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DEEPENING FEDERALISM

Post-federal analysis on marginalised communities
in Nepal's Tarai region

FEDERALISM IN NEPAL – VOLUME 3



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About Sundar Santa Nepal

This project aims to support the implementation of federalism and inclusive peace in Nepal by building understanding around evolving forms of marginalisation in the present context. It collaborates with provincial and local government representatives, civil society and the media, to draw lessons and best practices. The project is managed by International Alert and implemented through a consortium of Saferworld, BBC Media Action, and local partners Samagra Jan-Utthan Kendra, Jan Jagaran Youth Club, Support Nepal, United Youth Club Nepal, MAHURI Home and Nepal Madesh Foundation. It is funded by the Government of the United Kingdom through the Conflict Stability and Security Fund (CSSF).

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EXECUTIVE SUMMARY

This is the second report based on the study conducted by the project *Sundar Santa Nepal* to understand the evolving dynamics of marginalisation and opportunities in the post-federal contexts by focusing on the experiences of Madhesi Dalit, Muslim and Tharu communities in the Tarai regions of the three provinces (2, 5 and Sudurpaschim Province). The fieldwork for this study was conducted over two weeks in January 2019 using unstructured methods, such as informal conversations, community visits and interactions, which took place in the research participants' own local environments.

Madhesi Dalit, Muslim and Tharu communities are the three major marginalised groups in the provinces. These three groups share some common forms of marginalisation and exclusion: socio-economic deprivation, exclusion from the state power and lower political representations, and they also have group-specific experiences of discrimination and injustice and stories of collective struggles for their rights.

Madhesi Dalits, the most marginalised and excluded groups in the Tarai, continue to struggle against the caste system and its practice of untouchability and humiliation in all spheres of society, including the state and the new federal polity. Poverty, landlessness, lack of land-ownership certificates and citizenship cards, higher drop-out rates of schoolchildren and early marriage are some of the major problems faced by the Madhesi Dalits in the study areas. The state, mainstream political parties and development agencies have failed to address the collective marginalisation of the Madhesi Dalits. If federalism is to work for empowering the Madhesi Dalits, given the stronghold of the caste system and patron–client relations between the Dalits and the dominant groups, then the recent configurations of power relations, which seem to be working in favour of the traditional dominant caste groups, and continued complete exclusion of Dalits from the meaningful positions of power warrant serious attention from policy-makers and development agencies.

For Muslims, their collective vulnerability as a religious minority and political marginality is a major concern. Similarly, socio-economic deprivation, recognition of Madrasa education as an alternative form of formal education by the state and 'perceived' insecurity are other important concerns of the Muslim communities. Muslims feel that non-Muslims, particularly the dominant groups, always view them with suspicion and doubt that they are either full 'Nepali' or 'Madhesi' or 'nationalist'. For a religious minority, such lack of trust has serious social and political consequences, including discrimination and various forms of violence against them.

Until recently, the Tharus, in particular those living in the Province 5 and Sudurpaschim Province, have had a long experience of subjugation and resistance against the extractive feudal and landlord state. The movement for liberation of Kamaiya,¹ the Maoist–state conflict (1996–2006), the Tharuhat movements for delineation of federal provinces, conflicts between the hill people and other movements during the last two decades, and their present predicament of political marginalisation continue to shape Tharus' experience of federalism. They claim that the hill leaders have strategically split the Tharu-dominated areas into the Province 5 and Sudurpaschim Province so as to weaken the Tharu political base, and thereby sustain the political domination of the hill groups. Tharus have substantially increased their presence in the local government in the Tharu-dominated areas; however, they are still marginalised and excluded in the larger regimes of government and state power. For the Tharus, issues of land rights, respectful settlements of the ex-Kamaiya, the welfare and

1 Kamaiya were traditional systems of bonded labour practised in the western Tarai. People without land or work could get loans from landowners allowing them to sustain a minimum livelihood, in exchange for which they had to live and work on the landowner's land as quasi-slaves. The systems were formally abolished in 2000 and 2006, respectively. See World Organisation Against Torture (OMCT), The Kamaiya system of bonded labour in Nepal, http://www.omct.org/files/interdisciplinary-study/ii_b_3_nepal_case_study.pdf.



A Nepalese homestead in Tarai. Photo by Tula Narayan Shah

empowerment of free Kamaiya,² the transnational justice for the disappeared family members during the Maoist war, the restructuring of the provincial boundaries and other issues remain unaddressed.

The findings of this explorative study suggest that federalism has resulted in progress in devolution of administrative and political power and inclusion of marginalised and under-represented groups opening up new political spaces and opportunities for women and marginalised groups. For instance, representation of Dalit women, as well as Madhesi or Janajatis representation, in the three tiers of government: federal, provincial and local governments, have made significant gains. However, at times these representations have been limited to box-ticking exercises resulting in *non-dominant inclusion* of women, Madhesi Dalits, Muslims and Tharus in the decision-making mechanisms, including provincial and local government bodies. As a result, despite their presence, there is a real risk of these groups being used merely as a 'showcasing model' and instead facing further marginalisation of their voices and concerns in these spheres of governance. Currently, there is a critical need to provide support to enable those elected representatives from the minority groups to have stronger bargaining power in the decision-making of the local government bodies. Such support needs to be a long-term process and should also involve the civic and customary social organisations from the minority communities, because these institutions, if mobilised appropriately, could play a positive catalyst role to unite and mobilise communities for increased participation and positive engagement with the federal structures and reap the benefits.

1. INTRODUCTION

This is the second report based on the study undertaken by the project *Sundar Santa Nepal* to generate evidence-based explorative analysis of evolving dynamics of marginalisation and opportunities in the post-federal contexts so that it can engage meaningfully with and support those living in the margins.³ This report builds on the separate context analysis report commissioned for the project and focuses on local narratives and stories about the post-federal experiences of three minority groups: the Tharus, Madhesi, the Madhesi Dalits in particular, and Muslims from three provinces (2, 5 and Sudurpaschim Province). For these marginalised communities, memories of and narratives about past conflicts, struggles and injustice can become powerful cultural means for producing collective consciousness and sense of a shared identity. As these stories and narratives are imbued with political and agentive power, activists, political leaders and community leaders may use such shared stories for peacebuilding or to trigger emotive responses for violence. Hence, listening to local stories and narratives can become an effective tool to understand the contexts and processes in which certain discursive formations become dominant at specific times and contexts.

This report draws on the field-level findings and contextual analysis and provides a localised analysis of emerging processes of marginalisation in the post-federal contexts in Nepal's Tarai region.

³ Marginalisation describes both a process and a condition that prevents individuals or groups from full participation in social, economic and political life enjoyed by the wider society. See N. Alakhunova et al, *Defining marginalization: An assessment tool*, Washington, DC: The Elliott School of International Affairs, The George Washington University and World Fair Trade Organization, 2015.

2. METHODOLOGY

The field work for the study was conducted in Nepal's lowlands or Tarai region of the three provinces over a two-week period in January 2019. Madhesi Dalits and Muslims (Provinces 2 and 5) and Tharus (Province 5 and Sudurpaschim Province) were purposely included in the study, as these groups have been explicitly recognised by the constitution as some of the major marginalised groups. In addition to these groups, discussions were held with Santhal in Morang,⁴ Madhesi (Provinces 2 and 5), Christians (Province 5), hill Dalits (Sudurpaschim Province) and hill people in all three provinces.⁵

The study was conducted using unstructured research methods and relied heavily on informal conversational discussions or *kuragraphy*⁶ in various local settings. The rationale for the use of these unstructured methods was informed by the ongoing debates over how the use of facilitative key informant interviews (KIIs), focus group discussions (FGDs) or surveys as the primary means of data collection in development sectors often fails to probe beyond the superficial target group and thereby dissociate the development practitioners from people living in the margins.

The research team visited different communities located across the lowlands between Morang (in the east) and Kailali (in the west), and interacted with women and men from Tharu, Muslim and Madhesi Dalit communities. Two broad categories of research participants were included for this study: (i) a few individuals such as ethnic activists, journalists, human rights activists, non-governmental organisation (NGO) workers and elected representatives were included for discussions and conversation. If the research had been conducted using KIIs and FGDs, these individuals would have been the key research participants. And (ii) the majority of research participants for this study came from the local communities: men and women from different social backgrounds who were randomly approached for conversation. These meetings were not prescheduled and the research participants were not preselected. The inclusion of research participants from different walks of life allowed for diversity of voices and stories on similar topics and themes. Discussions and face-to-face interactions were held to the extent possible in the 'natural' environmental settings. The majority of the research participants spoke in their native languages, allowing the natural flow of conversation. The fact that the majority of the research participants were unable to communicate fluently in Nepali speaks strongly against the monolingual (Nepali) nature of research and development interventions.

No recordings and field notes were made during the conversation to avoid any possible socio-psychological impacts on local narrators. A broad check list was prepared in advance to guide the conversation towards the overall themes of this study. 'Listening to narratives' was the major strategy adopted by the research team. The research team wrote field notes and audio recorded reflections of each day in the evening. While travelling in a vehicle from one district to another, the research team used the travel time to hold long hours of discussion and analysis of the field-level findings of each community visited.

4 We held one discussion with Santhal in Morang even if Province 1 was not included in the selected study area for this study.

