

## **Understanding the Conflict & Inclusion issues of Madhesh**

### **Abstracts**

*This report basically focuses on two major issues: First part of this report focuses on all the past and contemporary issues that have led to conflicts of Madheshi people and the panacea to end the conflict. Second part focuses on the representation of Madheshi people at different sector of the government and possible solution to make the meaningful inclusion of the Madheshis and other marginalized groups.*

## ACKNOWLEDGEMENT

This topic "Understanding the Conflict & Inclusion and Issues of Madhesh", has been prepared under the supervision of Hon. Abhishek Pratap Shah. The main objectives of the research study is to examine the various conflicting issues of Madhesh, including the issue of representation of Madheshi at different government level. The study is the outcome of almost 3 months of rigorous study. My supervisor is a busy person but he has always given me an ample amount of his time and had keen interest in this study. The study has substantially benefited from his vast theoretical knowledge and well known research insights. But for his guidance, help and encouragement at every stage this study wouldn't have taken its presents shape. My indebtedness to him is therefore immense and everlasting.

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## **Acronyms**

APF:	Armed Police Force
CPN (Maoists):	Communist Party of Nepal (Maoist)
CPN-UML:	Communist Party of Nepal (Unified Marxist–Leninist)
FY:	Fiscal Year
GoN:	Government of Nepal
MJF:	Madheshi Janadhikar Forum
NGOs:	Non-Government Organization
NSP	Nepal Sadbhavana Parishad

# CHAPTER-I

## INTRODUCTION

### 1.1 Background of the Study

Madheshis are the non-hill origin people living in Madhesh region. The Madheshi community is composed of the traditional Hindu caste hierarchy such as Brahmin, Kshatriya, Baisya and Dalits, and indigenous Janjati ethnic groups, other native tribes and Muslims. Gaige (1975) used the terms 'hill people' and 'plains people' living in Terai districts, and defined a) "plains people are those who speak plains languages as their mother tongues or first language, whether they were born or live in the plains or hills"; the plains languages being Maithili, Bhojpuri, Awadhi, Urdu, Hindi and Bengali, and dialects of these languages used by Janjati groups, and b) "hill people whose mother tongue or first language is one that predominates in the hill region of Nepal such as Nepali, Newari, Magar, Gurung, Rai and others. Sociologically, hill people belong to Hindu caste groups, hill Janjati groups and Newars. The hill people are also called 'Pahadi' or 'Pahadiya'. Dahal (1996) divided Madheshi community into four groups a) Indigenous Janjati ethnic people living in Madhesh for generations, b) people belonging to traditional Hindu caste hierarchy, c) businessmen of Indian origin e.g. Marwadi, Sikh and others, and d) Muslims.

The Madheshi community, in spite of having a long history of origin and habitat within the present day Nepal, is practically considered outsiders and they have been mostly marginalized and face exclusion in active political participation, administration and governance, decision-making and policy planning, and moreover, they face serious humanitarian problem i.e. of their true identity in their own native land. The Madheshi people feel highly discriminated and have almost lost the sense of belongingness to this nation. Since the early 1990s, Madheshi people have organized community groups and formed societies or organizations for the cause of Madheshi community. The issues of Madhesh and Madheshi community have been time and again raised by Jha (1997), Lawoti (2001), Shah (2002) Yadav (2003), Gupta (2004) and few others. Most of the Madheshi people feel that the entire Madhesh region and its inhabitants do not practically exist in Nepal's consciousness and certainly in the consciousness of most of the donor community and much of the outside world. Lawoti (2001) reported a very low level of Madheshi people (11.2%) in the integrated index of governance with none in culture, academic and professional leadership.

The exclusion of Madheshi community from the national mainstream, which shares 32% of the country's total human resources, has been the negative factor for the sound economic development in the country. Moreover, the spirit of harmonious partnership between the two groups of Pahadi and Madheshi community has never been developed. Socio-political and economic inclusion of Madhesh, initially considered as 'bread basket' and the major source of revenue generation, and the Madheshi people is what the country needs for building a more inclusive nation based on democratic norms and processes. This paper analyses the current status of Madhesh and Madheshi community, the emerging socio-political and economic issues, and recommends relevant research agenda on the issues of social inclusion and nation building. All the issues discussed here are data based; there are many minor issues.

