maoists' influence nationwide. Moreover, ethnic mobilization turned into an ethnic conflict, where new challenges in contemporary politics arose. Undoubtedly, the ethnic cleavages, as with other excluded voices, sprang up due to the open environment and human rights, through the re-establishment of multi-party democracy in 1990, but it could not change the traditionally excluded structures of the state, deprivation and the poverty; rather they continued to affect the lives of the indigenous, Dalits, Madheshi, women and the poor. These groups of people continued to suffer and are deprived of many kinds of political, social and economic power and opportunities, due to the domination of a few elites from the so-called high caste and exclusionary structure of the state(H. Gurung; Baral).

There is no long history of ethnic politics in Nepal; rather it has been manifestly enlightening since the 1990's movement to restore democracy. Ethnic mobilizations in all fields began to flourish through their ethnic organizations in terms of activism, that for identity and recognition, particularly cultural revitalization during post-democracy and the democratic constitution of 1990(Law commission)(Government of Nepal, 2015). The open democratic environment, along with provisions of basic human rights, favored articulating indigenous, marginalized and excluded voices from oppressed and deprived strata of Dalits, women and the ethnic population. The restoration of democracy with the principles of popular sovereignty, equality, freedom and cultural rights have provided a platform for ethnic activism”(Hachhethu). In Nepal, in the late '90s, ethnicity has been regarded comprehensively as an unavoidable political phenomena fuelled by the ethnic populations of different indigenous groups involved in the west and east hills, and of Tharu and Madheshi shared in the west and east Tarai, respectively through Maoist's peoples' war, which had an effect throughout the country. Hence, the mass movement succeeded in April 2006 to establish a full democracy and human rights. This overthrew the King's direct rule in

democracy and authoritarian monarchy. This movement was initiated by seven political parties and the Maoists, with full and active support from civil society including ethnic organizations. Millions of people, including ethnic strata, had joined their hands and marched on the streets for full and true democracy during the movement. In the post-April revolution, the ethnic movements succeeded to mobilize ethnic organizations and people in favor of the protest for seeking rational and proportional political rights in state affairs. The agitation and violence that occurred a few months earlier in Tarai, was set as bedrock for articulating extremely deprived voices of Madhesh as regional and marginal identity/sector of the state. This resulted out of the existing political system of the state, as an injustice for not giving the space in state authority, in proportion to their population (Baral). Along with these events, the ethnic agenda had also been introduced in the political discourses, whether in the state, political parties and civil society. Now the agenda of ethnic and regional autonomy turned to one of the main demand of ethnic organizations and the regional side. Undoubtedly, if societies have deep ethnic cleavages then democracy is inherently difficult.

In Nepal, it has been adopted a majoritarian democracy and it tries to solve its ethnic cleavages through the dominated group's policies without rational consideration towards inclusion for deprived and excluded groups (Michaels; Wang). However, there is an unwillingness to share the power and authority with excluded strata of the population rather than stress rationally and properly manage the ethnic conflict as an inclusive process for participation in politics and state affairs. The forms of ethnic conflict and its mobilizations basically depend on the deals and the management by power-holders in the state.

Although many castes and ethnic groups have diverse rituals, traditions, and cultural practices, the Hindus and the various cultural groups in the hills and the Tarai of Nepal have co-existed for centuries. Indeed, ethnic and caste groups have homogeneously and heterogeneously settled and tolerance of each others' conventions, even in many societies' cultural lifestyles, are much or less similar among the various groups of a population due to the fluid interaction of cross-cultural practices. But the traditional tendency of the state and authority is towards the national building, through so-called integration as one language and one religion, which made the identity a crisis amongst ethnic groups. Hence, these groups are excluded in the power and resources of the state, where dominant only the elites from so-called high caste, i.e. Brahmin, Chhetri and Newar ethnic group; therefore they are derived from political, socio-economic and cultural privileges. Due to this bitterness, ethnic activists have been forwarding their activism as a revitalized identity through various means amongst the ethnic strata of the population before and after 1990 (Navi Pillay; FONIN). Almost all ethnic organizations in post-1990 democracy were seeking reformative and informative processes to recognize their identity and ethnic issues through their activism. Such activism has now turned to the political ground as a movement which demands comprehensive ethnic rights for seeking roles in power and resources in proportion to their identity and population, through inclusion and ethnic autonomy, after succeeding in the people's movement in April 2006. Since that movement, political environments are in favor of such demands and supports, as inputs for inclusive democracy, particularly initiated by ethnic, Madheshi, women, and Dalits organizations. Therefore, ethnic activists and their organizations have been forwarding and pressuring their agendas of participation to the state and government in order to the benefit of the marginalized and deprived ethnic people in general.

