CHAPTER V

THE STATE AND THE MUSLIM MINORITIES
CHAPTER V
The State and The Muslim Minorities

Even if the history of Muslim settlement in the Himalayan Kingdom dates back to the mid-fifteenth century, their recognition as a separate religious group and the subsequent democratic rights as equal citizens, were granted by the Nepalese state only, as late as, in 1962.

From the available historical accounts it is evident that the period between 1768 till the middle of the 19th century Muslims along with their Christian counterparts were treated as virtual 'outcasts' (both social and political) by the newly formed state of Unified Nepal. It is on record that Christian missionaries and their Newar converts were expelled from the valley immediately after its conquest by the Gorkhas.\(^1\) Although these measures were specifically aimed at Christians, Marc Gaborieau has observed that, they definitely had similar repercussions on Muslims too! since the Muslims fell in the same legal category as Christians.\(^2\)

The fact that the Muslims were persecuted for making converts and were expelled from Kathmandu (but were allowed to return after a short period) had been also testified by Francis Hamilton, an European traveller in one of the earliest written records on the Himalayan Kingdom. He wrote that Muslims were punished for making converts in 1802-1803.\(^3\) Historical records of Hamilton and Brian Hodgson (the first ever British resident in Kathmandu, from the period 1820-1843) mention about the strict enforcement of 'purity' rules,

---
\(^1\) Marc Gaborieau, "Varying Identities of Nepalese Muslims" *Comparative Studies of South Asia, Africa and Middle East* (Durhan) vol XVI No.2, 1996, pp. 36-37.
\(^2\) Ibid.
which prevented pure Hindu castes from getting polluted by impure ('mlechcha') Muslims and Christians even in the first half of 19th century, 4 though they were formally codified only in the year 1854.

A survey of the 1853 code tells us about the legal status of Muslims during the Rana period. As it unambiguously stated that:

All people of a caste (jat) wearing the sacred thread (Upadhyaya Brahmins, Rajput, Jaisi, Kshatri...), all people of a caste who drink alcohol and can be reduced into slavery, people of European caste, of Muslim caste, people of a caste whose touch does not require purification by aspergation of water (but) from whose hand water is not accepted, all people of a caste whose touch requires purification by aspergation of water, in the whole territory ruled by the Gorkha (dynasty) are allowed barring the slaughtering of cows, to perform all acts considered as duty (dharma) in their own (majhab) according, to the traditions of their family (kul). [Code 1853: no.1, 379]. 5

Gaborieau, in his study observes that inspite of allowing the 'impure' castes (Muslims) to perform all acts according to their religion, in reality since the enactment of 1853 Legal code, the legal provisions, as well as the ones in the following codes (of 1935, 1952 and 1962) had

---


only promoted the Hindu religion, as it remained the religion of the state.\textsuperscript{6} And while Hinduism constantly gained ground among the tribal people since the post unification period, with the active patronage of the state, non-Hindus were strictly prevented from making converts not only from among indigenous tribes but even from among the foreigners. Only people who were already Muslims (or Christians) when they entered Nepal, or were born from Muslim (or Christians) parents, enjoyed freedom of practising their respective religions.\textsuperscript{7} And this state policy against proselytism continues even today, in democratic Nepal.

Further evidences of state policies on proselytism are found in the articles of 1952 and 1963 Legal Codes. In the present Legal Code enacted in 1963, it is stated that - Inside Nepal, nobody is allowed to preach creeds like Islam and Christianity which destroy the dharma practiced by the Hindu people. If anybody attempts to convert people, he should be imprisoned for three years; if he has actually [converted people] he should be imprisoned for six years; and then, if he is a foreigner, he should be expelled from the country. If anybody practising the Hindu dharma becomes converted to any of the above mentioned creeds, he should be imprisoned for one year. If he has only attempted to become converted, he should be punished by a fine of a hundred rupees. When somebody has become converted the conversion is nullified, and he remains in the Hindu dharma.\textsuperscript{8}

A brief review of the existing laws, since the unification of Nepal in 1768, and especially during the Rana rule (from 1849 to 1950), reveal that the Muslims in Nepal had a

\begin{itemize}
\item \textsuperscript{6} Marc Gaborieau, "Muslims in the Hindu Kingdom of Nepal" \textit{Contribution to Indian Sociology} (New Delhi), New Series no. vi, 1972, p.87.
\item \textsuperscript{7} Ibid.
\item \textsuperscript{8} Gaborieau, n.6, p.88. Also refer Code of 1963, (Muluki Ain first edition, V.S. 2017).
\end{itemize}
subordinate & lesser status in the eyes of the law. Curbing of their religious freedom in contrast to the complete freedom and protection enjoyed by the Hindus, could still have been overlooked if Muslims were also not accorded 'impure' status by government codes. In the chapter dealing with exchange of food and drink - in the 1853 Legal Code, Christians and Muslims were listed with untouchable castes from whose hands only raw and dry eatables could be accepted (code 1853 no.2, 369). Hence by assigning a inferior status in the caste hierarchy to all the members of Muslim community, purely on the basis of their religion - the official policy embodied in the legal codes further aggravated the social inferiority of the Muslims. Their negligible social status had and direct impact on the material and educational well being of the community. As during the Rana regime, proximity to the Royal family was the only way of acquiring wealth and power, land and other privileges were attributed by royal favour only to those highest caste groups who were nearest to the king. Muslims therefore as low caste minority group were almost absent from the landed gentry. Even in trade, in which the Kashmiri Muslims of the Kathmandu valley had made a niche for themselves, they were outdone by others and by the end of the Rana rule in the 50s only four Kashmiris owed whole sale trade, while most of the others had retail shops for glass ornaments in Kathmandu and the neighbouring towns. Educational too, Muslims faced special disadvantages due to the Rana policy of not allowing the Muslim students to attend the Nepali schools as their touch

9 Ibid., p.89.


135
would defile the other Hindu students. It was only in 1940s, that Ranas finally did allow the Muslims to attend schools and colleges.  

Minorities & the Nepali state in the Post Rana period:

The revolution which saw the collapse of the autocratic Rana regime, however, fell short of permanently replacing absolute rule of monarchy, with parliamentary form of government. Yet the significance of the revolution of 1950 lies in the fact that it ended the autocratic Rana regime with the formal reinstatement of Gorkha (Shah) dynasty's supremacy, which in turn promised a democratic polity under a constitutional monarchy. The movement had eventually led to the establishment of a multiparty democracy, under a constitutional monarchy for the first time in Nepal - following an election in 1959. The himalayan kingdom's honeymoon with multiparty democracy however was a short lived affair as it came to an end within a period of 18 months, when King Mahendra dismissed the democratically elected government in 1960 for recapturing his absolute powers and introducing the rule of Panchayat (village government) that reinstalled the monarch at the helm of affairs.

Lok Raj Baral has attributed the failure of Nepal's first democratic experiment in 1959, to the lack of institutionalization of minimum democratic values needed for popular participation. The authoritarian values intrinsic to Nepali society enabled the King to remain independent of 'popular forces', that got easily marginalised in due course of time, if not

---

12 Nepal's brief interlude with democracy is well described in Anirudha Gupta's *Politics in Nepal* (N. Delhi, 1964). For details of royal takeover see Ch. VIII of the book 'A King's Politics in the Himalayas'.
irrelevant to the system. The assimilation of various factors were also responsible for the hasty retreat of democratic polity in Nepal. First, due to lack of the experience of a direct colonial rule, western education and the subsequent awareness about democratic practices/procedures were a rare phenomena in Nepal. Second, there was never a mass involvement in anti-colonial movements or national liberation struggle in Nepal. The anti-Rana movement that was launched by a section of educated Nepalese, (who had either attained their education from Indian Universities or were inspired by the Indian Freedom Struggle), although succeeded in overthrowing the Rana autocratic rule in 1950, there was however no democratic ethos or experience to sustain it. The feudal values, loyalties and socio-economic relations were too deep seated and strong to overpower the authoritarian political culture inherent in Nepali society. Thus, during the short period of Nepal's first democratic experience - in 1958-60, there was evidently a perpetual conflict between the feudal elites, fighting back to restore the old order, and the new political elites clamouring for change.

