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# Innovative Strategies for Dalit Rights

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## Foreword

Dissolution of Constituent Assembly I led Nepali people, eagerly waiting for People's Constitution, into bewilderment. The progressive rights agreed upon to ensure with regard to Dalits and women by the First Constituent Assembly were historic. Safeguarding them is the major challenge at present. There is reduction of Dalit representation after the formation of Constituent Assembly II and the political parties also appeared to get inclined into retrogression. That is why conscious Dalit community is apprehensive if Dalit friendly constitution would be formed.

This publication is the outcome of the conclusions of one of the consultations conducted in series by SAMATA foundation and Samabeshi foundation. The objectives of the consultation was to inform about the demands with regard to entitlements and rights of Dalits in the Constitution making process from Dalit CA members and non-Dalit CA members dedicated for Dalit rights in Constituent Assembly II.

In the consultation, current CA members Meen Bishwakarma (Nepali Congress) and Jeetu Gautam (Communist Party of Nepal-United Marxist-Leninist) commented on the paper presented by former CA member Bishwa Bhakata Dulal, 'Aahuti'. Along with, many other activists expressed their views. I would like to express my sincere gratitude to all on behalf of SAMATA foundation and Samabeshi foundation. Last but not the least, I thank Ms. Sanchita Maharjan for her support provided on the language translation.

**Padam Sundas**

Chairperson, SAMATA foundation



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# 1.

## Nepali Dalit Movement: Brief Introduction

Dalit movement is the oldest multitude movement for almost 7 decades. The movement that emerged as a result of organization of single caste within Dalit community in 2003 BS had advanced as a movement that created conducive environment for all castes of hill Dalits to congregate by 2004 BS. And by 2024, it brought Khas-Aarya of hill, Dalit, Madheshi and Dalit of Newar community and developed into a national level organization. The movement that started by claiming that Dalit is Tagadahari (thread wearer) in 2003 diverted into the movement against untouchability and discrimination in 2004 and started demanding about reservation by 2024. By the beginning of the forties, Nepali Dalit movement primarily established as a political movement against Panchayati system.

Today Nepali Dalit movement is in a state of progressing ahead through common agenda of sister organizations of several political parties and through Joint Front and Dalit civil society is in a position of advocating Dalit agenda through several non-governmental organizations. Today Dalit movement is concentrated on the comprehensive political demand obliging the state to provide rights to Dalits in all political, economic and social aspects accepting the notion of compensation. This seven-

decade long Dalit movement has organized all Dalits across the country. And it succeeded to bring forth Dalit issue as the focal issue of Nepali politics. As a consequence there lies a moral pressure on each government to be obliged to speak or do something for Dalits.



## 2.

### Political transformation and Dalit

In Nepal, Nepali Dalit has evidently and visibly contributed in all democratic transformations since 2007 BS. The state has already acknowledged the contribution of Ram Maya Chyame in the movement against Rana regime. Arithmetically, martyrs from Dalit community are in proportion in all movements; may it be the movement of 2046 BS or 2062/63 BS. Dalits showed their glorious presence in a decade long Maoists people's war. Dalit martyrs were proportional even in people's war too. So it is evident; it is baseless to comment on Nepali Dalit in terms of participation and contribution in Nepali political movements.

But, Dalits have not achieved anything concrete that can be experienced in one's lifespan as a result of political transformations. Dalit could not get any concrete rights and entitlements contextual to Dalits except the right to get education in school after the transformation of 2007 BS. After the political transformation in 2046 BS the significant achievement Dalit could garner was the addition of Article 10 A of *Adalko Mahal* (Virtuous Conduct) of *Muluki Ain* (Civil Code). It means no discrimination on the basis of caste at public places and other some minimal compensation. The situation portrays that political transformations have accepted Dalit's sacrifices but deceived them in terms of achievement and Dalit community has been tolerating that.

After people's war and people's movement, the nation is paving ahead to make constitution. At present, Nepali state is facing a grave concern if the history of deception repeats or gets corrected. Similarly, one of the aspects is to interrogate Dalit community if they would again accept the deception against them or they would deny it.

