

Acknowledgement

As usual, the effort, contributions and support of many have made this two-day event possible. We are extremely grateful to Prof. Mahendra P. Lama for coming to Nepal and sharing his experiences with us and for unfolding a new knowledge on "Unraveling Inclusiveness in North East India: Lessons from the Experimentations of Indian Gorkhas". We take this opportunity to thank International IDEA for providing the funds and necessary guidance for organizing SAMATA Annual Lecture IV and the discussion program with a grand success.

The board of directors offered strategic advice and support. We would like to express our heartfelt gratitude to each member of the board. During the discussion, Constituent Assembly members, political leaders, representative from civil society organizations, scholars, students, activists and journalists have presented their precious views on the lecture. We would like to thank Hon. Min Bishwokarma and Dr. Yam Bahadur Kisan for their insights that added more color to Prof. Mahendra P. Lama's presentation. Likewise, we are grateful to the invaluable supports provided by the SAMATA board members, Dr. Madan Pariyar and Dr. Sumitra Manandhar Gurung during the session.

Moreover, thanks go to Ujjwal Sundas for organizing the lecture and for the overall management of the program. Last but not the least, the contributions made by Dr. Yam Bahadur Kisan for developing the concepts and the supports provided by Rajendra Maharjan, Anju Pariyar, Sumita Lama, Pritika Thapa, and other members from SAMATA foundation are duly acknowledged. We thank all the participants for attending and engaging in the discussions.

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Letter from Chair of Board

The report is on SAMATA foundation's two-day event on "Unraveling Inclusiveness in North East India: Lessons from the Experimentation of Indian Gorkhas." Professor Mahendra P Lama a widely known development economist, was still very recently the Pro Vice Chancellor of Indira Gandhi National Open University (IGNOU), presented on the topic. On 26th September 2014, SAMATA organized Annual Lecture IV, which was attended by 105 participants. The lecture aims to create an environment where law-makers, activists, academicians and other interested individuals can come together to discuss the issues to uplift the condition of marginalized community in order to bring them in the main stream of nation. Through these discussions and debates, we hope to deepen the discourse on social inclusion and Dalit rights with the underlying objective to influence the state's policy-making process. Such discussions are particularly important today when Nepal stands at a politically challenging juncture with political consciousness of oppressed groups reaching new levels.

On 27th September 2014 SAMATA organized a discussion program with CA members current and former, which was attended by 79 participants. There, Professor Mahendra P Lama shared his presentation with politicians from different political parties, students and representatives from civil society, INGOs and the media.

Such event is a part of larger goal of SAMATA to end discrimination and promote inclusive democracy in Nepal by conducting research, advocacy and building capacity of the next generation leaders from marginalized communities, particularly the Dalit community. Established in 2008, SAMATA foundation succeeded organizing Nepal's First International Dalit Conference on "Envisioning New Nepal: Dynamics of Caste, Identity and Inclusion of Dalits".

The foundation has published four policy papers on 1) Confusion in Dalit Transformation in the New Constitution Of Nepal, 2) Trends in Dalit Writing: Understanding Knowledge Production for Policymaking, 3)

Vicious Cycle of Non – Representations: Nepal's Electoral system and Dalit Representation. Currently SAMATA is in process of producing four more policy papers. SAMATA has also published SAMATA Annual Lecture series I, II and III , in co-operation with international IDEA.

The foundation has also published Suvash Darnal's The Land of Our Own: Conversation with Dalit Members of Constituent Assembly, Aahuti's Nepalma varna Byawastha ra Varga-Sangharsha (Caste system and Class Struggle in Nepal), Satta- Bimarsha ra Dalit (Power Discourse and Dalits), a compilation of articles an Ambedkar's philosophy and Dom Samudaye ko Pahichan: badalindo jiwanshalli (Identity of Dom Community: Changing Lifestyle"). SAMATA has published Dalit Saundraya Bodh (Dalit Aeshetics) and Court Martial (drama on Dalit issue). Recently SAMATA has published Dalan Birudhhako Pratirodh and Sangharshama Sabhasad (a biographical book of forty Parliamentarians from Dalit community).

We look Forward for your continued support as we continue to research for the policy-making.

Padam Sundas

Chairperson

1.

Introduction

SAMATA foundation's primary focus is research-based policy advocacy. To advocate for policy issues, SAMATA believes that the level of academic and philosophical understanding of policy issues and debates surrounding the policies should be enhanced first. For this, SAMATA organizes lectures and discussion programs with Dalit political and civil society leaders, scholars, students and journalists and other stakeholders. With this in mind, SAMATA stated the first Annual Lecture series in the year 2011. The objective of such lecture sessions is to bring leading thinkers of Dalit Policy-making from all over the world and provide a space to have academic discussion on policy issues pertaining to Dalits.

In 2011, Professor Marc Galanter presented on "Designing Affirmative Action in Nepal: a Tour of the Choices and Problems." In 2012, Professor Gopal Guru presented on the topic "Carrier of Social Justice in India: Implication of Affirmative Action Policy in Nepal." In 2013, Professor Ashwani Deshpande presented on "Affirmative Action and Private Sector."

This year, Prof. Mahendra P Lama has presented on the topic "Unraveling Inclusiveness in North East India: Lessons from the Experimentation of Indian Gorkhas." Prof Mahendra P Lama, a widely known development economist. Prof Lama is the Founding Vice Chancellor of the newly established Central University of Sikkim in India created by an act of Parliament in 2007 and became the youngest Vice Chancellor of a National University in India.

Through the lecture, Prof Lama's has highlighted the key aspects of the practice of inclusion in north east India and how it has benefitted the natives there. This lecture has created the new paradigm for discussion. The lecture

has paved a way to better understand the struggles for rights, government's programmatic responses and the impact of the same on the marginalized communities in north east India.

The lecture has been exceptionally meaningful for the Dalit Community in Nepal. Nepal has lot more to learn for the neighboring country like India as the plights of Dalits have been the similar in many respects in both the countries.

Unraveling Inclusiveness in North East India: Lessons from the Experimentations of Indian Gorkhas

Mahendra P Lama

I Geography, Conflict and Communities

The North Eastern Region (NER) of India comprises 8 states (Assam, Arunachal Pradesh, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim and Tripura) and occupies an area of 2.62 lakh sq.km with a population of over 40 million. Over 98% of its border-line is shared with neighbouring countries [Bangladesh, Myanmar, China (Tibet) and Bhutan and Nepal]. These states have much better social indicators as compared to many other states in India. The 11th Five Year Plan (2007-2012) of the Government of India mentions that this region had the highest growth rate in the pre-independence India. This region has been described as the most potential areas in the development agenda of the country. However, much of the region has remained underdeveloped and conflict-ridden for long. Most of the communities mostly tribals there have remained deprived, marginalized and alienated from the rest of the country.

The large scale conflicts in the region have been mostly triggered by the burgeoning gap between the development aspirations of the people and ability of the governments to fulfill them. At the same time, these conflicts have a range of genesis that vary from tribal assertion to remain totally aloof and excluded from the mainstream political development to conserving individual tribal identity. They also vary from threats of displacement arising from a steady flow of migrants from across the border to the behavior of State authorities particularly in handling the security issues.

Union Government has adopted a range of approaches to resolve these

conflicts and bring them to the national mainstream. Besides accepting demands for full fledged statehoods, providing regional/district autonomy in terms of running the local affairs to various

districts, and including various communities in the list of Scheduled Caste (SC) and Scheduled Tribe (ST) and Other Backward Classes (OBCs), the Union government has signed peace accords and poured huge development packages. It has specially set up North Eastern Council (NEC) primarily as a counterpart of National Planning Commission way back in 1971 and also established an exclusive Ministry for Development of North Eastern Region (MDONER) in 2004 in New Delhi.

One of the key interventions to bring inclusiveness and integrate the alienated communities and regions, has been the provision under the Sixth Schedule of the Indian Constitution exclusively meant for the North East region of India. These provisions relate to District Autonomous Councils (DACs) that have been in vogue since 1950s. Under these provisions many of the districts have been provided with functional and development related autonomy including legislative, executive and judicial power under the broader umbrella of DACs.