In 1963, government established 75 districts in the country and the previously 17 districts in Terai were restructured into 20 districts which also included part of Siwalik range and hills. District demarcation was not based on ecological or social basis, which could have then included only the outer Terai and Vitri Madhesh area. All the Terai districts have varying proportion of Siwalik and mid mountain areas, the highest being 77.5% in Nawalparasi district, 51.5% in Chitwan district, 50.8 % in Banke district and 41% in Kailali district to the lowest 8.9% in Sunsari district and about 7% in Jhapa district; the average being 32.4% for the 20 districts.

It appears that the government decision to include part of hills people in Terai district aimed at gradually increasing the dominance of hill people and their distinctive culture, practices, language and architectural style of the hill region in the plains is well calculated. Gaige (1975) reported the hill culture and more flexible social traditions and practices penetrating the plain region where the people practiced vegetarianism, observing dietary restrictions and considering inter-caste marriage as social taboo. The inclusion of hill areas in Terai districts increased the number of hill people in the district reducing chances of plain people to play decisive role in political arena and the governance system in their own area. It also made the holistic planning very difficult for the Terai districts.

In theory, Madhesis have the same rights as all other non Madhesis citizens, along with the voting rights, yet they are often denied their basic legal rights of citizenship and language, as well as recruitment policies to the armed forces and bureaucracy.

## **1.2 Research Problem**

Despite contributing 32 percent of human resources, Madhesi people are practically considered outsiders and they have been mostly marginalized and face exclusion in active political participation, administration and governance, decision-making and policy planning. Moreover, they face serious humanitarian problem i.e. of their true identity in their own native land. The Madheshi people feel highly discriminated and has almost lost the sense of belongingness to this nation. Although in theory, Madhesis have the same rights as all other non Madhesis citizens, with the exception of voting rights, yet they are often denied their basic legal rights of citizenship and language, as well as recruitment policies to the armed forces and bureaucracy.

## **1.3 Objectives of the Research**

1. To analyze the conflict issues of Madhesh.
2. To analyze the representation of Madhesi people in different government sectors of Nepal.

## **CHAPTER II**

### **RESEARCH METHODOLOGY**

#### **2.1 Methodology**

The method includes both the primary and secondary sources. I have interviewed several experts in the areas of Madhesh and inclusion issue .It also contains intensive literature reviews of several articles, books, journals & documentary as suggested by experts in that areas. The data about the representation is collected from various secondary sources and records of government and other agencies.

#### **2.2 Limitations of the Study**

This study is based on largely based on perspectives and views of the expert secondary information due to which few perspective of experts which may lack of consistency in perspectives. Besides that it was difficult to get reliable data for trend analysis. Therefore, I tried to extract each possible data from different sources which is although doesn't reveal the actual time series trend but a close proxy to represent the status of different ethnic groups.

## Chapter – III

### PAST & CONTEMPORARY ISSUES OF CONFLICT

#### 3.1 Past Conflicting Issues of Madhesh

The recent Madhesh movement is an outburst of anger against systematic exclusion of Madhesh since long ago. The Anglo-Nepal war of 1814-16 – in which at least some Madheshis took the side of British India (Goait 2007: 3) – was the starting point of the existing discrimination against Madhesh. The prohibition on Madheshis in the security forces was its legacy. Madheshis had to obtain a written permission to enter the Kathmandu Valley during the Rana regime (1846-1950). Only in the post-1950 period did the Nepali state actively and aggressively launch several programs to integrate the Terai, culturally, economically and administratively. The state designed scheme of national integration and acculturation through the imposition of Nepali language (as the only official language and medium of education) and hill culture adversely impacted to the Madheshis. The Citizenship Act of 1963 is biased against non-Nepali speaking population and consequently many Nepali citizens of the plains origin were either deprived from citizenship certificate or they faced much difficulty in process of acquiring citizenship cards (Hachhethu 2007:9). The Terai is home of nearly half of the total population of the country yet there have been several discrimination against them. People of Madhesh are getting more awake with each Madhesh Andolan and they consciously demand for their rights after learning about all the discriminations that have led them to the plight. Following are the few conflicting issues that have raised Madheshi sub-nationalism.