Indeed, ethnic leaders succeeded to stress the attention from authority and civil society towards their issues and demands in the weak institutionalization of state and where a democracy is in a transitional phase since the post-revolution. Moreover, ethnic activism led by NEFIN and other ethnic organizations has been prevailing in politics as a movement for their well participation in polity in order to seek ethnic rights in the post April (2006) revolution which succeeded to create an arena for deprived and marginalized voices as equality and liberty for all sectors of society and state (FONIN; H. Gurung).

## **MATERIALS AND METHODS**

Data used in this study were drawn from the different national document and reports. These reports are Nepal's Adivasi Janajati (indigenous nationalities) movement, Constitution of Nepal's (1990) (Law commission; Hachhethu), Interim Constitution of Nepal's (2007) (Cottrell, Jill, Surya Dhungana, Basant Subba, Kedar Bhattarai) (Constitution et al.), New Constitution of Nepal's (2015) (Government of Nepal), Ninth (1997-2002) (Team) and tenth (2003-2007) (Commission) years plan, Indigenous Peoples' Human Rights Report 2008, and Census report (1991, 2001 & 2011) (Statistics; Planning and Secretariat). To ensure the representativeness, some related articles were also mentioned in this article. In addition, trained interviewers conducted face-to-face interviews with participants to ensure a high quality of data collection. In addition to the research findings, the three different themes were included. These are the role of women and responses to gender discrimination, the role of indigenous groups and response to ethnic discrimination, the role of Dalits and responses to caste discrimination.

## **RESULTS AND DISCUSSION**

### **Role of Women and Responses to Gender Discrimination**

Before 1990 women's issues were cast in the framework of development and welfare, not rights and with some exceptions, this is generally still the norm. The welfare approach characterizes women as uniformly 'backward, illiterate and tradition-bound'. The assumption underlying this view is that uniform 'Hindu patriarchy' constraints all women in the same way and therefore, a single policy towards women is appropriate regardless of their class, caste, ethnicity, religion, and age. In other words, the understanding of gender has ignored the important specificities of class, caste, ethnic, age and other cross-cutting divides (Gurung, 2004). Women have a much longer history in Nepal as a socially disadvantaged group in the eyes of the state than Janajatis and Dalits. The earliest women's organizations were founded in the late 1940s. Some pre-Panchayat protests by women included the demand for the right to vote. Under the 1976 Class Organizations Act, the Panchayat rulers recognized women as a social group. New women's organizations have emerged and are demanding conditions of economic equality by ensuring equal property rights, quotas in education and jobs and voice in political parties and government.

Nepal's Constitution does not permit discrimination on the basis of sex and advocates special legal provisions to protect and advance the interests of women. The Local Self-Governance Act (LSGA), 1999 also introduced the mandatory representation of women in local government. However, women's representation declines progressively at higher decision-making levels where



they are outnumbered. Elected local bodies were suspended in July 2002, resulting also in the suspension of the representation requirements of the LSGA.

Nepal has ratified the Convention on Elimination of all forms of Discrimination against Women (CEDAW), which requires it to change about 85 laws and 137 legal provisions that are discriminatory. This remains to be done. The government has not signed the Optional Protocol to CEDAW, which would give women the right to challenge the discriminatory laws internationally (Bennet, 2005). The Ministry of Women and Social Welfare, established in 1995, was renamed the Ministry of Women, Children and Social Welfare (MWCSW) in 2000 (Bennet). The MWCSW lacks adequate financial and human resources to carry out its responsibilities effectively and has also largely failed to consider the priorities and needs of women from different caste and ethnic groups (Wang, 2015).