In course of time, some of these DACs were graduated into full fledged constituent states like that in Meghalaya, Manipur and Mizoram. These states actually used to be the districts of Assam. Interestingly, even after they were graduated with full statehood status, these states created and gave Sixth schedule status to some of the areas within the state. Meghalaya today has both the Sixth Schedule status and also a full statehood. These DACs are not covered by Part 9 A and 9 B of the Constitution which deal with the implementation of the Panchayati Raj (local self governments at rural and urban areas) that came into force after the path breaking 73rd and 74th amendments of the constitution in early 1990s.

Even in the last decade wherever there are ethnic and local conflicts (like the Bodos in Assam, the Hmars and Kukis in Manipur and Gorkhas in West Bengal) a ready made solution extended to rebel parties is that of regional autonomy within the existing state apparatus. This is done through two distinct ways. Firstly, it is carried out under the Sixth Schedule which provides these autonomous councils (Karbi Anglong Autonomous Council and Bodo Territorial Councils in Assam, Chakma and Hajong autonomous

councils in Mizoram) constitutional sanction and validity. And secondly, it is also created by simple gazette notification of the affected State government as is the case with the Darjeeling Gorkha Hill Council in West Bengal. This model has no constitutional validity. The regional/district autonomy models as practiced in the North East regions of India is now being seriously studied by other neighbouring countries including Bangladesh, Sri Lanka and Nepal that remained conflict ridden for long at both local and national levels.

Despite these generous provisions there are serious issues of gap in very development thinking at the national and local levels, restricted devolution both administrative and financial powers, hurdles in autonomy in legislative functions and also serious impediments in larger political participation. Besides there are apparent clashes of interest first between Union and the State Governments and between the latter and these DACs.

There are constant threats from the State government on the possible dissolution of the elected councils. Most of the councils complain that the State government has been very slow in handing over the agreed departments and budgetary allocations to the Councils. There are virtually no professionals in the governance machineries. Councils like that in Darjeeling have not conducted elections thereby badly damaging democratic process and development activities. Many of the Councils have very poor infrastructures, no planning bodies and become cradles of corruptions. Most of these DACs still run in a strict institutional framework and functional parameters of pre-reforms period. The thinking about reforms led development and globalisation dynamics at the national level in fact has not even reached these DACs let alone its operationalisation.

A review of the functioning of the autonomous councils by the National Expert Committee on Planning for the Sixth Schedule Areas appointed by Union Government in 2006 does very clearly reveal appalling gaps and laggardness in their functioning. As a member of this team I firmly believe that if substantive changes in legal, resource

sharing, governance and devolution framework are not injected, there are strong possibilities that these Councils themselves will trigger a chain of instabilities in the region. This could certainly impinge upon the process of sub-regional integration initiatives like Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC) and South Asia Growth Quadrangle. Since North East region is the gateway of India towards the entire South East and East Asia region, this would certainly have serious security implications also.

A formidable challenge before these DACs today is how to reposition these regional councils in a resilient and dynamic mode of conflict resolution. For these institutional framework and development issues need to be reassessed and reexamined with new approaches. Since most of these regional councils are located in the border areas, the perception about the borders and border regimes need to be made liberal and widened so as to recognize the criticality of their interaction with cross border economic institutions and social networks.

II The Case of Gorkhas in Darjeeling

The Gorkhas in India have made immense contributions in the building of modern India. Their contributions lay immensely in national security, education, sports, politics, music, literature, science, cinema, tea and cinchona industries, economics and commerce.

However, they remain one of the most marginalised and deprived communities in the country. Their national identity is threatened because of various vulnerabilities including an open border between India and Nepal, India-Nepal Treaty of Peace and Friendship 1950 ; political alienation, socio-economic backwardness, victimisations by various state governments, their racial profiling by various agencies and dominant communities and their demographic minority status.

They have successfully been able to enshrine their language Nepali in the

8th Schedule of the Constitution in 1992. They have been protractedly struggling to get a permanent

constitutional and legal solution to their national identity question -- political, administrative and cultural. They have also been asking for a distinct linguistic minority status which could be equivalent to the category of religious minorities in terms of both legal and constitutional status.

The Gorkhas in India have to put up a united face as they live in a nation full of diversity, divisions and development inequality. They have to compete in identity politics, they have to assert their rights in different fora, they have to constantly fight for taking out the community from the morass of backwardness and more critically they have to seek various methods of political assertion to make their presence felt both at the provincial and the national level. This they did at the macro and micro level. For instance, in a micro level situation of the famous tea gardens also, though an essentially a rural and backward milieu, they could not afford to remain in a caste based cocoon and compartmentalised social structure. This is because they had to fight for higher wages, better living conditions and facilities for their children to reach higher economic graph. They had the common platform like Trade Unions and wider targets like the owner of the tea garden represented by their management, government departments and political parties.¹

All these occurred because the Indian Gorkhas are a miniscule minority in terms of demography, scattered and unorganised in terms of geography, a conspicuous laggard in terms of socio-economic development, marginalised in terms of political participation and more critically first generation learners in terms of educational development.

These partly made the Indian Gorkhas come out of the rigid discriminatory practices in terms of castes within the community. This made them rise above individual caste identity and language and cultural practices. This also mobilised the Gorkhas in India for a higher collective and national goals that were already achieved by many other competing communities including the Bengalese, Marathis, Tamils, Telegu, Gujratis, Assamese etc. They had to fight at the state and the national level. They experimented

¹ RL Sarkar and Mahendra P Lama (Eds), *Tea Plantation Workers in the Eastern Himalayas*, Atma Ram and Sons, New Delhi, 1986

with local (All India Gorkha League, Gorkha National Liberation Front, Gorkha Janmukti Morcha), regional [Communist Party of India (Marxist)] and national parties (Indian National Congress)].

A major manifestation and expression of these rampant exclusions was the protracted language movement for the inclusion of Nepali language in the constitution ² and violent Gorkhaland Movement ³ that was witnessed in the second half of 1980s.

The Gorkhas have so far experimented with broadly seven models for their inclusion in the mainstream India. Firstly, some of them Kami, Damai and Sarki were included in the SC list and Kagatay and Sherpas in the ST list. Secondly, many of the castes within the Gorkha community were included in the OBC list in 1980s and 1990s. Thirdly, the Darjeeling Gorkha Hill Council (DGHC) was set up in 1988 to bestow three sub-divisions of Darjeeling district an autonomous status in development dynamics. Which ultimately demanded Sixth Schedule status to Darjeeling and inclusion of all the Gorkha communities in the ST list. This also for the first time brought forward reassertions of individual identity of caste in the larger political and development firmament. Fourthly, the inclusion of Nepali language in the Eighth Schedule of the Constitution of India in 1992. Fifthly, the setting up of Gorkhaland Territorial Administration (GTA) in 2011. Sixthly, the resurrection of demand for ST status to all the remaining Gorkha communities and also setting up of caste and community based development boards. And finally, the demand for caste based Development Boards that are in vogue today.

Let me highlight and narrate some of the issues that figure prominently in the execution and as implications of some of these seven models.

²Mahendra P Lama, *Why Nepali ?* A document published and distributed to all the Members of Parliament for the recognition of Nepali Language in the Constitution of India, Bharatiya Nepali Rashtriya Parishad, Gangtok, August 1992; (Preface written by Nar Bahadur Bhandari, Chief Minister of Sikkim and President of BNRP).

³ Mahendra P Lama, *The Gorkhas : Quest for an Identity*, Department of Information and Culture, Darjeeling Gorkha Hill Council Darjeeling, 1996

II.a Failure of Autonomous Council Model

The Gorkhaland Territorial Administration (GTA) which has been launched in 2012 by the West Bengal Government after nearly a four year turmoil in Darjeeling district and surrounding areas of Dooars under Gorkhaland Janmukti Morcha (GJM) is now considered as a panacea for all the grievances and injustices of the Darjeeling district and Dooars including 110 years old demand for a separate state within the constitution of India. Besides the insertion of the term Gorkhaland in the nomenclature of the new administrative system, the GTA differs from the earlier Darjeeling Gorkha Hill Council accord signed under the aegis of Gorkha National Liberation Front (GNLF) in 1988 in three respects. Firstly, there are more Departments and functions given to the GTA. Secondly, it has some regulation making powers and additional functional autonomy and thirdly, the GTA has some appointing functions. In the critical areas like its membership of North Eastern Council, constitutional status, devolution of resources in the Bengal's planning process and institutional set up no conspicuous deviation is found.

