

नेपालमा आदिवासी अधिकार

नीतिगत अवस्था, चुनौती र अवसरहरू

सम्पादन सल्लाहकार

शान्ति कुमारी राई दिनेश कुमार घले

शंकर लिम्बू भिम राई

अमृत योन्जन-तामाङ

सम्पादक

टहल थामी

गोविन्द छन्त्याल

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ISBN 9879937913539



9 879937 913539

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प्रकाशक: नेपालका आदिवासीहरूको मानव अधिकार सम्बन्धी

वकिल समूह (लाहर्निप)

अनामनगर, काठमाडौं ।

पो.ब.नं.: १११७९

फोन: +९७७ ०१ ४२६८५१०

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वेबसाइट: www.lahurnip.org

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लेआउट: खापुङ, क्रियसन

अनामनगर, काठमाडौं ।

ISBN: 978-9937-9135-3-9

Indigenous Peoples Rights in Nepal: Policy Status, Challenges and Opportunities

Editorial Advisors: Shanti Kumari Rai, Dinesh Kumar Ghale,
Shankar Limbu, Bhim Rai, and Amrit Yonjan-Tamang.

Edited by Tahal Thami/Gobinda Chhantyal

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Abbreviation

AD	Anno Domini
ADB	Asian Development Bank
AGRBS Sharing	Access to Genetic Resources and Benefit
AIPP	Asia Indigenous Peoples Pact
CA	Constituent Assembly
CBD	Convention on Biological Diversity
CBR	Community Based Rehabilitation
CBS	Central Bureau of Statistics
CEDAW	Convention on the Elimination of all Forms of Discrimination against Women
CERD	Convention on the Elimination of All Forms of Racial Discrimination
COP	Conference of the Parties
CPN	Communist Party of Nepal
CRC	Convention on the Rights of the Child
CSR	Corporate Social Responsibility
CSRDSP	Committee for State Restructuring and Division of State Power

DDC	District Development Committee
DFID	Department for International Development
EA	Electricity Act
EIA	Environment Impact Assessment
FPIC	Free, Prior and Informed consent
GI	Governance Index
GL	Generation License
GoN	Government of Nepal
GSi	Gender and Social Inclusion
HDI	Human Development Index
HLSRRC	High Level State Restructuring Committee
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICIMOD	International Centre for Integrated Mountain Development
IEE	Initial Environmental Examination
IFAD	International Fund for Agricultural Development
IFC	International Finance Corporation
ILO	International Labour Organisation
INC	Indigenous and Nationalities Commission
IPPs	Independent Power Producers
IPs	Indigenous Peoples
IWGIA	International Work Group for Indigenous Affairs
LAHURNIP	Lawyers' Association for Human Rights of Nepalese Indigenous Peoples
LGBTI	Lesbian, Gay, Bisexual, Transgender & Intersex
LTR	Lands, Territories and Resources
MAT	Mutually Agreed Terms
MoAD	Ministry of Agricultural Development
MoFSC	Ministry of Forest and Soil Conservation
MoFSC	Ministry of Forests and Soil Conservation
MoLJPA	Ministry of Law, Justice & Parliamentary Affairs

MoPE	Ministry of Population and Environment
MW	Mega Watt
NBSAP	National Biodiversity Strategy and Action Plan
NC	Nepali Congress
NEFIN	Nepal Federation of Indigenous Nationalities
NESAC	Nepal South Asia Centre
NFDIN	National Foundation for Development of Indigenous Nationalities
NPC	National Planning Commission
NTFPs	Non-Timber Forest Products
PES	Payment for Ecosystem Services
PI	Poverty Index
SL	Survey License
SOM/P	Standard Operating Manual/Procedures
SRHLRC	State Restructuring High Level Recommendation Commission
UCPN (Maoist)	Unified Communist Party of Nepal (Maoist)
UML	Unified Marxist Leninist
UN	United Nations
UNCED	United Nations Conference on Environment and Development
UNDP	United Nations Development Programme
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNPFII	United Nations Permanent Forum on Indigenous Affairs
VDC	Village Development Committee
WB	World Bank
WRA	Water Resource Act
WSSD	World Summit on Sustainable Development