5 See Annex 1 for the places visited for this study.

6 *Kuragraphy* is a conventional research tool in anthropology in the Nepalese context. See R. Desjarlais, *Sensory biographies: Life and death among Nepal's Yolmo Buddhists*, California: University of Berkeley Press, 2003; J. Rai, *Kuragraphy, 'Senses of Place' and qualitative research: Ethnographic illustrations*, in L.P. Uprety and B. Timseena (eds.), *Nepalese Journal of Qualitative Research*, Vol. 5, 2013a. We also use the local terms like *Dhur Sambadh* (discussion over fire hearth; *Dhur* is like a campfire – people burn dried paddy straw/hay outside the home as a way of warming themselves during the winter evening) to characterise the informal but localised practice of conversation.

3. KEY FINDINGS

3.1 Marginalisation and non-dominant inclusion of minority groups

A total of 14,339 women are part of the local government. Among them, 47.4% are Dalits, 23.5% are Khas Arya women, 19.9% are Janajati, 8% Madhesi and 1.3% Muslim. Seven out of 263 mayor seats were won by women, among them six are Khas Arya and one is Madhesi. Similarly, the Chair position had 11 women, of which six were Khas Arya and five Janajati. Dalits appear significant, but, outside of the Dalit women quota, their presence barely registers.*

* B. Paswan, Data reveals local elections a disaster for gender equality, The Record, 24 October 2017, <https://www.recordnepal.com/wire/features/data-reveals-local-elections-a-disaster-for-gender-equality/>

Strengthening democracy and inclusive politics are elemental to the peacebuilding process.⁷ In recent decades, Nepal has made significant progress in the devolution of administrative and political power and inclusion of marginalised and under-represented groups from the nation's long history of exclusionary and centralised polity. For instance, Dalit representation in the current House of Representatives is 7.27% compared to 0.48% in 1991. Female representation, which was roughly 2% in 1991, has consistently been over 33% since 2008. Madhesi and Janajatis made significant gains in the first ever provincial elections held in 2017, winning seats above or almost on par with their national population shares. However, significant concerns remain over inadequacy of legal provisions and a lack of political willingness in accepting principles of inclusion beyond mandatory proportional numbers.⁸

Despite this historic increased participation, representatives from the marginalised communities do not hold positions of meaningful power in the provincial and local governments. Women from marginalised ethnicities,⁹ such as the Dalits, the Madhesi Dalits in particular, Tharus and Muslims, are disproportionately represented both in terms of numbers and executive positions in the three provinces (2, 5 and Sudurpaschim Province) where this study was undertaken.¹⁰ In other words, the mainstream political parties and their leaders used

the constitutional provisions of proportional inclusions of minority groups more as an act of abiding by the rules while maintaining hegemonic control of the traditional ruling groups over the state power and the decision-making processes at all levels. Such *politics of non-dominant inclusion of minority groups* can have marginalising effects for these communities and can trigger the persistent historical conflict drivers at subnational and local levels.

Political representation of Madhesi, Dalits, Tharus and Muslims

In terms of political representation, the Madhesi people¹¹ have almost proportionate representation in the constituencies of the three governments that have been allocated for the Province 2; they are in power in the provisional and local governments. (See Figure 1.)

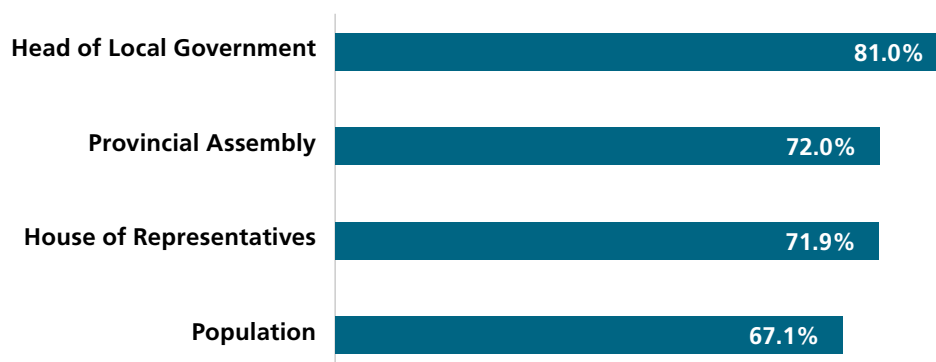
7 See International Alert, What does peacebuilding involve?, <https://www.international-alert.org/what-we-do/what-is-peacebuilding>.

8 S. Nepali, S. Ghale and K. Hachhethu, Federal Nepal: Socio-cultural profiles of the seven Provinces, Kathmandu: Governance Facility, 2018, p.81.

9 See B. Paswan, Data reveals local elections a disaster for gender equality, The Record, 24 October 2017, <https://www.recordnepal.com/wire/features/data-reveals-local-elections-a-disaster-for-gender-equality/>, accessed 1 February 2019.

10 See S. Nepali, S. Ghale and K. Hachhethu, 2018, Op. cit., p.81.

11 The category of Madhesi here also includes Madhesi Dalits.

Figure 1: Political representations of Madhesi people in Province 2

Source: Nepali, Ghale and Hachhethu, 2018, p.32, Table 2.6

Though it is a historic achievement, this increased representation has two critical limitations:

1. Firstly, they are in power in both the provincial and local governments but the presence of Madhesi people in the other spheres of state power is relatively non-dominant. The rift between the federal government, which continues to extend its control over the provincial and local governments, and the non-dominant presence of Madhesi people in other spheres of state power, such as bureaucracy, police, army, judiciary and other public institutions, continue to limit the governing power Madhesi people have secured in the province. This disjuncture between the increased political representation but non-dominant presence of Madhesi in other areas of state power is likely to contribute to conflicts at subnational levels.
2. The 'Madhesi' identity is not a homogenous one; there are different caste and ethnic groups within the Madhesi group. The Tarai janajati (indigenous groups) often do not identify themselves as Madhesi, and Muslim is considered a distinct category for the purpose of reservation/quota. These inter- and intra-group dynamics within the Madhesi category are important in analysing the political representation of various Madhesi groups. At present, the increased political representation is heavily dominated by men from Madhesi Brahmin and middle-caste groups (Yadav and Shah). The dominant hill group, the Khas Arya, despite its smaller population size, is still over-represented in the federal parliament and the heads of the local governments. Among the Madhesi group, the non-Dalit, which makes up about 52% of the total population of the Province 2, *overwhelmingly* dominates all spheres of the three tiers of government. The representation of *Madhesi Dalit* and *Muslim*, two of the most marginalised groups, with stronger population presence, is disproportionately very low in all three spheres of government (see Table 1). *Given the stronghold of the caste system and its ideology in everyday life, the rise of the middle caste as the dominant political group and the exclusion of the most marginalised groups from the spheres of government can generate conflicts in the subnational levels.*

Table 1. Political representation of different groups in Province 2

Group	Population (%)	HOR/FPTP (%)	PA (%)	Head of LGs (%)
Khas Arya	4.88	12.5	2.8	8.8
Madhesi high caste	2.89	15.6	10.2	8.8
Yadav	14.78	31.2	25.2	35.3
Other caste groups	34.13	25	36.4	31.6
Madhesi Dalits	15.39	0	5.6	1.4
Muslims	11.58	6.2	8.4	6.6

Source: Nepali, Ghale and Hachhethu, 2018, p.32, Table 2.6

Other marginalised groups also face similar discrepancies in representation. With 94.6% of their demographic concentration in the Tarai,¹² the Muslim community is the largest religious minority in the Provinces 2 and 5, but their representation in the three tiers of government is disproportionately lower; very few of those elected are mayors and ward chairs. The inadequate representation and non-dominant inclusion can further add to Muslims' collective sense of marginalisation and vulnerability, and further deepen the 'crisis of trust' that exists between Muslims and non-Muslims/the state.

Table 2. Political representation of major groups in Province 5

Group	Population (%)	HOR/FPTP (%)	PA (%)	Head of LGs (%)
Khas Arya	30.03	53.84	54.02	56
Hill Janajati	19.58	11.53	10.34	14.67
Tharu	14.88	7.69	14.94	11
Hill Dalit	9.93	7.69	6.89	0.01
Madhesi Dalits	4.14	0	0	0
Madhesi	14.50	15.3	9.19	13.76
Muslims	6.65	3.8	4.59	2.7

Source: After Nepali, Ghale and Hachhethu, 2018, p.55, Table 2.15

Table 3. Political representation of major groups in Sudurpaschim Province

Group	Population (%)	HOR/FPTP (%)	PA (%)	Head of LGs (%)
Khas Arya	60.02	68.75	69.8	87.5
Hill Janajati	3.5	18.75	3.7	7.96
Tharu	17.25	12.5	9.6	2.27
Dalit	12.94	0	11.32	2.27
Madhesi	1.73	0	0	0
Others	4.32	0	0	0

Source: After Nepali, Ghale and Hachhethu, 2018, p.71, Table 2.21

The Tharu people in Banke, Bardiya and Kailali feel the hill leaders have strategically split the Tharu-dominated areas into the Province 5 and Sudurpaschim Province in order to weaken their ethnic base and territoriality. As a result, their overall representation in all three spheres of government is disproportionately lower in Sudurpaschim Province (see Table 2 and 3); Tharus have relatively better representation in the Province 5 in the Tharu-dominated areas (see Table 2).