The DGHC experimentation failed and literally crashed after 20 years because it systematically demolished the institutions of governance; adhocism and piecemeal practices became rampant; funding patterns were lopsided and entire development dynamics got disoriented. Most of the traditional means of livelihood have been destroyed and uprooted. There are several incidences of hunger death, suicides, trafficking of young girls and large scale migration to urban areas. The environmental deterioration has reached its peak with the people in Darjeeling, Kurseong and Kalimpong towns not getting drinking water for months together and unauthorized constructions built on the public toilets also. Darjeeling hills had never witnessed so rampant exploitation of its natural resources including its rich forests and bio-diversity.

DGHC has largely been what Ghising himself called 'ineffective'. This is because Bengal Government has imposed Council and never done anything to imbibe the spirit of the Council from below. One glaring example is the bureaucratisation of Council with the

minimum scope for the participation of local professionals in the decision making process. This has in fact blurred the distinction between pre-Council and post-Council Darjeeling. It drew and utilized the funds on a purely ad hoc basis. No one knew even the annual budget. There are blatant violations of institutional norms and rules of accountancy leading to total disorientation of development in the hills. Supra rich individuals amidst widespread poverty and inequality is now a phenomenon.

DGHC except the first plan prepared in 1989, never prepared even the blueprint of development projects. Except the few individuals deputed from Bengal Government, it had no technocrats and experts who could think big, link it substantively with the state, national and global systems and more critically, it got entangled in the worst quagmire of Bengal's bureaucracy. There are umpteen numbers of examples. The famous Victoria (Sadar) hospital was under DGHC but the Chief Medical Officer was appointed by Bengal Government; Tourism Department remained with DGHC and the Tourism Corporation was with Bengal government. For every small investment and plan allocation officials had to go to Writers Building (nerve centre of Bengal's officialdom) for days together. As a result, for last decade or so majority of schools in Darjeeling have no permanent heads. For 25 years there was confusion, complication and misdirection. Most of the centrally sponsored projects stopped in Siliguri thereby forcing the hill people to drink spring water for the fifth generation. Large number of villages donot have electricity, roads are far fetched. The usual excuse is these places are inaccessible because of the rugged terrains. But the common folk wonder, if that is the case how are Coco cola, uncle chips and Vodaphones are reaching these nameless destinations.

There are serious issues of political violence where civil society members and councilors have been murdered, and intellectuals and media and have been intimidated and gagged. More importantly, in the absence of literally zero accountability and evaluation of the DGHC, Bengal Government concentrated more on assuaging the leader rather than listening to the plights of people. All these in fact consolidated the whirlpool of demand for a separate statehood. The socio-economic down turn, environmental degradation and decline in people's confidence on the institutions of governance including law and order

were unprecedented in this world famous Queen of the Hills. The hill towns witnessed one of the worst mushrooming of concretes, collapse of educational and health amenities; deterioration in the already built infrastructures and sharp increase in political crimes during this period.

The GTA has a lot to introspect and learn from these mistakes and malpractices before it really takes off. The last two experience of GTA is actually worse than 20 years of DGHC.

One of the most divisive damages DGHC did was to put a constitutional debar on the implementation of the three tier Panchayati Raj in Darjeeling. This was withdrawn in 1992 because of the whims and fancies of an individual self-centric hill leader and acutely myopic vision of the then Govt in West Bengal. This was done by putting Clause 3 (a) and 3 (b) in Article 243 M in Part IX of the Constitution of India. This not only ensured the fiefdom and promoted the despotism and tyranny and most damaging rule of an individual hill leader but criminally and perennially deprived the huge and already alienated rural mass in the Darjeeling hills from even basic development.

For the last 22 years, there has been no Panchayati Raj in Darjeeling hills. The people of Darjeeling were foisted with spineless and inconsequential Darjeeling Gorkha Hill Council (DGHC) and Gorkhaland Territorial Administration (GTA) created by an Act of the State Govt but they were deprived from valuable constitutional entitlements. The West Bengal Government of all hues both in the past and present by its protracted inaction shows that it actually enjoys this deprivation and alienation of its own people in this district.

Even after the DGHC Act was repealed [vide Article 74 of the GTA Act issued on 14 March 2012, page 28] and provision of the 3 tier Panchayat under the GTA Act 2012 was reintroduced [Article 34-36 of the GTA Act issued on 14 March 2012, pages 17-18] there has been no attempt to remove this redundant provision [Clause 3 (a) and 3 (b) in Article 243 M in Part IX] from the Constitution of India. This shows how blatantly the

West Bengal Government ignores the interest of the downtrodden in its own district and the hills.

The directionless, ineffective and visionless existence of both Darjeeling Gorkha Hill Council (1988-2007) and Gorkhaland Territorial Administration (2012-) have forced the conditions of the rural areas and tea gardens reach the worst possible limits. Most of the rural delivery systems and institutions related to health, education, roads, housing, electricity, drinking water, communications and income and employment generation projects have started collapsing. The West Bengal Government has started using the worst possible policy instrument of “Divide and Destroy” by doling out unsustainable and piecemeal charities among various communities in this strategic region. This does not augur well for a sensitive region.

Out of over 80 central projects hardly 5-10 have reached the rural and urban areas of this region. People have not even heard the names of majority of the projects. Several parts of the region do not have access to electricity, roads, health facilities and even education; places like Todey-Tangta use Bhutanese sim cards as Indian mobile phone towers have not reached in a large number of places/villages. Students still have to walk at least 3-8 kms crossing all the dangerous cliffs and rivers and dilapidated suspension bridges every day for basic schooling.

The people urgently want immediate restoration of constitutionally provided 3 tier Panchayat Raj in Darjeeling district which requires amendments of Part IX and related Article 243 M Clause 3 (a) and 3 (b) of the Constitution and restoration of 3 tier Panchayat Raj in Darjeeling district. This has also been a part of the GTA Agreement and Act 2012 [Article 34-36 of the GTA Act issued on 14 March 2012, pages 17-18].

If the GTA has to succeed, it has to bring the best human resources to govern it professionally; its membership of the North Eastern Council is essential for sustained funding and regional and geographical recognition like Sikkim and Meghalaya; its annual accounts must be brought under the purviews of Comptroller and Auditor General of India and its crucial and natural limbs in Dooars must be included on its body. Bengal

Government has a critical role and possibly is the ultimate opportunity for it to prove that it honestly believes in developing this alienated and deprived region and correcting the historical injustice.

There are umpteen number of lessons to be learnt from the Darjeeling experience of regional autonomy primarily targeted at the Gorkhas. The most fundamental questions why autonomy status fails ? How leaders without any vision and management skills destroy and not develop ? How institutions are demolished ? How long practiced inclusive character of the society are demolished ? How the state and the national governments buy peace with the leader and neglect the people ? You have taken a package and realize later that there is nothing in the package, why this regret syndrome and not once but many times.

II.b The SC/ST Enigma

Despite the fact that a number of castes from among the Gorkhas had been included in the list of SC and ST, one can find relatively and comparatively a rather poor realization of the impact of such affirmative action among the Indian Gorkhas. For instance, there is hardly handful of civil servants (Indian Foreign Service, Indian Administrative Service and Indian Police Service) at the all India level and even provincial level from these communities. In fact, one can count and even name them. This is more so among the Scheduled Castes. Their economic conditions seem to have further gone down. Even in a full fledged State of Sikkim where there are hardly 6 percent of the total population declared as SCs, the status of SCs is abysmal.

As the Founding Vice Chancellor of Central University of Sikkim, it was rather a Herculean task to find a SC candidate for any advertised positions in the University. The higher the echelons you go, it is more difficult even to get the applications. This is equally so among the Scheduled Tribes. We suddenly realized that the concept of higher education has still not percolated among the overwhelming section of the SC and ST population in this region. This is despite the fact that they have been the beneficiary of

the affirmative action like reservation for last almost 60 years. What does it mean and indicate ? Who monitors it ? Why SC and ST organizations and community leaders donot discuss these issues ? Why SCs and STs are not even aware of scores of governmental schemes and projects exclusively designed for them ? What is the role of the state and its agencies under these circumstances ? Why political parties have superficial depths and skin-dip commitment on these inclusive approaches ?

II.c The Clamor for OBC Status

The Indian Gorkhas have been known for a delayed awakening in almost all the areas that hinge upon their future. This is precisely why it has never received anything in time that it long deserved. The superficial understanding of the issues and the absence of cohesive and concerted approach towards the Backward Class categorization is the most glaring example of this syndrome of delayed awakening.