प्रकाशकीय

संविधानसभामार्फत संविधान निर्माणलाई लोकतन्त्रको उत्कृष्ट नमूना मानिन्छ। इतिहासमा यस्ता अवसर विरलै आउँछ। नेपालको सन्दर्भमा पनि नेपाली जनताको लामो संघर्षपछि यो अवसर जुरेको हो। तर जसरी संविधानसभाले आम जनता तथा समुदायहरूको अधिकारका आवाजहरूको सम्बोधन गर्नुपर्थ्यो, त्यो हुन सकेन। संविधानसभाबाट बनेको संविधानमासमेत आदिवासीलगायतका समुदायहरूको अधिकार सुनिश्चित हुन नसक्दा असन्तुष्टिहरू भन बढेका छन्। त्यसको समाधान बेलैमा निकाल्न नसके देश भयंकर दुर्घटनामा पर्न सक्छ। त्यसरी संवैधानिक अधिकारबाट वञ्चित एक समूह हो आदिवासी। ती समूहहरूको अधिकारका सम्बन्धमा संविधानमा भएका व्यवस्था र उनीहरूले चाहेको अधिकारका सम्बन्धमा गत पुष २२-२३, २०७३ (6-7 Januray 2017)मा काठमाडौँमा बृहत् सम्मेलनमा छलफल भएको थियो। सो कार्यक्रमको आयोजना गर्न पाउँदा लाहुरिप गर्व महशूस गर्दछ।

सो कार्यक्रम आयोजनामा विभिन्न व्यक्ति, व्यक्तित्व तथा संघसंस्थाहरूको अमूल्य सहयोग लाहुरिपलाई मिलेको थियो। यसरी सहयोग तथा सल्लाह सुझाव दिनुहुने डा. कृष्ण भट्टचन र डा. नवीन राईप्रति हामी आभारी छौं। त्यसैगरी United Nations Permanent Forum on Indigenous Issues (UNPFII) का उपाध्यक्ष Mr. Raja Devasish Roy, सोही निकायकी सचिवालयबाट पाल्नु भएकी Ms. Julia Raavad, र International Work Group for Indigenous Affairs (IWGIA) बाट कार्यक्रममा सहभागी बन्न आउनु भएका Mr. Christian Erniप्रति लाहुरिप आभारी छ। त्यस्तै कार्यक्रमलाई सफल पारिदिन सहयोग गर्नुहुने अमृत योन्जन तामाङ, यशोकान्ती भट्टचन, डम्बर लोहोरुङ, डम्बर तेम्बे र नारायण निडलेखुप्रति पनि धन्यवाद व्यक्त गरिन्छ।

सो कार्यक्रम सफलतापूर्वक सम्पन्न गर्नका लागि महत्वपूर्ण सहयोगका United Nations Permanent Forum on Indigenous Issues (UNPFII), International Work Group for Indigenous Affairs (IWGIA), International Fund for Agricultural Development (IFAD), United Nations Development Programme (UNDP) लाई पनि धन्यवाद टक्रयाइन्छ । साथै कार्यक्रमा उपस्थित भई कार्यक्रमको शोभा बढाई दिनु भएकोमा राष्ट्रिय मानवअधिकार आयोगका अध्यक्ष माननीय अनुपराज शर्मा, आदिवासी जनजाति उत्थान राष्ट्रिय प्रतिष्ठानका उपाध्यक्ष चन्द्रबहादुर गुरुङ र सदस्यसचिव गोविन्द माझीप्रति लाहूर्निप कृतज्ञ छ । त्यसै गरी नेपाल आदिवासी जनजाति महासंघ, राष्ट्रिय आदिवासी जनजाति महिला महासंघलाई पनि धन्यवाद साथै सो कार्यक्रममा गरिमामय उपस्थितिका लागि माननीय सांसदहरू, विभिन्न संघसंस्थाका प्रतिनिधिहरू, बुद्धिजीविहरू, राजनीतिक दलका प्रतिनिधिहरू, विभिन्न राजदूतावासका प्रतिनिधिहरू, व्यापारिक क्षेत्रका प्रतिनिधिहरू, सरकारी निकायका प्रतिनिधिहरू, संयुक्त राष्ट्रसंघलगायत अन्तर्राष्ट्रिय निकायका प्रतिनिधिहरू र सामाजिक अभियन्ताहरूप्रति हार्दिक धन्यवाद ज्ञापन गरिन्छ ।

यस पुस्तकमा सो कार्यक्रममा प्रस्तुत कार्यपत्रहरू समावेश गरिएका छन् । कार्यक्रममा कार्यपत्र प्रस्तुत गरिदिनुहुने विभिन्न मन्त्रालयका प्रतिनिधि-कर्मचारीहरू तथा बुद्धिजीविहरूप्रति पनि लाहूर्निप आभारी छ । साथै यस पुस्तक प्रकाशनमा प्रत्यक्ष तथा परोक्ष रूपमा योगदान गर्ने सबैप्रति हामी आभार व्यक्त गर्दछौं ।

