Chapter VII
Conclusion

In the preceding chapters the emergence of Madheshi identity and the nation-building process in Nepal have been examined. The first chapter analysed the theory of ethnicity and nation-building. Besides defining the terms ethnicity, regionalism, minority and majority and elaborating the causes of the rise of ethnic and regional movements in the South Asian context in the theoretical framework, it also dealt with the issue of how the rise of ethnic and regional movements is one of the major challenges in the process of national integration in many nation-states. Since most ethnic and regional movements are linked with ethnicity, the causes for their rise are inherent in society. The preservation and protection of their ethnic identity is a natural aspiration of every ethnic group. A common factor for the rise of ethnic conflicts has been the exploitation of one group by others. In most cases, it is the larger groups pitted against the small ones. In several cases, however, a small group, because of historical or political reasons, dominates the other larger groups. Persistent discrimination of a particular ethnic group in the socio-economic and political realms generates fear complex, grievances and a sense of deprivation.

There several on-going ethnic and regional movements in South Asia. In India, the most prominent areas of ethnic conflict are the North East, Jammu and Kashmir, and some parts of southern India. These have included the Kashmiri movement, the Naga movement, and the Assamese movement. In Sri Lanka, Tamil nationalism has been violently challenging the dominance of the Sinhala-Buddhist nationalism. Pakistan broke up in 1971 when East Pakistan seceded to form Bangladesh. In recent years, the Mohajir community has been demanding due recognition and regional autonomy in Karachi. Sindhis, Pathans and Baluchis are also demanding regional autonomy and equal share in the state power structure. In Bangladesh, clashes between the majority Muslims and the minority Hindus seem to be threatening the country’s social cohesiveness. This is in addition to the tribal separatist movement of the Chittagong Hill Tracts. In Bhutan, the monarchy has resorted to policies such as the cleansing of Bhutanese Nepalese, eradication of
Lhotshampa culture and introduction of Drukpa culture, arousing strong dissatisfaction as well as opposition among the legal Lhotshampas.

The second chapter examined the society and ethnic diversity in Nepal while taking ethnicity as a source of conflict. The formation of ethnic and regional movements in Nepal is basically guided by ethno-nationalism. In Nepal, the state has become an instrument of protecting the interests of the majority Pahari people at the cost of the interests of the minorities. It is deliberately biased in most of its policies and practices in favour of the Pahadis and against Madheshis and in favour of the upper castes against the socially deprived castes and ethnicities. There are several ongoing ethnic and regional movements in Nepal, such as: (1) Limbuan movement of the Limbu ethnic group in eastern Nepal, especially in Taplejung, Panchthar, Terhathum and Ilam districts, (2) Khumbuan movement in eastern Nepal led by the Rai ethnic group in Solukhumbu, Okhaldhunga, Bhojpur, Dhankuta, Khotang and Udaipur districts, (3) Tamang movement in central Nepal led by the Tamang ethnic group in the districts of Nuwakot, Dhading, Rasuwa, Sindhupalchowk, Dolkha, Ramechhap, Kavre, Makwanpur, and in some parts of Kathmandu Valley, (4) the movement launched by the Newars concentrated in Kathmandu Valley, demanding autonomy in Kathmandu Valley, (5) the movement started by the Gurungs in western Nepal, particularly in Manang, Mustang, Gorkha, Lamjung, and Kaski districts in the name of Tamuwan, (6) the Magar movement started in western Nepal in Tanahu, Syangaza, Palpa, Parvat, Myagdi, Baglung, Gulmi, Arghakhanchi, Pyuthan and Rolpa district, and (7) the Madheshi movement directed towards fighting against various types of discrimination perpetrated against Madheshis and demanding regional autonomy and proportional share in state power. With the rise of the Maoist movement, these movements have become all the more assertive in their demands.

