

INCLUSION IN POLITICS OF MADHESH

Mukesh Jha

Daayitwa Fellow with Hon. Abhishek Pratap Shah, Member of
Legislature Parliament of Nepal



**DAAYITWA
NEPAL PUBLIC SERVICE FELLOWSHIP
SUMMER 2014**

ABSTRACT

This report focuses on inclusion of Madheshi, indigenous people of southern plains of Nepal. This report focuses on the representation of Madheshis in political parties, Constituent Assembly and investigates if the representation has been effective enough to voice the agendas of Madheshi people.

CONTENTS

1. INTRODUCTION

4

1.1. SOCIAL STRUCTURE

1.2. METHODOLOGY

2. REPRESENTATION OF MADHESHI

5

2.1. CONGRESS

2.2. C PN-UML

2.3. UNITED COMMUNIST PARTY OF NEPAL (MAOIST)

3. HOPES, PROSPECT AND FUTURE

8

3.1 CONCLUSION AND RECOMMENDATION

3.2 ACKNOWLEDGEMENTS

1. INTRODUCTION

The genesis of word "Madhesh" is said to have its roots from the Sanskrit word "Madhya Desh" which implies "country in the middle". Some historians also trace its origin to 'Matsya Desh' which means "country of fish". Madhesh lies in the southern plains of Nepal and shares around 500 miles of long border with India. Historically, Madhesh is believed to be a part of great "Magadha Empire" which includes almost present day Nepal, India, Pakistan, Bangladesh and Afghanistan. In ancient times, King Janak (the mythical hindu figure) is believed to be the ruler of Mithila Kingdom(the eastern part of Madhesh) with Janakpur its capital. His daughter "Sita" is worshiped by the Hindus as the ideal of womanhood.

1. 1. SOCIAL STRUCTURE

The social structure of Madhesi community is a heterogeneous mix of different caste. Brahmins, Rajputs, Bhumiars and Kayasthas are said to so called upper caste. Though, only in handful number, they have the highest human development indicators in the entire nation. Some of the OBCs(Other backward classes) include Baniya,kalwar, Sonar, Teli, Hajam, Yadav. Although, Yadavs are included in OBCs, they are perceived as a middle caste in Nepal`s Terai. Around 95% of the Muslim population reside in terai. People of Madhesi origin represent 33 percent of the entire population. Despite being in minority, people of hill origin occupy the major political and social position. "Tharu" community represent the largest ethnic (Janajati) group.

1. 2. METHODOLOGY

A. Literature review, data analysis from election commission and political parties with a perspective of inclusion.

B. Interviews and interaction with Madhesi civic-society leaders, activists, youth leaders, CA members and academicians.

2. REPRESENTATION OF MADHESHI

Political representation is a contentious topic. There are multiple definition for it, and various people adhere to different definition. Hanna Pitkin [2] defined representation as "make present again." On the basis of this definition, political representation can be defined as the activity of making citizen's opinions, voices, agendas and issues etc. "present" in policy. H. Pitkin [2] formalized four different forms of representations. They are:

1. Formalistic Representation: It refers to institutional arrangements which precede and initiate representation. It has two dimensions:

(a) Authorization: The means or process by which a representative obtains power and how he/she can enforce the decisions.

(b) Accountability: This means if a representative can be voted out or punished for not acting as per the popular mandate.

2. Symbolic Representation: It signifies about what a representative 'stands for'. It refers to the agendas, issues and opinions a representative voices for.

3. Descriptive Representation: It refers to the resemblance of a representative with those he/she's representing such as physical looks, interests, experiences etc.

4. Substantive Representation: It refers to the idea that a representative should advocate the policies, actions etc. on behalf of those he/she is representing.

Representation of marginalized communities and groups in political parties is not very enthusiastic. The representatives in higher echelon in major national political parties are mostly from 'Bahun', 'Chhetri', 'Newar' communities and less from Madhesi, Janjati and Dalits.

People from marginalized communities have become politically aware and conscious about their representation. Since last few decades Madhesi politicians have formed identity based political parties and raised the agendas and rights of Madhesi people for proportionate representation in state mechanism. They have raised the agenda of division of electorate based on population, proportionate representation etc.