All the political parties including the Madhes-based political parties failed to ensure the proportional inclusion of the Madhesi Dalits in the governments, and have barely met the mandatory electoral quota (see Tables 2 and 3). Even while meeting these requirements, their focus has been on the local non-executive level and

12 Central Bureau of Statistics, National Population and Housing Census 2011.

excludes Dalits from executive positions in the provincial and local governments. This politics of exclusion through non-dominant inclusion has fuelled a sense of anger and disappointment among the Madhesi Dalit. "The name of the political system has changed but the faces are the same," says a leading Dalit and women's rights activist based in Janakpur. Her powerful words aptly underscore how federalism as it is practised at present has politically empowered the dominant caste groups more than other groups in the Madhes.

Inclusive federalism and opening up of political space

Even with the politics of non-dominant inclusion, federalism has opened up more political space for the marginalised communities at the provincial and local government levels. Now 47.4% of the elected women members in the local governments are Dalit women; each ward of the local government bodies is required to have at least one Dalit woman ward member. This increased number of women and Dalit women representatives, even if they may not hold executive positions, has opened up political space for women members and the communities they represent. There is a collective need to support these elected women representatives, along with their support groups, to enable them to break down the patriarchal power structure and casteism that grip the spheres of governance.

There is a widespread demeaning narrative that represents these Dalit women ward members simply as "muted groups",¹³ lacking any agency of their own and always acting on behalf of their "bosses". The Dalit women ward members spoken to for this study defy such stereotypes and biased representations. The Dalit women ward members from Siraha have actively participated in the 'temple entry' movements and resisted the social boycott imposed by the high-caste groups in response to the Dalits' collective efforts to enter the local Hindu temple. Other Dalit women ward members have been active members of women's groups. The presence of these women in the local government bodies is a positive change. If these elected women members are forced to become a muted group, then it is not simply due to their perceived lack of awareness or illiteracy but because of the structural problem of power relations that make them vulnerable and marginal in the local government bodies dominated by non-Dalit men. For instance, in the inner region of Mahottari district where the caste system and feudal mode of production still dominate the patron–client relations between Dalit and non-Dalits, the high-caste elected members are more likely to exclude Dalit women ward members from the decision-making processes.¹⁴ *Thus a grounded understanding of how local history, inter-ethnic and gender relations, power dynamics, and other structural conditions work to silence these women ward members will be more revealing and insightful.* There is a need to go beyond the constructed narratives about the submissiveness and passiveness of these elected women members, and take them seriously as agentive political actors who can collectivise voices and concerns of their communities.

"No, it's not true that women ward members are simply asked to sign meeting minutes at home, and do nothing. I have been busy since I became a ward member. I articulate people's concerns at the ward office and municipality. I have no prior experiences in public office but I'm learning. My husband even gave up his foreign employment to be with the family so that I can focus more on my responsibilities as a ward member."

A Dalit woman ward member, Nepalgunj, January 2019.

13 "Muted group" is used here following Edwin Ardener who argued that women were a "muted group" not in the sense that they did not speak but in the sense that they were forced to articulate themselves in a hegemonic language controlled by men; E. Ardener, *Belief and problems of women*, in S. Ardener (ed.), *Perceiving women*, London: Halsted Press Book, 1975, pp.1–17.

14 Based on field-level interactions in Jaleshwar, Mahottari, 18 January 2019.

Not all groups and their elected representatives hold positions of power to influence the existing power structure of the local governments for benefiting their communities. For instance, when asked what the municipality has done for the Muslim community, a Muslim mayor said:

"I am a new mayor and I don't have experience in politics. If I allocate any specific budget for my community (Muslim), people may say that I am doing communal politics. So, I have decided to focus more for education of the Dalit children. Their condition is worse than that of Muslim people." (16 January 2019)

As a Muslim, the mayor feels insecure in allocating the rightful budget for the Muslim community for fear of being accused of favouring his religious community and facing a potential backlash from non-Muslim elected members who make up the majority in the municipality. And this may potentially exclude the Muslim community of his constituency from their rightful and equitable access to the resources from the municipality.

On the other hand, as the local Tharus in Bardiya district show, if the community is well organised and if elected representatives have the necessary cultural capital (education, previous experiences of working in an NGO or political party) and social capital (local support, connections, network, and so on), then individual elected representatives can make positive changes for their communities. The Tharus in Bardiya/Kailali seem to have strengthened their access and voice in their local governments in the areas where they are numerically dominant. This is also partly because of their long political history of resistance against feudalism (the state), impacts of the Maoist war (radicalisation and experience of the state atrocities against them), history of ethnic mobilisation and the recent Tharuhat movement including the Tikapur incident – all of which have consolidated their collective political awareness. The demographic strength of the Tharu equally adds to their advantage in the local political dynamics. But despite their increased numerical representation in the local governments, the Tharu's collective marginality at the provincial and national level continues. The fundamental issues of the Tharu movement – land rights, federal restructuring for Tharuhat, transitional justice and a political solution for the Tikapur incident, among others – remain unaddressed.

The increased participation of the minority groups in the provincial and local government bodies has been historic. However, this political representation under federalism is less likely to work towards their collective empowerment unless there is an equitable and holistic representation of these groups in all spheres of state power: bureaucracy, security forces, judiciary and other public institutions, including the political parties. Currently, there is a critical need to provide support to enable those elected representatives from the minority groups to have stronger bargaining power in the decision-making in the local government bodies. And such support needs to be a long-term process and should also involve the civic and customary social organisations from the minority communities.

3.2 Marginalisation and Dalit activism in Province 2

The embeddedness of the caste system and its ideology of hierarchy and exclusion in all spheres of inter-group relations, including public institutions and government bodies, continue to affect the Dalit communities with the most marginalising and humiliating impacts.¹⁵ Even now, people of the Tarai origin (*Madhesi*, *Muslim* and *Janajati*) in general are more likely to experience caste/ethnicity-based discrimination than hill people, while Dalits are more likely to face both class- and caste-based discrimination than any other groups in Nepal because of their social identity.¹⁶

The Madhesi Dalits are one of the most marginalised and deprived social groups in Nepal.¹⁷ All but one of the Dalit settlements visited for this study have similar stories of marginality and exclusions: the settlements are segregated along caste groups and the inhumane practice of untouchability still persists with variations only in its degree and nuances. The majority of Dalit families are landless; while many of them do not have land-ownership certificates, some of them do not have citizenship cards and many have incorrect information in their citizenship cards. Landlordism and patron–client relations still dominate the local agrarian mode of production in the interior parts of the Tarai. Fewer girls/daughters attend schools, and many of them are married at a young age; lack of economic opportunities compel many young boys and youths to drop out of school and leave their villages to work in nearby cities or in India. Dalit women are not encouraged to work outside their settlements, and Dalits feel that their voices and concerns remain unheard in the local government bodies.

Despite these similar and shared patterns of lived realities, the Madhesi Dalit communities are diverse; their experiences differ depending on specific local contexts and dynamics that need in-depth research studies for better understanding. It is important that policy-makers and development agencies employ in-depth and historically ethnographically informed understanding of how the dynamics of casteism and caste-based exclusions are constantly reinvented in the emerging post-federal contexts in specific locales.

According to the recent National Governance Survey 2018 conducted by Nepal Administrative Staff College, 41% of Dalits reported having experienced discrimination based on economic status, far more than any other caste/ethnic group. Similarly, 44% of them experienced caste/ethnicity-based discrimination, followed by Tarai Janajatis (23%), Muslims (20%) and Tarai castes (16%). In comparison, only 7% of Hill Brahmin/Sanyasi, 5% of Hill Chhetri/Thakuri, 8% of Newars and 12% of Hill Janajati reported caste/ethnicity-based discrimination.

A Different Dalit Village in Lalbandhi

The case of Dalit (Paswan) village in the Purnabas (resettled) area, located near to the East–West Highway, in Lalbandhi Municipality of Sarlahi, is markedly different from the other Dalit villages visited for this study. In the late 1970s, the state cleared a portion of the forest to establish this village in order to resettle the Paswan people who used to live along the border villages in Tarai.¹⁸ The resettled Paswan families were provided with some lands for building houses and farming. Now about 250 Paswan families live in this village, which has better road access and other infrastructures. The Dalit families are relatively better off in terms of economic and education conditions than other Tarai Madhesi Dalits visited. The local Paswan experience relatively less caste-based discrimination outside their villages. Since it is a homogenous Paswan village, the Dalits also dominate the ward-level local government bodies. The relatively better socio-economic and political conditions of this Dalit village show that focused and well-planned state intervention can prompt positive structural changes for the Dalits.

15 World Bank, *Unequal citizens: Gender, caste and ethnic exclusion in Nepal: Summary* (English), Washington, DC: World Bank, 2006

16 Nepal Administrative Staff College (NASC), *Nepal National Governance Survey 2017/18*, Kathmandu: NASC, 2018

17 Central Department of Sociology/Anthropology, TU, *Nepal Social Inclusion Survey 2012: Caste, ethnic and gender dimensions of socio-economic development, governance and social solidarity*, Kathmandu: CDSA, TU, 2014

18 It is said that the ancestors of the present Paswan families in this village were traditional 'dacoits' from Jhija and Akaura villages in Siraha.

“For us, caste is everywhere; you see it in the village through practice of untouchability and how settlements are organised. In the city, you see caste when you visit the government offices, INGO/ NGO offices, banks, media houses and restaurants in terms of who owns these and who does what kinds of jobs in these places. You don’t see Dalits as the bosses but sweeping the streets and carrying loads.”

A Madhesi Dalit activist and scholar, 5 February 2019.