The Ministry of Local Development (MLD) was first to incorporate gender issues in programming when it set up the Women's Development Section (WDS) in the early '80s. Its major achievements include the PCRW and other group-based microfinance programs for rural women, the promotion of reservations for women and requiring User Groups to have at least 30 percent women members. Women Development Officers (WDOs)—first hired in under the PCRW programme in 1983 and always field-based and focused on rural women—have now been shifted to MWCSW which has no real field presence. This has to some degree sidelined the WDOs who continue to head Women Development Offices in the districts but are no longer seen by MLD as part of its district development machinery. However, the WDOs are now being trained to serve as district Gender Focal Points and mandated to integrate gender and children's rights in the decentralized planning and review processes. The focal points will also be responsible for generating disaggregated data and conducting gender audits of sectoral and district-level programs (Errico). Nepal set up the National Women's Commission (NWC) in 2002. But it did not have a legal basis and its mandate remained unclear. Its members retired in March 2004 and replacements had not been appointed in end-October 2005 (Bennet). Brahman and Chhetri women—appointed mainly on the basis of their political affiliation—dominated the NWC membership.

Generally, the inclusion of women in development continues to fall into very specific gendered roles that often reinforce unequal access to resources and institutions, particularly for poor and socially marginalized women. Tension also exists between technocratic 'fixes' (often preferred by donors) and those advocating more long term socio-political change. The latter is more likely to occur as a process of democratic trial and error, often led by ordinary people (including politicians) and tends to be 'messier' and less amenable to donor's timetables and budget cycles. There is also an apparent donor bias favoring 'professional' NGOs—those whose leaders are conversant with the current development trends and can converse in English—over smaller local NGOs or mass organizations of political parties', even though the latter could potentially be more effective at mobilizing women and influencing policy change. As a result, programming has tended to remain narrowly focused, without necessary policy foundations and appropriate linkages for expansion and gender mainstreaming in the real sense. The representation of women in political parties remains low, especially at higher leadership positions, and this remains a major obstacle in having more mainstream policies and programs that focus on women and other disadvantaged groups. Women organizations of the parties remain in a subordinate relationship within the typically male-dominated institutions.

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### **Role of Dalits and Responses to Caste Discrimination:**

Dalits as the people at the very bottom of Nepal's caste hierarchy have in the past been a source of discomfort to educated bureaucrats who in their formal roles regard the caste system as outdated and inconsistent with their goal of developing Nepal into a 'modern' state. Even now, the government and many development/aid organizations use euphemisms such as 'occupational castes,' 'oppressed castes,' 'backward classes,' 'depressed castes,' 'deprived castes,' 'marginalized,' and 'the disadvantaged groups, instead of referring to them as Dalits. The hesitation to use the term Dalit deflects attention from caste-based discrimination that is still an everyday reality and must be tackled head-on (Bennett and Bank).

Over 200 forms of commonly practiced types of caste-based discrimination have been identified in Nepal. This includes limiting the so-called lower castes to socially-sanctioned roles, forcing them to carry out demeaning caste-based tasks such as removing the carcasses of dead cattle, refusing to share water sources with them and the elaborate behaviours intended to avoid any direct bodily contact – the literal practice of untouchability – which in most cases still goes unpunished. Generally, discrimination is more entrenched in the less developed regions of the country, especially in the Mid- and Far-western regions. But the caste rank continues to influence interpersonal behaviors throughout Nepal—with variations only in the degree and the nuances. There are districts in the eastern Tarai where the privileged castes have even resorted to economic and physical violence to enforce traditional caste-based practices. There is still no consensus on which communities fall into the category of Dalit or on the size of their population. According to the 2001 Census Dalits comprised 13 percent of the population but the figure is contested. One demand of Dalits is to have an accurate, acceptable database on the Dalit sub-castes.