The process of recognising the rights of various religious and cultural groups in order to end their socio-economic and political discrimination, also received a serious setback with the disruption of democratisation process by the royal coup of 1960. The political change of 1950-51; and the constitutional assurances (viz., the Interim Constitution of 1951 and the first Democratic Constitution of 1959) for a just and equal society on the basis of merit and performance, had certainly raised the aspirations of people - who started to believe that the

14 Ibid. Also refer Rishikesh Shaha, 'Essays on the Practice of Government of Nepal', (Delhi, 1982).
establishment of a pluralist polity would automatically recognise the multi-racial, multi-lingual and multi-religious nature of its society.

The Panchayat Constitution of 1962, which followed the abrogation of 1959 constitution by King Mahendra, though contained special clauses prohibiting discrimination on the basis of caste, religion, race, etc., however, did not reflect the social reality, as the king was interested in maintaining his "active leadership", and the vested interest groups in and around the palace too, preferred the absolute rule of Palace and in effect didn't even allow the progressive constitutional provisions to work.16 Thus, the new panchayat model introduced after 1960, reinforced the century-old system of harmonising behaviour by uniform patterning of values within the ethnically plural framework. The state-apparatus during this period continued to remain effectively in the hands of hereditary aristocracy - consisting mainly of upper caste Hindus viz. Brahmins and Chetris. Quite obviously, this coterie tried to legitimise its position in society by making use of religion, i.e. by invigorating the version of Hinduism, historically aligned with the state.17

The votaries of Panchayat (guided) democracy, therefore once again faced the task of confirming the Hindu identity of, almost, the entire nation to give legitimacy to the Hindu Kingship. The first ever constitutional (1962) declaration of Nepal as a Hindu Monarchial state gave further legitimacy to the state sponsored policy of Hinduisation that aimed to homogenise the multi-ethnic, multi-religious Nepali society by bringing it into the Hindu-traditional fold. Or

16 Ibid. Also refer Lok Raj Baral, n.11, pp.9-15.

in short, efforts were made to contain pluralism within a broad framework - dominated by values and orientation of Brahminic culture - a state policy, often compared with the process of 'sanskritization'. Richard Burghart writes that, although there was considerable consensus among all varieties of political opinion for the notion of Nepalese people, the enforcement of popular unity by the state seemed at times to belie its existence.

Nevertheless due to historical reasons, this process of acculturation did not initially extend to the people in the Terai region of the kingdom. Frederick Gaige in his study *Regionalism and National Unity in Nepal*, observes that partly due to geographical reasons (the terai was separated from the hills by dense and malarial forest), and partly because of the policy of the rulers in discouraging closer contact between hill peoples and plains people, for the fear that closer contacts between the hill and the Terai people might result in the kind of assimilation that can lead to Indian domination - cultural as well as political, the people of Terai in effect were kept out of the Nepali national framework till the Rana period.

It was only during the brief period of party politics in Nepal (1959-60) that the political parties served to draw the plains people and the other minority groups into the political mainstream. Thus when the Panchayat era, especially the Mahendra reign, reinvigorated the policy of Nepali Nationalism, based on three binding factors, i.e. Nepali language, Hill Hinduism, and the Institution of Monarchy - it could never altogether suppress the hidden yearning of the Terai groups for maintaining their regional identity. While the other ethnic

---

18 The process of sanskritisation is discussed in Chapter II, pp. 40-44.


groups namely the linguistic (non-Nepali speaking plainsmen and hill tribals) religious (non-Hindu such as Buddhists and Muslims) to that of racial (Mongoloid peoples differences with ruling Aryan classes) groups had to restrict themselves from asserting their respective cultural identities. The main reason behind a restrained desire for pluralistic affirmation against a state enforced monolithic national identity can be best explained in the words of K.P. Malla, when in the Panchayat days he wrote that:

The post-1950 decade in Nepal is characterised, in the first place, by a sense of release and emancipation of the intellect from a century-old political and priestly yoke, and in the second place, by an unprecedented expansion of intellectual and cultural opportunities. The decade can aptly be called a decade of extroversion. For it was a decade of explosion of all manner of ideas, activities and organised efforts.²¹

The Panchayat rule was introduced precisely to forestall such extroversion and expressions from manifesting into a national culture of pluralism and democracy.

As far as the situation of the minorities in the reinvigorated Hindu state system was concerned, it can be said about the Muslims, that they faced discrimination firstly, for being Vidharmi (i.e. not belonging to Hinduism - the state religion) and secondly, because of their overwhelming "Terai identity", which invoked greater indifference on part of the rulers from the hills towards the larger section of this religious minority community. The Panchayat

---
Constitution of 1962, although contained special clauses which prohibited all discriminations on the basis of religion or caste (Constitution of 1962, Part III, 10). These changes, however, did not fundamentally alter the situation for the Muslims, as Nepal remained a "Hindu state". The new Legal Code of 1963 that followed the framing of the Panchayat Constitution, also attempted to do away with caste based discrimination in any field of social and economic life - a measure which is described as one of the most progressive decisions of the Panchayat regime. The positive impact of such state policy on the Muslims was that, no longer their impure (non-untouchable) Mlechcha status could help the law of the land to discriminate against them, in other words i.e. the Muslims could no longer be prosecuted for polluting the Hindus. Nevertheless, the Hindu state did maintain its role as defender of local "traditions" and also prohibited any action that would disturb a citizen's observance of his 'tradition'. Thus obliquely the official patronage to caste system continued, if not as 'caste' but in the guise of 'tradition'. This largely explains the continued prevalence of caste system or varnasyavastha, along with the domination of upper caste Hindus in social, economic and political life of present day Nepal.

Discussing the impact of the new partyless Panchayat constitution (1962) and 1963 Legal Code's provisions on the Muslims, Marc Gaborieau writes that although their legal status did not really improve, Muslims nevertheless got opportunity, for the first time, to enter into the political process. This was largely because of the initiation of pluralistic politics in the '50s,

---


23 Ibid.

24 Burghart, n.19, pp.5-6.
which inspired the Muslim to take part in the democratic process, and contest elections in 1959. Panchayat regime thus had to acknowledge the need for Muslim representation in the local bodies, in order to gain the support of the community for the Partyless system. Even though their representation in the various bodies ranging from village Panchayats to the state Panchayat level remained minimal and far below their proportion to the total populations, Gaborieau still maintained that it was at least in a sense, a radical departure from the past, as it for the first time gave them an avenue to enter into government machinery. 25 (The Panchayat policies towards the Muslims are discussed later in the chapter).

Political Participation of the Muslims: The Panchayat Era

The Muslims had a negligible participation in the Panchayat polity of Nepal. Given the policy of the Monarch on sharing the political power only with the upper caste Hindu oligarchia from the hills - the inconsequential representation of Muslims was but a natural phenomena. While evaluating the participation of Muslims in the political process of Nepal during Panchayat era, one cannot but consider the broad pre-requisites identified by Frederich Gaige in his study where he had written about four preconditions for successful participation in Nepalese politics, and those were: (i) control of land or economic resources, (ii) Hindu high caste status; (iii) identification with the hill culture, and (iv) high level of educational attainment. 26 This further explained the dismal position of the Muslims even at the village

25 Gaborieau, n.1, p.44.
26 Gaige, n. , p.159.
Panchayat in Terai itself, which were also known as the "immediate" institutions. The disadvantages economic and social condition of the Muslims in relation to Hindus, therefore denied them even a fair representation at the local bodies, irrespective of their strength in the Terai region. Thus the category of low caste Hindus of plains origin, the Muslims, and the plain tribals such as Tharus, Rajbanshis, Tajpurias, Mechis and Gangai found themselves almost excluded from participation in national politics as well as local politics during the partyless panchayat rule. The available data on representation in important national bodies, and a comparison of membership in two elective bodies - the 1959 (democratically elected) Parliament and the 1967 National Panchayat - substantiate the foregoing observations.