##### 3.1.1 Citizenship Issue

Citizenship is ought to be document which actually provides a citizen for right to equality. Likewise, if one doesn't have citizenship, he would be automatically abstained from getting all the rights and amenities that is provided to citizen. However, the Citizenship Act 1962, Clause (a) of Article 8, Section 2 of the 1962 Constitution made a provision whereby two years of residence for a person of 'Nepali origin' and minimum twelve years of residence for a person of 'non-Nepali origin,' apart from oral and written skills in Nepali language was made mandatory for a person to acquire citizenship certificate, but unfortunately, the Citizenship Act 1962 presented

the term 'Nepali origin' in a very vague fashion which allowed the government official of Nepal to prejudicially provide citizenship to one particular section while abstaining Madheshis from the same.

Needless to mention, it has also posed additional threat to Madheshi community, including Madheshis were abstained from land ownership deed and birth certificate was not issued without the citizenship certificate of parents. Similarly, citizenship certificate was a must to get passport. But, land ownership could be obtained only with citizenship, which is a stringent criteria based on descent. According to a report of High-level Citizenship Commission formed under the chairmanship of CPN-UML leader Dhanpati Upadhyay in 1995, there were about 3.4 million people without citizenship certificate and overwhelming of them were from Madhesh. Over the period of two decade, the demographic change is believed to be more than 5 million with majority of these people would be from Terai.

### **3.1.2 Tax Chauvinism**

Prejudice tax regulation and inclusion in governance seemed to have created more soreness among the Madheshi people. Many Madheshi people and their leaders had to leave their native place and migrate to the Indian side as they found very hard to cope with the huge unjustified taxes. Likewise, Madheshis were found deserted in each governance structure and also had to pay several redundant taxes such as marriage taxes, taxes on death, taxes in order to build temples etc. In those period, the *Fauzdar* (tax collector) was deployed to collect such taxes and land was confiscated if people were unable to pay them. Appallingly, the tax burden to Madheshis were biasedly imposed and thereafter their land was confiscated as penalty. The confiscated land was mainly given to the hill people who were close to rulers for their services in maintaining rule in the Terai. Subsequently, several landless Madheshis & Tharus had to migrate to India for refuge.

### **3.1.3 Constituency Issue**

According to the 1990 constitution, there was requirement of an increment of parliamentary constituencies in the Terai .However, this provision was always overlooked and never brought into effect, for an instance - the population of Nepal increased considerably from 43 percent in 1991 to 48 percent in 2001 census, but there was no change in the constituencies as per the constitution which was provisioned under constitution 1990. In addition, the new constitution 2072 drafted states the constituency allocation not solely in accordance to population but also

on the ground of geographical coverage as an important factor for its allocation. Thus, it hurt the sentiments of democratic system which values people more than anything.

### **3.1.4 Cultural & Recognition Issue**

The constitution of 1990, for the first time in the country's history, recognized Nepal as a pluralistic society with variety of cultural and linguistic groups. The provisions to "maintain cultural diversity", right "to promote literature, scripts, arts and culture of different groups", freedom "to protect religious places and trust" and the recognition of other national languages other than Nepali as the 'languages of nationalities' were some of the contents introduced in the Constitution for the first time. The constitutional provision of 'right to protect and promote own language and culture' was experimented with introducing mother tongue, Maithali as official language in District Development Committee of Saptari and Newari in Kathmandu municipality. But the Supreme Court voided this decision. Thus, it led to Madheshis disappointment of not being allowed to practice their mother tongue as official language.

### **3.1.5 Migration to Madhesh Issue**

According to 1952/54 population census, only about 6% of the population in Madhesh districts was of hill origin and the rest 94% population was composed of Madheshis of Hindu caste hierarchy, indigenous Janjati groups, Muslims and other tribes. The population dynamics significantly changed in 1981 increasing the percentage of hill people from about 6% in 1952 to 36% in 2001. The hill population increased many fold from merely 142,000 in 1952 to 4.1 million in 2001 while the Madheshi population increased just over two fold from 2.5 million to 5.3 million over the last 50 years. This migration was the result of pronounced efforts of King Mahendra which made East- West Highway and distributed Land and forest disproportionately in favour of the hill people. Consequently, the hill people established settlements and farming areas along East-West (Mahendra) Highway with better economic opportunities, abundant land and forest resources and led Madheshi to the vulnerable condition.

