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Tarai-Madhes Searching for Identity Based Security

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Peace, justice and freedom must be major components of any future security in Nepal. However, Nepal's transition is deepening in crisis due to the growing ranks of rebel forces, particularly in the Tarai-Madhes. While the State fails to deliver security to the ordinary people, particularly in countryside, the peace process of Nepal is endangered, justice is delayed, and freedom is restricted. The migration of hill-and-mountain dwellers out of the Tarai-Madhes has not stopped. The people who remain in such places have had much to fear. The cases of extra-judicial killings, forceful disappearances, torture, extortions, rapes and so forth continue. To understand this unfortunate state of affairs, it is necessary to delve into a brief history of the region.

Understanding the Tarai-Madhes

Nepal is divided into three areas topographically; Mountains¹, Hills², and Tarai-Madhes³. The Tarai-Madhes, though the flattest and most accessible part of the country, remained isolated until the mid 20th century due to malaria-infestation⁴. This area stretches from the Indo-Gangetic plains to the Himalayan foothills and connects the plains culture to the hill culture. Constrained between the Mechi River in the east and Mahakali River in the west, it makes up about 23 percent of the total land area of the country. With an average elevation of less than 100 meters (in sharp contrast to the highest Mountains in the world), the average length and breadth of the Tarai-Madhes are about 900 km and 70 km respectively⁵. The Tarai-Madhes incorporates 20 out of 75 districts, including close to half the 26 million population of the country. The region was annexed into Nepal during the unification period, beginning in the mid 1770s, by Prithivi Naarayan Shah. However, much of the ancient Tarai-Madhes areas, ruled by various kings and principalities for centuries, are now in the Bihar and Uttar Pradesh states of India⁶. The Anglo-Nepalese war between 1814 and 1816, and the resulting Treaty of Sugauli and subsequent treaties

with British India further reduced the Madhes region. The outer Madhes areas south of Dang and Chitwan valleys were previously under Indian Territory⁷. Banke, Bardia, Kailali and Kanchanpur districts within this region were once called the 'New Nepal' as they were ceded to Nepal by the East India Company in appreciation of the service of Nepali Gurkhas in suppressing India's independence movement.

The label “Tarai-Madhes” is of relatively recent public socio-political discourse in Nepal. The word “Madhes” is derived from the Sanskrit word *Madhyadesh*⁸ (middle country), collectively called *Madhises* or *Madhesiyas*. Even *Manusmriti* and *Vinayakpitak*, have indicated that it is attached to ancient historical traditions⁹. The *Madhyadesh* distinguishes the plains from the hill region or Parbat, from which is derived the meaning of *Pahade* (hill and mountain dwellers) in modern Nepal. A Madhesi, therefore, originally meant an inhabitant of this region¹⁰. Similarly, the Tarai (Nawalparasi to Kanchanpur districts) refers to the fertile strip of low-lying land sandwiched between the hills of southern Nepal.

In recent days there has been an issue of severe contention. Tharu, being of native origin, prefer to call the region the Tarai, whereas some others in the region prefer to call it the Madhes. In Tharu language ‘Tar’ means low, leading some to claim that the word “Tarai” is derived from the Tharu language.¹¹ Others obviously disagree, as Wikipedia states:

"The Terai ("moist land") , or ("foothill") in Persian language, is a belt of marshy grasslands, savannas, and forests at the base of the Himalaya range in India, Nepal, and Bhutan, from the Yamuna River in the west to the Brahmaputra River in the east¹²."

The resolution of this issue is beyond the scope of this update. However, the issue itself serves to highlight one of the overarching socio-cultural conflicts; the struggle for national identity between the indigenous ethnicities of the Tarai-Madhes, and the relatively recent immigrants from India (since the eradication of malaria). Tarai-Madhesi groups interact with each other, immigrants from the hills, and the rest of the country, in different ways.