27 "From the point of view of participation, two types of institutions were created in the Panchayat system. The first type was the 'immediate' institutions such as the village, town and district panchayats, and class organizations with various tiers. The second type was 'intermediate'. The national panchayat resembled this type". A.R. Poudyal in his unpublished Ph.D. dissertation 'Nation Building in Nepal: A Case Study of the Post Revolution Period (1950-81)' Tribhuvan University, (Kathmandu, 1986), p.133.
Table 9. Regional and Communal Groups within the 1959 Parliament and the 1967 National Panchayat

<table>
<thead>
<tr>
<th>Regional and communal groups of representatives</th>
<th>1959 Parliament</th>
<th>1967 National Panchayat</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No. of Rep.</td>
<td>%</td>
</tr>
<tr>
<td>Hill Brahmins</td>
<td>31</td>
<td>28.4</td>
</tr>
<tr>
<td>Chetris</td>
<td>30</td>
<td>27.5</td>
</tr>
<tr>
<td>Newars</td>
<td>5</td>
<td>4.6</td>
</tr>
<tr>
<td>Low-caste hill people</td>
<td>1</td>
<td>0.9</td>
</tr>
<tr>
<td>Hill tribals</td>
<td>22</td>
<td>20.9</td>
</tr>
<tr>
<td></td>
<td>89</td>
<td>81.7</td>
</tr>
<tr>
<td>Caste Hindus and Muslim from plains</td>
<td>13</td>
<td>11.9</td>
</tr>
<tr>
<td>Plains tribals</td>
<td>7</td>
<td>6.4</td>
</tr>
<tr>
<td></td>
<td>20</td>
<td>18.4</td>
</tr>
<tr>
<td>Total of all Rep.</td>
<td>109</td>
<td>100.0</td>
</tr>
</tbody>
</table>

As the figures indicate that there was an increase in the representatives of hill people from 82 percent in the Parliament to 90 percent in the National Panchayat and a corresponding decline for plains people from 18 to 10 percent. As obvious from the trends - Muslims quite expectantly experienced a 2 percent decline in representation.

The figures in table 10 reaffirm the bias for the High castes (Hill) representation in the National Panchayat between the years 1964 to 1979 which shows that the only ethnic group that came somewhere near to the hill Hindus (Brahmins and Chetris) was that of Newars.

Table 10. Ethnic Representation in the National Panchayat 1964-79

<table>
<thead>
<tr>
<th>Ethnic Group</th>
<th>Number</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chettri</td>
<td>118</td>
<td>35.5</td>
</tr>
<tr>
<td>Brahmin</td>
<td>79</td>
<td>23.5</td>
</tr>
<tr>
<td>RLTMGTS*</td>
<td>50</td>
<td>14.9</td>
</tr>
<tr>
<td>Newar</td>
<td>44</td>
<td>13.0</td>
</tr>
<tr>
<td>People from Terai</td>
<td>35</td>
<td>10.0</td>
</tr>
<tr>
<td>Muslim</td>
<td>5</td>
<td>1.4</td>
</tr>
<tr>
<td>Unstated &amp; others</td>
<td>4</td>
<td>1.0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>334</td>
<td>100.0</td>
</tr>
</tbody>
</table>

* Rai, Limbu, Tamang, Magar, Gurung, Thakali, Sherpa


The Panchayat system thus with its narrow traditional elite base and an extremely limited scope for political participation quite naturally failed to provide the state structure a
popular base, inspite of its claim of introducing basic democracy in Nepal.\textsuperscript{28} Notwithstanding the constitutional amendments to give the party-less Panchayat administration a 'one party' like character,\textsuperscript{29} a two-month long students' agitation and the demands of the outlawed political parties, forced King Birendra to hold a national referendum on the continuance of Panchayat system in 1980, which eventually initiated the process of modernising the political system in Nepal. The administrative reforms brought forth by the monarchy in 1980 included, (a) Universal adult franchise as the basis of the election to National Panchayat; (b) the appointment of the Prime Minister on the recommendation of the NP; and (c) The accountability of Ministry headed by a Prime Minister to the NP.\textsuperscript{30} Subsequently the 1980 referendum (which surprisingly favoured the partyless Panchayat system over multiparty government), and 1981 elections to NP were held on the basis of universal adult franchise. Political observers believe that the said reforms for wider participation, were in fact the precursors of a parliamentary democracy,\textsuperscript{31} that ultimately was established in 1990.

\begin{flushright}

\textsuperscript{29} The second amendment to Panchayat Constitution in 1975 introduced "Back to village National Campaign" in order to give legitimacy to the non-participatory nature of the government, and also to bring homogeneity within the rank and file of Panchayat administration. For details see L.R. Baral, n.13, and \textit{Nepal's Politics of Referendum}, (N. Delhi, 1983).


\textsuperscript{31} Ibid.
\end{flushright}
The Process of Change & Muslim Group Mobilisation

The correlation between a country's political culture with the nature of its state's structure and the level of political development, helps us in understanding the political culture of conflict between old the new values. In Nepal too, while on one hand we see that the Panchayat system was drawn from the indigenous Nepali political tradition that had been predominantly 'subject' and 'authoritarian'; on the other hand we find that the post 1950 'democratic era' in the country had also tried to inject a new political culture among the people, by innovating popular institutions and values. This conflict of old and new values was also reflected in the pattern of ethnic and minority group mobilisations. If the abandonment of parliamentary democracy resulted in the revival of authoritarian trends and institutions, as well as stalling the process of affirming group identities; at the same time the periods of wider political participation (1958-60) and in the aftermath of reintroduction of universal adult suffrage in the 80s) also saw the underprivileged group leadership demanding greater share in societal rewards and goods by harping on "affirmative action".

In case of the Muslim minorities too, such a group behaviour was discernable. Though it must be remembered that any mobilisation of religious minority groups like that of the Muslims would always be restrained in an overarching Hindu state system - irrespective of its experiments with democratic norms and values. The changes in Muslim group behaviour since the end of the Rana autocracy can be categorised under "Identity Assertion" and "Identity

---

32 Ibid., p.317.
Assimilation", the first during the phases of liberalising political environment; and second during the period of closed, Panchayat system.