### **3.1.6 Breaching Agreements**

Historically, several agreements have been made to uplift Madhesis, Tharus, Janajatis and other marginalized people in Nepal, most notably, agreements made during the Madhesh Andolan, the eight-point and twenty two-point agreement, which clearly stated several points in

favour of Madhesis empowerment such as the provision of autonomy for the state and that state organs will be made inclusive based on population. Nevertheless, the agreement was never implemented and it fairly brought government of Nepal into a negative impression which essentially fiddled with the sentiments of marginalized Madheshis. Also, it would not be wrong in saying that the recent resentment of Madheshi-Tharu people after the new constitution 2072 is just on account of government's bad impression towards handling the Madhesis matter.

### **3.1.7 National Media's Manipulation**

There is prejudice of national media that has always played a great role in vandalizing the harmony of Nepal .While media is ought to be the fourth organ of democracy, it is always found that the government media reports events along the line of the ruling government while private media are quick to understand the popular sentiment and report events that is sellable and liked by most of the public (Acharya 2007).Indeed a majority of prominent Nepalese media always refrain from providing adequate coverage whenever it comes to the issue of Madhesis or other marginalized groups. For an instance- the ongoing protests after the new Constitution is promulgated is against the government on account of major political party's unilateral stance in promulgating constitution sidelining the marginalized Madheshi and Janjatis. Therefore, it is not against any communities. However, national media unnecessarily depicts the protests as though it is motivated by India. Unquestionably, such activities of media is highly responsible to put additional flame into the fire of ongoing conflict. Such stand of national medias have lost their credibility in Madhesh and therefore, Madheshi have started using alternative sources of media such as Twitter and Facebook to cover the actual incidence of Madhesh Andolan and the pain that Madheshis are suffering during the Andolan

### **3.2 Contemporary Issues**

It was believed that the new constitution 2072 would end the prolonged conflict in Nepal but it instead gave a birth to another phase of instability and violence as the people living in the southern border, including Tharus, Madheshis and Janajatis felt discontented by the major political party's unilateral stance in promulgating constitution sidelining the marginalized Madheshi and Janjatis. Although the conflict is new but the issue is essentially driven on account of breaching the past agreements to create the Khas legacy. Consequently, the recent conflicts are to some extent adhered with past agreements as well as few disagreements with few provisions that they are seeking to amend through seven points amendments that is put forward by Madheshi Morcha. The amendments are as follows:

Article 63 (3) of the Interim Constitution provided electoral constituencies based on population, geography and special characteristics, “and in the case of Madhesh on the basis of percentage of population”. Under this provision, Madhesh, with more than 50 per cent of the population, got 50 per cent of seats in Parliament. The latter phrase has been omitted in Article 84 of the new Constitution.

In Article 21 of the Interim Constitution, it was mentioned that various groups would have “the right to participate in state structures on the basis of principles of proportional inclusion”. In the new Constitution (Article 42), the word “proportional” has been dropped and therefore it should be amended.

Article 283 of the Constitution states that only citizens by descent will be entitled to hold the posts of President, Vice-President, Prime Minister, Chief Justice, Speaker of Parliament, Chairperson of National Assembly, Head of Province, Chief Minister, Speaker of Provincial Assembly and Chief of Security Bodies. This clause is seen as discriminatory for the large number of Madhesis who have acquired citizenship by birth or naturalization.

Article 86 of the new Constitution states that National Assembly will comprise 8 members from each of 7 States and 3 nominated members. Madhesi parties want representation in National Assembly to be based on population of the Provinces.

Five disputed districts of Kanchanpur, Kailali, Sunsari, Jhapa and Morang: Based on the majority of the population, these districts or parts of them may be included in the neighboring Madhesh Provinces.

Article 154 of the Interim Constitution provided for delineation of electoral constituencies every 10 years. But now this has been increased to 20 years in Article 281 of the new Constitution. Therefore, Madheshi parties seeking amendment into this provision because population census shows the changes in its growth rate in every 10 years.

Article 11(6) states that a foreign woman married to a Nepali citizen may acquire naturalized citizenship of Nepal as provided for in a federal law. Madheshi parties want the nuptially naturalized women citizens to hold equal rights at par to other women citizen of Nepal.

Nepal has promulgated constitutions for seven time in the past 68 years yet it has never faced such discontentment of public until the new constitution 2072 is promulgated. Therefore, it becomes essential for the major parties to create such environment where every citizen would feel the sense of ownership towards the new constitution.