Literature

The Tarai-Madhes is a less recognized area of study than many others in Nepal¹³; however, there are several works on the Tarai-Madhes that have been studied time and again by non-native and native scholars. Among the non-native scholars, Gaige¹⁴ (1975), Byrne¹⁵ (1999), Krauskopff¹⁶ (2000), Guneratne (2002)¹⁷, Anderson (2004)¹⁸, Bernardo (1999)¹⁹, and among the native Bista²⁰ (1991), Dahal²¹ (1996), Hachhetu²² (2007), Gupta²³ (2004), Jha²⁴ (1997), Lawoti²⁵ (2001), Chaudhary (2065 BS)²⁶, Chaudhary (2064 BS)²⁷, Panjjar²⁸ (2000), Yadav²⁹ (2003), Pathak (2007)³⁰ Yadav (2060BS)³¹, can help in understanding the multiple dimensions of the region.

History of Discrimination and Injustice

In 600 BC, Shakya kings ruled the mid western Madhes. Gutam Buddha, who was born in 563 BC belonged to the Shakya (Tharu) dynasty. Similarly, Tarai-Madhes kingdoms were established in Simraungarh in the present day Bara district³².

Indeed, several kingdoms were established and ruled by many dynasties. These states perished with time and the land was reclaimed by forests³³. Gaige writes: “The ancient and medieval history of this region is a cyclic one in which men and forests have

dominated in turns³⁴." King of Mithila, Hari Singh Dev, defeated by Mugals in 1324, arrived in Bhadgaon (present Bhaktapur) and formed an army of Mithila. Approximately 240 years ago, during the unification of the small warring states, Prithvi Narayan Shah defeated the Sen dynasty Kings of Madhes and then captured Kathmandu valley. When Prithvi Narayan Shah attacked Kathmandu in 1774, Jaya Prakash Malla countered with a 12,000 strong Mithila army, that had been known as Tirhoot army. Shah demolished the Tirhoot army upon conquering it. Following this, the dispute with the East India Company and greater Nepal intensified while the post-Prithvi regimes continued to attack weak principalities. Soon, the dispute of Butwal triggered the Anglo-Gorkha War 1814-1816 AD. It seems somewhat unclear whom the local people supported, but the literature indicates that Madhes dwellers were closer with the British East India Company³⁵. W. Brook Northey writes that a large number of undisciplined volunteers fought against Gorkha during the Anglo-Gorkha war³⁶. The Treaty of Segowlee (Sugauli Treaty) presented on December 8, 1816 states "the Rajah of Nipal agrees to refrain from prosecuting any inhabitants of the Tarai, after its severance to his rule, on account of having favored the cause of the British Government during the war". So, it seems there was a lot of dissatisfaction among native Tarai dwellers against the ruler of Gorkha³⁷.

Though Article 7 of the memorandum on the Sugauli Treaty mandated that the Nepali government would not take any action against the people living in the Madhes, many Madhesi dwellers were, nonetheless, ill-treated, tortured, and punished on the charges of treason. In this way, the consequences of the actions of the elite landlords overflowed to the common Madhesi. The Madhesi were alleged to be 'followers of British and adversary of Nepali' and their recruitment into the army was stopped³⁸. It had not been resumed in the later regimes until now. The Madhesi have felt this an insult, as they were excluded from the national security force (and more likely to suffer brutality as a result).

Subodh Kumar Sing writes that after the unification, Shah Rulers saw the virgin Tarai as a source of revenue and distributed land to the king's family members, courtiers, and to army generals and colonels to garner their support³⁹. Just after the Tarai integration into the Gorkha Kingdom (present Nepal), a number of conflicts erupted with the native Taraian people. Native Saptari people seemed to be uncooperative with Gorkhali at the beginning of 1774. A letter of Abhiman Simha from the period states that for salaries to troops and to meet other expenses, the revenues had been collected in the Tarai areas from Ambarpur and Vijayapur⁴⁰.