At present, Madhesi Dalits, despite their demographic strength, lack a strong organised pan-Dalit political movement to encompass all Dalit groups across the Tarai. Madhesi Dalits do not have a political party of their own. Dalit activists are making a consolidated effort to organise Madhesi Dalits across the region; the Ambedkar movement is also expanding in Madhes.¹⁹ Dalit activists are actively organised to protest against the anti-Dalit or non-supportive policies of the federal and provincial governments; the Madhesi movement is also dominated and led by men, though there are a few active and influential women Dalit activists in the Madhes. Dalits in Siraha, Sarlahi and Saptari are better organised than in other districts in the province. With support from INGOs and national NGOs, they are organised around issues of land rights, bonded labour, untouchability and livelihood. The majority of the Madhesi Dalits are landless or near landless; 90% of them have less than 2 *ropani* of land,²⁰ while many of them also do not have land-ownership certificates. Similarly, many Mushahar and Dom still do not have citizenship cards and many of them need to correct wrong information in their citizenship cards but are unable to do so due to economic deprivation and political marginality.

Nayanpur: Living without citizenship

Many Dalit families (Chamar and Dom) in Nayanpur, Siraha, have problems related to their citizenship cards. Some of them do not have citizenship due to lack of documentary evidence and support from their own family members. But many villagers have incorrect personal details such as age or middle names on their citizenship cards. In 2006, a mobile government team had issued citizenship cards to the villagers. According to the local people, the government employees, for some reason, had entered different ages on their citizenship cards, with many of the local villagers having younger ages recorded. Because of such errors, some of the senior citizens are deprived of the senior citizenship allowance they are entitled to. “We have to go to the district headquarter Sarlahi to change the citizenship card information. It costs us more than Rs 300 only for the bus fare – which we cannot afford. And it takes more than one day to get the new citizenship card so we have to stay in Siraha for that period. We can’t do that either,” one Dalit woman said. Hence their economic vulnerability and the unavailability of the services to correct citizenship cards in the local government have deprived these Dalits of getting new citizenship.

In 2015, the practice of untouchability in Nayanpur received widespread media attention when a popular Nepali movie star attempted to persuade the local high-caste families to let the Dalit use the water well.²¹ The actor’s good intention did not succeed, but this inhumane practice of prohibiting the Dalits from touching the water well even in 2015 received wide coverage in the media. Now the Dom and other Dalits have their own water well supported by some NGOs. The practices of untouchability in the public places have decreased. “They (high caste) ask us not to sit close by; however, they don’t use threatening voices anymore,” one Dalit woman said. The local Dalits, like Dalits elsewhere, live under poverty and have low educational status for girls and boys. Young boys drop out of high school and go to India or, if the family can afford a loan, to the Gulf countries for labour work. Girls are married off at a young age. These problems are common across almost all Dalit villages visited in the Province 2. The practice of untouchability against the Dalit in this village received national attention; however, their problems with citizenship seem to have escaped the gaze of the media, celebrities and NGOs.

19 This movement is inspired by the philosophy of the legendary Indian Dalit activist and leader B. R. Ambedkar who converted to Buddhism as a way of denouncing the Hindu caste system. According to one Madhesi Dalit activist and scholar, a follower of the Ambedkar movement, there are increasing numbers of youth Dalits who are leading the Ambedkar movement in the Madhes.

20 As per the survey of the National Dalit Commission, 2004, <https://dalitonline.com/archives/1257>, 1 ropani = 5476 sq. feet.

21 Rajesh Hamal (cine actor) begged the high caste families to let the Dalit use water from their well but the non-Dalits refused (in Nepali), The Kathmandu Today, 2015, <http://kathmandutoday.com/2015/08/123391.html>, accessed 15 February 2019

Some Madhesi activists believe that outsiders (NGOs, media people) have different priorities regarding what they consider important 'Dalit issues' that need to be highlighted in public. "For the outsiders or Kathmandu, the practice of untouchability is a social problem of the Madhes, a feature of 'backwardness' of Madhesi society. But the issue of 'citizenship' concerns the Nepali state, which has a long history of the denial of citizenship to Madhesi people. Thus, even NGOs and media are less vocal about the citizenship issues of Madhesi people," one Madhesi activist said. The problem of citizenship cards persists not only because of existing laws and policies but also due to a lack of awareness of needing this document, and, in some cases, also because of a lack of support from family members or the landlord families. Without a citizenship certificate, many Dalits are barred from having a land-ownership certificate and from getting birth certificates for their children from the local governments, without which the Dalit children are denied admission to school.²² Problems of landlessness and citizenship cards thus continue to marginalise the Dalit communities in the Province 2.

The '*sino aandolan*' or the anti-carcass disposal movement led by the Chamar in Siraha in the year 2000 was a historic movement that ended the enforced compulsion for Dalits to clear dead animals' carcasses for high-caste people.²³ The success of the *sino aandolan* in the northern part of Siraha influenced other Dalit villages to replicate the anti-carcass movement, even in the interior and rural regions of the Tarai. Similarly, there have been movements to enter local temples where Dalits were prohibited. Local Madhesi Dalit women led some of these 'temple entry' movements in Siraha, for example in the Dodhana village of Lahan Municipality.²⁴

Anti-carcass protest and compromise

In 2001, the Mahara (Chamar) of Tharuwahi, Nainhi, now located in the ward no. 12 of Jaleshwar municipality (Mahottari), collectively decided not to dispose of the carcasses for the high-caste families. In this village, the Dalits do not own land (few families have landholdings) and hence are dependent on the Madhesi Brahmins who are also the landlords. The high caste and Yadav retaliated against the Dalits' refusal to dispose of carcasses first by imposing socio-economic boycotts, and later through physical violence. Some of the local Dalits were physically assaulted, which led to clashes between the Dalits and the landlords, supported by the Yadav. The local administration intervened by deploying the police force and provided protection to the Dalit families. A criminal case was filed against the landlord families. But the Dalits withdrew the case and settled the conflict through compromise. The Dalits had no option; they still needed the landlords' land for their subsistence. In the absence of alternative sources of livelihood, the Dalits had to 'forgive' the landlords' violence against them.²⁵

22 See Sahir Man Rai, Dalits are landless, The Kantipur, 2018, Falgun 14, 2075, V.S. Province 2, <https://www.kantipurdaily.com/prade-sh-2/2019/02/26/155115385957344.html>, accessed 10 February 2019.

23 The leadership role of the late Baldev Ram from the Chamar community and social activist Arjun Thapaliya was instrumental in the success of this *sino aandolan*, which emerged as a mass-based movement with the active participation of the Chamar people. See: The leader of the *sino refusal aandolan* Baldev Ram is no more, The Kantipur, 2017, <https://www.kantipurdaily.com/news/2017/08/01/20170801141811.html>, accessed on 5 February 2019.

24 In many places, Dalits are denied entry into local Hindu temples. Thus, the 'temple entry' movement has been an integral part of Dalit activism and rights-based movements in Nepal. In this village, the local Tharus, the dominant group, retaliated against the Dalits' temple entry movements by boycotting the Dalit families for more than a year. But now the practice of untouchability has completely stopped.

25 Based on community interactions, 18 January 2019.

The case of the village of Tharuwahi, Nainhi, shows that the feudal production, controlled by the high-caste or other dominant non-Dalit families, still permeates the local social and political-economic relations in many villages. In this village, in particular, notwithstanding their resistance to some discriminatory practices, Dalits, in the absence of alternative livelihood options, are forced to be submissive to the dominant groups through patron–client relationships. The dominant groups are said to have deployed this mode of patron–client relation to govern the relations between the Dalit and non-Dalit elected members at the ward level.²⁶

While discussing what motivated them to initiate the '*sino aandolan*' and 'temple entry' movement, many Dalit activists, women and men, acknowledged the catalyst role of the various projects run by civil society, in particular, the REFLECT programme run by ACTION AID for their movements.²⁷ These activists believe that there is a need to integrate a rights-based approach with other development interventions such as support for livelihood empowerment of or increasing access to basic services for Madhesi Dalits.

3.3 Federalism and religious minorities: Muslims at the margin of the state

Muslims are the major religious minority groups in the Provinces 2 and 5; 90% of the Nepali Muslims live in the Tarai, while almost 60% of them are concentrated in the Province 2, and 31% of them live in the Tarai districts of the Province 5.²⁸ Acceptance of the 'Madhesi identity' among the Muslims has been mixed; while some accept it, others reject it altogether.²⁹ The higher concentration of Muslims in some districts and their distinct cultural and religious identity make them an important political constituency in terms of electoral politics in these provinces. However, their socio-economic deprivations, the general 'distrust' against Muslims and their marginalisation from the state power work against their empowerment. Muslim individuals across the three provinces raised some common concerns during this study, with some specific experiences of women. From Muslim perspectives, the major areas of contestation and marginalisation are:

Non-dominant inclusion

The constitutional recognition of 'Muslim' as a distinct category for proportional representation and inclusion has opened up new political space for the Muslim communities. However, their representation in the three tiers of government is disproportionately lower, and very few of those elected are mayors and ward chairs (see Tables 2 and 3). The inadequate representation and non-dominant inclusion can further add to Muslims' collective sense of marginalisation and exclusion, deprive them of equitable access to state resources and deny them government support for their culture-specific needs and priorities, such as support for the local Madrasa and school education for Muslim girls.