## **CHAPTER IV**

### **MADHESH REPRESENTATION IN GOVERNMENT SECTOR**

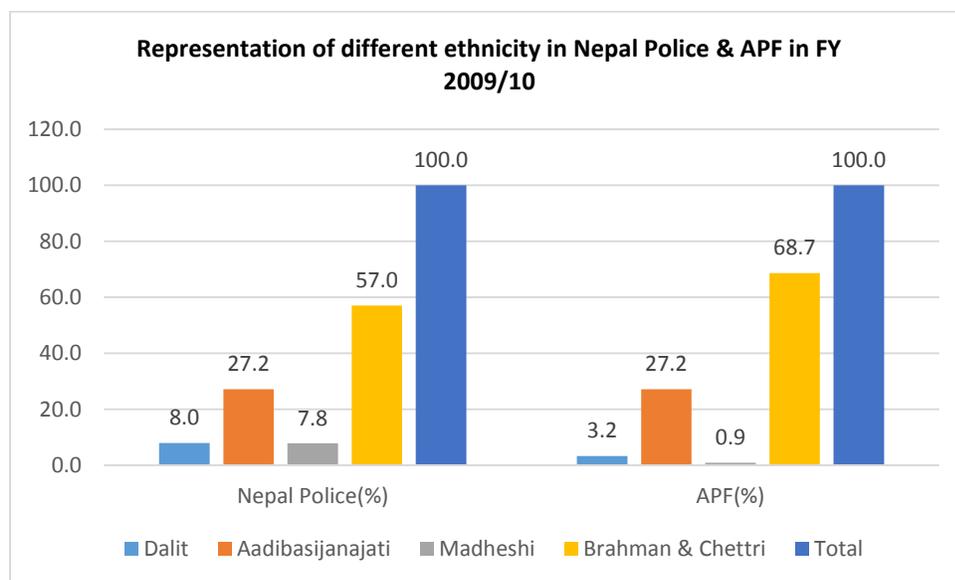
#### **4.1 Madhesh representation in several government sector**

Social inclusion is often defined as socio-economic and political empowerment of the communities who need special attention of the state to enable them to participate in the mainstream of development activities. Therefore, social inclusion is considered a process of promoting equitable access to both economic and social benefits including access to state institutions and administrative structures without any discrimination on the grounds of caste, descent, gender, religion, ethnicity, or other matters. The history of the effort to bring inclusion in the national mainstream is comparatively new. Though the Eighth and Ninth development plans visualized inclusion as an important factor for poverty reduction and the promotion of equitable social justice and inclusive growth, social inclusion gained prominence in public discourse only after it was included as one of the pillars of the Poverty Reduction during the Tenth Plan (2002-07). Following are the study which reveals the Madhesh representation in several sectors of government.

#### **4.1.2 Representation of different ethnicity in Nepal Police & APF**

The chart below reveals the representation of different ethnicity in Nepal Police & APF until 2009. The chart reveals the representation of different ethnicity in Nepal Police & APF until 2009. The data below reveals that the Brahman-Chhetri together have the highest representation in both Nepal Police and APF with 57 percent & 68.7 percent representation respectively.

**Chart 1: Representation of different ethnicity in Nepal Police & APF in FY 2009/10**



*Source: Nepal Army and Nepal Police: 2009 and Monitoring Report UNSCR 1325, Saathi 2011*

The Aadibasi-Janajati representation in both Nepal Police & APF is fairly same but Dalit representation is not satisfactory, i.e., their representation in Nepal Police & APF is 8 percent and 3.2 respectively. On the other hand, the Madheshi representation in Nepal Police and APF is the lowest with 7.8 percent and 0.9 percent respectively. With the minimum representation of Madheshi and Dalit, the process of inclusion in Nepal Police and APF is still far cry. Therefore, it needs to draw a great attention of GoN to make a conducive environment for meaningful inclusion in Nepal Police & APF.

#### **4.1.3 Representation of different ethnicity in civil service of Nepal**

A civil servant or public servant is a person in the public sector employed for a government department or agency. In Nepal, the Public Service Commission (PSC) was established in 1951 and it was made functional to recruit civil servants on the recommendations of the Commission

(on the merit basis). The civil service was eventually formalized and brought under the legal framework following the enactment of Civil Service Act, 1956. Before 1990, the ratio of officer level civil servants was - around 70 percent Brahmin Chhetri and 30 percent Janajati (21.6 percent) and Madhesi (8.5 percent).