After the political turmoil due to dissolution of Constituent Assembly I, Constituent Assembly II has been formed after the election of Constituent Assembly II. All the achievements ensured by oppressed class, caste and community as the results of struggles including people's war and people's movement were in peril after the dissolution of Constituent Assembly I. Simultaneously; all the achievements of Constituent Assembly I which were in favor of Dalits including oppressed community, class and caste during its four years tenure were in threat to get vanished apparently. Along with the formation of Constituent Assembly II, it was agreed upon that it would take ownership of all the decisions of Constituent Assembly I to re-institutionalize the achievements made so far. On this regard, Constituent Assembly has advanced; may be in sluggish pace; through Documentation, Study and Conclusion Committee. Such activities has kept the hope alive in terms of getting the fundamental demands of oppressed community, class, caste and region including Dalits addressed in new constitution.

In such firm situation, the movement for Dalit emancipation holds two major responsibilities. a) to follow precisely the draft of agendas of Dalit community that had been accepted unanimously by full house of Constituent Assembly I b) to focus completely on making of Dalit friendly constitution by adding the agendas of Dalits which are yet to be addressed. Preparation of all required strategies to address these two major responsibilities is the current major responsibility of Nepali Dalit movement for emancipation. At this context, it would be more relevant to start with the analysis of Constituent Assembly I and Dalit agenda to move ahead through the formulation of concrete strategy.

### 3.

## Constituent Assembly I and Dalit agenda: An Analysis

### 3.1 Affirmative and negative experience

#### a) Representation:

Constituent Assembly I has been proven to be historic in terms of Dalit representation. Seven Dalits getting elected through direct electoral system and becoming CA members in the Constituent Assembly, a legislative parliament as well, is a breach in the history. Similarly, presence of 50 or 8.31% Dalit representatives in the Constituent Assembly I including the nominated CA members through proportional electoral system is a breakthrough in the history. Due to lack of mandatory provision of 'at least proportional candidacy', only seven candidates were victorious through direct electoral system. Still, victory of seven Dalit candidates is a historic achievement in itself though it is not proportional to Dalit population.

Here, the matter to be noted is, among the representations of oppressed caste, community and region, the representation of women, Indigenous, Madheshi and Muslim were as per the target. Along with 33% of women representation, the representations of other communities were also in proportion to their population. The fact is, there could not be

proportional representation of Dalit community only in proportion to its population among the oppressed communities. Due to defeat in direct electoral system and several problems within the parties during nominations for proportional, few competent Dalit leaders, who could play significant role, could not have access to Constituent Assembly I. Such circumstance created the situation that led to formation of an informal mechanism of Dalit leaders within and out of Constituent Assembly for mandatory coordination.

**b) Dalit initiation:**

In the process of constitution making after the election of Constituent Assembly I, a policy was adopted to start the joint struggle and initiation through three fronts. First, from within the Constituent Assembly; second along the street and third through the political parties. Through Dalit Caucus in the Constituent Assembly, through the Joint Fronts in the political parties integrating civil society on the street and through lobbying within the political parties to bring them at appropriate position on Dalit agenda by the Dalit leaders and workers.

This policy was appropriate but it could not be implemented effectively in time. Dalit caucus could not be formed for a year even after the formation of the Constituent Assembly and start of the discussions in the thematic committees meetings. Joint initiation could not be started out of the Constituent Assembly also and it was a blunder; what so ever be the reason. In fact, Dalit CA forum was formed of 50 CA members of all the parties with common agenda and Code of Conduct only after a year and after the formation of caucuses of all suppressed communities. In that periphery, Joint Dalit Struggle Committee was formed of Dalit political organizations with common program and coordination with civil society also commenced. After that, lobbying within the political parties also gained its momentum. Due to delay in joint initiation, two results were observed. First, the plan could not be

formulated with regard to concurrence of Dalit CA and the committee s/he would become member of. As a consequence, there were more number of Dalit CA members in one committee; the other committee without single Dalit CA while one committee was with the expert CA members contrary to their expertise and this situation could not be noticed. Second, both thematic and constitutional discussions could not be made intense and be taken simultaneously.