The issue of Madrasa

Muslims across all three provinces equivocally expressed their concerns that the state and local governments should treat and support Madrasa with equal and respectful recognition. Many local-level Madrasa do receive some support from local governments but such support is inadequate and irregular. Muslims want the state

26 Based on interactions with one Dalit women ward member and other locals, 18 January 2019.

27 "Reflect is an approach to learning and social change. Key to the Reflect approach is creating a space where people feel comfortable to meet and discuss issues relevant to them and their lives. Reflect aims to improve the meaningful participation of people in decisions that affect their lives, through strengthening their ability to communicate." See ActionAid UK, https://www.actionaid.org.uk/sites/default/files/doc_lib/190_1_reflect_full.pdf

28 National Muslim Commission of Nepal. 'District wise Muslim population in Nepal'. <http://www.nmc.gov.np/site/cms/11> accessed 1 February, 2019.

29 Peter Gill eloquently reports on Muslims' dilemma over 'Madhesi identity'; P. Gill, As Nepal strives to become more inclusive, are Muslims being left behind?, World Political Review, 30 January 2018, <https://www.worldpoliticsreview.com/articles/24085/as-nepal-strives-to-become-more-inclusive-are-muslims-being-left-behind>, accessed 9 February 2019.

and others to understand the importance of Madrasa for their community. Hence when the state, local governments and other communities ignore or exclude Madrasa, this exclusion can potentially generate conflict. On the other hand, when the state/local governments intervene excessively to regulate and control Madrasa through registration and supervision, this can also generate conflicts. Some religious teachers are unhappy with the integration of government curricula in Madrasa for undermining the teaching of religious texts and Urdu for the Muslim children. They demand that the governments should have Muslim- and Madrasa-friendly laws and policies, such as the formation of a high-level autonomous committee to recognise and evaluate Madrasa education and its graduates.

Nepal's sensitive geo-politics, particularly the tensions between India and Pakistan, and the Indian state's suspicion and claims that anti-Indian radical Islamic groups are funding Madrasa schools in Nepal's Tarai has also caused a backlash against the issue of Madrasa education in Nepal.³⁰ When the government of the Province 2 tabled a bill to formulate a Madrasa Education Board in 2018, the bill was criticised for its provision to create a body that receives foreign funds to operate schools for Muslim children in the eight Tarai districts.³¹ Amid such criticism from outside and within its cabinet, the provincial government withdrew the Madrasa bill. The issue of Madrasa may become a contested space between Muslims, the state and local governments in the emerging post-federal contexts.

Crisis of 'trust' and 'security'

The Nepali state has historically viewed Muslims as outsiders even though the history of Muslim arrivals in Nepal dates back to the 15th century or even earlier.³² "Muslims don't have a nation, they only have religion," one high-caste Hindu, a local political leader, in Krishna Nagar said, expressing his doubt about Muslims' loyalty to Nepal, and their belonging in the local community. Muslims feel that non-Muslims, particularly the dominant groups, always view them with suspicion and doubt that they are 'Nepali' or 'Madhesi' or 'nationalist'. For a religious minority, such lack of trust has serious social and political consequences, including discrimination and various forms of violence against them. Commenting on how such mistrust and doubt marginalises the Muslim communities, a prominent Muslim activist affiliated with the Madhes-based political party in Janakpur stated:

"There exists a very strong ideology of mistrust against us. If local governments submit proposals asking for funding for temples and Hindu shrines, no one will question the motives. But if there are requests for Madrasa or Muslim graveyards, even members of the Provincial Assembly will raise their eyebrows. The recent backlash over the Madrasa bill proposed by the provincial government is an example of such mistrust." (18 January 2019)

Muslims in the two provinces (2 and 5) feel that 'security' is a major concern for them. An influential Muslim leader from the Province 5, who has recently joined the ruling party by leaving one Madhes-based party, said that he joined the Nepal Communist Party because he and other Muslim people feel more secure with the ruling party. He also claimed that the Madhesi leaders from the eastern Tarai have dominated the Madhes-based political parties and have ignored the western region and its constituency. The Madhes-based parties are predominantly led by the Madhesi Hindus (high and middle caste) and these parties have closer ties with the Indian establishment, which is perceived to be less tolerant towards the Muslim community. Therefore, Muslim concerns for security also suggest their marginalisation within the dominant Madhes-based political

30 For example, India seeks Nepal help to stem ISI-funded madrasas, The Pioneer, 18 December 2014, <https://www.dailypioneer.com/2014/page1/india-seeks-nepal-help-to-stem-isi-funded-madrasas.html>, accessed 9 February 2019.

31 A. Giri and G. Binod, Bill floated to allow foreign funds for Muslim school, Kantipur, 3 October 2018, <http://kathmandupost.ekantipur.com/printedition/news/2018-10-30/bill-floated-to-allow-foreign-funds-for-muslim-schools.html>, accessed on 9 February 2019

32 See D. Seddon, The Muslim communities of Nepal, India: Adriot Publisher, 2018.

force – and also highlight the ambivalent relations between the Madhes-based political parties and Tarai Muslims.

In recent years, there have been frequent attacks by 'unknown armed groups' against the Muslim communities and their public figures in the Tarai, and Muslim organisations have been demanding the government takes the issue of security concerns of the Muslim communities seriously.³³ Such events and their past experiences have made Muslim communities more concerned for their individual and collective security. The minority status of Muslims, their lack of inclusion in the state bureaucracy, army and police force, and the general suspicion they generate among the dominant groups make them vulnerable to violence and discriminations.

Muslim women, marginality and agency: three stories

In one district of the Province 5, two young Muslim girls participated in a training facilitated jointly by a Muslim woman activist and a Muslim man who has been involved in the development sector for more than two decades.³⁴ The female trainer, originally from India, married to a Nepali Muslim man based in Nepalgunj, had struggled against all odds, such as obstructions from her in-laws, to obtain her Nepali citizenship card. With her master's degree from India, she wanted to work outside the family. Her husband always supported her but some of the elders (men) in the family were against her working outside the family, and therefore they did not want her to get Nepali citizenship. With her husband's approval, she filed a case against these male elders at the Chief District Officer's office, and finally got her citizenship card. At present, she is engaged in NGO works and local politics; she is also pursuing another MA degree from a campus in Nepalgunj. The trainer defies the general stereotype outsiders have about the submissiveness of Muslim women.

The two young girls, on the other hand, had different stories: their parents have recently forced them to drop out of high school, after they passed the eighth grade, because of concern over sending 'grown-up' daughters to a co-education school. These two young girls sounded devastated at not being able to continue their education, and the denial of their individual right to freedom and choice. They relentlessly lamented that their lives will also be spent by "just looking after household chores and kitchen".³⁵ These two girls, as anybody would be in such circumstances, were very vocal in their criticism of what they see as restrictive cultural practices against women in their community. However, it would be wrong to generalise that these two girls were denied the opportunity to continue their education simply because they are Muslim women or that their community is more 'oppressive' towards women. Even during their brief 20-minute conversation, their narratives revealed more nuanced and complex interplay between the community's ethos of piety and women, concern for 'women's security', community vs familial politics,³⁶ and most importantly the lack of women-only schools and colleges that also forced the parents to take their daughters out of school. These two girls also believe that their parents would have allowed them to continue at high school if there were a girls/women college in the town. Therefore, it was not only the fault of their community, but also a lack of state sensitivity to the need for a women-only education institution that seems to have worked against these two girls' possibility of continuing their education.

33 Home Minister says We will bring down the murder of Mr. Ansari, onlinekhabar, <https://www.onlinekhabar.com/2018/09/707999>. Mr Ansari was a local teacher and Muslim activist from Sunsari who was murdered in 2018, allegedly by unidentified Indian shooters.

34 He explained that Islam is not against the education of girls/women but actually considers the education of daughters as a highly pious act. More than education, it is the idea about gendered bodies and segregation between women and non-family men (outsiders) that may deter parents from sending their grown-up daughters to a co-education school.

35 Interactions at Nepalgunj, 6 January 2019.

36 The father of one girl had no problem in sending his daughter to a co-education school but his elder sisters scolded him for his decision; as he had a small business that is sustained through a network of his own community, he was unable to withstand the collective communal pressure over his individual family.

Similarly, a Muslim Human Right Activist from Nepalgunj stated:

“I and my elder sister studied in the same school up to the high school. Since I always accompanied my sister to the school, my family (community) had no problem with her attending the school. When her marriage proposal came, we insisted with her prospective in-laws that our sister should be allowed to continue her education after the marriage. And they (including her husband-to-be) agreed. However, after the marriage, her husband did not allow her to attend the college. I am saddened that my sister could not continue her education. But now, after her marriage, I can't interfere in their personal lives.” (7 January 2019)

The distinct gender ideologies and practices in Muslim society often become a basis for criticising it for being more 'oppressive' against women. In such depictions, the purdah system or the dress code of burqa for women becomes the emblem of women's subordinated status in Muslim communities such that the seemingly progressive development organisations and state agencies *always* encourage Muslim women to give up wearing burqa. The Muslim women in this study shared their stories of struggles against social norms that discouraged them from studying in high school and college or working outside of the defined spaces. Rather than being passive submissive persons, these Muslim women do exercise their agency (culturally constrained and mediated capacity to act) to resist and create space for materialising their dreams, such as attending college, getting citizenship or contesting a local or provincial election. And the support of their husband or other family members was crucial in overcoming the familial and communal restrictions against these women.