The decade of 50's, especially in the backdrop of promises of establishing a peoples' government after the fall of Rana's (in 1952-53), saw that - along with other peoples from oppressed caste and racial groups, Muslims too engaged themselves in the upliftment of their community. Various Muslim social and religious associations were formed in Kathmandu and in the Terian districts. Prominent among them were All Nepal Anjuman Islah (Kathmandu), Jamitul Muslim (Rautahat); Idare Tamire Millat (Banke). However, by the year 1958 all these organizations had merged into All Nepal Anjuman Islah, since its founder Mr. Ahmeddin's proximity to the King and Palace, helped only this organization to survive as a sole representative body of the Muslims. 34 The organization basically represented the cause of the Muslims and on many occasions played an active role in settling disputes with majority community, over issues like constructing mosques or demarcating lands for graveyards by taking up the issues with the local authorities and urging them to be sympathetic with the problems of the minorities. Besides, taking advantage of liberal political atmosphere of 1958 (when Nepal's first ever democratic constitution was being framed), Anjuman Islah even tendered a petition to the Department of Education asking them to include Elementary Urdu and Elementary Persian instead of elementary Sanskrit at the SLC level examination for the entire Muslim community in Nepal. 35

34 All Nepal Anjuman Islah, Activities and Achievements (Kathmandu, 1980), pp.2-4.

But with the clamping of Panchayat rule it was found that organizations like Anjuman Islaha, strictly restricted themselves to merely a religious body of the Muslims, occasionally raising issues that jeopardised the Muslim religious freedom enshrined in the 1962 constitution. Thus the years of Panchayat rule, saw passive functioning of the Muslim leadership, till the 70's Anjuman Islah with the royal patronage remained the sole representing body of the Nepalese Muslims. The monarchy in return of assurances of royal protection (to the Muslims, against any majority wrath); and occasional nomination of its president to the Rastriya Panchayat. (President of Anjuman Islam Mr. Ahmeddin was twice nominated by King Mahendra to the highest legislative body in 1960 and 1963), ensured that Muslims under the banner of 'Anjuman' remained a staunch votary of the partyless Panchayat system. However, in the late 70's and in the 80's, with the introduction of gradual reforms within the partyless system, there began a subtle yearning for claiming a separate Muslim identity among a section of the Muslims. This section of community viz under the banners of Millat-E-Islamia and Muslim Seva Samity slowly began to emphasise their separate Islamic identity as against the state imposed drive for Nepalisation or Hinduisation. Although the Muslims didn't feel secure enough to side with the supporters of multi-party system in the 1980 referendum, and felt that remaining loyal to the monarch would provide them best legal protection, because strict enforcement of law and order under the royal rule was one of the

---

36 Article 14 of 1962 Constitution stated that "every person may profess his own religion as handed down from ancient times and may practice it having regard to tradition".

37 ANAI, n.34, p.5.

38 See Ch.III, pp.23-25.
best features of Panchayat system.\textsuperscript{39} They nevertheless took advantage of atmosphere of dissent when the reforms in the system ushered in an era of political modernisation. Besides, this slow change in Muslim group behaviour was also reflective of the Panchayat government's efforts towards establishing better ties with the Arab world. In 1981, during an official visit of Saudi foreign minister in Nepal, the official daily (Gorkhapatra) reported that there were 1.4 million Muslim residing in Nepal (a figure much exaggerated than the figures shown in the official census); [See Chapter 3]. Further, government's decision on nominating a Muslim, Mohd. Mohsin as Nepal's ambassador to Saudi Arabia, gave the Nepalee Muslims first time an opportunity to feel positive about their strength in the country.

In 1981 the first ever district Panchayat elections held through adult franchise saw Muslim candidates contesting from as many as 14 districts (12 from Terai region and 2 in the hills). Though there were only two elected Muslim members in the national legislature (Ismail Ansari from Mahottari and Sheikh Siraju from Rautahat in the Terai region), Harka Gurung while analysing the changed social composition of legislature observed that Muslim representation in 1981 national legislature increased by 1.4% than their representations in the previous Panchayats, elected through indirect elections.\textsuperscript{40}

Identity Assertion in the Post 1990 Democratic Nepal: The restoration of Multi-party democracy marked the culmination of the peoples movement against the absolutism of monarch (that continued for 30 years through his partyless Panchayat rule). Infact the slow but steady political modernization process that was initiated in the '80s by the Panchayat rulers

\textsuperscript{39} Ansari n.35, pp.33-34.

through their electoral reforms, was also coupled with the modernization of communication media and transportation, that facilitated the spread of the education and increased awareness about international democratic developments among the Nepalese masses. Hence there was a corresponding rise in the demands for greater political participation and distribution among the various group identities that ensured a successful replacement of authoritarianism with peoples’ democracy.

With the defeat of the forces for monolithic state systems, the heterogenous pulls of the society soon proved the superficiality of homogenous 'Nepalised' character of the state - as demands were made by numerous ethnic groups to give due recognition to the pluralist reality of Nepalese society. Muslims, viz. the Terai Muslims, on their part too had contributed in this political development by first joining hands with the forces of pro-democracy and then getting inspired by the constitutional provisions, and encouragement from the Islamic countries in West Asia, started to raise their ethnic and religious profile. Formations of number of Muslim welfare organizations was the first step towards asserting their distinct religious identity in an otherwise overwhelmingly Hindu cultural setup. One of the main objectives of these bodies, was to establish themselves as the Muslim Interest Groups in democratic Nepal.

The active involvement of the Muslim community in the participatory political process became evident from the first General Elections itself in post 1990 Nepal, when 31 Muslim candidates contested from the Terai region. The fact that 5 of them got elected representing

---

41 Muslim leaders in Muslim dominated districts of Banke (Md. Siddiqui & Meraj Ahmed), and Rautahat (Sheikh Idris), Bara (Salim Ansari) actively participated in the pro-democracy movement in 1989-90.

42 For list of Muslim welfare organizations, see Appendix.-IV.
major national parties like Nepali Congress, Communist Party (UML) and Nepal Sadbhawara Party (NSP), and were even assigned important positions like Cabinet Ministership (Sheikh Idris) and Interim speaker of the Lower House (Khalil Miya Ansari) after the Nepali Congress Ministry was sworn in 1991 - indicated the community's involvement with participatory political process, that was so recently introduced (see Table 11).

### Table 11. Ethnic/Caste Representation in the Legislature

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Hill Group</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Bahun</td>
<td>78.0</td>
<td>85.0</td>
<td>79.5</td>
<td>79.0</td>
<td>85.0</td>
<td>80.4</td>
</tr>
<tr>
<td>2. Chetri</td>
<td>27.5</td>
<td>21.3</td>
<td>12.5</td>
<td>36.6</td>
<td>40.0</td>
<td>37.4</td>
</tr>
<tr>
<td>3. Newar</td>
<td>31.2</td>
<td>36.2</td>
<td>36.6</td>
<td>18.5</td>
<td>15.0</td>
<td>17.7</td>
</tr>
<tr>
<td>4. Tribal</td>
<td>3.7</td>
<td>7.9</td>
<td>8.0</td>
<td>6.8</td>
<td>13.3</td>
<td>8.3</td>
</tr>
<tr>
<td>5. Occupational</td>
<td>-</td>
<td>0.8</td>
<td>-</td>
<td>0.5</td>
<td>3.3</td>
<td>1.1</td>
</tr>
<tr>
<td>B. Terai Group</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Brahmins</td>
<td>22.0</td>
<td>15.0</td>
<td>20.5</td>
<td>21.0</td>
<td>15.0</td>
<td>19.6</td>
</tr>
<tr>
<td>7. Landed caste</td>
<td>3.7</td>
<td>2.3</td>
<td>-</td>
<td>2.4</td>
<td>1.6</td>
<td>2.3</td>
</tr>
<tr>
<td>8. Trader caste</td>
<td>10.1</td>
<td>7.0</td>
<td>7.1</td>
<td>5.4</td>
<td>5.0</td>
<td>5.3</td>
</tr>
<tr>
<td>9. Tribal</td>
<td>2.8</td>
<td>1.6</td>
<td>1.8</td>
<td>2.0</td>
<td>3.3</td>
<td>2.3</td>
</tr>
<tr>
<td>10. Muslim</td>
<td>3.7</td>
<td>3.2</td>
<td>9.8</td>
<td>8.8</td>
<td>3.3</td>
<td>7.5</td>
</tr>
<tr>
<td>All</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
</tr>
<tr>
<td>Number of seats</td>
<td>109</td>
<td>127</td>
<td>112</td>
<td>205</td>
<td>60</td>
<td>265</td>
</tr>
</tbody>
</table>