During the Rana Regime, prior to 1950, because of their strong relationship with the British, the latter was silent about the ill-treatment of the Madhesi. One form of discrimination toward the Tarain-Madhesi at the time was that they had to obtain visas to visit Kathmandu issued by the elite Kathmandu-based government from the *Badahakim* (Regional Administrator)⁴¹.

Mahesh Chandra Regmi writes that both the pre-Rana and Rana rulers viewed the Tarai as a colony, and regularly granted large tracts of land to others. Sometimes even whole areas were captured for themselves, their families and their *Bhardar* as *Birta* (granted land) to loyal senior officials.⁴² However, the ruling elites, both Shah and Rana, did not have an interest in developing the Tarai in their long-term perspective. They feared that such development would not only attract a flood of British colonialism, but were also afraid that it would open the door to revolutionary ideas from south India.

Tax System

Selective tax regulation and inclusion in governance seemed to create more pain in the Tarai-Madhes. Many local people and their leaders would leave their native place and migrate to the Indian side, when they were unable to cope with the huge unjustified taxes. A royal letter issued to officers at Mahottari (1810 AD) urged to persuade all Chaudharis, Mokadams, and others to come back to Nepal and reoccupy their lands, paying taxes through the concerned Subba. However, Taraian-Madhesis were found neglected in the case of governance structure. Many unnecessary marriage taxes, taxes on death, taxes in order to build temples in Kathmandu etc. were collected from them. Tax rates were inflated many times. The *Fauzdar* (tax collector) was deployed to collect such taxes and land was confiscated if people were unable to pay them. The confiscated land was mainly given to the hill people who were close to rulers for their services in maintaining rule in the Tarai. The *Naya Muluk Bandobast Adda* for western Tharu and Madhes for rest of the Taraian lands were constituted, with a different set of laws to monitor Taraian districts since the regime of Bir Shumsher Rana⁴³.

The Crux of the problems

As is clear from above, the Tarai-Madhes is a long-neglected borderland occupying the center of Nepal's political stage⁴⁴. But, it is certainly not the only region to suffer discrimination. In the course of unification of Nepal, the Gorkha victory not only arrogated the indigenous political institutions of the subjugated Mongolian hill and mountain communities, but also suppressed their religious and cultural customs by imposing the king's and courtier's rules and regulations - Aryan Hindu culture. Though Taraian-Medhesi people did not have to face such religious hardships (most were of the same religion), they were subjected to the same kind of socio-political injustices⁴⁵.

The problems of the Tarai-Madhes are a fusion of political, socio-cultural, and economic measures, for which Taraian-Madhesi people have waged movements for definition and identity. The problem has cumulated over time due to discrimination and exploitation by state machinery, political parties, and elites. The core issues relate to recruitment in State security forces, language, culture and citizenship⁴⁶.

In January-February 2007, the Madhes (mass) uprising for 21-days was an unprecedented event, parallel to *Janandolan* II of April 2006. Dipak Chaudhary states that the Madhes movement was a historical moment, as the Madhesi themselves were involved in their liberation⁴⁷. The Madhesi movement was initiated while the weapons of the Maoists army were being put into iron containers in cantonments and about 2.3 million Madhesi were receiving citizenship certificates. The sudden growth and power of the movement was likely due to the inability of the Maoists to obtain their promised stipulation of "full proportional representation" for the elections to the Constituent Assembly. They had settled for "first past the post" elections under the assurance that they would receive the Deputy Speaker parliamentary post and that the elections would be held by June. Neither happened, and in the meantime the betrayal felt by the Tarai-Madhes, where the Maoist movement had grown quickly on such assurances, resulted in the eruption of ethnic separatist Maoist splinter factions, the MJF (Madhesi Janaadhikar Forum), and the Madhesi uprising. Among the movement's goals was an attempt to wipe the influence of the Maoists from the Madhes⁴⁸.