Development organisations and the state agencies endlessly focus on motivating Muslim women to leave their burqa behind. Political parties, while selecting candidates from Muslim and Madhesi communities, pressure women to show their faces (give up purdah) while contesting the elections. Such state and development interventions produce a 'model minority' – a member of a local minority community who speaks Nepali fluently, does not wear burqa and criticises her society in the constructed narratives of the dominant groups.³⁷ Once active as model minorities equipped with the kinds of skills and knowledge development agencies prefer, these few model minorities are more likely to act as the only intermediary between their community and outside agencies, including political parties. Rather than focusing on 'burqa', Muslim women such as the two girls introduced in this discussion could benefit more if the state and the development agencies worked together to recognise the contextual realities and establish girls/women-only education institutions.

37 On 'model minority' and why development agencies should avoid such interventions, see A Sense of Hope: Understanding post-federal dynamics among marginalised communities in Nepal's Tarai region, International Alert, 2019.

4. LAND, STATE–THARU RELATIONS AND MARGINALISATION

According to the Backward Society Education (BASE), in 1912, the great majority of landowners in the Dang valley were Tharu. Fifty years later, in the late 1960s, the landowners were mostly settlers from the hills. Eighty percent of the Tharu were tenants and 90% of the landlords they worked for were high-caste hill people.*

* See BASE, <http://nepalbase.org/history-of-tharu/> accessed on 10 February 2019.

For the Tharu people, the largest indigenous group in Nepal's Tarai, 'land' has been a centrally important issue that has shaped their experience of the modern Nepali state.³⁸ The rise of the landlord state in the 19th century and its colonisation of the Tarai for land, labour and political control instituted the process of the Tharu's territorial dispossessions, and the onset of their marginalisation. The imposition of the extractive land tenure system and feudalism in the Tarai, and the legalisation and enforcement of caste hierarchy (1854) that ranked the Tharu as an inferior caste group (to the ruling hill groups) during this period had far-reaching consequences for their marginalisation.

Until the early 1950s, because of the epidemic of malaria in the lowlands, hill people were discouraged from settling in the Tarai. While the outsiders feared the forested and malarial environment in the Tarai, the Tharu's tolerance of and ability to survive in such an environment provided them with relative autonomy in evading, to some extent, the

oppressive landlord state and its ruling elites that claimed control over the Tarai land. However, with the 'eradication' of malaria in the early 1950s, the Tarai became the most sought-after destination for land-seeking migrants from the hills and elsewhere. Implementation of the state-led land reform of 1964, the land settlement projects of the 1960s to 1970s, the construction of the East–West highway (early 1970s) and the resulting expansion of infrastructure, such as roads, schools, markets, electricity and hospitals, drew more and more people into the Tarai. This 'frontier settlement'³⁹ in the Tarai progressively dispossessed the Tharu and other Tarai adivasi groups from their ancestral territories and further marginalised them politically, economically and culturally.⁴⁰ For instance, Tharus were reduced to tenants working for landlords on land that had previously been their own. They were looked down upon and discriminated against by the high-caste settlers. Their illiteracy and lack of representation in local government offices made it difficult for them to struggle against the new landlords. Many fell into debt and were forced to become bonded labourers, known as Kamaiya (men) and Kamlahari (women), who were bought and sold on a yearly basis for agriculture and housework. For two or three generations, tens of thousands of Tharu families were forced to live as bonded labourers.⁴¹

Tharus have suffered many forms of marginalisation and exclusions throughout Nepal's modern history under different regimes but they also have long been resisting the political construction of their marginalisation. The establishment of the Tharu Kalyankari Sabha (the Tharu Welfare Society), now the national ethnic organisation of the Tharu people, in 1949 was itself a crucial step in bringing out the voice of the Tharu.⁴² There have been many local-level Tharu resistances against the oppressive feudal landlords, and land rights

38 Here, we use the concept of 'land' to include more encompassing relations between people and territory and place, not simply as a material resource or a means of production; A. Guneratne, *Many tongues, one people: The making of Tharu identity in Nepal*, Ithaca: Cornell University Press, 2002.

39 N. Shrestha, *Frontier settlement and landlessness among hill migrants in Nepal Tarai*, *Annals of the Association of American Geographers*, 79(3), 1989, pp.370–389

40 J. Rai, *Activism as a moral practice: Cultural politics, place making and indigenous activism in Nepal*, PhD Thesis, University of Michigan, Ann Arbor, 2013b

41 Backward Society Education (BASE), *History of Tharu*, <http://nepalbase.org/history-of-tharu/>

42 D. N. Gellner, *Introduction: Transformations of the Nepalese state*, in D. N. Gellner (ed.), *Resistance and the state: Nepalese experiences*, New Delhi: Social Science Press, New Delhi, India, 2008, pp.1–30; A. Guneratne, 2002, Op. cit.

and cultural rights movements, particularly after the 1960s, though the Panchayat regime suppressed these protests by force and other means.⁴³ With the restoration of more tolerant multiparty democratic polity in 1990, the Tharu consolidated their movement for identity, land and cultural rights, equal political representation and economic empowerment. Many Tharu youths from Western Tarai supported and joined the Maoist people's war (1996–2006) to fight against then prevailing feudal relations, political-economic marginalisation and social injustice. In conversations for this study, the local Tharus in Bardiya acknowledge that the Maoist people's war was instrumental in ending the oppressive feudal agrarian system in the region. They have also experienced many forms of state suppression during the decade-long Maoist conflict, including the enforced disappearance of their family members.⁴⁴ The Tharu's movement for emancipation of Kamaiya (bonded labour) in 2000 was a historic social movement that forced the state to ban this inhumane practice and 'free' the Kamaiya.

“My grandparents used to be *Kamaiya* all their lifetime. My parents also had to become *Kamaiya* for certain period of their life. Due to extreme poverty I worked as child labour in rich people's house for 10 years.”

A Tharu woman participant, Storytelling Workshop, 2019 organised by Alert.

After the peace process in 2006 and during the drafting of the new constitution (2008–2015) for federal reconstruction of Nepal, Tharus mobilised a strong collective movement for demanding proportional representation and recognition of their traditional territory and history as the basis for a provincial boundary (establishment of Tharuhat).⁴⁵ In 2009, as debates and discussions around the new constitution and apt models of federalism escalated through the nation, the government categorisation of Tharus under Madhesi identity provoked violent protests from Tharu groups in the Western Tarai who saw this move as an effort to undermine their aspirations for a Tharu majority province. The Tharu movement for Tharuhat was opposed and challenged by a movement led by hill people who called for an undivided Far-Western province (Akhanda Sudur Pashchim). In August 2015, the clash between the Tharu protestors and the police in Tikapur turned violent; seven policemen were killed. Thirty-nine people were subsequently arrested in relation to this incident. Many Tharu houses and shops were burned down.

This brief overview of history of Tharu marginalisation and their struggles for identity, territorial belonging and equality is important to contextualise the local narratives and stories told by the Tharu people during field-level interactions. More importantly, this contextual background is necessary to understand how the local Tharus relate their experiences of federalism by linking them with the struggles and resistance of their ancestors who had withstood oppressive feudal regimes and the Panchayat rulers despite their political and socio-economic marginalisation. Given their important demographic presence, increased representation in the local government bodies (and provincial governance in the Province 5), and a long history of marginalisation and collective resistance against the exclusionary forces, the state, policy-makers and other organisations involved in peacebuilding and development need to work with the Tharu in addressing their state of marginalisation.

4.1 Tharus and the enduring struggles for land

Senior Tharus in Barabardiya Municipality in Bardiya have actively participated in different forms of localised resistance movements during the regimes of many rulers – the feudal landlords under the Panchayat, multiparty system, the Maoists and the post-2006 polity. In the last decade, the villagers have demanded

43 See A. Karki, Movements from below: Land rights movement in Nepal, *Inter-Asia Cultural Studies*, 3(2), 2010, pp.201–217; C. McDonaugh, Losing ground, gaining ground: Land and change in a Tharu community in Dang, West Nepal, in D. N. Gellner, J. Pfaff-Czarnecka and J. Whepton (eds.), *Nationalism and ethnicity in a Hindu kingdom: The politics of culture in contemporary Nepal*, Amsterdam: Harwood Academic Publication, 1997, pp.275–298. During the Panchayat regimes (1962–1990), many Tharu activists and leaders who demanded land and cultural rights were jailed for 'being communists'; see D. N. Gellner, 2008, *Op. cit.*, pp.1–30.

44 During the conflict period, Bardiya saw the highest number of enforced disappeared people in the whole country.

45 The issue of transnational justice also emerged as an important agenda for the Tharus in Bardiya in particular. See D. Rai, Bardiya Tharus wait for justice, *The Record*, 8 June 2018, <https://www.recordnepal.com/wire/bardiya-tharus-wait-for-justice/>, accessed 6 February 2019.

ownership rights over land belonging to a cotton production company established by the state in the early 1980s. Motivated by the government's promise of equal shares in the cotton company, the local Tharus used the land for cultivating cotton for the company. The cotton factory closed down after some years, and, with no other means for survival, the Tharu farmers have continued to till the land. They have been demanding rights over the land and resisting their possible eviction from it. The seriousness of this land right issue was expressed by one local Tharu youth, who is also an active member of the Nepal Maoist Party (now Nepal Communist Party, the ruling party), during an interaction in Bardiya:

“During the Maoist movement, we (the Maoists) advocated for land rights to the tillers. Now our party is in the power (government), and if it fails to address this issue, local Tharus will seek for alternatives. And Tharus may consider supporting other political groups (indicating to other Maoist groups) that can help them address this issue.”