* Excludes nominated members

**Source:** Gurung, *Himal* (Kathmandu), May-June 1992, p.20.

The raised religious minority profile of the Muslims is also discernible by the slow but remarkable change in its group behaviour. The incident of Hindu-Muslim tension in Tulsipur

---

43 In 1991 Elections the Muslim MPs who got elected to the Lower House of Parliament were (1) Khalil Miya Ansari (NC), (2) Sheikh Idris (NC), (3) Salim Ansari (CPN [UML]), (4) Mirza Dilshad Beg (NSP) and Sayed Meraj (NC).
(Dang district) and its fallout on the Muslims of Banke; and later in 1994 and 1995 the Hindu-Muslim conflicts in Nepalgunj (Banke) (discussed later in the chapter) speak about the mobilisation of Muslims along the ethno-religious lines and the growing intolerance of the majority community towards such group assertions. Developments like holdings of annual All Nepal Muslim Conferences under the banner of All Nepal Muslim Ettehad Sangh (since 1995), which brings Muslim representatives from all the Muslim populated districts and resolutions are passed on behalf of the entire Nepali Muslim community, on their charter of demands (to the Nepali state); the hill Muslims' use of this platform to lodge their strongest protest for being referred as *Churaote* (a derogatory term for the hill Muslim who has a century old profession of bangle-selling), and not simply as 'Muslims' like their Terai counterparts – only reiterates the foregoing observations on their new role. But as we see in the next section that raising its own profile as a distinct religious and political group is also not free from cautious state responses especially from a declared Hindu state and its institutions.

**The State Response**

The political modernisation process in Nepal, though in its early stages, has already provided space for the leaders of various ethnic and religious groups to mobilise their deprived communities through the effective use of symbols of identity. However, the state is still being slow on initiating actual reforms to fight the social backwardness and economic impoverishment borne out of the centuries old traditional feudal state system. T'do begin with, the state responded cautiously by not yielding to the demands of the non-Hindu religious groups, and maintaining the religious character of the state even in the democratic constitution.
of 1990 (Article 4(1) of 1990 Constitution. Rishikesh Shaha, President of Nepal's Human Rights Commission, points out in this regard, that since the position of the Hindu king is safeguarded in Art. 27(1), there was no reason for calling Nepal a Hindu state in Art. 4(1). This provision has therefore not only disappointed Nepal's vast indigenous (Janjati) population along with the Buddhist, Muslim and Christian minorities, but also contradicts the other constitutional provisions such as Art. 2 which says the nation is constituted by the Nepali people irrespective of religion. And also Art. 11(2) which ensures that state should not discriminate any of its citizens on the basis of religion, race, sex, caste, tribe or ideology or any of them.

The Hinduised character of the constitution has added to the dilemma of Nepalese Muslims. While the participatory political culture induces them to come out of their compliant political behavior, the continuance of Hindu character of the state at the same time, allows it to exercise, along with the political power, the priestly authority of the dominant religion too. In this regard it is significant to note that a section of Nepalese Muslims still believe that they

---


45 Rishikesh Shaha also points out that the English version of the original Nepali text of Art 4(1) doesn't reflect the actual meaning. As in Nepali, the Art. 4(1) states "Nepal is a ... Hindu, constitutional monarchial Kingdom". Shaha maintains that the comma after "Hindu" is significant whereas the "Unofficial" english version of Art.4(1) says that "Nepal is a multiethnic, multilingual, democratic, independent, sovereign, Hindu monarchial kingdom". See R. Shaha, n.40, p.241-42.

46 The debate on retaining the Hindu character of the Nepali state had become an impassioned argument between secular state and Hindu state proponents during the drafting of 1990 Constitution. Buddhist, Muslim and Christian associations along with several Mongoloid Janajati groups had taken out a massive demonstration to demand for a secular state on June 30, 1990. See William F. Fisher "Nationalism & Janajati" in Himal (Kathmandu) March-April 1993, pp.11-15. Also refer M. Hofput and William Raaper 'Spring Awakening' (N. Delhi, 1992), pp.156-159. And the 1990 Constitution, n.44, pp.3-6.
should continue with their acquiescent role in the society as that had ensured them state protection (during the Panchayat days) against any majoritarian violence. The section also argues that the 'feeling of security' that the Muslims enjoyed during the monarchic rule is preferable than their present status in the democratic system, which although allows them to assert for their right but does not give them the assurance of quelling any communal violence with the same alacrity and efficiency as it did under the authoritarian rule.47

In fact the sudden rise in cases of communal tension after the establishment of multi-party democracy strengthens the common belief (along the Teraian Muslims) that the Nepali state would not be favourably disposed towards the Muslims once they start demanding equal opportunities on account of being equal citizens in a democratic society. A chronological study of cases of communal conflicts, and the states' response towards them might be useful in analysing the shift in the approach of the Nepali state towards such incidents.

Incidents of Major Hindu-Muslim Conflicts and the Role of the Nepali State

1958-59 The first major recorded incident of communal clash took place in Bhawarpur village in Mahottari district of Central Terai in the year 1958-59 where besides desecration of a mosque, the majority community also indulged in arson and looting against the Muslims.48 The

47 Views expressed by many Muslim villagers in the central Teraian districts of Bara and Parsa during their interaction with the author. Mostly citing the incident of 1971 Rautahat riot in which King Mahendra's personal intervention had helped in speedy implementation of justice, as well as convincing the Muslims about Monarchy's role in providing them security.

48 The Bulletin of the only prominent Muslim organization All Nepal Anjuman Islah, that functioned during the period 1955-1979, mentions the cases of Hindu-Muslim clashes, and the organizations role in diffusing those crises as a representative body of the Muslim. ANAI Bulletin, n.34, p.3.
then District Commissioner of Mahottari Bikram Thapa cooperated with Muslim leader and President of Anjuman Islam, Mr. Ahmaddin in diffusing the crisis. Later Muslims were even paid compensation of thirty thousand Rupees for the renovation of the mosque. Since the period of riot coincided with the transitional period of Nepali politics in 50's (when under a caretaker government preparation for first general elections were on) it could, possibly be the reason for deterioration of prevailing Hindu Muslims tension into acts of vandalism. Whereas earlier when the Monarch was in full control, similar situations were quickly dealt with, for e.g. in 1955 simmering tensions between Hindus and Muslims over Tazia procession was diffused by personal intervention of King Mahendra, who had sent Muslim emissary from Kathmandu to solve the problem before it could aggravate further.\textsuperscript{49}

1959-60 It was again in 1959-60 when the Nepali Congress Government was in power, another incident of communal flare up took place in Adhyanpur village in Mahottari district. Riot broke out when a Hindu religious procession was taking rounds of the village. 2 People were burnt to death and more than 100 houses were set on fire. Though the situation was brought under control by giving adequate compensation to the bereaved side,\textsuperscript{50} but the loss of lives and property could be avoided if state administration had acted in time.

1971 The first major case of Hindu-Muslim rioting after the return of the direct rule of the monarchy through Panchayat system in 1960, was Gai-Kanda' riots in Rautahat and Bara

\textsuperscript{49} Ibid. Also see Ansari, n.35, pp.26-27.