Broadly, Nepal's Dalits can be grouped as hill Dalits who make up 61 percent of the Dalit population and the Tarai Dalits. The largest group is that of the metal worker, including Kami (blacksmith) and Sunar (gold worker) from the Hills and Lohar from the Tarai. Many small groups collectively comprise the Tarai Dalits. One of the ironies of the situation of Dalits is that they traditionally practiced stratification—along Hindu lines—among themselves. The Dalit movement rejects this hierarchy and is working to remove the barriers between its constituent groups. Unlike many Janajatis, the Dalits do not have any geographical center or 'traditional homeland' where they are numerically predominant, but are instead, scattered throughout Nepal (Bennet).

One of the few pro-Dalit moves by Nepal has been ratification of several international conventions whose compliance is monitored by a group of human rights organizations and NGOs, including Dalit NGOs. However, the government does not appear to be taking the monitoring reports seriously. The government did establish the National Dalit Commission in March 2002 with Dalits as members. But like the Women's Commission, its members were chosen based on party affiliations, its functions were not legally mandated and funding was inadequate. Despite the odds, the NDC was able to draft a bill for itself, which has not yet been enacted as law. Dalit rights activists have also not concentrated hard enough on lobbying for amending or repealing existing laws through public interest litigations. Recently a case was taken to court by an NGO where it won an important judgment against the government policy of

building separate water taps for Dalits. The scholarship scheme for Dalits remains constrained by over-politicization and procedural flaws. The program was initiated in 1996 but remains underfunded – though the recent initiation of the Nepal Education for All primary education program is providing additional funds for Dalit scholarships.

Dalit representation in executive bodies of political parties remains very low. The only Dalit member of the House of Representatives was elected on an NC ticket in 1991. There has also been no Dalit representation in parliament after 1994 and it remained low in elected district and village-level offices. Much blame for this falls on the political parties that have failed to field Dalit candidates or have ghettoized them in losing electorates. Nepal also had only one Dalit as assistant minister. The Brahmans, Chhetris, and Newars have a monopoly over public jobs and resources, and there is a near-total absence of Dalits in public service. There are very few Dalits in the media and other civil society organizations. In conclusion, with a few exceptions, Nepal's non-Dalit actors have left it to Dalit leaders, activists and organizations to 'fight their own battle.' This has not helped the Dalit movement, which can succeed only when it is able to build coalitions with reform-minded non-Dalits to add voice to their demands.

#### **Role of Indigenous Groups and Response to Ethnic Discrimination:**

Nepal's Adivasi Janajati (indigenous nationalities) movement builds on several issues. One is the need for constitutional reform to remove the discriminatory provisions. Equitable representation by changing the electoral system and through reservations or other forms of affirmative action is another major demand (H. Gurung). They also want to guarantee access to common properties/resources expropriated in the past by the privileged caste groups.

The government originally prepared a schedule listing 61 Janajati groups, which was later reduced to 59 in the law. Among the groups 18 are from the mountain region, 24 from the Hills, 7 from the Inner Tarai and 10 from the Tarai. The Census 2001 enumerated only 43 of 59 Janajati groups and reported a population of 8.27 million. After incorporating the 16 'missing' indigenous nationalities, the total population could be around 40 percent of the total. Four Janajati groups have populations exceeding a million, six have numbers between 100,000 and a million, nine groups have populations of less than 100,000 and some have less than 1,000 people. The numbers of several others do not exceed 10,000. There are disparities even among the Janajatis: According to NEFIN 10 among the 59 are "endangered", 12 "highly marginalized", 20 "marginalized", 15 "disadvantaged" and two are "advanced" or better off (H. Gurung; Harka Gurung; FONIN). Thus, the Janajati movement has recognized its own heterogeneity and expects different levels and forms of policy and affirmative action for its constituents.