The third chapter dealt with the nation-building process in Nepal and took an historical overview of different aspects of the Madheshi people, right from the primitive age to modern civilization, in terms of various aspects like cultural, religious, and social practices and languages. It provided a historical background of Madheshis and described how they came under Nepal during the period of unification by Prithvi Narayan Shah. In ancient times several kingdoms like Mithila, Trihut, Birat, Kolia, Kochila, etc. flourished in Madhesh. Mithila in Madhesh was located on the border with India. It was inhabited by many seers and ascetics and was one of the most celebrated centres of rituals and sacrifices and diverse kinds of socio-religious
activities. The kingdom became famous because of Sita, the leading lady of the famous Hindu epic Ramayana, Rajarshi Janak, the king of Janakpur, Yajnavalkya and Gargi, who made great contributions in systematizing and developing Hindu social doctrines and philosophy in Aryavarta at the dawn of Hindu civilization. The cultural heritage of Mithila has been rich and magnificent. As in the hills, many languages and dialectics like Maithili, Awadhi, Bhojpuri, Tharu, Hindi, Rajbanshi, Santhali, Satar, Urdu, etc. are spoken by Madheshis. Their traditional dress is similar to that found in northern India and distinct from the habiliments of the hill population. Their important festivals are also akin to those in India. Lumbini in Madhesh is famous for being the birthplace of Lord Buddha. The chapter has evaluated the implications of large-scale migration in Tarai from the hills and its obvious impact in the social, cultural, political and economic spheres in Madhesh.

The fourth chapter dealt with the socio-cultural context of Madheshi identity. The average literacy rate of the Pahari-origin groups living in Tarai is 54.5 per cent, while that of the Tarai-origin groups living in Tarai is 26.4 per cent. The literacy rate among Madheshi women is even lower. The importance of Tarai to the national economy has never been duly emphasized. Tarai accounts for 73 per cent of the cultivatable land in Nepal. It contributes 76 per cent of the total agricultural production and 63 per cent of gross domestic product (GDP). Besides, Tarai accounts for over two-thirds of Nepal's industrial production. In spite of these facts, the allocation of per capita development budget in Tarai is lower than that in the hills. There is more unemployment and underemployment in Tarai than in the hills due to a large number of Madheshi population being involved in agriculture. This chapter also examined in detail the issues of internal migration from the hills to Tarai which is adversely affecting Madheshi agricultural land, culture, economy, politics and languages spoken in Tarai. The chapter also highlighted the Madheshi issues and the aspirations of Madheshis. It evaluated national integration not only from the geographic viewpoint but also from the representational viewpoint, as it is essential to bring balance and harmony in the country.

The fifth chapter analysed the discriminatory policies practised by the state against Madheshis and their relative deprivation. It examined the political problems and the issue of insignificant representation of Madheshis in the various institutions of state and instruments of state power such as political parties, parliament, media, constitutional bodies and bureaucracy, judiciary and security forces. In spite of the
large Madheshi population and their greater contribution to the country’s economy, Madheshis have not been given due representation in the state structure, and are often treated as second-class citizens. In all kinds of security forces in Nepal, the representation of Madheshis is minimal. Along with the problem of under-representation, the problems of constitutional discrimination like religious discrimination, linguistic discrimination, citizenship discrimination and problem of nationality were also discussed.

The sixth chapter critically assessed the various Madhesi movements and their organizations since 1950 under the monarchy and subsequently under the constitutional monarchy. The chapter endeavoured to examine the activities of various Madheshi organizations and their areas of influence, achievements, mutual rivalries and the causes of their weaknesses. It also evaluated the electoral performances of the regional parties and the performance of the leadership in mobilizing the masses towards the Madhesi movement. The chapter also highlighted the critical issues that challenge the process of national integration of Nepal.