\textsuperscript{50} Ibid.
districts of Central Terai in 1971. Till date, this was the bloodiest Hindu-Muslim riot in the history of Nepal, the riot was sparked off by a rumour about killing a cow (sacred animal of the Hindus) in Bhusaha in Rautahat.\textsuperscript{51} To monitor the actual loss of lives and properly a one man investigation commission was set up by His Majesty's Government - the Commission in its report said that 51 lives were lost (27 in Rautahat and 24 in Bara) and properly worth 6.4 million rupees was destroyed. It was pointed out that a misinformation campaign, accusing that His Majesty's Government had also sanctioned the loot and violence, further encouraged the looters. The sheer magnitude of the riot indicate that there was a complete breakdown of the local and zonal Panchayat administration in controlling the violence.\textsuperscript{52} However, the personal visit of King Mahendra to the affected areas (even if it was a month and a half later), and his assurances to the bereaved families of speedy implementation of justice, and that no such incidents would be allowed to happen in future under his rule - left a deep impact on the minds of the Muslims.\textsuperscript{53} And it was this apprehension about their physical safety that made a section of Muslims, a strong supporter of the Partyless Panchayat system as they felt that the direct rule of the King can only provide them immunity from majoritarian attacks in future.

\textbf{1992} The next well reported case of communal tension was the one that took place in Tulsipur (Dang) in October 1992, where a small fight over using mike by the Muslims for their daily Namaz in a mosque adjacent to some Hindu celebrations (which also used mike to play

\begin{itemize}
\item \textsuperscript{51} The Rising Nepal (Kathmandu), Oct. 11, 1971.
\item \textsuperscript{52} "The Rising Nepal" (Kathmandu), 30th November 1971, and 9 December 1971.
\item \textsuperscript{53} Ibid. Also Ansari, n.35, p.28.
\end{itemize}
some songs), led to the desecration of the mosque. However the incident took a serious turn when the Muslims of adjacent Banke district took up the issue with local administration,\textsuperscript{54} and their M.P., and demanded immediate state action against those who had allegedly desecrated the 'Holy Quran'. Not getting any official assurance of action against the culprits, the agitated Muslim delegation indulged in violence. This event, for the first time since the ushering in of pluralistic politics in 1990, underlined the growing Muslim mobilisation along the ethno-religious lines, and also the apathy of the state administration in dealing with such emotive issues in a more sensitive manner.\textsuperscript{55}

1994-95 Muslim group assertion has certainly become more 'visible' in Nepalgunj over the past few years, and it has also corresponded with the slackening of state machinery in enforcing strict measures in the events of simmering communal tension. Two incidents of communal flare up within a period of 10 months only indicate that trend. In December 1994 and October 1995 there were two cases of communal clashes. While in December the dispute over construction of Hindu temple, next to a Muslim 'Musafirkhana' (lodge) resulted in clash between members of fundamentalist Hindu and Muslim organizations.\textsuperscript{56} However the swift action at the behest of the newly formed NCP (UML) government did not allow this very volatile issue to deteriorate into a major Hindu-Muslim clash. However, the October 1995


\textsuperscript{55} As narrated by Muslim leaders in Nepalgunj, to the author, about 1992 incident. As well as Sushil Koirala's version of the incident, as told to the author by former M.P. from Nepalgunj, on 17th December 1996, in Kathmandu.

riots, reaffirmed the polarisation of Hindu and Muslim interests in this town, and this time, the siding of major political party leaders (viz. of NC & RPP) with the majority community and some of the Hindu fundamentalist organizations, added to the severity of the riot. A brawl between a Muslim vegetable vendor and his Hindu customer snowballed into a major Hindu-Muslim riot, which with active involvement of Hindu and Muslim fundamentalist organizations, saw three continuous days of arson and looting. Property worth of Rs. 2 million was damaged (many Muslim shops were either looted or destroyed) and 18 people were injured in the clashes. The most significant feature of this communal clash was the indirect involvement of political parties, that underlined the arrival of 'vote-bank politics' which was absent in the authoritarian political system of pre-1990 Nepal. The indifferent attitude of the then N.C. government and the tardiness of the local administration in firmly dealing with situation only implied that in fear of losing popular support the state hesitated to take stringent action against mindless acts of vandalism.

The two aspects that clearly emerges out from the study of the contexts of Hindu-Muslim conflict are, that firstly communal clashes in Nepal remained a rare event as long as the Muslim minorities kept a very subdued and low profile, by not raising any objection about their

---

57 The active involvement of Nepali Congress leaders like Angira Shumsher Rana and Divakar Khanal who are also members of Vishwa Hindu Sangh, hinted the meandering support of Nepali Congress party for the Hindus in the October 1995 riots. Shiv Sena (Nepal) and Muslim Ekta Sangh leaders were among the list of people arrested for instigating violence. See INSEC Human Rights Situation Report, October 29, 1995, Kathmandu. Also Kathmandu Post (Daily) October 28, 30, 1995.

58 The general impression about the indirect involvement of Nepali Congress and Communist Party (UML) with the Hindus and Muslims respectively, was also received by the writer during her interview with Banke CDO, Thaneshwar Koirala in December 1996.
low caste status, and overall deprivation for professing a religion, considered inferior to the official one. But, once they started showing signs of assertion, either because of their numerical strength in some Terai areas, or because of their democratic aspirations that found expression in the post 1991 Nepal - the Hindu majoritarian state and society have always reacted aggressively, to press home the point that though religious freedom has been granted by the Constitution, the religious minorities must bear in mind that there would always be a dominance of Hindu upper caste groups in lieu of declared 'Hindu Kingdom' status of the country. In this context, it can be cited that due to the growing identity assertion by the Muslim in the changed political environment, the Ayodhya issue in India is having a more direct bearing on the Hindu-Muslim relations in some of the bordering towns in Terai. [As discussed in the previous chapter, the proliferation of fundamentalist elements within both the Hindu and Muslim communities (viz. Shiv Sena, Bajarang Dal and Muslim Ekta Sangh) in places like Birgunj and Nepalgunj is a post Adoydhya (1992) phenomenon; And any mobilization by Hindu militant organizations in support of Ram Temple in Ayodhya in these town have been faced with open resentment from the Muslim community, unlike their subdued behaviour in the past].

Secondly, the entry of political parties in the political system of the country has also heralded the politics of 'vote-bank'. The attention that the Muslims have received so far (since 1990) from the major national parties, is basically guided by the electoral considerations. The indirect involvement of Nepali Congress, Rashtriya Praja Party and the Communists (UML) in the last (Oct. 1995) Nepalgunj riots (by obliquely aligning, either with the majority or the
minority community), did leave an impact on the electorates of this communally sensitive region.\textsuperscript{59}

The formations of All Nepal Muslim bodies with active support of the two national political parties (CPN (UML) backed All Nepal Muslim Ettehad Association and NC backed All Nepal Muslim Samaj Seva Sangh), further ascertain the new trend in Nepali parties, in garnering the support of Muslim 'vote-bank'.\textsuperscript{60} The encouragement for creating a Muslim wing in the parties is all the more apparent since the furnishing of detailed data of main ethnic/caste composition of Nepalese districts. As a study revealed that Muslims (as a Caste/Ethnic Group are in majority in 4 out of 19 Terai districts (Rautahat, Parsa, Kapilbastu and Banke); in second position in as many as 5 districts (Bara, Mahottari, Dhanusha and Sunsari); and in third position in two districts (Rupandehi and Sarlahi).\textsuperscript{61} Thus the sizeable Muslim population in all these 11 Terai districts has certainly made the community an attractive (electoral) proposition to the mainstream political parties. The available voters lists also shows that, in around 17 constituencies in Terai the number of Muslim voters account for 15,000 or

\textsuperscript{59} Maluna Jabbar's (one of the most influential Muslim religious leaders of Nepalgunj), joining the Communist Party (UML) in the post 1995 riots signified the pro-Muslim stand of the party in the communally sensitive region of Nepalgunj.