The local Tharus relate their present-day struggles to those of their ancestors who challenged the local landlords in Dang during the early 1940s and also find parallels with their past struggles against the landlords during the Panchayat and the Maoist wars. Three generations of Tharus across different times share a common story of struggles for the land. These struggles for land rights underline the Tharu's participation in the other big 'movements': the Kamaiya liberation movement, the Maoist war and the Tharuhat movements. The local Tharus passionately retell these stories to their younger generations, who, in turn, use these stories in their other struggles, for example, in the Tharuhat movement. Thus, as one way of understanding local dynamics of marginalisation from a peacebuilding perspective, there is a need to pay closer attention to such locally grounded stories and narratives, and to understand how, and in what contexts, these stories and narratives become powerful cultural means for mobilising people for various political and social movements.

4.2 Federalism and Tharus: marginalisation, opportunities and contestations

The Tharu people in Banke, Bardiya and Kailali claim that the hill leaders strategically split the Tharu-dominated areas into Province 5 (Banke, Bardiya and Dang) and Sudurpaschim Province (Kailali and Kanchanpur) to weaken the Tharu political base and to sustain the political domination of the hill groups. Tharus have disproportionate political representations in Sudurpaschim Province (see Table 3), while their representation in the House of Representatives and the head of the local governments in the Province 5 is relatively better. However, in the Tharu-dominated areas, they have substantially increased their presence in the local government bodies. For example, in Barabardiya Municipality of Bardiya, about 70% of the elected members are Tharus. In these areas, Tharus are hopeful that they can influence the local governments to address the economic, social and cultural concerns of the Tharu people. Municipalities such as Banshgadi (Bardiya) and Kailari Village (Kailali) where Tharus constitute 95% of the local population⁴⁶ have already recognised the Tharu language as one of their official languages. Some of the local government bodies have also recognised the Tharu's traditional institution of *Barghar*⁴⁷ and provide support for the promotion of Tharu culture and heritage. However, the local government bodies cannot address the issues of 'freed' Kamaiya and Kamlahari, and the issue of land rights.

The present-day geographical locations of the Tharus in this study also have a specific bearing on their experience of federalism. The Tharu in the villages of Bardiya, who had a long continuous experience of living

46 L. R. Bhatta, Kelari village municipality approves Tharu language as its official language (in Nepali), *Naya Pratika*, <https://www.nayapatrikadaily.com/news-details/4911/2019-02-01>, accessed February 2019

47 Barghar is a customary Tharu institution led by elected village leaders entrusted with various responsibilities on village administration, community works, mediation of local conflicts and others. See Sarbahari Krishna, *Barghar system of Tharu and its relevancy*, *Journal of Indigenous Nationalities*, Kathmandu: National Foundation for Development of Indigenous Nationalities (NFDIN), 2012, Vol. 4, pp.138–140.

under and resisting oppressive regimes (the feudal landlord and its representative state), acknowledge that the Maoist war (1996–2006) was instrumental in dismantling the landlord–Tharu relations. Many of them had supported and joined the Maoist war for their own liberation. The common Tharu villages had borne the heavy brunt of the war between the state (the army) and the Maoists; many family members were forcibly disappeared by the state and the rebel group. For the Tharus in Bardiya, the delay in transitional justice is a major concern.⁴⁸

Landlessness is still a major concern for the Tharu villagers in Bardiya; lack of off-farm employment opportunities compels the Tharus (mostly males) to leave their villages in search of labour or semi-skilled jobs in city areas. Many Tharu youths from Barabardiya are said to have been working as construction workers in the hill areas affected by the 2015 earthquake. Some school and college students have discontinued their education and joined the workforce for reconstruction in the disaster-affected areas. It needs to be underlined here that there is a widely shared perception among the Tharu (as well as Madhesi Dalit and Muslims) that, even if they are educated, they lack the political and social connections needed to get jobs in the private and public sectors because of Tharus' collective state of marginalisation.⁴⁹

Similarly, the local Tharu, for example those from Barabardiya, feel that the development agencies now only focus on working with the 'freed' Kamaiya and ignore the Tharu villagers, while the local women ex-Kamaiya acknowledge that development agencies have been a big support in enabling them to become more confident and organised. The 'freed' Kamaiya, on the other hand, even those who have received some land from the state to resettle, have their own challenges and struggles. Many of those in the resettled area in Dhangadi Sub-Metropolitan are yet to be issued land-ownership certificates – and these resettled ex-Kamaiya feel insecure about a possible eviction from the land they are occupying. Following the backlash against the Tharus after the Tikapur incident (2015), these resettled Kamaiya even keep themselves away from the Tharuhat movement for fear of being targeted by the hill groups who surround their present settlement. However, the ex-Kamaiya are politically active and form alliances with the landless squatter groups in various political mobilisations.⁵⁰

48 Op. cit.

49 According to the Nepal National Governance Survey (2018, p.45; Figure 4.14), 46% of the surveyed Nepali people are sceptical that everyone has equal opportunities for employment/appointment in the government/public sector and that people of different economic status have equal opportunities in securing employment/appointment in the government/public sector (47% disagree).

50 Information based on discussions with the ex-Kamaiya in Dhangadi and leaders of the landless squatters and freed Kamaiya in Bardiya. There are many land and other issues of the ex-Kamaiya; however, only one discussion was held with the ex-Kamaiya. On the other hand, the representatives from the Tharu Kalyankari Sabha in Kailali claimed that ex-Kamaiyaas actively participate and are involved in the Tharuhat movement, and the issue of Kamaiya and freed Kamaiya are important movement agenda for them (10 January 2019).

“After the big earthquake in the hills, many Tharus have gone to work in the earthquake-affected districts such as Gorkha, Dhading, Dolkha and Sindhupalchowk. They work as labourers, masons and carpenters. What to do? There are no employment opportunities here. Even those youths who were studying in high school and colleges have gone to work there. ‘We don’t have our people in high places so we will not get jobs even after our education,’ they say and think.”

A Tharu elder, Barabardiya, 8 January 2019.

“We, women, have benefited a lot when development agencies came to work in our camps (settled area). We learned many new skills and knowledge; now I can speak in public with much confidence. With their supports, our children are getting education.”

A Tharu woman, ex-Kamaiya, Bardiya, 8 January 2019.

“Now development agencies only work with the ex-Kamaiya. They no longer come for the Tharu villagers.”

A Tharu elder, Bardiya, 8 January 2019.

4.3 The Tikapur incident: the Tharu–hill people relations in post-federal contexts

Tikapur and the surrounding regions, including Dhangadi, now appear 'peaceful', although, depending on whom one speaks with, people may interpret the evolving nature of inter-ethnic relations differently. The hill people in this study were more likely to say that the relations between the Tharu and hill people are amicable. They often cited the case of Resham Chaudhary, one of the key Tharu leaders now jailed for allegedly being the main person behind the incident, who was elected to the House of Representatives from the Tikapur region, to argue that hill people also voted for him (a Tharu leader accused of his role in the violent incident). "He is not only the leader of the Tharu people; he is also our parliamentarian at the House of Representatives. What will the court decide in his case? We don't know. But now he is an MP from Tikapur; our MP too," one hill business person said. The Akhanda Sudur group, which played a decisive role in challenging the demand for Tharuhat, does not seem to have its organisational existence at present.

The Tharu activists, those affiliated with the Tharu Kalyankari Sabha, have different experiences. These activists claim that the state authorities (police) are constantly keeping them under surveillance, and interfere in their meetings and activities. There is a strong shared feeling among the Tharu that the state, dominated by the hill people, has been very partial and discriminatory in the Tikapur incident. The Tharu activists claim that, while many Tharus accused in the alleged murder of the policemen in Tikapur have been jailed, the state took no actions against those responsible for burning down Tharu houses and properties.⁵¹ The hill people–Tharu

"Following the Tikapur incident and the police operation in the Tharu villages, the Tharu–hill people relations are far from normal. The Tharus are living with much *ukus mukus* (sense of suffocation, unable to express their anger or emotions)."

A Dalit activist based on Dhangadi, 11 January 2019.

relations in Tikapur seem normal but both groups are concerned that this conflict has not ended. The memories of these events – particularly the state oppression against the Tharu following the Tikapur incident – are still fresh among many Tharu in this study, and the narratives of these events continue to forge a shared sense of what it means to be Tharu in the post-federal contexts. The outcome of ongoing court cases could impact the fragile sense of normality there. Therefore, the Tikapur incident is still a fault line for a possible mobilisation of the Tharu community, thus impacting subnational peace and security in the region.

The local Tharu have substantially increased their presence in the local governments and are hopeful that they can influence the local governments for their benefit. However, they are still marginalised and excluded in the larger regimes of government and state power. For the Tharus, their fundamental issues of land rights, respectful settlements of the ex-*Kamaiya*, the welfare and empowerment of 'free' *Kamlahari*, the transnational justice for the disappeared family members, the restructuring of the provincial boundaries and other issues remain unaddressed. Given their history and recent experiences of resistance movement, and their strong organisational, demographic strength and increased political representation at the local governments, the Tharu people can lead local and subnational movements if the state remains indifferent to their just concerns and grievances.