When the Mandal Commission visited Darjeeling in June 1980, the gravity of its implications was not really perceived by the hill people. As a result, though the Commission's study was based on established 'techniques of enquiry' and 'sound principles of empirical approach', it failed to comprehend the complex webs of hill society, topographical spatiality and economic realities. This was possibly because Commission had a very limited time and scope to analyze the pattern of social stratification in the hills. The Commission's findings were further dampened by the poor range of people it interviewed and unique selection of the sample villages in Darjeeling for its otherwise far reaching conclusions. It also essentially took Hindu-centric point of view which was not relevant to the multi-religious structure of Darjeeling.

The net output was a total confusion leading to the ongoing chaos in the hills. The castes, it has identified as backward classes suffers from two serious contradictions. Firstly, the socially and educationally backwardness syndrome has been the characteristic features of the entire hill society and to pick up few out of many on a random basis was simply vicious. And secondly, the castes like Chamling and Kharga identified in the list are only

the two sub-castes out of many of the major castes like Rai and Chettri respectively. Ironically both these castes do not figure in the list. This naturally raises questions of acceptability, efficacy and coherency.

In the Darjeeling hills tyranny of the caste based on hierarchical order though partially existed, has over the years largely withered away. This is indicated by almost total absence of caste-based social and political violence and crimes, and the pattern of political and social leadership in the 158 years old history of Darjeeling. The much trumpeted higher castes like Brahmins and Kshatriyas are economically as backward as a Magar, a Gurung or even a scheduled caste. In fact, whatever little caste barriers existed based on the Hindu precincts, they were all more or less demolished by the presence of a large number of Buddhists and Christians in the hills. So at this stage, the injection of caste consciousness would only mean a regressive inducement to the pluralistic character of Darjeeling.

Instead of the poor premise of castes, the best way to identify backward classes in the hills should have been the criteria that the First Backward Class Commission of 1955 led by Kaka Karlekar laid down viz. "lack of general educational advancement among the major section of a caste or community, inadequate representation in the government service and in the field of trade, commerce and industry". By this indisputable yardstick, the entire Gorkha community in the Darjeeling hills would have come under backward classes because the genesis of their backwardness lies in deprivation and alienation and not in caste cleavages. The Gorkhas lost another national competition that would have given a handsome 27 percent space in the government jobs and higher education.

II.d Sixth Schedule and Reassertion of Tribal Identity

The GNLFF party which spearheaded the movement for a separate Statehood for the people of Darjeeling district and the adjoining areas of Dooars is in tatters today. It has become a non-performing asset. Many of us now think that performing liability is better than non-performing asset. The signing of the 1988 Accord and the poor running of

DGHC by GNLF only consolidated what civil society in the hills called 'internal colonialism' practiced by Bengal Government against them. The people of Darjeeling lost its precious possessions like Siliguri and adjoining terai areas.

In order to escape from this rot and extreme deterioration towards the fag end of its nearly two decades in helm of affairs, the GNLF desperately tried to bring DGHC under the purview of the Sixth Schedule of the Constitution. It in fact took full advantage of the decision by the Government of India to incorporate Limbu and Tamang communities of Sikkim and West Bengal in the scheduled tribe list in 2002. This was based on the Tripartite "in principle" Memorandum of Settlement (MOS) signed on 6th December 2005 by Administrator of the DGHC, Union Home Secretary and Chief Secretary of West Bengal Government. People resented very poor contents of the Sixth Schedule amendment bill.

A major aspect of this unsuccessful venture was promise to include the entire Gorkha community including the scheduled castes in the list of Scheduled Tribes once the Council comes under Sixth Schedule. Majority of SCs vehemently opposed this ridiculous and outrageous move of the leader who had absolutely no idea of how national formations on affirmative actions evolved over the years against the caste based tyranny and inhuman marginalization. The debate became very enlivening and the civil society members in Darjeeling even presented a comprehensive alternative MOS to make the inclusion in the Sixth Schedule meaningful and effective. These amendments were considered the "critical minimum measures". This Sixth Schedule bill was finally referred to the Standing Committee in Parliament in 2007 and ultimately put in cold storage. Meanwhile the GNLF party was ousted and uprooted and a new political outfit known as GJMM came into existence.

However, the demand for providing ST status to the entire Gorkha community continues to remain a major political and social agenda. This has been fought at two levels. Firstly it is the individual caste like Gurung, Rai, Magar, Chettri, Bahun, Thami etc who is fighting for this through their individual caste based organizations. This has led to revival

and consolidation of individual caste based social and cultural assertions which had never been seen among the Gorkhas. In fact in a state like Sikkim political observers have noted that a political party like Sikkim Democratic Front actually thrived on this principle of division of Gorkha community. Today the divisions among the Gorkha community is so intense that it sometimes appears that the identity, unity and homogeneity of Gorkha community as a single and solid entity may be at stake and diluted by these forces. At the same time, this also indicates that this individual caste resurgence could in fact strengthen the Gorkha identity which is considered as a superstructure. Secondly, it is the Organisations like Darjeeling Dooars United Development Foundation (DDUDF), GJMM and West Bengal Government who have started addressing this issue. In fact, the West Bengal Government has reportedly recommended to the Union Government to accord such a status to nine castes/tribes among the Gorkhas.

The new social outfit DDUDF in its recent letter to the Prime Minister mentioned that “Many of them fulfill both socio-cultural and economic criteria prescribed for their inclusion in such lists. This emotive issue at times becomes rather sensitive and conflictual. All the Gorkhas living in the hills and plains of this region need to be included in the list of Scheduled Tribes. There are two ways of carrying out the above. The first being to bring the usual amendments under Article 342 of the Constitution and the second being the legislative action declaring the entire hill areas of Darjeeling as a tribal area under various provisions of the Constitution including 5th and 6th Schedules”⁴

II.e Tribe Based Development Council

The latest experimentation is Bengal Government triggered model of individual tribal community based action. In the name of tribal development, the Bengal Government initiated the Lepcha Development Council in 2013 for the Lepcha Community for their development. This is essentially a non-governmental outfit registered under the

Darjeeling Dooars United Development Foundation

⁴Letter to Shri (DDUDF), Narendra dated 10th June 2014¹ Minister. This of letter^{India} by submitted^{the} 11 point charter of demands.

Registration of Societies Act 1961. However the LDC's formal office has been set up, the Chairman is given a VIP status and large amount of funds are given by the Government without any budgetary allocation. The Government has also announced the formation of Tamang Development Board. These moves coming after 67 years of independence do very clearly indicate that the Bengal Govt has now started realizing that various communities in the hills have remained deprived, excluded and marginalized despite its so called benevolent affirmative moves. There are perceptible degree of protests and discontentment among the Gorkhas who see these moves primarily to divide the hill communities. They demand that develop the area so that all the communities living in that topography will automatically develop. However, the Lepachs and the Tamangs particularly the youths have been celebrating these initiatives. There are upsurge of demands by others like Bhutias and Sherpas also. How long these imaginative yet divisive moves will sustain is a big question.

III How do we see emerging Nepal from outside?

The Maoists movement made substantive contribution at least in raising and highlighting the issues related to the extremely alienated and marginalised population of Dalits, Janjatis and to a large extent the Madhesis in Nepal. It will take a long time, a protracted action and a consistent commitment for the Maoists and other political parties, interest and pressure groups to prove how genuinely they are inclined to address these problems. The apprehensions arise as like in other mainstream political parties, the top leadership in Maoist party is also concentrated with the high caste individuals. The inclusion debate is seen largely concentrated in Kathmandu valley where one finds academics, media, civil society engaged in an incessant debate thereby generating to a large extent esoteric discourse that ultimately could not do a much needed constitution for the last 6 years now. This tug-of-war between the valley based orthodox elites and emerging liberal conglomerates shows that nothing substantive is going to happen in very near future. The first challenge for the political parties today therefore, is to trickle down this debate to Rasuwa, Dailekh, Jhapa and Rupandehi to make it broad based in a democratic way. Let

the unadulterated *Bhuktabhogis* in these distant locations speak their minds and shape the outcome of the debate.