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प्रकाशकीय

लैंगिक समानता, संस्कृति र भाषा

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State Restructuring and Federalism in Nepal

Krishna Hachhethu

Background

Restructuring the Nepali state, proclaimed as a national goal since the successful mass uprising of April 2006, has threefold missions: (1) restoration of peace against a decade-long civil war (1996-2006) between the Maoist guerrillas and the state's security forces, (2) replacement of monarchy by a republican system, and (3) advancement of democracy with new attributes, i.e. secularism, pluralism, federalism and inclusion, against the longstanding history of ethnic, language, religion, region and gender based structural exclusion. Following the stated goals, the peace process eventually landed successfully with an integration of Maoist combatants into National Army in 2012. So far the second goal is concerned, the first Constituent Assembly

(CA-I) declared Nepal as a republic state in May 2008. The CA-I (2008-2012) unfortunately failed to give a birth of new Constitution. Restructuring the Nepali state in the form of inclusive democracy, the third mission of making a new Nepal project, remains as an unaccomplished task since the new Constitution, promulgated in September 2015 by CA-II, tracks back from a lot of progressive contents entertained by the CA-I.

Exclusionary state

Nepal is a country of social diversity-a home of three broad ethnic groups: (1) Khas Arya (2) Madheshi and Hill Janajati, each constitutes approximately one-third of national population of the country. So, looking from the perspective of inclusive democracy, a need of accommodation of social diversity is sensible. But the history tells differently. Since the time of unification of Nepal in 1768, the rulers – Shahs, Ranas, Panchas and party leaders – had tried to develop Nepal as a homogeneous, monolithic and unitary state providing protection to one language (Nepali), one caste group (Khas Arya), and one religion (Hindu), ignoring the reality of diversified and pluralistic character of the Nepali society (Gellner 1997; Lawoti 2005; Riaz and Basu 2007). Besides, the state-designed ‘Nepalisation’ process–through Hinduisation, spread of the parbatiya’s culture, entralization of caste system converting separate identities of ethnic groups into caste hierarchical structure, and entralization of politics and administration–had led to increase disparity and inequality among different social groups.

Table 1: Inequality among Ethnic Groups of Nepal

Caste/ethnicity		Human Development Index (HDI)		Poverty Incidence (PI) in %			# Government In % 2005
		1996	2006	2011	1995/96	2003/04	
Hill Castes	National	0.325	0.509	0.490	42	31	100
	Brahmin	0.441	0.612	0.557	34	18	71
	Chhetri	0.348	0.514	0.507			
	Dalits	0.239*	0.449	0.446	58	45	2*
Hill IPs	Newar	0.457	0.616	0.565	19	14	12
	Other IPs	0.299	0.507	0.482	49	44	7
Madheshi	High castes	0.313	0.625	0.536	NA	NA	8
	Middle castes		0.450	0.460	29	21	
	Tarai IPs		0.470	0.473	53	35	
	Dalit	0.239*	0.383	0.400	NA	NA	
	Muslim	0.239	0.401	0.422	44	41	

Sources: NESAC (1998), UNDP (2009; 2014); CBS (2005; 2011)

* including Hill and Madheshi Dalit; # one CBS officer explained that this apparent big decline in the rate of poverty among Muslims as due deficiencies in the sample; ## Representation in executive,

legislature, judiciary and Constitutional bodies.

Periodical surveys on Nepal Human Development Index (HDI), Poverty Index (PI) and Governance Index (GI) [representation in state apparatus] reveal a persistence of inequality between the dominant Khas Arya and the discriminated Janajati and Madheshi and, the marginalised Dalit (*see table 1*). The Khas Aryas, the dominant segment of Nepali society, have an HDI ratio that has always exceeded the national average. By contrast, the HDI ratio of excluded groups (except the Newar among the Hill Janajati and the high castes among the Madheshi) has been lower than the national average. Such a picture of inclusion/exclusion corresponds to the asymmetric distribution of economic power. The poverty head count rate of the Khas Aryas has always been lower than the national average whereas it has always been higher for excluded groups (again with the exception of the Newar among the Hill Janajati and the high castes among the Madheshi). Disparity in sharing political power is demonstrated by the fact that the Khas Aryas have overrepresentation in all organs of the government than the size of their population (31%). Representation of the excluded groups in the state apparatus – has always been much lower than the population size of their respective groups. So, the ethnic-based inequality is evident in social life, economic sector and political space (Neupane 2000; DFID and World Bank 2006; Gurung et al 2014).