51 See Human Rights Watch, 'Like we are not Nepali': Protest and police crackdown in the Tarai region of Nepal, 2015, <https://www.hrw.org/report/2015/10/16/we-are-not-nepali/protest-and-police-crackdown-Tarai-region-nepal>

5. GEOPOLITICS AND CROSS-BORDER DYNAMICS AND MARGINALISATION

Cross-border dynamics can influence peace and conflict situations in the border areas of Nepal's Tarai. For many families along the borders, cross-border economic opportunities, for example licit or illicit trade, is a major source of livelihood.⁵² Many Nepali families rely on the border markets for cheaper commodities to the extent that it also affects local business inside Nepali border towns such as Tikapur, which is aspiring to expand its economic activities. The Indian economic blockade in 2015 compelled the locals of Tikapur to rely more on nearby Indian markets for buying everyday groceries and commodities, and this trend is still said to have continued at present. Similarly, many Nepali families along the Nepal–India border use the available health facilities or even send their children to attend schools across the border. They have extended families and kinship relations through marriage and birth.

From the perspective of local governance, Nepalis living along the Nepal–India border have an added advantage to compare the functioning of their provincial and local government bodies with those of border towns of India. For instance, they know how the provincial and local governments across the border reach out to the Indian farmers in providing subsidies or other benefits, and lament the ineffectiveness of their own local government bodies.⁵³ However, the geo-political locations of the border areas, the rise of the Hindu fundamentalists on the other side of the border (the UP state of India), cross-border crimes, politicisation of crimes (party patronage and protection), activities of armed groups and the heavy presence of security forces from Nepal and India along these regions put the local people in the shadow of possible violent encounters. The daily state rituals of a body search of the locals by the police, the majority of whom are hill people, along the borders reinforce the Madhesi–Pahade antagonism. Women are more vulnerable to violence and assault along these border villages.⁵⁴

The border dynamics are also localised with their different histories, inter-ethnic relationships and the cross-border relations with the state powers of Nepal and India.⁵⁵ However, not all border villages fit the image of porous and violent places. The border areas along Marchwar and Krishnagar, despite the expansion of markets, still retain the feudal relations dominated by a few high-caste families who have long controlled the local politics and the state power. Dalits suffer more discrimination and deprivation in these regions. These areas are also prone to Hindu–Muslim riots, which are also influenced by the cross-border dynamics, including the rise of Hindu fundamentalism in the state of UP in India.

There is a need for further in-depth exploration and studies of border dynamics across different regions in Nepal's Tarai to understand the emerging forms of opportunities, marginalisation and contestations, in keeping with the view that development and state effects manifest very differently in different border regions, while the traditional elite–subordinate relations continue to pervade the new political system.

52 J. Goodhand and O. Walton, *Marginal gains borderland dynamics in post-war Nepal*, in D. Thapa (ed.), *The politics of change: Reflections on contemporary Nepal*, Kathmandu: Social Science Baha/Himal Publication, 2019, pp.109–132

53 Based on discussions with the local people in Krishna Nagar areas.

54 Based on discussion with a local journalist, 21 January 2019.

55 For example, on the different border dynamics between Saptari, Bardiya and Dolpo, see J. Goodhand and O. Walton, 2019, *Op. cit.*, pp.109–132.

CONCLUSION

Federalism has opened up more political space for minority groups through devolution of administrative and political power and inclusion of marginalised and under-represented groups in federal, provincial and local governments. Representations of women and the Dalit women in particular, Madhesi, Muslim and Janajatis in the three tiers have made significant gains. Thus, strengthening and effective implementation of federalism is likely to contribute towards empowering of the historically marginalised communities. However, at times these representations have been limited to box-ticking exercises resulting in *non-dominant inclusion* of these minority groups in the decision-making mechanisms, including provincial and local government bodies. As a result, despite their increased representation, there is a real risk of these groups being used merely as a 'showcasing model' and instead facing further marginalisation of their voices and concerns in these spheres of governance. Hence, at present there is a critical need to provide long-term support to enable those elected representatives from the minority groups to have stronger bargaining power in the decision-making of the local government bodies.

Now 47.4% of the elected women members in the local governments are Dalit women; this increased number of women and Dalit women representatives, even if they may not hold executive positions, has opened up political space for women members and the communities they represent. There is a widespread misconception and belief that these elected Dalit women have been less effective and vocal. The Dalit women ward members spoken to for this study defy such stereotypes and biased representations. This study suggests that in order to provide support for these elected women members there is a need for a grounded understanding of how local history, inter-ethnic and gender relations, power dynamics and other structural conditions work to silence these women ward members.

The findings of this study suggest that, while these minority groups – the Madhesi Dalits, Muslims and Tharus – share common forms and experiences of marginalisation and exclusion: socio-economic deprivation and exclusion from the state power and lower political representations, each of these groups has specific concerns and areas of contestations with how federalism is currently implemented in practice. The Madhesi Dalits, who continue to experience everyday violence of the caste system and its ideology, as well as structural exclusion from all spheres of government and political power, are concerned and questioned how Nepal's recent political transformations towards inclusive democracy will work for their empowerment when the traditional dominant political power relations between the dominant groups and the Dalits are reproduced under federalism. The Muslim community, the largest religious minority in the Provinces 2 and 5, are concerned how their present state of exclusion and non-dominant inclusions in all spheres of government can further add to their collective vulnerability as a religious minority, which they worry can further deepen the crisis of trust that exists between Muslims and the non-Muslim community. Tharus have substantially increased their presence in the local governments in the Tharu-dominated areas; however, they are still marginalised and excluded in the larger regimes of government and state power. For the Tharus, issues of land rights, respectful settlements of the *ex-Kamaiya*, the welfare and empowerment of free *Kamlahari*, the transnational justice for the disappeared family members during the Maoist war, the restructuring of the provincial boundaries and other issues remain unaddressed. From development perspectives, the state and development agencies need to understand and take into consideration how group-specific experiences and issues differently position these minority groups and shape their stakes in and contestations with the workings of federalism on the ground. The study findings underline the importance of listening to local stories and narratives marginalised groups tell about themselves

and their experiences of the state, regimes of governance, development agencies and others. For marginalised communities, memories of and narratives about past conflicts, struggles and injustice can become powerful cultural means for producing collective consciousness and a sense of a shared identity. As these stories and narratives are imbued with political and agentive power, activists, political leaders and community leaders may use such shared stories for peacebuilding or to trigger emotive responses for violence. Hence, listening to local stories and narratives can become an effective tool to understand the contexts and processes in which certain discursive formations become dominant at specific times and contexts. The importance of focusing on such local stories also implies that development agencies should rethink the overuse of the conventional research designs and tools based on KIIs, FGDs and surveys.

The findings of this study also underline the need for further in-depth exploration and studies of border dynamics across different regions in Nepal's Tarai to understand the emerging forms of opportunities, marginalisation and contestations, in keeping with the view that development and state effects manifest very differently in different border regions, while the traditional elite–subordinate relations continue to pervade the new political system.

Annex 1: Places visited for this study

Date	Place	Municipality/Rural Municipality	District	Province
06-01-19	Ward no. 7, 17, others	Nepalgunj sub-metropolitan	Banke	5
07-01-19	Rapti Sonari	Rapti Sonari Rural Municipality	Banke	5
07-01-19	Kohalpur	Kohalpur Municipality	Banke	5
08-01-19	Barabardiya	Barabardiya Municipality	Bardiya	5
08-01-19	Rajapur	Rajapur Municipality	Bardiya	5
09-01-19	Sonaha Guan	Rajapur Municipality	Bardiya	5
10-01-19	Tikapur	Tikapur Municipality	Kailali	7
10-01-19	Dhangadi	Dhangadi sub-metropolitan	Kailali	7
11-01-19	Sarki village; Kamaiya	Dhangadi sub-metropolitan	Kailali	7
15-01-19	Laxminiya	Jahda Rural Municipality-5	Morang	1
16-01-19	Kalyanpur	Khadakpur Municipality	Saptari	2
16-01-19	Samagra office	Lahan Municipality	Siraha	2
16-01-19	Madhupatti	Surunga Municipality	Saptari	2
16-01-19	Dhodhna	Lahan Municipality-15	Siraha	2
17-01-19	Nayanpur	Dhangadimai Municipality-11	Siraha	2
17-01-19	Kalyanpur bazar	Kalyanpur Municipality	Siraha	2
17-01-19	Sarswar	Siraha Municipality-11	Siraha	2
17-01-19	Dhanushadham	Dhanushadham Municipality	Dhanusha	2
17-01-19	Pirari	Janakpurdham sub-metropolitan city	Dhanusha	2
18-01-19	Station chowk	Janakpurdham sub-metropolitan city	Dhanusha	2
18-01-19	Tharuwahi, Nainhi	Jaleswor Municipality-12	Mahottari	2
18-01-19	Punarbans, Nawalpur	Lalbandi Municipality	Sarlahi	2
19-01-19	Chapur	Chapur Municipality	Rautahat	2
19-01-19	Damar Tole	Rajpur Municipality-3	Rautahat	2
19-01-19	Bankul	Baudhimai Municipality-7	Rautahat	2
19-01-19	Rauwahi	Deotal Rural Municipality	Bara	2
21-01-19	Krishnanagar	Krishnanagar Municipality	Kapilvastu	5
21-01-19	Laxminagar	Krishnanagar Municipality-3	Kapilvastu	5
21-01-19	Pipri	Maharajgunj Municipality-1	Kapilvastu	5
22-01-19	Marchwar	Kotahimai Municipality	Rupandehi	5
22-01-19	Butwal	Butwal sub-metropolitan city	Rupandehi	5

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