In fact, like in other crucial issues that pertain to Nepal today there has been no real debate and long term vision on this crucial issue of marginalized, deprived and alienated communities. In the name of debate one sees floating emotions, political compromises and blatant patronizations. Nepal's traditionally excluded and deprived populace like the Dalits do not require show cases and individual symbols of inclusions like Nembangs, Bangdels and Ansaris. Such selective patronizations in fact later become the edifice of further deprivation and marginalisation. This is what happened in India for many years. The Sachar Committee Report on Muslims in India do clearly show the negligible impact on the inclusions of Muslims in India when you only have Kidwais, Khurshids and Heptullahs in the nations's inclusionary matrices. In fact, what Nepalese political parties for last six decades did was to exactly copy the inhuman tactics of such exclusive patronizations of the Ranas and Shahs in the name of doling out something to the alienated lot. Whereas the criticality of situation that remained unaddressed for centuries together demanded serious introspection, a visionary policy actions and large-scale institutionalisation of inclusion as the single national socio-political agenda.

In this regard, Nepal has to learn much from the Nepali speaking citizens of India spread over Darjeeling, Sikkim, North East, Uttaranchal and Himachal Pradesh. The caste divisions among these Indian Nepalese are the same. Yet they have shown at least in the past, tremendous robustness in practicing intra-community equality. What has really made the difference is education, democratic ethos, institutions, freedom and choice and to a certain extent development practices. If Ratanlal Brahman became the first communist to be elected to the Parliament from Darjeeling, his political foes back home included firebrand Deo Prakash Rai of Gorkha League. In Pandit Nehru's All India Congress Committee one of the most trusted and acclaimed Secretaries was Theodore Manen, a dalit. LB Sewa and LB Pariyar much talked about IPS and IAS officers cogently coexisted with Arjun Syangden, the Principal Chief Conservator of Forests and Ram Krishna Sharma, Judge in the Calcutta High Court. The Chief Minister of Sikkim is

a Rai who succeeded a Bhutia, a Chettri, a Gurung and a Limbu. The Gorkha National Liberation Front Leader is a Tamang and the speaker in Assam Assembly is a Rai. Chokila Iyer, former Foreign Secretary of India, Louis Banks, a noted Jazz musician and several Olympians including CS Gurung were the products of genuine and fine practice of inclusiveness. Famous poet Agam Singh Giri worked with literary giants like Achha Rai Rasik and Indra Sundas.

Among the prestigious Sahitya Akademi awardees in India majority of them are what one calls derogatorily in Nepal as *Matwalis*. Lain Singh Bangdel, Parijat, Nirmal Lama, Amber Gurung, Man Bahadur Mukhia, Anuradha Koirala and Gopal Yonzon who left Darjeeling in 1960s and 1970s and brought laurels to Nepal carried in them the righteous values of inclusiveness they imbibed in India. Nepal never seemed to have learnt from them. What today's Nepal is clamouring for actually happened throughout the 20th century among the Nepali speaking communities in India? So the next responsibility of the political parties in Nepal is to introspect as to why it did not happen in Nepal. A desperate situation requires a desperate solution which also involves demystification of traditional thinking and uprooting of orthodox practices.

The experimentation with different measures and modalities of inclusion among the Indian Gorkhas as mentioned above do give some indication to the legal, constitutional and policy luminaries of Nepal as to how a variety of inclusionary practices actually evolve, develop and adopted over the decades. This also provides a glimpse of how despite some of the forward looking practices and well designed institutions, the experimentation fail mainly because of the absence of political will and state's sustained commitment.

There have been protracted debates in Nepal that some of the marginalized communities should be given the right to self determination. Does it mean a federal freedom and accommodation with larger autonomy? Could it also mean right to secede from the emerging Republic of Nepal ? We only see rampant interpretations of these declarations by media and not any clear and deeper convergence of thoughts and actions among the

political parties. Was it merely out of compulsion to make inclusion as a major platform for mobilisation of grass root cadres ? We find consistently inconsistent orientations and stands of some of the political parties.

In India, this autonomy debate is still alive despite the introduction of specific 6th Schedule in the constitution immediately after the independence. There are 12 Autonomous Councils under this Schedule located mostly in both hill and plain tribal belts of Assam, Meghalaya, Mizoram and Tripura. They get fairly good degree of legislative, executive and judicial autonomy so that they can be called “a state within a state”. Darjeeling Gorkha Hill Council and number of such areas and communities in Manipur, Nagaland, Ladakh are now striving to enter into the Sixth Schedule. For Nepali political parties and the civil society, it may be worth looking into this schedule as meticulously to institutionalise the likely inclusive provisions.

Inclusiveness anywhere has been a protracted and long drawn process. Look at India, despite so much of liberal provisions in the constitution, the debate on other backward classes is only hotting up. Indian Government regularly includes new castes and tribes in the scheduled lists. New States are being created and a huge and deeper decentralisation are made mandatory by the 73rd and 74th amendment of the Constitution. “Towards Faster and More Inclusive Growth” is the theme of the Eleventh Five Year Plan (2007-12012). and a major point of discussion in the National Development Council headed by the Prime Minister and attended by all the Chief Ministers. The impact of debate on inclusion and the emerging actions have shown definite results. Just a couple of years back, which country could boast of having the top three functionaries President (a Muslim) that has only 11.67 % of the population, Prime Minister (a Sikh) from a community that hardly constitutes 1.99 % of the population and President of the ruling party/coalition (a Christian) which hardly constitute 2.32 % of the population. This is genuine example of inclusiveness, religious-ethnic tolerance and respect for multi-culturalism. In this respect, Nepal has a long way to go.

Therefore, as I wrote in a newspaper article published in Kathmandu way back in February 2007, the challenge for the political parties in the new Republic of Nepal, is to think in the line of having a first Madhise President (has been accomplished now), first Janjati Prime Minister and first Dalit Chief Justice of Supreme Court and several ambassadors, Vice Chancellors and professionals. There is always a huge gap between the cup and lip. More critically democratic sustenance of political parties would largely depend upon narrowing down this proverbial gap.

III Minimum Critical Requisites

In India at a very mundane and practical level what we have learnt that inclusive policies need to have six critical components in order to make them effectively sustainable. India is not a perfect example. However, given the geographical size, diversity of communities, complexity of social dynamics and permutation and combinations of political ideologies and forces, one can broadly say India has done fairly well and offers a basket of lessons that could be of tremendous support and value for both enlivening the debate and designing policy prescriptions in a new democracy and republic like Nepal.

Firstly, a compact, comprehensive and long term legal and constitutional provisions and more seriously the enabling laws aimed at practices at very local situations. Secondly, a set of multi-cultural, politico -legal and socio-economic institutions well spread across the geographies and communities that will implement, operationalise, practice, monitor and evaluate these policies and legal provisions. Thirdly, strong judiciary and executives to oversee the execution of entire practices/operations and check and balance the accessibility, affordability and acceptability of these policies and plans. Fourthly, a national, regional and local debate and discourse backed by profuse use of vernacular media both electronic and print on the criticality of such affirmative action and their implications for generations to come. Fifthly, incorporations in curriculum the debate about, essentiality of and contents of affirmative actions at various levels mainly to imbibe a scientific understanding of how and why inclusiveness is critical to a progressive and civilized society and what are the roles of the state, the societal

institutions and even global agencies in promoting and celebrating a culture of equality, finer nuances of social justice, idea of solidarity, flowering of social harmony and grounds for efficiency and robust and all engulfing political participation. And finally, the consistent and sustained political will among the ruling elites and the state's unflinching commitment to cross the bridge of protracted deprivation and historical marginalization are a must.

However, the responses on the other side of the fence who have been subject to historical humiliation, wretched marginalization, inhuman deprivation, political subjugation and socio-cultural alienation only because they belonged to historically perceived lower caste, constructed image of physical and intellectual inferiority of communities and a basket of geographical and social laggards, are very vital and crucial in the entire designing of policy responses, forms of affirmative action; varieties of operational modalities and efficacy of executions and accessibility, affordability and acceptability of these policy practices. Our limited experience in the case of the Gorkhas and the castes within this community in India does make us realize about the five critical factors that would help the community to take maximum benefits of affirmative action's and drive towards social mobilization. Firstly, spread and deepening of education of all varieties formal and informal, professional and scientific, general and academic is key to come out of any kind of discrimination. It is the same varieties of education the agencies and people on the other side of the fence used to bring this social cleavage, deprivation practices and discriminatory ethos and culture of one-up-manship. Education provides all three in one package, the ability to understand and find the rights as a citizen; will and wherewithal to fight for these rights and finally to effectively and durably utilize and own the bestowed rights and privileges.