More recently, in opposition to co-option from the Madhesi Movement, *The Tharuhat Samyukta Sangharsa Samiti* (Tharuhat Joint Struggle Committee or TJSC) initiated protest programs from March 2nd to 14th 2009 against the government's ordinance of enforced inclusion of 92 indigenous communities⁴⁹. The protest programs were supported by all Tharu organizations and some other ethnic communities. The ordinance had put all communities residing in the flat-land into the Madhesi category. This was perceived to infringe on the dignity, fundamental rights, and the right to self determination of Tharus, Muslims and other indigenous communities of the Tarai.

The Government⁵⁰ and Representatives of the agitating TJSC signed a six-point deal on March 14, 2009 to be implemented in the forthcoming winter session of the Parliament (Table 1).

| Table 1: Comparative studies of agreements signed by the Nepal Government | |
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| 8-point agreement with United Democratic Madhesi Front (February 28, 2008) | 6-point Agreement with Tharuhat Joint Struggle Committee (March 14, 2009) |
| <ul style="list-style-type: none"> • Agree to recognize all persons who died during the Madhes movement as martyrs and provide their families one million rupees each as compensation; • Agree to arrange medical treatment and provide a relief package to those injured during the movement; • Withdraw all cases filed against Madhesi leaders and cadres, and released those arrested during the Madhes movement; • Declare a federal democratic republic Nepal realizing the desire for a federal structure with autonomous states by people of all sectors including the Madhesi people's desire for an autonomous Madhes state in terms of "One Madhes One Pradesh". The division of powers between the centre and states shall be decided by the CA; • Agree to amend the Election Commission Act increasing 20 percent to 30 percent candidates contesting under an inclusive list of proportionate electoral system; • Agree to guarantee proportional and group recruitment of all communities including Madhesi people into the Nepal Army; • Appeal to all agitating armed groups to come to the negotiation table to settle their demands; and • Decide to introduce an ordinance to amend the EC Act and increase its 20 percent provision to 30. | <ul style="list-style-type: none"> • Replace the terminology "Madhes" by "Tarai-Madhes" in the Interim Constitution; • Withdraw the controversial ordinance on reservations; • Ensure proportional representation of all groups in Nepal Police, Armed Police Force, Nepal Army, Education, Development, Health service, and others accordingly; • Declare as martyrs to Kamal Chaudhary, Bipin Chhetri, Ram Prasad Chaudhary, and Prakash Chaudhary, killed during the Tharu movement and provide financial support to their families; • Arrange treatment for those injured during the movement and provide compensation for the loss they incurred; and • Initiate process of amendment into interim constitution to make the changes following the agreement. |

The Cabinet meeting of March 15, 2009 agreed to amend the ordinance in question by providing a reservation to Tharus and other indigenous groups including the Madhesi, recognizing their separate ethnic-linguistic and regional identities. All protest programs were then called off, including the general strike called by the Muslim community.

While the Madhesi regional forces pressured the government to ensure the concept of "One Madhes One Pradesh" with full autonomy within the federal structure in the forthcoming new constitution, "One Madhes One Pradesh" had not even been mentioned in the agreement signed by the Tharu. They had instead agreed to provide autonomous federal states as per the people's desire in all sectors. The Tharu forces of all sister

organizations of the mainstream parties and others initiated civil protest programs, blocking roads and conducting strikes across the country, unlike the sectoral (not supported by the sister organization of the parties) Madhes movement, indicating the level of opposition by mainstream parties to the “One Madhes One Pradesh” concept and support to the Tharu movement.

Minding the sentiments of both Tharu and Madhesi communities, the seven political parties agreed to incorporate the terms “Tarai-Madhesi” or “Madhesi-Tarai” in the interim constitution. However, the agitating Tharus have not abandoned the demand to replace the word Madhes with Tarai. Still, after the six-point deal, all the agitating parties such as United Muslim National Struggle Committee (UMNSC) withdrew their protest programs. The fourth amendment of the Interim Constitution had put the Muslims under the Madhesi category, but now they are classified under the Tarai.