A critical analysis of the act of unification and the political developments in Nepal clearly indicates that the nation-building process of Nepal virtually got halted at the consolidation of mere physical territories by Prithvi Narayan Shah, because Prithvi Narayan Shah himself and his successors failed to foster a sense of ownership and belongingness among various tribal groups, particularly Madheshis, towards the newly formed state of Nepal. Madheshis have been persistently subjected to political discrimination, economic exploitation, social and cultural inequality and administrative suppression, torture and tyranny right from the time of unification of Nepal by Prithvi Narayan Shah. Sometimes even the question is asked by the Nepali intelligentsia whether the unification made by Prithvi Narayan Shah was an act of actual integration or an act of mere expansion of his kingdom by conquering other territories through the use of military force. Neither Prithvi Narayan Shah nor his successors ever felt the need to involve and assimilate Madheshis in the administrative mechanism and military or other security forces of the country. Madheshis were always treated as people belonging to a territory conquered in war. Viewing Madheshis from this angle of vanquished and victorious has always acted as a stumbling-block to the process of national integration. No doubt, Nepal was unified in the eighteenth century administratively and geographically, but it is a bitter truth
that even today it has not been possible to achieve social, cultural, economic and emotional integration among the people of Nepal. Right from the time of Prithvi Narayan Shah till now, whenever there is talk of national integration in Nepal, the Madheshi community has always been gripped by a sense of humiliation and inferiority complex.

In effect, a majority of the populace of Madhesh have felt alienated and could not identify themselves with the Nepali state. Matters worsened in the 1960s when King Mahendra used his state powers, forcibly seized from the democratically elected government, to impose the dominant hill culture. The slogan perpetuated by the state at that time “Autai BhaSa Autai Bhesh” (One Language, One Dress) not only disregarded the plurality of the Nepali state but also tried to coerce various groups into accepting the dominant hill culture. This coercive assimilation posed a great threat to Madheshis, an ethnic group which formed a huge chunk of the population. Naturally, the worst to be affected by the monolithic state propounded by King Mahendra were Madheshis. Several discriminatory policies were specially designed by the state to subjugate Madheshis. These included giving lands of Tarai to the Pahadis by the state deliberately to subjugate the tillers of the land who were mainly Madheshis. In addition, their cultural identity, which was closer to that of the people of northern India, mainly Uttar Pradesh and Bihar, was used as a pretext to generate distrust towards them and to deny them key positions in important areas such as army, palace, and bureaucracy. Worst of all, many Madheshis were deprived of citizenship and were treated as second-class citizens even when they managed to obtain a citizenship certificate. These factors combined to generate resentment among the Madheshi community, many of whom felt they were virtually internally colonized, towards the State.

Not only Madheshis but also other ethnic groups who felt equally discriminated against by the state have now started coming together to raise their voice against the state policy of discrimination and deprivation. In turn, recently ethnic assertion has started to take place, though it could not take a coherent form due to the absence of leadership, unified agenda, and organized voice against cultural and political subjugation as those voices were loud but fragmented, disorganized, and unable to garner support.

As discussed in the preceding pages, Madhesh as a region is not only a geographic entity but also the industrial, agricultural and economic heartland of
Nepal. It contributes more than two-thirds of the country's GDP. Most of the outlets lie in Madhesh, which is densely populated. Keeping these factors in view, it can be said with certainty that if the Madhesi problem continues to fester, the country is bound to suffer more and lose more. Many violent and non-violent organizations have been emerging in Madhesh, voicing the problems of Madhesh and Madhesis. They are demanding only proportional representation in all sectors of the state as well as the proposed federal system. But the state authorities are not paying serious attention to these demands. In future, if the level of discontent among Madhesis escalates, more violent organizations may crop up. This would further disrupt the economic, agricultural and industrial activities and the social life of Madhesh. It may also lead to chaos in Nepal, while degenerating the various Madheshi movements into a secessionist movement.