Secondly, institutions that advocate, fight, monitor, and evaluate the operations and implementations of affirmative action's. These institutions are the canons of generating healthy, detached and informed discourses and debate and responsible for mobilizations of agencies and institutions including media, cultural, political and social and commercial as a centripetal force and gradual deviation from the orthodox centrifugal situation. This

is where we see a very critical and pivotal role of SAMATA Foundation as an institution that will galvanise the entire national fervor and resources in alleviating and uprooting of these inhuman practices as a single national agenda.

Discussion Session

The prime objectives of the discussion program are:

- To share the experiences of India's indigenous movement of North East India.
- To grasp how the Indian indigenous people exercise to come in main stream of the nation and what are the processes were applied by the government of India to bring the indigenous people in the main stream.
- To share the experiences of Gorkha's of India. What types of efforts have been done by the Gorkha's. Why they are still back ward than any other state of India.
- To learn from the experiences of Gorkha's in inclusion and proportional representation.
- Nepal is now on the process to write new constitution, inclusion of Dalits as well as marginalize issues were strongly raised. In this context the experience of social inclusion of SC/ST in India gives us clear message to way forward.

Day First I

26th September 2014

On, the first day, the lecture was delivered by Prof. P Lama in the presence of members from various CSOs, INGOs, activists, scholars, students and journalists. Dr. Madan Pariyar, Board Members of SAMATA foundation honored and moderated the session; the lecture was commented by the two commentators, Hon. Min Biswokarma, CA member, and Dr. Yam Bahadur Kisan and followed by question answer sessions.

Hon. Min Bishwokarma

Member of Constituent Assembly (Nepali Congress)

Thanks to SAMATA foundation for providing me the opportunity to comment on this paper. I think SAMATA has done a good job by inviting Prof. Mahendra P. Lama. We always have a perception that only the Europeans and south Indians are the experts and intellectuals but the presence of Prof. P Lama from North India has made me feel so proud today. I would like to point out some of the points that could have been added in his paper:

- I would like praise his idea that he had presented how the inclusion issues should be included in Nepalese constitution making process, and what are the merits and demerits of it that he had analytically presented.
- I want to say 75% of the conflicts in the countries are originated by social causes and the conflicts in Nepal are also related with social causes. All communist parties of the world believe in conflicts caused due the class but the communists of Nepal also understand the issues of the caste system, which made the Maoist Party successful bringing change in Nepal. It would not have been possible for any other political party in Nepal to bring such a radical change. This is the reason why the Maoist party has been now established as a national party.
- We can learn from north east history that how the issue of inclusion can be implemented in Nepalese society as well.
- It would be better if Prof. Lama had analyzed the Dalit issues geographically. The Dalit issues are related to social demography which is lacking in his paper. It would be better if Prof. lama had also mentioned about the process how could the Dalits be brought to the mainstream politics, government and other sectors.
- The social demography of Dalits in Nepal may be similar as in Darjeeling and Kalimpong. However, the Gorkha land movement was for the language and territory where the Gorkhas are physically clustered together. In case of Nepalese Dalit movement, where the Dalits are scattered throughout the country. The issue is not about demanding a territory unlike the Gorkhaland. Now, Nepal is in the process of writing new constitution, we should not take it in lighter manner for writing policies; there should be in-depth study done and effort made which will result in a widely accepted Constitution. The people who are engaged in

social movement, they should bring out Dalit related social and cultural issues.

- It would be good if the paper had clarified more about type of inclusion that is suitable in the context of Nepal to address Dalit issues.
- I think his writing could have focused more on the changing scenario of Nepalese society after *Janaandolan* 2062/63. Many social issues are raising in Nepal with new dimension, like, reservation of women and Madheshi Dalit within Dalit community.
- I would like to add that Prof. Lama should have mentioned more about definitions of affirmative action, positive discrimination and reservation etc clearly, because the issues of affirmative action, positive discrimination and reservation are strongly being raised to address issues of Dalit as well as other marginalized communities. Affirmative action does not mean reservation and positive discrimination. Reservation and positive discrimination is a tool to implement affirmative action. Affirmative action works in implementation part, where as positive discrimination works in policy formulation and reservation work and representation.
- Mostly, the movements in Nepal are about identity and recognition. The Dalit issues are not related to the identity and language. So, the issue of Dalit should be address through the socio-economical and cultural view. Cultural practices are being practiced in society from thousands of years, so it could not be changed in a day and a month; it might take some time to change.
- We are raising the voices for the proportional representation based on population for all marginalized community through new constitution but in favour of Dalits we are demanding for compensation as well. So, the compensation theory should have been mentioned in his paper.
- I would like to thank Prof. Lama that he has suggested us to go and work with grass root level. Once again thanks to SAMATA foundation, Prof. P Lama and all the participants.

Dr. Yam Bahadur Kisan

Thanks to Chairperson of SAMATA foundation, Mr. Padam Sundas, Prof. P. Lama and all distinguished guest in dais and all the participants. I am very

happy to get such an opportunity to comment on the lecture of Prof. P lama. I would like to add some of my points in his paper:

- First, it is an academic paper. So, it would be better if the references of the paper were mentioned.
- Second thing, we recognize the condition of Dalits; the forms of untouchability and the other social and economical condition of Dalits in North East India. It would be a better opportunity for us to learn from the experiences of North East India and It can provide us a valid data and information to compare those with the condition of Dalit community of Nepal.
- As we are in the process of writing a new constitution, we want to know that what were the experiences of India regarding this issue, basically in North- East India, about the implication of affirmative action to address the issues of Dalits as well as the other indigenous communities which could have adequately mentioned in this paper.
- We want to know more about the implication of SC/ST and long history of Dalits in India which can be the support to Dalits in Nepal at this juncture of constitution making process.
- This paper will certainly support us in the constitution making process. Nepal is going to be a federal country soon and we are going in a way to practice federalism.
- Unified Dalit struggle committee is demanding for Dalit council. If we were to compare with the caste based council of North East India we need to understand how it works as well.
- Affirmative action has not addressed the issues of Dalits and indigenous groups adequately in India. So, what could be the gaps and lessons to be learned from it? How could we apply this effectively in Nepalese context without repeating the mistakes from India?
- The political parties of Nepal can not be trusted fully. They possess the double standards to Dalit community. It can be said that the Dalit issues are addressed relatively better in India but still it is not adequate.
- However there is some of affirmative action, we should adopt the social inclusion policy effectively. Few people cannot represent entire Dalit community in the name of affirmative action, it is not possible for the whole community to be benefitted from this system.

- Prof. Lama has emphasized on the institutions, institutions should be strong to develop our community. There are two institutions in our country concerning Dalit community, one is National Dalit Commission and another is Dalit Development Board. Dalit are leading in both the institutions but except these two institutions there is no such representation of Dalit in any other institutions and commissions. For example, Judiciary is one of the most important institutions of government. The access of Dalit community should also be into this institution. Nepal government selected 99 Judges, none from the Dalit community was selected.
 - Prof. Lama has highlighted both the positive and negative aspect of affirmative action and the modality and processes regarding affirmative action. These kind of knowledge could be included in textbooks of schools and colleges which will help the Nepalese citizens better understand the affirmative action.
 - The main point Prof. Lama has highlighted about the commitment from ruling elite groups who are ruling from the hundreds of years in Nepal. Their genuine commitment and willingness is important to bring change in Nepalese society.
- At last, once again thanks to Prof. Lama and SAMATA foundation for providing me the chance to express my views. Thanks to all.

Questions from the participant's

- (1) Abhilasha: Youths migration is increasing day by day. The educational institutes are not well established in our country then how we can implement affirmative action in educational institutes properly?
- (2) Krishana Prasad Pandey: My question is for Hon. Min Bishwokarma. He talked about the intellectuality of Europeans and south Indians. I appreciate him but my query is how we produce intellectuals and what types of works are being done by Nepali intellectuals for the development of Nepal?
- (3) Arjun Khati: My question is for Hon. Min Bishwokarma. I want to ask him whether the issue of ethnic identity is superficial or it's our need and essential to address the marginalized community?
- (4) Ran Bahadur Ramtel: My query is for Prof. P. Lama, What type of election system will address the Dalit issue appropriately? How the

Dalit issues will address in federalism? Which type of state will be suitable for Dalit?