Along with the start of the coalition within and out of Constituent Assembly, the interventions, inside and outside of Constituent Assembly, increased on the agendas like passing the laws against untouchability and discrimination, Manbir murder case of Kalikot and Sete murder case of Dailekh. In the same way, there was solemn initiation to include Dalit agenda in draft report of constitution. Such efforts were very encouraging and historic. As far as the joint initiation is concerned, the matter to be given attention in the present context was that common opinion could not forged on Electoral system and forms of governance which are the major concerns with regard to Dalit rights. It should be received as a lesson that lack of forging common opinion on those agendas was major policy impediment of Joint Front.

Similarly, permanent leadership was not possible in Dalit Constituent Assembly member's forum as it was a form of Joint Front. But the practice of "periodic rotation" in leadership as in many other caucuses also could not be implemented in the case of Dalit Constituent Assembly member's Forum. There used to be verbal consensus on "rotational" basis but there could not be consensus on who lead the forum first.

On present analysis, it is crystal clear that the leadership of the front should have been offered to Unified Communist Party of Nepal-Maoists in the beginning due to its status as the largest party and same notion was followed in other caucuses. But in Dalit CA member's forum, CA members of other political parties were not ready to give

prior chance to Maoists to lead the forum. As a consequence, the tendency developed that no proper procedure was followed rather there was a practice that anyone of them would chair the meeting and the responsibility handed over to the next attendees for the following meetings. Such practice, in fact, is the outcome of feudalistic orthodox mindset of not accepting each other's existence. If no lesson learnt and such mindset is not abandoned, then there would be complications in progressing ahead at present too and this should be taken seriously.

**c) Political party and role of non-Dalit parliamentarians**

At Constituent Assembly I, political parties appeared primarily as per the policy of their parties on Dalit issues. But they appeared completely disguised at Joint Front and used to discuss about the policies beyond their party lines and get huge claps. As far as inclination is concerned, non-Dalit CA members of all political parties also appeared liberal with the view that something should be done for Dalit rights. Contradictory to their appearance outside the CA, non-Dalit CA members were rigid and pretty cautious while preparing the draft for Dalit rights if more rights would be delegated to them. Though this was the major tendency among non-Dalit CA members, yet it could be experienced that some non-Dalit CA members were ready to address all the issues of Dalit concern.

Bureaucracy plays a major role in drafting but most of the bureaucrats, with niggardly and conventional attitude towards Dalits, were observed to have conspiracy during draft preparation. Discussion on Dalit issues in thematic committees specifically concentrated on two issues. First, should the provision be made as previous one that illustrates discrimination should not be done at public places only or should new provision be made including discrimination cannot be done at private places too? Next is, if Dalit rights to be ensured with the notion of compensation? After long discussion on both the issues, the draft could

be equipped with the provision that untouchability and discrimination at any place is punishable and accepted the notion of compensation. So, it does not seem possible to bring non-Dalit CA members and parties into consensus without organized, managed and joint initiation.

### **3.2 Dalit rights ensured through Constituent Assembly I**

Interim Constitution, 2007 accepted Dalit community as a social community to be addressed by the constitution which is exemplary in the history of South Asia. And, Constituent Assembly I formulated a separate Article on "Rights of Dalit community" under fundamental rights in its draft unanimously. Both achievements were of historic importance. Dalit community is obviously entitled to all rights of different articles under fundamental rights as prescribed to everyone else. Except those, in the articles of right against untouchability and discrimination and right of Dalit community under the fundamental rights include the following points:

1. It has provision that accepted untouchability and discrimination as "grave crime" prohibiting any kind of discrimination anywhere with the provision of severe punishment to the perpetrators and compensation for the victim.
2. The state will allot the land for landless Dalit for one time.
3. The state will manage for residents for home-less Dalits.
4. The individuals of Dalit community will have the right to get employment at proportional basis in all state institutes and areas including civil service, army and police. Special provision will be made for empowerment, representation and participation of Dalit community in other sectors of employment including public service.

5. Poor Dalit will be given preference in the provision of free education for Dalit from primary to high level.
6. There will be special provision by law to provide health facility and social security for Dalit community. Poor Dalit would be prioritized in such provisions.
7. The law will make necessary provisions for proportional representation of Dalit in all political mechanisms in federal, provincial and local level in proportion to their population with additional 3% and 5% representation in federal and provincial structures respectively.
8. Dalit community will be given priority in modern professions related to traditional professions of Dalits.
9. The rights entitled to Dalit community under this article to be distributed among hill Dalit, Madheshi Dalit and Dalit women proportionally.