Ever since the democratic system was established in 1990, many deprived and marginalized groups of Nepal have started raising questions on the non-accommodative nature of the system. The people's discontent has been manifested in many conflicts that have emerged, especially in the form of the Maoists' insurgency and the Madhesh Andolan (movement). The main issues centring around this debate have been related to the issues of representation, sharing of power, role of monarchy which has now been abolished, control of the army, language, citizenship, religion, culture, ethnic identity, etc. Minority issues like linguistic, ethnic, regional and religious ones have also been focused upon. Many scholars and social activists like Krishna Bhattachan, Govinda Neupane, Mahendra Lowati, etc. have raised the issues of the minorities and argued the need for a structural change to resolve the problems of Nepal. Several scholars, social activists, political parties, and the Maoists have suggested various alternative models for structural change of the country, which may be acceptable to all the communities without weakening the unity of the nation. A review of these proposals shows that all of them stress the need for a more accommodative and decentralized model of governance. While some emphasize decentralized regional autonomy, others lay emphasis on the need for a federal structure. Although their approaches and solutions differ, the basic argument of all the proposals has underscored the need for decentralization of power and proper representation of all the communities underlying the common element of devolution of power. However, these proposals fail to adequately address the problems of Madhesis. This study proposes a federal structure for Nepal as a way out from the
present political inefficiency and stalemate. This study explains below how the proposed structure can adequately address the problems of ethnic and religious minorities in general and Madheshis in particular.

In this context, a new constitution is the most urgent need of the day. A Constituent Assembly comprising of all the diverse ethnic and regional groups, elected through proportional representation, has already been formed to draft a new constitution. This new constitution should be based on a federal structure with a three-tier system – the centre, the provinces and the local government units. It should reinforce the declaration that Nepal is a secular state as has already been declared in the present Interim Constitution, which would ensure equality among all the religions. The new constitution must also be democratic and people-oriented. It should guarantee, protect and promote the rights of the various ethnic and regional groups, including Madheshis, who have hitherto remained marginalized and systematically discriminated against. Third, the new constitution should proclaim a new Citizenship Act, which is non-discriminatory and is able to solve the problems of millions of stateless people. Fourth, under the new constitution, all the powers and functions must be vested in the elected government and the parliament. Fifth, the national anthem of Nepal must be changed to reflect the people’s sovereignty over the nation in the real sense of the term. Finally, the new constitution should be based on a provision of referendum for the people to decide any amendment to the constitution. This would guarantee various fundamental rights of the people and ensure their participation in the governance of the nation in the capacity of sovereign people competent enough to choose the laws that govern them. Special attention should be given to guaranteeing the rights of the people belonging to different ethnic communities, including Madheshis, and also ensuring their right to functional and substantive equality, both in the socio-economic fields and the political and administrative governance of the country.

There is an urgent need to restructure the Nepali state. The present unitary structure has neither fulfilled the people’s social, cultural, linguistic and regional aspirations nor has it provided proper representation and participation of the people in the political process of the country. It has also made Nepal a state of a few population groups without reflecting the rich diversity of the country. This has resulted in a serious crisis of governance not only because the minority groups are now aware of their rights and are mounting pressure on the state to rectify the wrongs of the past but
also because, if the state remains dominated by the Pahari elites, there is a danger of Nepal confronting more conflicts in the days to come. The government is still unable to resolve the Maoist problem, but unless the issues of discrimination are resolved, many more problems are only waiting to explode. ‘Sustainable peace’ has now become a much hyped jargon, but to talk of perpetual peace the problems of the country need to be resolved at all levels, both political and social. Restructuring Nepal for a federal set-up will help increase the representation of the diverse groups as well as ensure efficient and accountable administration of the country. The different layers of elected and representative bodies would help resist any undemocratic step like the one of 4 October 2002 and the other following the grabbing of power by the King on 1 February 2005. The federal set-up would not only provide for the representation of the different groups but also open up opportunities for the development of the regions through local resources. An accommodative model of governance could also avert conflicts likely to emerge in the future.

