

## Minorities' Committee: Issues of Indigenous – Dalit Peoples

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Unofficial translation by: Dinesh N. Suddhakar,

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The Constituent Assembly has formed a 'Committee on Protection of the Rights of the Minorities and Marginalized Communities' for writing the Constitution. If *indigenous, janjati* and *dalit* peoples fall under the Committee or not? Under the Article 21 of the Interim Constitution, it is the responsibility of the State to identify the socio-economically and educationally backward women, marginalized, underprivileged, indigenous, janajati, madhesi, poor peasant and labour and protect of their rights and interests. The CA election rules and regulations also made a provision for proportional arrangement of seats as according to the population for underprivileged indigenous, janajati, dalit, madhesi, backward community and women in the CA by identifying them. The classification of dalit, indigenous, janajati, etc. was also made within the madhesi peoples. Similarly, National Foundation of Development of Indigenous Nationalities Act, 2002 and the order to form the Dalit Commission have also identified janjati and dalit in one way. In such context, why has the CA not named the Committee as "Indigenous, Janajati and Dalit Committee?" Does Minorities Committee encompass indigenous and dalit? Who are the minorities?

There are lots of misconception/misinterpretation and unclarity regarding the meaning of caste, ethnicity, indigenous, minorities, nation, state and community. Human society has been transferred and developed from *Clan to Tribe, Tribe to Nationalities, Nationalities to Nation and Nation to State*. Therefore, these words express certain stages of development of the society and they have become a historic concept in themselves. That concept is not independent and disparate. But such words are being used in an ambiguous way reflecting same meanings without differentiating similarities and dissimilarities among them. Is it appropriate to use such glossaries carrying historic concept and political rights in a careless way? As far as the concern of underprivileged and marginalized situation, that is the resulted from denial of the State to accept identity and existence of the communities. Discrimination and exclusion is also its product. Therefore, underprivileged and marginalized words do not identify or represent any community.

## **Ethnicity and Nationalities**

In Nepal, *Janjati* is not a translated form of *Clan* or *Tribe*, rather it is being used in the meaning of *Nationalities*. Defining own identity is a product of special historic situation and concept prevailed here.

These people are living as nomadic to urbanized lives in Nepal. And, they are called *Janjati* (*Nationalities*). Ethnicity is also not used to mean *Janjati*. Because, ethnicity represents particularly the characteristics of physical environment and historic experiences of human communities, that expressed in the forms of physical features, language, rituals and traditions. This means merging of a group of people into the nationalism of nation-state. *Indigenous/Janajati Peoples* of Nepal have also realized this, but they do not want their existence be disappeared.

## **Nation and State**

*Nation* is not a state or a country; this is a cultural concept which mainly indicates a cultural community or group of people having a common language and a common culture. That is in fact a *nationality*, which may or may not have a state. So, human community has a *nationality* though it has a state/country or not. There could be many *nationalities* within a state. Therefore *nation* and *nationalities* are same and a *nation* crosses the political boundary of a state. Nepal is a multi-nationalities' state. But, in the context of Nepal, *nation* and *state* has not been mixed up yet.

## **Caste and Nationality (ies)**

The word – *nationality* that is used to represent or indicate a *nation* – is also used in the Indian literature to represent/indicate various *castes* in the Hindu society. Similar practice is also found in the Nepali literature, which creates confusion as *nationality* (ies) and *caste* are same. In fact, they are not same or synonymous. *Jaat* means 'Caste' and *Jati* means 'Nation'. There is caste system in the *Arya Jati*, but not in the *Nationalities*.

In Nepali context, Hindu caste is divided into two parts: in the **Pahade Hindu**, *Tagadhari* group, such as *Bahun*, *Chhetri*, *Thakuri* and *Jaisi*, and *Shudra* (untouchable) group, such as *Sarki*, *Kami* and *Damai*. There is no *Vaishya* group in Pahad. Peoples of these *caste* groups, whose mother tongue is *Khas* language, are also called as '**Khas**'. In Tarai, within the **Madhsi Hindu**, there are all four groups – *Bahun*, *Chhetri*, *Vaishya* and *Shudra* – found as according to Hindu religion based caste system.

## Janjati and Minorities

Many are found using the glossary '*minorities*' to represent/indicate *Janajati*. The glossaries – majorities and minorities - are most prevalent in China, USA and Europe, and that represent the population number.

In Nepal, there are about 100 castes, nationalities and groups, and among them *Chhetri* is the largest, yet it shares only 15 percent to the total population. Thus, there is not any community which has apparent majority in number. So, in terms of number, Nepal is a country of minorities.

## Adhibasi and Janjati

*Janjati* means *Nationalities* and *Adhibasi* means *Indigenous Peoples*. These two words are not synonymous. Interchanged use of these words in every place and situation will be wrong. Both of them have their own or same original language, culture and identity, but they are not synonymous words. *Indigenous Peoples* have direct relation with land and history or time whereas; *Janajati* is based on social development. *Indigenous Peoples* are the 'first inhabitant' in a place whereas *Janjatis* are not.

According to the constitution of NEFIN, 2047 (1990 or 1991?), *Janjati* means the *Indigenous Peoples* and/or *nationalities* that do not fall under the structure of Hindu caste system. As per this definition, a) *Janjati* mainly does not fall under the structure of Hindu caste system, b) all *Indigenous Peoples* are *Janjatis*, and c) All *Janjatis* may not be *Indigenous Peoples*.

During 13<sup>th</sup> -14<sup>th</sup> centuries, a large number of *Indian Hindu Arya* chased by the Muslim attackers (invaders) entered Nepal from the western hill sides and began to occupy the land and governance of *Indigenous Peoples* and by the end of 18<sup>th</sup> century, they completed the process of occupation. Therefore, the peoples living continuously in the specific areas since before 14<sup>th</sup> century or the peoples displaced from the self governance shall be considered as the *Indigenous Peoples* of Nepal.

The religious groups such as *Bangali*, *Muslim*, *Marwari*, *Shikh* and *Janjatis* entered after *Hindu Arya* can be taken as 'minorities'. The ethnic (?) aspirations and issues of the *Indigenous Peoples* and *Dalits* could not be fulfilled by the Declaration on the Rights of Minorities. In such situation, can 'Committee on Protection of the Rights of the Minorities and Marginalized Communities', beyond its scope of work, protect the rights of *Indigenous*, *Janajati* and *Dalit*? A question can be raised.