Except these, the report of the committee that manages constitutional institutions recommended for constitutional Dalit Rights Commission through consensus. On this context, there is the possibility of conspiracy, as propagated by few, that there is consensus that all the commissions will be kept under the Inclusion Commission. But neither of the committees, mainly meeting of Constituent Assembly in full-house, has made any such consensus or decision. There were opinions to keep this commission also under the umbrella of Inclusion Commission as in the cases of Indigenous, Muslim, Madheshi etc. Such commissions are meant for promotion and monitoring of linguistic and cultural policies. But, women and Dalit commissions are special that additionally are linked up with human rights violation cases. So, Dalit and women representatives raised their voice strongly to register the issue of



making women and Dalit commissions as separate constitutional commissions; not under Inclusion Commission. And that is what should to be done. Except this, there are some provisions for Dalits in Directive Principles of the state. The government, if wishes, can formulate additional laws.

The provisions made by thematic committees unanimously and concluded by Constituent Assembly I through the consensus are not complete address of all the demands of Nepali Dalit movement but definitely that was fundamental address to the fundamental demands. So, the initiation should be concentrated on the study and to integrate those provisions in new constitution through Constituent Assembly II.

## 4.

# Constituent Assembly II and Dalit

### 4.1 Dalit presence and experience

There was no scope of multiplication of Dalit representation in Constituent Assembly II as the same electoral procedure was adopted for it as in Constituent Assembly I. But the victory of seven Dalit leaders in direct electoral system of Constituent Assembly I increased the confidence among a few Dalit leaders to be the candidates for direct electoral system. Similarly, majority of victorious candidates in the previous direct electoral system belonged to a single party; so, it created a pressure among other parties to give nominations from Dalit community in the constituencies with higher probability to win.

This situation increased the scope of having more Dalit representatives in the current CA than the previous one as there was possibility of more Dalit representatives through direct electoral system. But, all Dalit candidates of Unified Communist Party of Nepal- Maoists, which gave largest number of Dalit candidacies, were defeated. Because of which, there was a great declination in the number of Dalit candidacies through direct electoral system limiting Dalit representation at 41 only. This figure is 1.5% less than that of Constituent Assembly I. On the other hand, the defeat of main leaders who could play significant leading role in Unified Communist Party of Nepal – Maoists, (the party

that gave largest number of Dalit candidacies) and in Communist Party of Nepal- United Marxist Leninist also indicated that the affect would not remain mere in figure rather would extend in the initiation also.

Similarly, while selecting CA members through proportional electoral system, the scenario of overlooking competent candidates, by some parties, having the caliber to play creative role on Dalit agenda also had some impact. Competent Dalit leaders of Nepali Congress, who were in position to contribute significantly, could not have access to CA I as a result of defeat in the direct electoral system and due to inappropriate selection in proportional system. Same instance was replicated by Unified Communist Party of Nepal-Maoists and Communist Party of Nepal-United Marxist-Leninist in CA II. It was also leaked that some parties put forth the condition in front of the candidates while selecting through proportional that they would not collaborate with others on common agenda. And if it is so, then it is a critical matter and should be considered very seriously. In existing situation, to fulfill the void of less representation of Dalit in Constituent Assembly II, the tactic of mutual coordination between the activities within the Constituent Assembly and the individuals and organizations out of the CA should be adopted as in previous Constituent Assembly.

## **4.2 Safeguarding the achievements of Constituent Assembly I: Decisive responsibility**

The aforementioned achievements of Constituent Assembly I are not the outcomes of roles of then Dalit CA members merely, but the credit should be shared by all Dalit leaders, workers, organizations, and non-Dalit CA members, and non-Dalit civil society because of their constructive roles and contribution at various levels outside the CA. That's why the first priority for Dalit CA members of Constituent Assembly II is to own those achievements with all their hearts. As far as Dalit agenda is concerned, the decisive responsibility of current Dalit

movement is- A complete initiative to safeguard the achievements of Constituent Assembly I. It doesn't imply upon that they are enough but if those could not be safeguarded then it would be impossible to add upon other important agendas.