Although the Fourth Amendment introduced in the Interim Constitution of Nepal has declared Nepal as “a Federal, Democratic Republic”, the new constitution is still in the process of drafting where this federal character of the state needs to be ensured. In considering the different models of federalism adopted by different governments, the Swiss model seems the most suitable for Nepal because Swiss federalism is based on “a territorial form of separation of powers”. The strength of the model in dealing with conflicts is characterized “not by confrontation between potential conflict groups but by the search for common interests and common viewpoints”. Again, the Legislature is elected “according to the principle of Proportional Representation which ensures adequate political representation of all minorities”. Another important feature of the Swiss model is the existence of the “principle of concordance”, i.e., “a competition in which all are conscious of striving for the same goals, have made it possible to pursue a common policy despite the existence of widely different views and a great number of different political parties”. The Swiss approach to ethnic and other internal conflicts is based on the principle of “federalist power sharing”. The principle “tries to guard the rights of minorities as far as possible and to grant them as large a degree of autonomy as possible”. Likewise, the referendum provision of the Swiss constitution provides space for “individuals and groups of all kinds in the political process, reducing the potential for dangerous conflicts”.

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A change in the electoral process is also a demand of Madheshis in order to overcome the inequality and other problems. Electoral processes are an integral part of any democratic country. There are two major electoral systems followed worldwide – the Westminster system and the Proportional Representation system. Nepal currently follows the former. The Westminster model is based on winner-take-all system where a party even with a small percentage of the popular votes compared with those of others has a chance of controlling the government, thereby leaving the other significant minorities helpless. In the Proportional Representation system all votes are counted. Many countries in Africa, Asia and Latin America have adopted this system. While the Westminster system is based on the principle of a single-seat constituency, the Proportional Representation allocates seats based on the party votes. In the winner-take-all model, the minorities are always at a disadvantage, as the model would always favour the majority. Most scholars and political parties who have been exploring alternative models that would ensure that minorities are not further marginalized suggest that proportional representation is appropriate for Nepal.

The following reforms also need to be introduced in the electoral system:

- To guarantee proper participation and representation of all ethnic and regional communities in the state organs, the country may be divided into ten regional autonomous provinces based on ethnic and geographic divisions. However, the boundaries of these provinces and their numbers may vary in the process of give-and-take between representatives in the Constituent Assembly.
- Each province shall comprise of the constituencies based on one-person-one-vote system.
- There is a need to introduce a practical and affordable electoral system.

The above discussion is an attempt to resolve Madheshi problems through restructuring of the Nepali state. This proposal is based on practical ground realities in terms of commonalities, history and differences. But this does not mean that other proposals are not relevant. However, what is perhaps missing in most of the other proposals has been a clear absence of the Madheshi perspective.

Keeping in view the Nepalese power structure, the recommended reforms will be happily accepted and get support from all ethnic communities, including Madhehsis, who are lagging behind in all spheres due to the present power and geographic
structure of the Nepali state. Various caste groups like the Ranas, Shah, Bahuns and Chhetris, who are in a privileged position of enjoying more state power and resources, are bound to oppose any kind of major reforms in Nepal, as their partisan interests would be adversely affected by such changes. In terms of the political parties like Nepali Congress, CPN (UML), RPP etc., which are the major political parties running in a very traditional way, will also not easily accept the proposed reforms. On the other hand, CPN (Maoist), NSP, People's Front and other regional political organizations are mostly likely to support such proposed reforms. To diminish the negative influences of the ethnic assertion on nation-building, the state should be liberal and inclusive.

Despite a massive change in the political system, there has been little change in the structures of the Nepali state. The traditional mode of patron-client relations has remained largely intact and has been rejuvenated in the form of neo-patrimonialism and clientism. This discourages the police, bureaucracy, and other state machinery from working independently, as career advancement is largely determined by kinship or political affiliation. It also impedes the institutionalization of democracy because it overrides the rule of law and induces corruption, as evidenced by the prevailing culture of impunity in Nepal.