Assertion for ethnic political space

The ethnic assertion for political space, surfaced since the restoration democracy in 1990, has heightened up since the April 2006 *Jana Andolan II* (Gellner 2007: 1823; Dahal 2014: 1). It is well recorded by periodical survey

on state of democracy in Nepal that people's preference to ethnic/regional identity was on rise constantly from 22% in 2004 to 25% in 2007 and to 32% in 2007 (Hachhethu 2004; Hachhethu et al 2008; Hachhethu 2013).

Besides, the ethnicity gained further height as a consequence of two new developments. One, the Maoist insurgency of 1996-2006 spread rapidly following the fusion of class ideology and ethnic aspiration. Two, since the mainstream parties failed to mobilise the people in rhetoric of restoration of democracy against the royal coup of 2002 which led to a revival of executive monarch, they galvanised the ethnic contents on the eve of the April 2006 popular uprising. In the pretext, both the Maoist and mainstream parties, by signing a 12-point understanding in November 2005, set one of the principal goals of their joint movement of the April 2006 that is "restructuring the Nepal state to end longstanding discrimination based on ethnicity, language, religion, culture and region". The prospect of translating ethnic identity into political constituency had geared up in the first phase of transition, from *Jana Andolan* 2006 to before the expiry of the CA-1 (2008-2012), particularly on the question of federal design.

The Committee for State Restructuring and Division of State Power (CSRDSP), a thematic committee of the CA-I and subsequently formed State Restructuring High Level Recommendation Commission (SRHLRC), both were formed to recommend the federal design for the country, obviously placed identity²⁷¹ as prime basis and

271 The identity is defined by a combination of five aspects: (1) ethnicity/ community (2) language (3) culture (4) geographical/territorial continuity (in settlement of targeted groups) and (5) historical continuity (in settlement of targeted groups).

capability²⁷² as secondary factor, in their recommendation of 14 provinces²⁷³ and 10 provinces²⁷⁴ respectively. This confirms to a comparative experience of federal countries of the world, particularly the cases of multi-ethnic countries which adopted a system of holding together federalism through constituting sub-national units on the basis of ethnicity. The CSRDSP and SRHLRC sought reinvention of cultural territory, i.e. demarcation of provincial boundaries to ensure that the concerned native ethnic group constitutes as the majority or largest group in province to be created in their traditional homeland. The 10-provinces federal Nepal, recommended by the HLSRRC, placed the larger IPs – i.e. Limbu, Rai, Tamang, Newar, Magar, Gurung and Tharu – in comfortable positions so far ethnic demography of provinces suggested in their respective ancestral land is concerned (*see table 2*). Becoming a largest population of the province has its own implication in formation of ethnic-based political power equation of a particular province. So, identity-based federalism could pave the way for the redistribution of political power among the social groups against the traditional domination of the Khas Arya.

272 Capability is an aggregation of four variables: (1) economic interrelations and existing capability (2) present state of or potentiality for infrastructural development (3) availability of natural resources and (4) administrative accessibility.

273 The CSRDSP's proposed 14 provinces are: Limbuwan, Kirat, Sherapa, Sunkoshi, Mithila-Bhojpur-Koch-Madhesh, Tamsaling, Newa, Narayani, Tamuwan, Magarat, Lumbini-Awad-Tharuwan, Jadan, Karnali, and Khaptad (CSRDSP 2010).

274 The HLSRRC's proposed 10 provinces are: Limbuwan, Kirat, Madhesh- Mithila-Bhojpur, Tamsaling, Newa, Narayani, Tamuwan, Magarat, Madhesh- Awad-Tharuwan, and Karnali and Khaptad (HLSRRC 2012).