**Table.1 Representation of different ethnicity in civil service of Nepal from FY 1984/85 to 2000/01**

Year	Brahmin & Chhetri (%)	Janajati (%)	Madhesi (%)
1984/85	69.3	18.6(3)	8.5
2000/01	87	8.7(0.5)	3.2

*Source: H. Gurung; Paper presented at a Civil Society Forum Workshop*

Of the total Janajati representation, 18.6 percent were from the Newar community and 3 percent from rest of the Janajati groups. From the perspective of inclusion FY 2000/00 was quite discouraging as the percentage of representation of Brahmin & Chhetri went up to 87 percent, while Janajati and Madhesi representation dropped to 13 percent. This indicates that in spite of the state's policy (after 1990) to eliminate discrimination among citizens on the grounds of religion, race, sex, caste, tribe, or ideological conviction or any of these, inclusion in civil service was not considered a prioritized issue.

In line with the spirit of the Interim Constitution a provision of reservation was made in the Civil Service Act, 1993, through a second amendment to it in 2007. Accordingly, a certain percentage of positions are allocated for candidates who come from different disadvantaged groups (Women, Adibasi-janjati, Madhesi, Dalit, differently-abled and people from remote areas). Such a provision of inclusion is not only limited to civil service but has also been put into practice in the corporate sector as well.

**Table 2: Representation of different ethnicity in civil service of Nepal from FY 2006/07 to 2012/13**

2006							2012				
Level (Class)	Janajati (Newar)	Janajati (Others)	Madheshi	Dalit	Others	Total	Janajati (Newar)	Janajati (Others)	Madheshi	Dalit	Others
Special	18.4	2.6	0.0	0.0	78.9	100	3.7	1.9	3.7	0.0	90.7
First	17.1	0.8	7.6	0.8	73.8	100	11.3	3.3	9.7	0.2	75.5
Second	17.5	3.3	11.1	0.5	67.6	100	11.3	2.4	1.4	0.5	86.5
Third	12.7	3.4	9.7	1.1	73.0	100	6.3	5.6	9.9	1.1	79.9
Total	14.2	3.3	9.9	0.9	71.7	100	7.4	4.8	8.2	0.9	81.7

*Source: Nijamati Kitabkhana 2014*

The table shows the comparative study of ethnicity based on representation in civil service at two time period 2006 and 2012. There was no Madhesi special class officer in 2006. However, there is 3.7 percent in 2012. The percentage of representation of other groups has also increased from 78.9 percent in 2006 to 90.7 percent in 2012.

The situation of class I officers is more or less the same as that of special class officers. The domination of Newar community (17.1 percent in 2006 and 11.3 percent in 2012) out the total Janajati group (17.9 percent in 14.6 percent) continues. The representation of Madhesi community at class I officer level has slightly improved from 7.6 percent in 2006 to 9.6 percent

in 2012. Moreover, the representation of Dalit and Muslim at class I officer level in 2012 reflects a positive trend.