### **4.3 Additional agenda**

The following are the achievements of Constituent Assembly I which are yet to be made concrete in terms of law, the agenda of Directive principles to be brought into fundamental rights and those agenda which were left out, could not be incorporated into and/or to be corrected:

- Dalit movement should make a common view with regard to governance system which could not be done yesteryear. The situation cannot be tackled on the note that "we would decide" after the parties would come to a consensus on its modality. The consultation process should be initiated between CA members and outside of CA.
- There should be an effort to make a common view on the modality of electoral system through the consultation.
- According to previous consensus, there are three layers of federal system: federal or centre, province and local level. All these layers are autonomous to a certain degree as provisioned in the constitution. So, the process of demarcation of local level should to be done in such a way that maximum number of Dalit settlements could be brought together in a single institution and it should be imperatively included in the constitution as a policy. This agenda should be added
- There is a provision of proportional representation only in political institutions of local level in previous system. That should be modified in terms of additional compensation along

with proportional at local level too. Such provision should focus empowerment at grassroots level. So, while implementing the provisions of additional compensation of 3% in the centre and 5% at the province, there should be the provision of additional 10% as compensation at the grassroots level.

- Previous consensual draft mentions about allotting land to landless Dalits by the state once. But due to conspiracy, land allotment can be in negligible amount. So the provision should be modified and should be made clear that land allotment should be enough for livelihood.
- Previous consensus mentions about the making the provision of proportional presence of Dalits in government services including bureaucracy, army and police. Practically, it appeared that there is urgent need of compensation in the permanent state mechanisms which is the most imbalanced. So, there should be policy modification to ensure proportional with compensation.
- Though State Restructuring Committee of Constituent Assembly I has illustrated the provision of proportional in semi-government and private sector employment also but afterwards Report Study Committee shifted that provision from the article of fundamental rights to Directive Principle of the state which means the state would implement only if it wishes and that was a blunder. So, that provision should be maintained under fundamental rights again.
- Though Thematic Committee mentioned clearly about constitutional Dalit rights commission unanimously but there was confusion that it would be kept under Inclusion commission later on. Now, the initiation should be started for provision of Dalit rights commission as a separate sub-judicial constitutional commission.

- The provisions with regard to Dalits in various articles and fundamental rights are to be implemented through enactment of laws. So, to avoid the danger of viciousness of not making laws and/ or make them inactive in the constitution itself, the articles with respect to time stipulation should be provisioned in the constitution by when the laws should be made.
- There is a terrifying disproportion in government services in the states that rules on the basis of caste, apartheid and social class. The gap between the Blacks and Whites in South Africa, similar situation between so called upper caste and Dalits in South Asian countries like India and Nepal in government services is very disproportionate. In the context of Nepal, the gap between non-Dalits and Dalits in government institutions is so wide that justifiable balance cannot be attained even in thousand years through a process of straightforward affirmative action. Therefore, serious initiative is required to include the policy of fast-track in the constitution itself to balance the unbalance in a speedy way in government institutions.

Except these, other relevant points should be added in consultation with other experts.

## 5.

### Conceptual Confusion

The agendas of federalism and identity got serious attention in Constituent Assembly I that arose some conceptual confusion on few issues in Dalit movement. Clarity on those issues is imperative to go ahead; so brief comments on three major themes were as follows.

#### **5.1 Dalit province with territory**

Along with the emergence of the debate on naming the province with the acknowledgment of the identity of majority of ethnic community that was suppressed earlier, the concern for the Dalit province with territory became a hot discussion. This anxiety was due to the misconception that federalism addresses or should address all kinds of problems and due to the lack of proper acquaintance with Dalit problems. Dalit settlement is not concentrated at a particular place rather it is scattered throughout the country. Similarly, this issue emerged because the problem with its own precise characteristics was tried to be integrated into federalism by force. On the other hand, this is not the agenda of establishing identity due to suppression of self-identity in the case of Dalit. Actually, the reports of committees of Constituent Assembly stated that there would be political preferential rights for specific ethnic community in specific provinces and this statement made Dalits search for the space for them to rule. But later, the consensus was made that all provinces would be multi-ethnic and there won't be political preferential rights for anyone

and now this agenda is no more relevant. Three themes should be made clear with regard to this agenda:

At first, Dalit province with territory would increase the gap between Dalits and non-Dalits.