- (5) Chandra Prakash Adhikari: After second Janaandolan 2062/63, the voices are raised during various programs of Dalits, Madheshi and Janajatis. The Brahmin and Kshetri have ruled the country for 247 years. But there are numbers of Brahmins who are very poor. I want to be know why only the Brahmin and Kshetri are to be blamed in this country?
- (6) Shingh Lal Sunar: My question is for Prof. P Lama that he shared about the good practices of Darjeeling but I want to know about the experiences of planning and monitoring method applied in Darjeeling.
- (7) Raj Kumar Dulal: The negative impact of proportional representation system being discussed now days. It is blamed that only elite group of Dalits are being benefited from the proportional theory. The marginalized and poor people could not be benefited. In this context how can this theory work properly?
- (8) Parwati Thapa Magar: Nepal is in a process of reconstruction. There is a myth that the states segregate in federalism, and harmony will end. What is your view on it? Some people are against of reservation within Dalit and Madheshi community. They said that the reservation makes people weak and meritorious people do not get chance. We are not weak and we need no reservation. We can fight for open competition. How can we educate these people? Generally leaders forget the issues and their commitment when they reach in power. What do you want to suggest in this matter?

Dr. Madan Pariyar

Board Member, SAMATA foundation

Thanks to the entire participants for the active participation. I have also a question to Prof. P. Lama that you have mentioned in your paper that in 60 years of long history in India, implementing affirmative action in many sector like education, public service commission and so on but why still limited people are entering in civil services there? What is the reason for it? What could we learn from the experience of India as we are also raising issue of affirmative action today very strongly in Nepal?

Answers

Mr. Min Bishwokarma:

I want to make you all clear that the single caste identity issue is not a cultural agenda, it is a political agenda and political agenda takes time to be a cultural agenda or culture. Caste is culture, the rituals which are celebrated by the caste is culture, the language is a culture which is used by the caste but when we are demanding the state on the basis of caste identity is not a culture, it is a political agenda which takes some time to be a culture or cultural agenda.

We are not saying specifically to individual Brahmin and Kshetriyas ruled us but when we see the data and researches it shows that the occupancy of Brahmins is high in every field. Researches clearly indicate that which caste has much access to state/government and which caste is marginalized. According to data of 2006 the population of Brahmin is 11% and their occupancy in the state is 73%, but the HDI in 2009 the 11% of population of Brahman has 58% access. The population Kshetriyas is 18% and their occupancy in the state is 12%. But when we see the occupancy of Dalit community we find, it's only 1% where although their population is 13%. So, here we don't blame an individual caste or community but we want that the all people have the equal opportunity to have the access to the state. Another question was related to the federalism. I want to make you clear that the state may get destroyed by federalism. Federalism is a process which depends on how we implement it in our country. The leaders had played great roles for the federalism; it is a quite new idea in the context of Nepal. There are both the challenges and opportunities because of it. It depends on how the leaders manage it and how properly they implement.

I want to make you clear regarding the question how to educate the people who say that reservation is not essential. We should convince them reservation is a channel to increase the access of the specific community to the state and to empower specific community for certain period. When the participation of all castes and community will have equal access to the government and all communities will be empowered then probably reservation system needs not to be applied.

Prof. Mahendra P. Lama:

Thanks to the commentator hon. Min Bishwokarma and Dr. Yam Bahadur Kisan for their valuable comments and the participants for the questions. Abhilasha asked me question related to education and affirmative action that's why over 60 years in history of India the Dalit as well as marginalized community and the Indian Gorkha's could not be developed. Their life style is not changed. They have no access in government sector. The most important thing is education. Education is the most important weapon to fight all kind of battle .Our education receiving generation is one or two. I think in Nepal most of the people are from first generation that have started to receive education. One side, the one who have started educating themselves for the first time and the other side, the one who were educated from the generations. Then how can we compare. It has so many reasons like cultural, historical and political causes which make these societies backward. Now, today people have become more aware and conscious about their rights. In India, public service commission call vacancies for IS, IPS and other government job, I take interviews for IPS IS service board. I am the only one from the Indian Gorkha. I always wish to meet the candidates from the East India but they never come to face interview or they could not reach that level. Very few applied for government sector and we don't have any mechanism to link up the students with public service job. The schedule castes such as Damai, Kami and Sarki students never come forth. Likewise, Schedule Tribe bhote, Lepcha, Sherpa never come to fight Public service job, but when I visit Darjeeling and meet the students of Darjeeling, I find them educated and talented. Then I think, what could be possible reasons behind it, that our students could not reached at that level. When I started to think about the issue and visited many places then I realized that there are institution in every state like Bihar, Gujrat, Tamilnadu and Maharastra and other states to link up the students with union public service commission but we don't have any. So I suggest for building up institutions to link up the capable students with the public service job. We have a mindset,that we don't want to believe in institution and I think it's same in Nepal. Leader could not able to run the institution properly. They can not start new one but instead destroy the institution which we already have. Now we have again started to make institutions. Second thin, I request you all to learn from our movements and our people that how to make your movement successful. I feel that the most

important thing is awareness. The institution should be responsible to make the people aware but we don't have institution. I am very happy with the SAMATA foundation that they started to educate people. I want to say something to the query if federalism destroys the nation. I want to share my experience in this regard. When we had to fight for the Nepali language for it to get legitimized by the constitution, we fought for many years. Finally, in 1992 we became successful to have the Nepali language as a National language. We faced many negative comments like they used to say this is a foreign language, it will be very difficult to Indian government. But again today, we are demanding for Gorkhaland and they are saying that it will divide Gorkhaland from India. I would like to suggest, we should be strongly prepared with documents not only by the raising voices. We have to convince people through the documents about federalism and what kind of rights will be given to people in federalism. Social geography, political geography, topography, demography these all thing should be studied by the state and by the experts. I am observing Nepal from outside, It make me sad when I see all kinds of debates and interactions are only organized in Kathmandu valley. Why those are not being organized in other parts and for the grass root levels. Concentrating only in kathmandu limits the growth of such healthy debates.

Thanks to all again!

Vote of Thanks

Mohana Ansari, International IDEA

Honorable Chairperson of the program, respected guests and all the participants, I would like to highlight over the International IDEA and the lecture series which is organizing by SAMATA foundation with the collaboration of International IDEA. I think this lecture series is going on well, and I feel proud to participate in this program on behalf of the International IDEA. International IDEA is working in Nepal from 2004 and it works worldwide in the issues of democracy, election and inclusion. When International IDEA started to work in Nepal in 2004, the issues of constitution election was amongst the burning issues in Nepal. We are also working with the constitutional assembly secretariat. I am very happy to hear Prof. Lama, and I feel that I am

not only woman but there are as many like me but I feel blessed to reach this platform .I think it was started in Nepal after Second *Jana Andolan*, it's not been a long in the history of Nepal that inclusion of marginalized community is in main streaming of the governance. Present example of this is "I" because in the history of commissions in Nepal no one is ever nominated from marginalized community till 2010. I was only one who is nominated as commissioner in the national women commission at the first time in history of Nepal. So, I think it is a starting for all the marginalized community like Dalits, Women, Madheshis and Muslims. We have to learn about its suitability. If we talk about the definition of democracy it means we should address the voices of the people. How we sustain their rights in democracy is important.

The people who are very few in numbers, how we can address their voices through the constitution and law to make them sustainable in our society is the important thing. The voice of all should be addressed systematically in Democracy. Once again thanks to all.

Day II

Questions from CSOs

27th September 2014

On, the second day, the lecture was again delivered by Prof. P Lama in the presence of CA members, former CA members, leaders from various political parties and Dalit Civil Society Organizations. Dr. Sumitra Gurung Manadhar, Board Member SAMATA foundation, honored and moderated the session; the lecture was followed by comments from leaders from various political parties and question answer sessions.

Mr. Kul Bahadur BK:

- (1) Prof. Lama talked about two important things. One is, importance of education and other is the bridge courses to link up students with government job. He explained about education clearly but he did not explain much about the process of bridge courses. So I would like to request him to explain more about the process of bridge courses. And in south Asian context, what is the national broader goal ? Should we always fight against government or carry on with 'movement' to get our rights?
- (2) Shubha Raj Shilpakar: How do the research teams do the research based on only information from limited people without doing any scientific research? What is the process of registering the schedule caste and schedule tribe in north east India?
- (3) Bhim BK (FEDO): Thank you for sharing your experiences about

Gorkhaland movement. People in north east India have been fighting for the rights in an unified and movement has reached the national level moment. You all are unified as one for the issue of Gorkhaland. But in the context of Nepal it is not being possible to raise the unified voice for the Dalit movement. So I request you to give us some tips which will help our leaders to carry out an unified effort or movement.