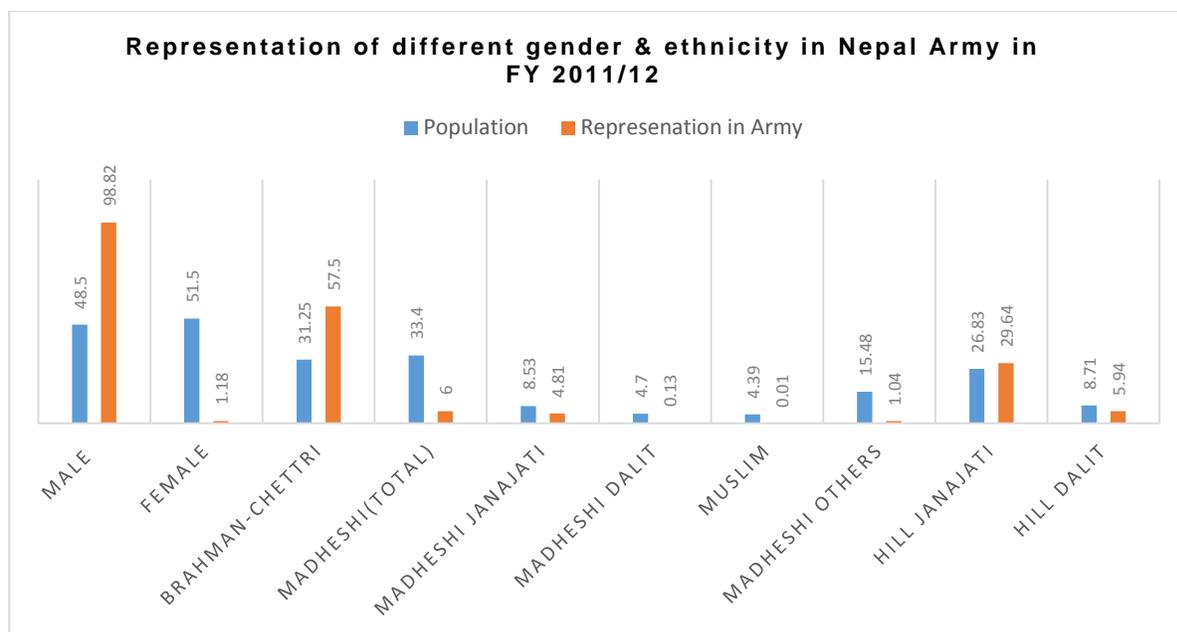
Inclusion in class II officer level has improved. Among the Janajati groups the percentage of representation of Newar community has gone down from 17.5 percent to 11.3 percent, but the Janajati (others) also slightly fell down from 3.3 percent to 2.4 percent. The representation of Madheshi group has slightly increasing trend but Dalit remained stagnant. Surprisingly the representation of other groups has still increasing trend.

As far as the representation situation of representation at class III officer level, the figure shows that the percentage of representation of Janajati (Newar) has declined from 12.7 percent to 6.3 percent while Janajati (Others) has increased from 3.4 percent to 5.6 percent among the Janajati groups. On the other hand, the representation of Madheshi has slightly increased and Dalit representation remained stagnant. Moreover, the representation in other groups showed positive trend, i.e. it has increased from 73 percent to 78.6 percent.

#### **4.1.5 Representation of different gender & ethnicity in Nepal Army**

In compliance to the Nepalese Law, which states that 45% of all vacant government positions be reserved for excluded groups, the Army in 2006, amended its Army Act. After which, out of the 45% reserved position within the Nepal Army 20% is reserved for women, 32% for Janajati, 28% for Madheshi, 15% for Dalit and 5% for remote regions .But despite of its efforts, the issue of inclusion of different castes, ethnic groups, genders and regions have been frequently raised in the country.

#### **Chart 2: Representation of different gender & ethnicity in Nepal Army until FY 2011/12**



Source: Madhesh Adhyan 2014

The table represents the representation of different gender & ethnicity in Nepal Army in 2011. In 2011, the male population in Nepal was 48.5 percent while their respective representation in Nepal Army is 98.82 percent. On the other hand, the total percent of female is 51.15 percent while their corresponding representation is 1.18 percent which means there is great gap between the male & female representation in Nepal Army in compare to their population.

The representation Brahman & Chhetri is 57.5 percent while their total population in Nepal is 31.25 percent. On the other hand, the total population of Madheshi is 33.4 percent but their corresponding representation in Nepal Army is only 6 percent. Out of total Madheshi population, Madheshi Janajati is 8.53 percent and their corresponding representation is 4.81 percent. On the other hand, the total population of hill Janajati is 6.83 percent and their corresponding representation is 29.64 percent which is slightly more represented than their population. The total population of Madheshi Dalit is 4.7 percent. However, their representation is only 0.13 percent while hill Dalit representation is 5.94 percent .On the other hand, Muslim representation in Nepal Army is lowest with 0.01 percent though their total population is 4.39 percent. The lowest representation of Muslim in Nepal Army is also largely accounted for the fact that Nepal Army is more inclined towards with Hinduism and therefore, Muslims never participated in Nepal Army at par to other community. Hence, the representation of Muslim is the lowest.

The inclusion in Nepal Army has always been a center of debate for Madheshi. With the advent of Madhesh Andolan in 2007, the inclusion of Madheshi youth in Nepal Army was raised with ultimate voice. Indeed, in 2011 Madhesh Parties joined the government only when the CPN (Maoists) party agreed to implement the four point deals in which the collective recruitment of 3000 Madheshi youth in Nepal army was demanded. However, since the recruitment that would benefit only one community was against the Army Act and Interim constitution, the Supreme Court issued a stay order on such decision by government.