Table 2: Ethnic Demography of 10-province Federal Design (First and Second Largest Groups)
Figure in %

Name of Provinces	1 st largest group	2 nd largest group
1. Limbuwan	Limbu (27)	Khar Arya (27)
2. Kirat	Rai (35)	Khas Arya (27)
3. Madhesh-Mithila-Bhojpura	Madheshi high caste (47)	Madheshi Dalit (15)
4. Tamshaling	Tamang (35)	Khas Arya (30)
5. Newa	Khas Arya (37)	Newa (36)
6. Narayani	Khas Arya (45)	Magar (11)
7. Tamuwan	Khas Arya (33)	Gurung (32)
8. Magarat	Magar (35)	Khas Arya (35)
9. Madhesh-Awadh-Tharuwan	Tharu (27)	Khas Arya (25)
10. Khaptad	Khas Arya (60)	Dalit (19)

Source: CBS (2002). Note: Village/municipality-wise distribution of caste/ethnic populations are adjusted into the boundary of each province drawn.

Revert to status quo

At the outset when the pressure for recognition of ethnicity as political constituency was mounting, there had parallelly been countermovement aiming to de-ethnicise the project of restructuring the Nepali state. As close as deadline of the CA-I was approaching (May 2012); the country witnessed a rise of the Khas Arya ethnicity as an influential political force. The Khas Arya identity is associated with Hindu religion, Nepali language, Hill culture/symbols.

Assertion of the Khas Arya identity was initially against the transformation of Nepal into a federal structure and later it was a campaign against ethnic identity-based federalism. The Khas Arya stand for territorial/administrative federalism. The real objective of the Khas Arya movements is to make the Nepali federalism non-ethnic in its attributes and thereby upholding their dominant position in the federal Nepal. The Khas Arya believes that ethnicity-building is tantamount to nation weakening.

In Nepal, to oppose identity-based federalism means to stand for territorial federalism. Administratively Nepal is divided into 5 development regions, 14 zones and 75 districts. The territories of development regions and zones, except Karnali zone, form a mixed ethnic settlement since these are constituted vertically by combining all three ecological areas (Mountain, Hill and Tarai) of Nepal. At the top of that, against the overlapping of ethnic settlement and physical geography, the divisions of Nepal into 75 administrative districts were made dispersing ethno-geographical territories. The proposal of territorial federalism is a composite scheme of three attributes, none-ethnic name of provinces, small number of provinces and retention of the existing administrative boundary for

demarcation of provincial territories.

The Khas Arya' voices are strong and detrimental on two major accounts. One, unlike Janajati and Madheshi that each of these two broad ethnic groups are heterogeneous in terms of language, culture and historical homeland of their respective sub-groups – the Khas Arya are cohesive who share a common race (Aryan), religion (Hindu), language (Khas Nepali), tradition and lifestyle (Pahadi). Two, they are in dominant positions in institutions that produce knowledge (universities), in places that disseminate information and public opinion (media), and in the leadership of major political parties that hold state power. Implication of placing the Khas Arya in strategic areas to federal design is understandable. Top of that, the major political parties dominated by the Hill castes Brahmin/Chhetri, have virtually, if not absolutely, carrying out the Khas Arya's agenda on federal design in Nepal.

The CA-II election, held in November 2013, brought out different political equation in terms of both ethnic composition and political parties' representation. The Khas Arya increased their seats, 42 %, against their strength of 34% in the CA-I. Whereas, representation of Janajati, Madheshi, Dalits and Women – perceived as social groups championing for identity and inclusion – reduced substantially from 215 to 189, from 145 to 120, from 49 to 41 and from 197 to 176 respectively. Party-wise also the election result was in favour of those who have taken conservative position on identity, inclusion and federalism. The traditional parties – NC and UML – brought back into power with their combined 389 seats (NC's 206 and UML's 183), short of only 12 seats to reach the magic number of two-third majority to pass the new Constitution.

Additionally, other parties which are considered illiberal on the issue of ethnic identity and inclusion have 52 seats. Representatives of parties of other camp are only 146 seats – including the UCPN (Maoist)'s 84, Madhesh based parties' 50 and IPs based parties' 12. They key actor, UCPN (Maoist), among parties known for championing identity-based federalism, eventually turned into the fold of those advocating for territorial-based federalism.

Consequently, the CA-II brought out a new Constitution which reduces the ethno-political space substantially. It retains ethnic identity largely, if not only, on cultural domain.

The Constitutional provisions related to inclusion are placed as vague, ambiguous and largely non-operative. At top of that ethnic identity is rejected in framing of the federal structure.

The new Constitution of Nepal adopts a 7-provinces federal Nepal. The boundaries of federal units are drawn in line with administrative/territorial federalism since territorial maps of 73 out of total 75 districts retain without any change. These districts are slatted into 7-provinces in such a way that the Khas Arya becomes the majority or the largest group – except in Province-2 where Madheshi (including Madheshi Dalits, Muslim and Tarai Janajati) constitute 88% in total provincial population – in newly created federal units (see table 3). This, in turn, contributes to retain the status quo, domination of the Khas Arya even in newly created middle political space at province level.