Although the new Nepali State has inherited many problems, there are some positive past legacies. The ongoing process of modernization initiated by the New State Code (Naya Muluki Ain) of 1963 (which recognized the equality of Nepali citizens irrespective of caste, creed, sex, and class) and the 1964 Land Reform Act (which formally ended the system of large landholdings) has led to a steady decline in the feudalistic characteristics of Nepal. The people's increasing awareness and political consciousness has also helped democracy to function more vibrantly.

As Nepal is going through a critical phase of transition, the process of political settlement attracts greater attention and is accorded a higher priority than the issue of the survival of the state and its expected functions. However, for the long-term sustainability of the new political system, these functions are no less significant. The achievements made by a series of political settlements before and after the April 2006 popular movement are moving towards the consolidation in the new constitution, currently being framed by the Constituent Assembly. A process of renegotiation among the parties, and between the Constituent Assembly and organized social groups (i.e., Madheshis, Janjatis, Dalits, women, civil society, and other stakeholders)
is necessary to make the content more pragmatic and to outline the details of the republic, federal structure, and inclusive democracy in Nepal. The major contentious issues are as follows:

- The nature of government – parliamentary or presidential
- Identifying the basis of constituents of the federal system either ethnicity of economic viability or geography
- Economic Policy: Liberal, Socialist or mixed

This critical study and analysis of the Madheshi ethnic issues and their impact on the nation-building process in Nepal has led to several assumptions and conclusions. To begin with, the emergence of identity politics, particularly in the context of the identity of Madheshis, has resulted in several impacts, both negative and positive, on the nation-building process. Since Madheshis are still pitted against several odds, inequalities, deprivations and discriminations, they are still not in a position to feel and record their presence in the social, cultural, economic and political life of the nation. This has confronted them with the identity crisis. Who are they? Do they belong to this nation? Do they have similar rights as other people belonging to the hill tribes? If yes, why are they systematically subjected to systemic discrimination and deprivation by none other than the state? These and several other similar questions are haunting and vexing the political rulers who now find it extremely difficult to answer them. On the one hand, whereas all this has created a sense of revolt and assertion for their genuine rights among Madheshis, this has also sent a warning signal to the political rulers to mend their ways. Otherwise, it would be difficult for the state to have effective control over Madhesh. Ultimately, it would prove counterproductive from the viewpoint of nation-building. Secondly, the state must realize, even though belatedly, that it is the socio-economic discrimination perpetrated against Madheshis which has aggravated the issue of their national identity. Although political democracy has been established in Nepal, the country is still far away from the establishment of social and economic democracy. Political democracy is virtually lame and handicapped without the existence of social and economic democracy. Even though apartheid, regional discrimination, sex discrimination and caste discrimination are gradually being abolished and eradicated from the world, it is distressing to note that even today most of Madheshis are still not in a position to freely breathe the air of
democracy on an equal footing.

The way Nepal handles the issue of Madhesh and Madhesis may have some implications for similarly placed people such as Tamils in Sri Lanka or people of the North West Frontier in Pakistan. Even though there is a multiplicity of ethnicities in Nepal, the Madhesi-Pahari divide is the most prominent of all for one simple reason that for the Paharis, all Madheshis are ‘Indians’ unless proven otherwise. This view may not be explicitly stated these days, but the attitude persists. So, the challenge of building a state-nation in Nepal has to confront the problem of multi-nationality as well as multi-ethnicity. This is the reason why Nepal appears like a laboratory of political science as it engages in drafting a new constitution.

In essence, political challenges of what is being called New Nepal would consist of establishing supremacy of laws, creation of inclusive polity, transforming the unitary state into federal, bringing security agencies including the army into irrefutable civilian control and initiating economic programmes to uplift millions of the poor from misery. The political class in Nepal and its friends and well-wishers in the international community need to realize that state-building has to be the point of departure to meet these challenges and Madhesh is a central issue of the task at hand.