As per international convention, electorate is divided on the basis of population. The idea of representation by population (rep by pop), was first brought in 19th century in Britain. Canada enacted 'Fair representation act - 2011' to ensure representation by population. Most of the nations base population as the basis of electorate division; which principally exemplifies 'one vote, one value'. This principle of equally valuing each vote is practiced in Australia for electoral divisions of the House of Representative.

Lowati [1] cites that political exclusion increased during post-1990 era under multi-party system. During that era, the hill upper caste and certain ethnic groups became more dominant, while exclusion of marginalized communities like Madhesi, Janjati, Tharu etc. was institutionalized in Nepal. Lowati has further extended his concern that if such an exclusive system remains functional, there would be a high possibility for violent ethnic conflicts. To ensure that the voices of all the community is represented in the state, the major political parties should pay special attention for representation from marginalized communities. We briefly present the political participation in the central committee or apex bodies of the major political parties.

Under FPTP System due to various political reasons such as anti-incumbency, gerrymandering and division of electorate etc. Madhes based political parties could not get the unprecedented mandate in CA-II as compared to CA-I. The number of

Madheshi CA members decreased substantially in CA-II as compared to CA-I. This decrease in number has adversely affected the representation, thereby weakening the agendas of Madhesh.

To ensure proportionate representation Election Commission has mandated 31.2% Madheshi, 13% Dalit, 37.8% Janjati, 4% remote areas and 30.2% from Khas Arya and other groups. Along with this, there is a legal provision that an individual can be identified for multiple groups [3]. This is a progressive step to ensure inclusion in constituent assembly. Political parties have misused their discretionary power while nominating the candidates from marginalized communities by selecting loyal candidates over competent candidates. Suresh Mandal commented that the PR list should be scrutinized and further added that there are certain problems such as title-change, unclear ethnicity, marriage etc. which are used by certain political parties in PR system to allocate quotas to wrong candidates.

To access the representation of Madheshi in major political parties of Nepal, we have analyzed the apex bodies of the largest three political parties of Nepal.

2. 1. CONGRESS

The apex body of Nepali Congress is Central Working Committee (CWC). This constitutes of total 70 members. Out of those 70 CWC members, only 10 members are Madheshis. Thus, Madheshis are approximately 12% in the CWC [8].

2. 2. CPN-UML

The apex body of CPN-UML presents grim picture of inclusion of marginalized community, let alone Madheshi. The analysis of the central committee elected in 9th national convention is presented in the table: [4]

Sr.N o.	Position	Designation	TotalN umber	Madhesh
1.	Central Committee	President	1	0
2.	Central Committee	Vice-President	5	0
3.	Central Committee	General Secretary	1	0
4.	Central Committee	SubG eneral Secretary	2	0
5.	Central Committee	Secretary	5	0
6.	Central Committee(Open)	TotalC entral Committeem ember	35	2
7.	CentralM ember	Alternate/Optional	7	0
8.	CentralM ember	WomenT otal	17	0
9.	CentralM ember	WomenA lternate	5	0
10.	CentralM ember	Janjati (Indigenous)T otal	12	1
11.	CentralM ember	Janjati (Indigenous)A lternative	6	0
12.	CentralM ember	DalitT otal	5	0
13.	CentralM ember	DalitA lternative	3	0
14.	CentralM ember	Backward Area Total	2	0
15.	CentralM ember	Backward Area Alternative	1	0
16.	CentralM ember	Geography	35	0
17.	CentralD iscipline Commission	President	1	0
18.	CentralD iscipline Commission	Members	20	1
19.	AccountingD epartment	President	1	0
20.	AccountingD epartment	Members	20	0
Total			184	4

It should be noted that the overall population of Madhesi are 38% of total population [6] as per the Central Bureau of Statistics, Nepal. We can observe that only 4 out of 184 central committee members are Madheshis, which is about 2.17%. This shows that CPN-UML has failed to include the 38% of Population in its party structure to a satisfactory level.