This by no means settled all of the issues. On February 8, 2008, three regional parties, namely the Madhesi Janadhikar Forum, Tarai-Madhes Loktantric party, and the Nepal Sadbhawana party assembled to form the Samyukta Loktantric Madhesi Manch (United Democratic Madhesi Front or UDMF). The UDMF was a tactical alliance to negotiate with the SPA (NC-lead) government and engage in protest programs. The alliance put forward six-point demands, primarily to establish one Madhes state with a full right to self-determination in a federal democratic republic. On February 13, 2008, the UDMF initiated indefinite general strikes in Nepal that forcefully closed down highways and markets and disrupted public services. The disruption of lives, liberty, and security finally resulted in an imposed curfew in some Tarai-Madhes districts which resulted the death of nine people, including two police persons, and the injury of several hundreds. The strike was later supported by the Federal Republican National Front (FRNF) eastern hills, Federal Democratic National Forum (FDNF) in the western Tarai-Madhes and the United Tharu National Front (UTNF) in Bardiya, Dang, and Kailali districts⁵¹. The government was finally compelled to sign an eight-point agreement on February 28, 2008 that ended the 16-day movement of the Madhes (see Table 1).

In the service of implementing the agreements with the MJF and other regional groups, the Seven Party Alliance (SPA) signed a separate agreement four-and-a-half months later. Immediately after this 22-point agreement between the Madhesi Janadhikar Forum (MJF) and the Nepal Government dated August 30, 2007, the Chure Bhawar Pradesh Ekata Samaj (CBPES) initiated a movement, disagreeing with some of the issues of the previous agreements. Finally, a 9-point agreement was signed with them as well. A comparison of the excerpted details of all these agreements has been given below:

| Table 2: Comparative excerpts of agreements with Government and Seven Party Alliance agreement | | |
|---|---|--|
| 22-pt Government – MJF (August 30, 2007) | 22-pt SPA (December 23, 2007) | Government – CBPES* (September 13, 2007) |
| <ul style="list-style-type: none"> • Provide compensation to the families in honor of all Madhesi activists killed during the movement; • Arrange medical treatment to injured and relief to blinded and disabled; • Annul all charges against the Madhesi; • Ensure balanced proportional representation for all castes/ethnicities and regional groups; • Establish a State Restructuring commission; • Make a federal state and decide on regional autonomy by the CA; • Nationalize identity, language, and culture of the Madhesi; • Ensure proportional representation in government appointments, commissions and foreign services; • Enact laws to protect the ethnicity, language, gender, religion, culture, and traditions of Muslims and provide public holidays to Muslim festivals; • End all discrimination based on ethnicity, language, gender, religion, culture, national-social origin, etc. • Establish a trilingual (mother tongue, Nepali language, and English) language policy on work, education, and international communication; • Solve dalit-related problems⁵²; • Redeploy the Citizenship Distribution Teams to solve the problems of citizenship certificates; • Adopt a balanced policy to distribute revenue and income generated from the Madhes | <ul style="list-style-type: none"> • Amend the Article 159 of the IC to declare, Nepal a federal democratic republic, but implement the republic at the first meeting of the CA⁵³; • Amend the Interim Constitution to maintain the current 240 constituencies under the FPTP and 335 in PR (instead of earlier 240 members) electoral system and allow the Council of Ministers to nominate 26, rather than 17 people on consensus; • Include a provision to appoint General Secretary to the legislature by parliament in the IC. • Make the necessary amendments for the Unite NC and NC (D) to unite in the IC; • Make decisions about those who are deceased, who tendered a resignation and who are expelled; • Form the: (i) Commission for the Investigation of the Disappeared, (ii) Truth and Reconciliation Commission, (iii) State Reconstruction Commission, (iv) Study and Recommendation Commission for Scientific Land Reform, (v) High Level Committee for Monitoring the Effective Implementation of the Comprehensive Peace Accord, and (vi) High Level Peace Commission on the coordination of Ministry for Peace and Reconciliation; • Create mechanisms at local bodies on the basis of agreements; • Provide relief to the families of those who were killed as a result of the armed conflict by mid February to till date and form an Investigation Commission to begin work; • Return the private and public houses and land seized by the Maoists during the armed conflict and form a mechanism at the district level under the chair of Chief District Officer; • Request to NHRC Nepal to monitor the implementation of agreement; • Verify the combatants of Maoist Army as per the agreement of February 12 and released of those disqualified in verification; • Form a special committee by the council of | <ul style="list-style-type: none"> • Withdraw the cases against the nine activists (of Chure Bhawar Samaj), who were accused of murder and arrested during the Chure Bhawar movement and annul all registered cases and arrest warrants; • Provide people with services as protection issues have made it difficult to travel to (district) headquarters to utilize the services provided by the government bodies; • Provide NRs. 10,00,000 to the family of Mangal Bahadur Gurmachhan who had been killed by the police during the movement and ensure medical treatment of those who were injured during the movement; • Provide relief to the families of those who have been killed by the attacks of various armed groups in the Tarai; • Investigate Tarai incidents forming the commission that took place during the movement in Chure Bhawar region and take against those responsible for damages to life and property; • Establish the |