Table 3: Ethnic Demography of 7-Province Federal Design (Four Largest Ethnic Groups)

Figure in %

Provinces	1 st largest group	2 nd largest group	3 rd largest group	4 th largest group
1	Khas Arya (28%)	Tarai Janajati (12%)	Rai (11%)	Limbu (8%)
2	Madheshi caste (52%)	Madheshi Dalit (16%)	Muslim (12%)	Tarai Janajati (8%)
3	Khas Arya (37%)	Tamang (20%)	Newar (17%)	Hill Dalit (5%)
4	Khas Arya (42%)	Magar (17%)	Hill Dalit (17%)	Gurung (11)
5	Khas Arya (30%)	Magar (16%)	Tharu (15%)	Hill Dalit (10%)
6	Khas Arya (62%)	Hill Dalit (23%)	Magar (11%)	Others (4%)
7	Khas Arya (60%)	Tharu (17%)	Hill Dalit (13%)	Others (10%)

Source: CBS (2012). Note: Provinces are categorized according to districts as of the new Constitution. Two districts, Nawalparasi and Rukum, each divided into 2 provinces, the former in province 4 and 5 and the later in province 4 and 6. So each and every caste/ethnic population in each of the above two districts are divided equally into respective provinces.

In Province-1 – claimed as homeland of the Rai and Limbu – the native population comprises only 11% and 7% respectively whereas the Khas Arya alone makes up 28%. Similarly Province-3 is the traditional land of the Tamang and Newar but they fall as the second and third largest group with 20% and 17% respectively; the largest group is Khas Arya with its population strength of 37%. Despite Province-4 is historical land of the Tamuwan and Magrat, the native population constitute only 11% and 17% respectively, much lower than the Khas Arya population of 42%. Take the case of the Tharu, its dense settlement in western Tarai from Nawalparasi to Kanchanpur is split into Province-5 and Province-7 and consequently the Tharu figures as the second largest group only in the Province-7 with a population of 17%, much lower than 60% presence of the Khas Arya. The gap between first and second largest group in these provinces is so high that no one can challenge the dominant position of the Khas Arya in provincial power structure in 6 out of total 7 provinces. Because in a system Nepal adopted – distribution of PR seats in proportion to size of population of each ethnic groups – ethnic demography of provinces has direct bearing to translate size of ethnic population into seat of provincial parliament. Besides, overrepresentation of the Khas Arya through FPTP has long been reality of Nepal.

Conclusion

Making a ‘new Nepal’ through state restructuring in the form of republic, secular, inclusive, and federal – which is perceived as a remedy of ethnic-based deprivation, inequality and exploitation – is a national goal set for the post-2006 popular uprising period. But, the new Constitution is an outcome of the CA-II’s refusal to

recognize ethnicity as political constituency by all means. Inclusion and federalism are no doubt the new important attributes of Nepali state but these are framed in a way that ensures the retention of the dominant position of the Khas Arya in political sphere of Nepal.

However, the idea of identity-based federalism– which gained high currency in the CA-I (2008-2012)–remains alive outside the Constitutional frame. Identity-based federalism and territorial federalism stand apart so far the path of nation-building is concerned. The former propels accommodative path and the later serves to retain assimilative model. Since the new Constitution, while framing the 7-provinces federal Nepal, rejected the identity-based federal design, the hope of excluded ethnic groups, Janajati in particular, to translate their identity into political power through federal arrangement turns into a frustration.

Since the new Constitution curtails the space of all the three key aspects of inclusive democracy (i.e. identity-based federalism, electoral system based on inclusive representation, and reservation/affirmative action), it obviously invites an ethnic conflict. A nine-month long Madhesh agitation (June 2015- February 2016), known as the third Madhesh uprising, is a glaring expression of discontent to the new statute. The Janajati's disenchantment with the new Constitution is also manifested but it, unlike the Madhesh uprising, is not effective and powerful. Lack of social contract among the major ethnic groups of Nepal on the new Constitution has created a hurdle for smooth implementation of the new statute. So the amendment of the new Constitution to broaden the scope of identity and inclusion, particularly on federal design, is sensible

to move ahead towards a new vista of nation-building in conformity to the concept of inclusive democracy.

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