Also, it should be noted that CPN-UML fails to include Madhesi Dalits in their party mechanism. While there are in about 40% Madheshi Dalits [5] out of total population of Dalits in Nepal, CPN-UML has zero Madheshi Dalit in their central committee.

2.3. UNITED COMMUNIST PARTY OF NEPAL (MAOIST)

The present central committee of UCPN (Maoist) has total of 151 members. By the time this report was being prepared, the sub-committees were not formed. Hence, a detailed analysis of presence of Madheshis in sub-committees could not be prepared. But overall there are 24 Madheshis out of the 151 members [7]. This is about 15% of total central committee. Comparatively, this presents a better picture of inclusion with respect to other parties.

3. HOPES, PROSPECT AND FUTURE

If we compare the political inclusion of marginalized communities in Nepal from last decade, it is moving in positive direction. The agenda of inclusion and representation became central in political spectrum of Nepal only after mid 2006. In a relatively less amount of time, the agenda has gained a lot of attention. There has been positive discrimination and positive actions by the government as a first step for an inclusive country. Although the major political parties have failed to accommodate Madheshis in decision/policy making bodies of party structure, there are contentious discussions, debates and actions for representation in public sphere.

Positive discrimination is defined as an individual is given favor than the another on the basis of certain criteria such as sex, ethnicity, age and race etc. It ensures that the beneted individual represents a marginalized or under-represented community. Reservation is a form of positive discrimination. Government has set up reservation policies for marginalized communities. Along with reservation, special programs should be designed for capacity building for these communities. Along with positive discrimination, "positive action should also be incorporated. Positive action means facilitating training and other encouragement for the disadvantaged groups/ under-represented groups. Positive action ensures that discriminatory selection process or biased promotion will not be entertained. To ensure proportionate representation, the stakeholders are working for the inclusion bill. This bill will be crucial in enabling inclusion for the marginalized community.

Narshing Chaudhary, chairman of Inclusion Bill, commented that, "The incumbent government is not serious towards the Inclusion Bill. They lack the political will and desire to implement." Further, Jitendra Sonal, youth leader, Terai Madhesh Loktantrik Party (TMLP), put forward, "We should have pushed hard for Inclusion Bill, it was a tactical mistake by Madheshi parties and leadership. Due to certain laws previous Inclusion Bill was sent for re-work. A new inclusion bill will be presented."

3.1 CONCLUSION AND RECOMMENDATION

- Political parties need to be committed to the idea of inclusion and incorporate leaders/politicians from marginalized communities into their party structure and central committees.
- The PR system needs to be re-evaluated. Instead of closed list, open list system should be implemented.
- The provisions like multiple representation by single candidate in PR system, ultimately results in reduced representation from marginalized communities. Provisions like this needs to be critically analyzed.
- Electorate should be divided on the basis of 'rep by pop' rather than 'rep by area'
- Election commission should be empowered with legal rights to verify and regulate the PR list.
- Madhesh based parties should also practice inclusion by incorporating the marginalized and weak segments of society from Madhesh into their own political structures.
- Madheshis, Janjatis and Tharus need to form a rapport group to ensure their political right is properly being addressed by the government.

3.2 ACKNOWLEDGEMENTS

I would like to thank Nepal ko Yuva for providing me opportunity for this research. Special gratitude towards my adviser Hon' CA Member Abhishek Pratap Shah. Further I would like to extend my thank towards my family for supporting me in this endeavor.

BIBLIOGRAPHY

[1] M. Lawoti "Towards a Democratic Nepal: Inclusive Political Institutions for a Multicultural Society."

[2] <http://plato.stanford.edu/entries/political-representation/>

[3] Constitution Assembly Member Election, 2070

[4] <http://cpnuml.org/>

[5] C. P. Nag, Exclusion Of Excluded Dalits In Nepal (A Case of Hill, Madhesi and Terai region)

[6] Nepal Census Bureau of Statistics, 2001 A.D.

[7] New CCM contact list, 2071

[8] <http://www.nepalicongress.org/index.php?linkId=26>