* Chure Bhawar Pradesh Ekta Samaj

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| <p>and other regions;</p> <ul style="list-style-type: none"> •Continue to return of houses, land, weapons, property seized by the CPN (Maoist); •Industrialize the country and establish an Industrial Security Force to guarantee industrial security; •Commit to conduct CA election in a free, fair, and impartial manner; •Appoint Madhesi media experts and journalists in all organs and levels of government-owned media; •Form an investigation into the abduction and disappearance of Jitendra Sah; •Establish a High Level Task force for inclusion of Madhesi, indigenous people/janajati, dalits, women, etc. in all organs and levels of the state. •Guarantee the constitutional rights of ethnic, linguistic, and religious minorities; •End the Madhes movement; •Fulfill the agreement in the course of time. | <p>ministers to integrate the verified Maoists combatants;</p> <ul style="list-style-type: none"> •Form the commissions provisioned in the article 154 of the IC within a month; •Release all Maoist prisoners who were detained during the armed conflict and revoke the charges against them; •Form a coordination committee for the formation of a new constitution incorporating the principles of federal republic and multi-party democratic system; •Maintain law and order situation in the country; •Not engage in activities like use of force; use and display of weapons; collecting tax and extortion; physical violence, abduction, etc. which may disrupt the forthcoming CA election; •Allow peaceful political activities in the campaigns; •Fully comply to the CPA; •Take financial support from international bodies to reconstruct, reestablish, rehabilitate, and for reparation of the victims of the conflict; •Hold public meetings in seven different places to appeal to the people to participate in the election; •Integrate the CPN (Maoist) into the Government; and •Hold the election for the CA in mid-April. | <p>autonomous federal system as determined by the CA strengthening Nepal's sovereignty, national unity, and integrity;</p> <ul style="list-style-type: none"> • Carry out the agreement on works related to development and forestry, and contract-based work of stone, sand, soil, gravel etc. in the Chure Bhawar region reaching consensus with the local bodies; • Maintain and strengthen mutual harmony, unity, and integrity and develop mutual understandings between the people of Tarai-Madhes, hill and mountains; • Conduct free, fair, and fear-free environment upcoming CA elections. |
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Mahendra's Cultural Nationalism

There is a long history of a distinct, identity-based political and socio-cultural consciousness in Tarai-Madhes and it emerged with formation of Nepal. Politicians in southern Nepal have used the term 'Madhes' to distinguish local issues since 1947⁵⁴. Vedanand Jha first advocated the autonomous Tarai, recognition of Hindi as a national language, and adequate representation in the civil service under the banner of Tarai Congress in 1951 against the *Nepalilization* in Tarai-Madhes. Political scientist Krishna Hachhethu writes that only in the post-1950 period did the state actively and aggressively launch several programs to integrate the Tarai, culturally, economically, and administratively⁵⁵. The state designed scheme of national integration and acculturation through the imposition of Nepali language (as the only official language and medium of education) and hill culture adversely impacted the Madhes. After the Gorkha conquest, *Khas* language (Nepali) became the official language.