Nepal's Constitution (1990) explicitly uses the term Janajatis in Article 26 (10) acknowledging both their presence and they are relatively social and economic deprivation (as cited in Bennett, 2005). The use of Nepali as the only official language to exclude languages spoken by Janajati groups and by other linguistic minorities like Maithili, Bhojpuri, etc., is discriminatory. However, there have also been modest efforts to use minority languages in newscasts on state-run radio. Also, block grant funds are being made available for schools to hire bilingual teachers in the first grade and a program is being piloted that will train and use bilingual teachers in primary schools in areas where there are significant numbers of non-Nepali speakers. Nepal began planning for the Janajati only in the Ninth Plan (1997-2002) and the Tenth Plan devotes an

entire chapter to issues related to the indigenous nationalities. But there are no quantitative targets.

The GSEA estimates there could be at least 150 Janajati organizations (claims are as high as 300). Forty-eight Janajati organizations were members of NEFIN in June 2005. Janajati organizations are financed largely through personal donations and various types of fees, including membership. Some individuals have donated land and buildings to specific organizations and others have created trusts or endowments to fund activities (Harka Gurung; H. Gurung; FONIN). NEFIN is at the forefront of the Janajati movement. Initially, it concentrated on religious freedom, linguistic equality and rights, and cultural promotion and preservation. It has also raised issues of governance, human rights, biological diversity, indigenous knowledge systems, conflict, and peace building, constitutional reform, restructuring Nepal's political institutions including the electoral system, federalism, affirmative action and social inclusion (Errico; Wang). Many donors have been unable to clearly differentiate between Dalits and Janajatis. Until ethnopolitics was legalized in 1997, donors feared that the dominant caste groups could interpret their support to Janajati-oriented projects as assistance to those who wanted to 'tear Nepal apart.' The Janajati community itself has also been ambivalent about receiving donor support—the opponents argue such support would mean an end to the spirit of the Janajati movement. The major issues of the movement include (Bennett and Bank).

- Equitable representation through different measures including 'restructuring the Nepali state' by changing the electoral system and reservations for increasing participation in civil service. The GSEA report recommends a fresh classification to identify all Janajati groups based on poverty incidence, educational levels, and key health indicators and provide the basis for eligibility to special state initiatives, including reservations and scholarships, for those most disadvantaged.
- Access to common property resources once communally owned by certain Janajati groups. They demand Janajati rights to resources by based on recognition of their "traditional right of ownership and usage", especially for forests and pastures.
- On full self-determination, the general consensus seems that it is not politically or fiscally realistic. Instead, there are demands for establishing self-governing ethnic autonomous regions within the current unitary state or a newly organized federal polity. The Maoists have called for complete ethnic autonomy in six of the nine autonomous regions they have proposed – though it is not entirely clear what ethnic autonomy means in the context of a totalitarian Maoist ideology.

## CONCLUSION

Democracy is only a system where oppressed and exploited grievances could arise as the input towards traditional authority for seeking power and resources is in proportion to the strength of their population. Therefore, in multiethnic states, ethnic conflict depends on the process of democratic institutionalization and power sharing in between ruling group(s) and subordinate or excluded groups. In Nepal, the ethnic mobilizations initiated were extremely violent. Unfortunately, several people were casualties in the demonstrations and agitations. Actually, such events have occurred due to illiberal policies of dominant groups that are unwilling to share



power and resources with subordinate and excluded groups, particularly indigenous, marginalized and disadvantaged people of Nepal including far-western region. Those groups, along with Dalits and very less developed areas, are deprived and excluded in the state's power and resources because of very nominal or nil involvement in the state in proportion to their population even in the democratic era of post-1990. According to democratic concepts, the more the subordinate group increases its ethnic power, the more likely the prospects for democracy is increased; and the more the dominant group increases its ethnic power, the more likely the prospect for democracy is diminished. In ethnically divided countries, the concentration of power resources in an ethnic group does not facilitate democracy, but instead their dispersion favors democracy. Thus, the forms of conflict in ethnic mobilization towards civic culture depend on the institutionalization and distribution of power, authority, and resources in the multiethnic democracy like Nepal. In order to resolve the ethnic conflicts, the Interim Constitution-2007 has got the second amendment and mentioned that restructuring the Nepali state will be based on the federal system.

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