Answer from Prof. P Lama

Kulji raised the question about the bridge - course. I would like to say first thing is attitude. The attitude is a must in enhancing the competency of the youth and to make them able to enter in government job. The institution is the means which will support to reach the students in government sector. We don't have adequate grooming institutions like coaching institute, professional institution, and career oriented institution etc. Political maturity is the important thing to develop any country but we are still lacking in that. We don't have political maturity which is one of our challenges in Gorkhaland movement. Uneducated leaders are involved in politics and their ideas are narrow.

We should have get rid of the view that the political leaders will do everything. The role of civil society is also important in social change or development. We've learnt it from our movement. The role of NGOs and Intellectuals is also very important. The political parties should raise for the broader national goal. The manifestos of political parties are also aimed to a broader national goal but they don't implement it. They forget everything after the completion of election. To strive for national broader goal is the responsibility of political parties as well as the civil societies.

Questions from the CA members

Anita Pariyar, Member of *Constituent Assembly*:

First of all I would like to thank Prof. P Lama for his lecture and sharing things about Gorkhaland movement in a very clear and simple manner. I am feeling very happy to learn about the movement very deeply. The context is quite different in India and Nepal. In India, the constitution is already there with long experience and practice and currently, you are

fighting for an unaddressed issue but in Nepal, we are in the process to write a constitution along with the state reconstruction as a whole. We have big challenge that we have started ignoring the class issues. The civil society movements currently are not being effective. We are not serious about future generation and their development. Thanks once again to all.

Puran Singh Dayal, Former Member of Constituent Assembly

Whether in Nepal or India, during the time of movements, political parties raise the issues of basic needs but when they reach in power they forget all the issues and agendas that they have promised to the people. It is same with all political parties. If we see the history of Nepalese Congress, we find that they raised the voice for basic needs of Nepalese people but when they reached in power they forgot everything and it's same in case of CPN- UML and UCPN (Moist). Political parties are not clear about the issue of federalism. The people who are in power and in leading positions have a fear that if common man attains their rights, they will lose their power. They are rather concerned about their family members and their future generations. This is the reason that they are not ready to go for federal system and other kind of progressive changes. Until now, the country has been ruled by a particular caste group from thousands of years. So, it's not only the weakness of Dalit movements rather it's because of the mindsets of the non-Dalit.

Dulari Harijan, Member of *Constituent Assembly*

I have a query regarding the recruiting process of public service commission? Is there any mechanism to accommodate all castes and communities in government job? What is the condition of accessibility of schedule caste to the political parties?

Kumari Teku Nepali, Member of Constituent Assembly

How do you include the women in proportional system of Gorkhaland moment? The state should be responsible to guarantee the rights of all the communities. I want to know about the participation process in the Gorkhaland movement.

Anjana Bishankhe, Former CA member.

I have a query that how do they inter link the proportional system to solve the class issues in Gorkhaland? How do they address the people who are at the bottom of society? Secondly, what is the condition of political parties and their role in Gorkhaland movement?

Dr. Yam B Kisan, Advocate and Researcher:

I have a question to Prof. P Lama. The communist ruled for 32 years in west Bengal and now it is the congress party ruling there. Which parties were liberal to the Gorkhaland movement and have supported the movement?

Jitu Gautam, Member of Constituent Assembly

Is the Gorkhaland movement a political movement or social movement? We are following the principles of proportional inclusion in Nepal. So, I want to know whether there is a difference as regard to the response of Indian government in addressing other Dalits of india and the Dalits of Gorkhaland. Will the Dalit community in the Gorkhaland enjoy their rights as same as other Gorkhas (non-Dalit) or not? How is the Gorkha communist parties fighting for the Dalit community. It will be a learning for us.

Ram Abtar Paswan, Member of *Constituent Assembly*

He shared his experiences about the Gorkhaland movement which has provided us sufficient information which could be quite useful for us.

Answer from Prof. Mahendra P. Lama:

Thank you very much for the questions. If the state does not want to give us our right, then they try to divert the issues. Federalism is essential in Nepal. Only central and Kathmandu based policy can not be able to develop Nepal. Political parties should practice the principles of inclusion in their parties. The change will be possible only when the leaders in power give the importance for the inclusion. The representation from the marginalized community should be assured in the leading position to implement proportional system. Otherwise, without having the leadership of diversified group, the issue of inclusion or proportional representation will not be a success. It will always remain as a dream. I would like to answer the question on how to address the Dalit issues properly in new constitution. There are two types of issues which is very important; one is the political issue and other is the issue of existence or basic needs. There is big difference in these two issues. We think that the political issues are everything and only important thing but the issue of existence and basic needs is also important for the development and to save our identity. The caste debate is not raised properly. It is essential to raise the debate of caste and community as well. We are very poor in our caste debates and arguments. So, I request you to give the best arguments. Collect the arguments from community level and create a pressure to parliament. Thanks to all once again !

Dr. Sumitra Manandhar Gurung
Board Member, SAMATA foudation

I feel today's discussion is very fruitful. We, the minorities in Nepal are 85% including women and all other groups. The 15% people are ruling the 85% of the population. It's a big challenge for us. So, we are very hopeful with the current parliamentarians regarding the policies on fair

representation. We can learn easily from India rather than other countries in the world because we have similarities in various aspects i.e. lingual and cultural and so on. We should not only rely on our internal debates. We can learn many things from the Gorkhaland movement. We, the marginalized community are divided in all over the Nepal, we should coordinate with other minor groups as well. All minority groups should come together to fight for our issues. The solidarity from all marginalized community is essential to come together and to raise collective voices so that it will come in notice of others. Now this would be the effective tool. The leaders should be conscious towards their community and their agendas. We are very hopeful towards our leaders and the parliamentarians.

Thanks to Prof. P. Lama and all the participants.

Conclusion

Professor Mahendra P. Lama in his presentation emphasized on the immense contribution of Gurkhas in building modern India, their tolerance even after being excluded from the mainstream political development and their struggle to get a permanent constitutional and legal solution for their national identity. He aroused the issue of Gurkhas national identity being threatened because of various vulnerabilities including an open border between India and Nepal.

He also mentioned about India-Nepal Treaty of Peace and Friendship 1950; political alienation, socio-economic backwardness, Gurkhas racial profiling by various agencies and dominant communities and their demographic minority status in his presentation.

Professor Mahendra P. Lama has stressed on the regional/district autonomy models as practiced in the North East regions of India though it has no constitutional validity.

Professor Lama, in his presentation also emphasized on Scheduled

Castes and Scheduled Tribes of Sikkim who are abysmal. SC and ST population have been the beneficiary of the affirmative action like reservation for last almost 60 years but they are not qualified for the government job which raise the question of acceptability, efficacy and coherency.

In the context of India, Professor Lama provided an example of how Indian government started Tribe based development council by forming Tamang Development Board and Lepcha Development Council in 2013. The struggle of Gurkhas and being successful to enshrine their language 'Nepali' in the 8th Schedule of the Constitution in 1992.

Proffesor Mahendra Lama also focused his presentation on the failure of Autonomous Council Model, The Gorkha Land Territorial Administration (GTA) which has been launched in 2012 by the West Bengal Government after nearly a four year turmoil in Darjeeling district and surrounding areas of Dooars under Gorkhaland Janmukti Morcha (GJM) is now considered as a panacea for all the grievances and injustices of the Darjeeling district and Dooars including 110 years old demand for a separate state within the constitution of India.

He laid the importance of Federalism in Nepal. He stressed on the inclusion in the Political parties of Nepal. He said "the change will be possible only when the leaders will come in power that has raised the issue of inclusion. The representation from the marginalized community should be assured in the leading position to implement proportional system".

The participants i.e. the law makers, CSOs, members from political parties, INGOs, activists, scholars, students and journalists have made substantial contribution by participating in the rigorous discussion. The lecture has provided a new dimension particularly in learning lessons from the neighboring countries in the area of inclusion.