\textsuperscript{60} The Muslim wing of the Nepali Congress party, Nepal Muslim Samaj Seva Sangh was established in 1995 in Biratnagar. (The constituency of former N.C. Prime Minister G.P. Koirala). An active member of Nepali Congress from Biratnagar, Hasan Ansari, was made the President of the Sangh. The party in its IXth Annual Convention in may 1996 also passed a resolution in support of declaring 2 national holidays for the Islamic festival of Id, and Bakri-Id. See \textit{Report of IXth Convention of Nepali Congress May 10-12 1996}. Resolution No.348.

\textsuperscript{61} See H. Gurung \textit{Nepal: Main Ethnic, Caste Groups by Districts Based on Population Census 1991}, (Kathmandu, 1994).
more,\textsuperscript{62} which means in case of en-mass voting for a particular candidate, on part of the Muslims, would make that candidate win.

However, the past records of the two general elections show that in Nepal political elites haven't really touched upon the issue of participation of ethnic and tribal communities - Thus it remains to be seen whether the parties actually field only Muslim candidates from the Muslim majority constituencies in the forthcoming elections. The sociology of political parties especially the composition of their leadership reveal the combination of the upper castes (viz Bahun, Chetri and Newars), and do not reflect the pluralistic composition of the society.\textsuperscript{63} (Figures in Table 12 indicate the ethnic/caste composition of the candidates in 1994 Election).

\textsuperscript{62} Information provided by a Muslim MP from Terai, during an interview with the writer in December 1996.

\textsuperscript{63} In the opinion of Lok Raj Baral this upper caste bias in the composition of leadership in major political parties cannot be wished away easily unless opportunities are made available to the less privileged communities. L.R. Baral, "The 1994 Nepal Election" in \textit{Asian Survey} (California) No.5, May 1995, pp.426-440.
Table 12
General Elections: 1994
Castes/Ethnicity of Candidates of National Parties

<table>
<thead>
<tr>
<th>Classification of main castes</th>
<th>NC %</th>
<th>NCP %</th>
<th>RPP %</th>
<th>NSP %</th>
<th>UPF %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hill Group</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Brahman/Chhetri</td>
<td>169</td>
<td>82.00</td>
<td>159</td>
<td>81.00</td>
<td>169</td>
</tr>
<tr>
<td>2. Newar</td>
<td>13</td>
<td>6.00</td>
<td>16</td>
<td>8.00</td>
<td>12</td>
</tr>
<tr>
<td>3. Matwali</td>
<td>28</td>
<td>14.00</td>
<td>26</td>
<td>13.00</td>
<td>33</td>
</tr>
<tr>
<td>4. Kami/Domai</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Terai Group</td>
<td>36</td>
<td>18.00</td>
<td>37</td>
<td>19.00</td>
<td>33</td>
</tr>
<tr>
<td>1. Brahman/Rajput/Bhoomihar/Kayastha</td>
<td>6</td>
<td>3.00</td>
<td>5</td>
<td>2.00</td>
<td>3</td>
</tr>
<tr>
<td>2. Rajbanshi/Satar/Teli/Yadav etc.</td>
<td>22</td>
<td>12.00</td>
<td>29</td>
<td>15.00</td>
<td>24</td>
</tr>
<tr>
<td>3. Chamar/Dusadha/Dom etc.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Muslims</td>
<td>3</td>
<td>1.00</td>
<td>3</td>
<td>2.00</td>
<td>6</td>
</tr>
<tr>
<td>Total</td>
<td>205</td>
<td>100.00</td>
<td>196</td>
<td>100.00</td>
<td>202</td>
</tr>
</tbody>
</table>

As regards to the issue of uplifting the backward ethnic and minority groups, although no political party falls short to highlight the importance of the issue and prefer equi-treatment of ethnic groups - yet when seen in terms of enacting legislation, favouring the backwards and the minorities, we find that there is a lack of political will of parties in power, to make laws even abiding by the provisions in the constitution. That is why the Private Member Bills, initiated by M.P.Pari Thapa, for introducing laws to ensure equal opportunities to the oppressed 'Janjatis' and minorities, in the fields of economy, polity, education, and employment; and also for enacting laws to strictly implement the ban on the practice of 'untouchability' that still persists in villages against the members of impure caste and community, are yet to be introduced in the Parliament as these Bills lack required support for getting introduced, and then passed by both Houses to become a law.  

Dilemmas of Minority Pshycbt

The dilemmas of the Nepalese Muslims can best be understood in the fact that they not only share a deprived status with many other low caste and backward groups, but their 'reversed' (ulto) religious identity was considered inferior to the official religion and also a threat to the Hindu social order. Thus after having maintained such a dismal image in society, for ages, the community is yet to fully absolve their new constitutional status of being equal to their Hindu counterparts. The fact that in this new political system, the vote of a Muslim carrying the same weight as that of a Hindu, and that the Muslims can enjoy all the freedoms

---

64 At the 10th session of the Pratinidhi Sabha (House of Representatives) in October 1996, 2 private member bills, were initiated by Independent Pari Thapa (from Baglung district). But both the bills though got registered in the parliament secretariat failed to get introduced in the Parliament for lack of adequate support for the bills.
and rights, as an equal citizen of the country - has certainly put the community in a psychological dilemma about their future group behavior. On the one hand, if they are getting enticed by the participatory political culture and are beginning to demand their rightful share from the democratic state of Nepal. On the other, there also exist a feeling of fear and apprehension about the Hindu state's reaction to their effort to assert as a religious group with a separate religious and cultural history. As for most of the Terai Muslims, safety from bloody communal carnage is also a matter of serious concern especially when they compare themselves with the more vocal and assertive Muslims brethren on the Indian side of the border, and find them under the threat of majority backlash. (As in communally sensitive places in India, numerous Hindu Muslims riots still take place over issues like passing of religious processions (Tazia, Dusheera etc.) through the areas which are inhabited mostly by the members of opposite community). Hence the idea of being vocal about their rights is also accompanied by apprehensiveness as they bear a similar threat perception from the majority community.\textsuperscript{65}

Evaluating the Muslim group behaviour in the backdrop of on-going democratisation process in Nepal, it can be said that as far as participation in the open electoral politics is concerned, Muslims have shown enough enthusiasm. In the first multi-party elections in 1991, out of 31 Muslim candidates contesting from the various constituencies in Terai, 12 candidates represented mainstream parties (viz. NC, CPN [UML], NSP and NDP), rest were either

\textsuperscript{65} General impression that the author received after interacting with the Muslim peasantry residing in villages near to the Indian border.
contesting as Independent or on smaller party tickets. In 1994 elections, although the number of Muslim contestants was reduced from 31 to 24, 17 of them were contesting on major national parties' tickets. This, while indicating the increased interest of the political parties in fielding Muslim candidates, also spoke of the growing political maturity and awareness in voting behaviour on the part of Muslims. In 1991, out of the 5 elected Muslim MPs, 3 were from Nepali Congress, but general discontentment among the Muslims about the non-performance of the MPs ensured their defeat in 1994. Defeat of the sitting Muslim MP (even from Muslim majority constituencies like Banke-3) is a pointer to the fact that Muslim votes cannot be taken for granted. Another trend that emerges out of the Muslim electoral behaviour (in 1994 elections) is that there has been no en-mass voting by the Muslims for Muslim candidates, and that they consider both party and individual while voting. As we find that in constituencies with around 15,000 Muslim voters, Muslim candidates have even lost their security deposit money. The 4 successful Muslim candidates in 1994 elections represented 4 different parties (Anis Ansari from NSP; Sheikh Idris from Nepali Congress;

66 The list of 31 Muslim contestants has been drawn from the Election Commission's detailed report on *House of Representatives 2048* (1991), Kathmandu, 1992.