Second, even if such province is made, nominal percentage of Dalit population of the country would reside there and remaining 95% would not get benefitted.

Third, this concept would hinder the strategy of “intermingling” for Dalit emancipation. So adopting the notion of province with territory would be perilous.

In the similar way, there was another apprehension: there should be autonomous region if not the province. This is because of lack of clarity about what autonomous for. Autonomy is of two kinds. First one, political-administrative autonomous and next, cultural autonomous that includes language too. According to the consensus on Constituent Assembly, there would be obvious political and administrative autonomy in the province and local institutions as per the constitutional provisions. Except that, the issue of autonomy in the Constituent Assembly is in contextual to less populated suppressed ethnic community having distinct language, separate culture and separate nationalities who, in such autonomous regions, would enjoy cultural autonomy for the protection and promotion of their language and culture. Dalits do not have to protect and promote separate language, separate culture and separate nationalities, they do not mean that, that’s why Dalits do not need cultural autonomy. Political and administrative autonomy can obviously be begotten by the local institutions under federalism; so when the region with dense Dalit settlement is restructured in one local institution, Dalits can enjoy political and administrative autonomy obviously as non-Dalits. Therefore, one should escape out of such conceptual confusion.



## **5.2 Non-territorial province for Dalits**

This notion also warmed up the environment at one point of time after State Restructuring Committee put forth such proposal without any framework. Though this notion was erroneous yet the motive of advocates of this notion was to equip Dalits with rights. There is the practice of non-territorial federalism in some countries including Belgium but those are meant to address the representation of specific linguistic and cultural communities. Dalit problem is not at all as such. The countries where non-territorial federalism is practiced, such non-territorial parliaments are restricted to decide on the context of cultural issues only. What is the use of such non-territorial federal structure where Dalits do not have the right of political decision?

Many envisioned non-territorial province in the form of Dalit parliament with Dalit parliamentarians of across the country. First of all, a Dalit, elected by only Dalits, can never be a leader of non-Dalit. And at the present scenario where the law promulgated unanimously is difficult to get implemented, can non-Dalit be made liable for the laws made by Dalit parliament only? They would never comply with them. Then, how come Dalit problems resolved through territorial and non-territorial structures? The address of Dalit problems is to be sought in very territory through assertion of representation and participation, not in non-territory.

## **5.3 About Dalit identity**

The agenda of Dalit identity got stimulated as a result of rigorous discussion on identity and federalism with identity inside and outside of Constituent Assembly. An identity of several kinds. In fact, identity is such a phenomenon that distinguishes one human community from another. That distinguishing factor is interlinked with history, culture and pride of that particular community. If that community doesn't take

pride on that distinguishing factor, then that is not an identity rather that is a blemish and that is not to be established but destroyed.

The ongoing debate on identity in Nepal is in terms of separate language, separate culture and separate nationalities but Dalit community is not a separate community than non-Dalit community with separate language, separate culture and separate nationality. This is the problem elevated by different caste system of a nationality with single language, single culture. Nationality of Hill Dalit is Aarya-Khas that comprises of the castes including Brahman, Chhetri, Sanyasi. Nationality of Dalit of Newar is Newar that comprises of non-Dalit Newar also. Nationality of Madheshi Dalit is Vedic Aarya and Dravid that comprises of Madheshi non-Dalit also. As far as language and culture are concerned, both non-Dalits and Dalits share the same.

Then the question arises: Dalits do not have any identity? Definitely yes, Dalits have two identities; one is labor and next is 'untouchable'. As non-Dalit can also be a labor so this is not the identity of Dalit only. 'Untouchable' is the curse; the identity that is to be destructed not to be protected. So, Dalit agenda is not about establishing an identity but is an agenda of establishment of rights in politics, economic and social sectors with dignity. If such conceptual confusions and blur could not be removed in the whole movement then it would divide the movement. So, it is imperative to have conceptual clarity appropriately for the future.