## **CHAPTER V**

### **OBSERVATIONS AND KEY FINDINGS**

#### **4.1 Key Findings:**

- According to the 1990 constitution, there was requirement of an increment of parliamentary constituencies in the Terai because the population has increased considerably from 43 percent in 1991 to 48 percent in 2001 census. However, this decision was never followed which was again a clear discrimination against the Madhesis.
- The constitution of 1990, for the first time in the country's history, recognized Nepal as a pluralistic society with variety of cultural and linguistic groups. The constitutional provision of 'right to protect and promote own language and culture' was carried out with introducing mother tongue, Maithali as official language in District Development Committee of Saptari and Newari in Kathmandu municipality. But the Supreme Court rejected this decision. Thus, it hurt the sentiments of Madhesis for not being able to practice their cultural and linguistic rights.

- The Citizenship Act of 1963 is biased against non-Nepali speaking population as it allowed citizenship to only those who knows how to read and write Nepali. Due to this reason, many Nepali citizens of the plains origin were either deprived from Citizenship certificate or they faced much difficulty in process of acquiring citizenship cards. The Madheshis of Terai who have been living for several generations are denied citizenship certificate due to their incompetency in Nepali language and due to this reason, acquiring land registration deed (lalpurja) is impossible and hence so many Madheshi are Landless.
- Several agreements were made during the Madhesh Andolan, *the eight-point and twenty two-point agreement*, which clearly stated several points in favor of Madheshi empowerment such as the provision of autonomy for the state and that state organs will be made inclusive based on population and others etc. Nevertheless, the agreement was never implemented and it fairly brought government of Nepal into a negative impression which essentially fiddled with the sentiments of marginalized Madheshis.
- National media have always been biased towards the ruling government and this has led a distrust in Madheshi community towards National media. It is always found under reporting the grievances of Madheshis in the Madhesh Andolan while it manipulates the thing that is subjected to the favour Pahalde government who doesn't want to give away the rights to Madheshi.
- In spite of the reserved seats for Madheshi and other marginalized groups, their representation in Nepal Army and Nepal Police is found to be very low which asserts that there is some technical fault in the inclusive process in these two sectors. On the other hand, though the Madheshi representation in civil service has increased slightly after the provision of inclusion yet the numbers are negligible enough to be called as meaningful inclusion.

## **CHAPTER VI RECOMMENDATIONS**

### **5.1 Recommendations:**

- Nepal has promulgated constitutions for seven time in the past 68 years yet it never faced such discontentment of public until the new constitution 2072 is promulgated. Therefore, it becomes essential for the major parties to create such environment where every citizen would feel the sense of ownership towards the new constitution.
- The recent conflict in Madhesh is largely due to the exclusion of Madheshi community from the national mainstream. By allowing different communities and states to create their own policies with their own chosen representative, it would narrow down the conflict and make them feel their ownership towards the community they live in. Therefore, federalism is an

essential therapy and respect to diversity. The state should ensure diversity of the Madhesh in terms of culture, language and religion apart from the capability of resources to govern the federal states sustainably.

- Despite of the introduction of inclusion process, the state hasn't made better provisions of mainstreaming, empowering and ensuring inclusion of the target groups through proper management. There should be separate inclusion measures to have access, recognition, participation and empowerment of the deprived and oppressed groups by giving them opportunities to play meaningful roles in different spheres of development sector and in decision making processes.
- The average population per constituency is considerably higher in Terai in comparison to hills and mountains. Due to this it reduces the number of parliamentarians representing their people. Therefore, the government should scientifically try to address this issue by reallocating the electoral constituencies which would represent the population with more priority than the geography.
- The Non-Nepali speakers despite their hard labor had to face failure in public services. Therefore, in order to enhance an inclusive public service commission, English language should be another option as it solves the language barrier for the students who have studied in English medium because it is an international language to all the people whether Nepali speakers or Non-Nepali speakers.
- National media coverage has grabbed a negative impression in all of the three Madhesh Andolan. This has created additional chaos in Madhesh. Therefore, national media should try to bridge the growing differences between them & Madheshi community by covering all the grievances of Madheshis without tampering the facts.
- NGOs and other forum should initiate a movement which would mix both Madheshi and Pahades in a common platform where they can understand each other and thereby create national harmony in the country.

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