68 In Banke district, viz. in Nepalgunj Nepali Congress had won seats in 1991 elections, but in 1994 elections a vast section of Muslim voters' disillusionment with the party (for showing scant regard for Muslim sentiments during communal tension of 1992 and otherwise) led to the defeat including that of the N.C.'s Muslim candidate, Meraj Ahmed, as the Muslims in the constituency voted against him.

69 It has been pointed out by Muslim leaders that in Bara constituency no.1, where there are around 15,000 Muslims, the Muslim candidate from *Pashtriya Praja Party* lost by heavy margin. Similarly in Parsa constituency 1, inspite of the large number of Muslim voters, the lone Muslim candidate had lost his deposit.
Salim Ansari from CPN (UML), and Mirza Dilshad Beg from RPP). This also signifies the Muslim psyche, and their common apprehension that aligning with one single party would not be beneficial for the community, as of when that party (with which the Muslims have aligned) is out of power, the plight of the community would worsen as the new party in power would not pay any heed to the Muslim causes.\(^7^0\)

The dilemma of minority psyche is also apparent among the Muslims of the western hill districts of Syanja, Gorkha, Tanahu, Kaski, etc. Considered as the most assimilated (with the milieu of hill Hinduism) Muslim social group in Nepal, the Hill Muslims too have started strongly protesting against their *Churaote* identity. However, the Hill Muslims' discontentment with their still prevailing low social status (in the hill villages) and administrative discriminations,\(^7^1\) though gaining grounds over the period of past few years - it is yet to be expressed openly for the fear that it might incur the majority backlash against them. Nevertheless, the fact that the participation of Hill Muslims in good numbers (after years of isolation) in the All Nepal Muslim Meet in 1996, do reveal their desire to join the greater

\(^7^0\) Muslim intellectuals including Dr. Abullaish and Dr. Hamid Ansari believe that Muslims should constituency-wise align with different parties to get maximum service for the community from the various parties.

\(^7^1\) As narrated to the author by the Muslim villagers of Tanahu and Syangia districts about their still prevailing 'water unacceptable' status (in the villages); and also how they are discriminated against (for being Muslims) by the officials of district administration even today. According to Karim Baksh, a 24 year old youth from Dhule Gauda village of Tanahu district, he was harassed by the office of the CDO for a week before giving his citizenship card (which he was entitled to on the ground of being hereditary citizen as they are settled in Tanahu for many generations), whereas his Hindu friend who had accompanied him and was also a claimant on the basis of hereditary rules, got his citizenship card on the very first day.
Muslim forum which is being floated to communicate the demands of the Muslims to the Nepalese state.

A study of the major demands put forward by most of the Muslim bodies to the state, reveals that inspite of their efforts to organise the Muslims on one single platform (like Ettehad Association) there is not much unanimity about the nature of their demands. Like their counterparts in other parts of the subcontinent, Muslims in Nepal too, get mostly influenced by the Maulanas (clergy) and Islamic religious bodies in articulating their main demands in relation to the state. Thus, when it comes to uplifting the community from all its backwardness and social evils, by asking for support of the state, differences appear between the reformist Muslim leaders and the clergy, who for instance, would not like to give up its hold over the Islamic religious schools (Madrasas and Maktabs).

The All Nepal Muslim Ettehad Association calls for constituting a 'Madarsa Board' by the government, which would recommend the necessary steps to modernise the Islamic religious schools (for e.g. introduction of modern Nepali school curriculum along with the Islamic teachings). And thereafter ensure that such centres of modern learning as well as Islamic education, receive financial aid from the state, likewise other Nepali primary schools, and are also recognised by the Nepali government (as it is the practice in the cases of other educational institutions in Nepal).72 This demand however, does not find enough support among the Maulanas who run the Madrasas, and the illiterate and ignorant Muslim masses,

---

who not only believe their religious leaders, but also hold that any kind of state interferences in the functioning of Madrasas would undermine the Islamic character of these places.\textsuperscript{73}

Unfortunately, it is due to such obscurantist attitude towards modern education, that is keeping the majority of Nepalese Muslims not only ignorant and backward, but is also helping the state to remain indifferent to their demands of (i) Recognising the purely religious education provided in these madrasas; (ii) Recruitment and subsequent promotions of Muslims in all levels of state services such as Royal Army, Police, Constitutional bodies, Judiciary and Diplomatic services. A survey of ethnic composition of graduates in Nepal show that Muslims constitute a dismal 0.37 percent of the total graduates. The same study also showed that among the Section Officer level bureaucrats in the country, the percentage representation of the Muslims is only 0.29 percent.\textsuperscript{74} Compared to their total contribution in the population, 0.37 percentage of graduate Muslims and 0.29 percent of representation in administrative machinery that too at the lower administrative level of section officer (as there is hardly any Muslim in the Joint Secretary and Secretary level of bureaucracy) only speak of the overall backwardness of the community. Hence it corroborates the urgent need for unanimity within the Muslims in reforming their educational system, so that they can press the state to play a more positive role towards the community.

\textsuperscript{73} Such is the stand maintained by most of the Maulavis of the madrasas in Nepal, especially the prominent ones in Janakpur (Maulavi Jais), Bhutaha, Krishnanagar (Maulana Rauf and Abdullah Madni), Nepalgunj. (Maulana Jabbar), in Nepal Terai. As they believe that government funding and supervision would curtail the religious autonomy of their institutions.

However, regarding their demands on declaring public holidays on three major Islamic festivals (of Id, Bakri-id, and Moharram), there is little difference within the community. Interestingly, although the two major national parties, Nepali Congress and CPN (UML) have expressed their support for this demand of the Muslims, but none of them, during their term in the government, could announce these holidays.

* * *

In essence, the growing consciousness among the backward ethnic and minority groups, is undeniably making nation building a very challenging task for the state in democratic Nepal. Especially, the integration of non-Hindus in the national mainstream, with Hinduism as the state religion, is one of the serious issues that has emerged from the process the political modernisation, and calls for a deep introspection on the part of modern Nepali state. In this respect, it is important to note that the state in the post 1990 Nepal, is yet to show its resolve in accommodating the cultural demands of the religious minorities or the Janajatis who do not consider themselves as Hindus. The dominance of Hindu norms and values in the public life instead, in making the non-Hindus weary of the authenticity of the constitutional position on upholding the pluralist character of its society by the state. Though the ethnic cleavages in Nepal have yet to become a threat to the national society, it is imperative for the Nepalese state to withstand diverse identity assertion by the members of different social groups, and even accommodate their moderate demands - for, if ignored for long 'pulls' of such multicultural society have enough potential to lead Nepal into a major crisis of national integration. In the
same vein, being apathetic towards the Muslims and their legitimate grievances; or getting alarmed at the slightest display of affirmation of Islamic cultural identity - would only alienate the Muslims further from process of nation building. On the other hand, by accommodating the moderate demands and cultural aspirations of this minority group, the state would actually help the liberals in their effort in uplifting their community from extreme educational backwardness and subsequently from their deprived economic and social status.

Furthermore, the state's active role in the welfare of the Muslims, can also keep the forces of Islamic fundamentalism at bay. For, in the absence of discontent feeling among the members of the community, there would be little support for obscurarinitism and neo-fundamentalist school of Islam - as it has the risk (for the Muslim minorities) of becoming a suspect in the eyes of the government and its majority population. Thus, with the required political maturity, the democratic state in Nepal can not only instill confidence in the 'minority psyche' of Muslims, but also reduce the historical disparities (that exists between various cultural groups due to the century old practice of monolithic statecraft), and hence promote social harmony in the country of great diversity.

Such as, constituting a Madarsa Board by the state, to modernise the traditional Islamic schools, and in the process granting recognition to that mode of education; providing equal opportunities to the Muslims at all levels of state services; Holidays on the major Islamic festivals - are certain demands which has support of all the Muslim MPs as well as, all the eminent members of the community.