## 6.

### Dalit initiation to establish Dalit agendas in New Constitution

Dalit community was stripped and insulted due to nominal, almost nil, activities of organized Joint Dalit Front for seven months after the direct electoral system for Constituent Assembly II and even candidate selection through proportional. Absence of Dalit in the current cabinet is a concrete example of denial of Dalit. As far as letting access to decisive and dignified positions in the state mechanisms are concerned, the parties claiming to be communist and democratic socialist showed similar basic attitude. The attitude shown by the cabinet led by Dr. Baburam Bhattarai, Vice-Chairperson of Unified Communist Party of Nepal (Maoists) and current cabinet under the leadership of Sushil Koirala, President of Nepali Congress are evident of this fact in terms of Dalit representation. Madheshi parties participated in the cabinet of Dr. Baburam Bhattarai and Communist Party of Nepal-United Marxist Leninist is the companion in the cabinet of Sushil Koirala but those companions also demonstrated the same attitude.

Two conclusions can be drawn out of these moves of political parties. First, political parties are unable to understand the importance and severity of having Dalits in decisive legislative positions of the state institutions. Second, they have been reiterating the traditional statements of Bista, "If you would be parliamentarians then it's ok as

we would be ruling you as speaker of the parliament but if you become the minister then you would be ruling the ministry, it is too early to hand over such decisive position to you. I gave you loan to repair your old roof made up of straw and be replaced by galvanized metal sheet because my roof of cemented and is concrete but if you also chase us then where would we go?" This is in fact a very grave concern; all should start thinking about it very seriously.

The budget could not be made Dalit oriented due to lack of activities inside and out of Constituent Assembly. The opportunity of joint intervention in constitutional regulation making has already been missed. Appropriate task division in many committees has been missed and by now, principle consultation on the report of Documentation, Study and Conclusion Committee has concluded. Now, the remaining is the process conducted after thematic consultations. Yet, the opportunity can be captured if joint initiation is accelerated within and out of Constituent Assembly.

Dalit CA members Coordination Committee has been formed in Constituent Assembly only after six months. Joint Political Dalit Struggle Committee has been reorganized among political Dalit organizations with common agenda. Dalit civil society is divided, blur in terms of ideology and limited to certain activities. The agenda focused meetings of competent Dalit leaders with the caliber to play significant role at the centre are nominal. This is really a worrisome situation.

Definitely, there are competent Dalit CA members with leading capacity in the Constituent Assembly but the history is evident that personal competency is not sufficient until and unless there is joint effort. There was at least Dalit CA members' forum in Constituent Assembly I. The query has already raised why only Coordination Committee this time. It is heard that there is no provision of caucus in the regulations. No

recognition was given to other caucuses even in previous Constituent Assembly except women caucus. Caucus was purely a political forum even at that time. No regulation prevented from forming such political forum and cannot. Nevertheless, if the formation of Coordination Committee is the only mechanism that could be formed at the present context, then it should be utilized to the maximum.

## 7.

### Way Forward

Joint initiation through three fronts can be the ultimate strategy as in Constituent Assembly I. That strategy should be the primary policy for the current Dalit movement. First, in the Constituent Assembly. Second, on the street and third, struggle within the political parties. It is imperative to make the policy and mechanism that would put CA members, Dalit political organizations, civil society and intellectual community in a garland to make this struggle organized and influential enough.

- Common agenda of Dalits and common agenda for provisions to be included in Constituent Assembly are in place. And Joint Dalit Struggle Committee has already been formed among the Dalit political organizations. Now, the seminars, rally, consultations including the protest programs should be carried out through those mechanisms.
- The Dalit CA Coordination Committee formed within the CA needs to be further strengthened and to be proceeded forward strongly by formulating required policies. The Coordination Committee has not finalised with its strategies yet which needs to be acted upon.
- There should be coordination through informal mechanisms among Dalit leaders having major roles in the political parties.

- The initiation taken by Dalit civil society should be linked with the initiations of political parties and jointly move ahead in a more organized and with unified ideologies.
- A mechanism of Dalit scholars should be formed to build a consensus and to initiate drafting on Dalit agendas. And, whatever have not been included in the draft at the moment should be taken to the public collectively.
- A forum on Dalit agenda including non-Dalit CA members should be formed for continuous consultations and discussions.