Though the identity based concept of the Tarai-Madhes could not be materialized during the kings' direct rule in the form of the Panchayat in between 1960-1990⁵⁶, the Tarai-Madhesi issue is as old as the emergence of Nepal's democratic movement in the 1950s. A major grievance of that time was that Nepali medium education was imposed. In the mid-1970s and 80s, the issues of citizenship and work permits were major problems for

the Tarai-Madhes at the behest of King Mahendra. Mahendra tried to foster good relations with the new Nepal's Tharu and other ethnicities, but not with the Madhesi. Ignoring the southern Hulaki road east to west, he constructed the east-west highway in his own name, just below the Siwalik foot hills⁵⁷.

After the construction of east-west highways, the migration from the hills and mountains (hills in particular) led the process of *Prabatenization*⁵⁸ in the Tarai-Madhes. According to Ram Prakash Yadav, the Mahendra government strategy was to weaken the Madhesi⁵⁹. After the introduction of quinine and DDT eradicated malaria in the 1950s, the Tarai-Madhes became a lucrative land for *Prabate* (hill and mountain dwellers) and the settlement mission started accordingly. The huge *Pahade* migration into the Tarai-Madhes marginalized the voices of Madhesi⁶⁰. Unlike the cluster populations such as Assamese in Assam, Gujarathi in Gujarat, Tamil in Tamil Nadu, etc. in India, Nepal is a country of minorities where all castes and ethnicities along with religious groups have been scattered across the country (with the exception of the Tharu).

While the settlement in the Madhes through direct forced labor failed, the Tarai-Madhes was promoted to Indians across the border to settle as tenants by indirect means of forced labor⁶¹. Mass migration from hill towards Tarai-Madhes was state sponsored under the projects named Rapti Valley Project (1955 AD) and Jhapa-Kanchanpur-Nawalparashi Rehabilitation Project (1964 AD). Two-thirds of total migration happened between the 60s and 70s under King Mahendra's cultural diversity policy. The migration caused deforestation.

Ethnic hill people from Burma, Assam, Bhutan, and Sikkim were also given accommodation under those settlement projects, but the native Taraian-Madhesi were neglected again⁶². Such processes strengthened the *Pahadization* of the east-west highways of the Tarai-Madhes. To make that drive more forceful, some other initiatives were also taken simultaneously⁶³. The major aim of *Pahadization* was to control smuggling and dacoits along the border with India by settling (ex)-Indian army families. The *Pahadization* incorporated two approaches: to settle modern *Pahade* in the Tarai-Madhes and to establish existing *Pahade* property owners' political power. A Task Force on Internal and International Migration was formed in 1983, headed by Dr. Harka Gurung, which led to an influx of *Pahade* in the Madhes and to *Pahadization* over Madhesi languages. After 50 years, in the census of 2001, *Pahade* living in the Madhes comprised 33 percent of the population, compared to a mere 6% in the 1951 census.

Since the level of education was low in Tarai-Madhes, the question of Nepali language as the lingua-franca did not arise then. But since the advent of democracy, and schools and colleges being established throughout country, Nepali language has been made the medium of instruction for all⁶⁴. The benefit of compulsory Nepali language is that it has become a common language of all castes, ethnicities, and regions. But at the same time, it has eclipsed local dialects and languages, as well as regional lingua-francas such as Hindi. Gaige writes that one major issue of *Nepalization* of the Tarai-Madhes was the language policy adopted after the 1950s. Although there was more or less broad agreement in the late 1950s for the perpetuation of Nepali as the official language of the kingdom, there was a sharp debate on the role of regional languages in public life, especially in education and mass communication⁶⁵. Both the leading political parties of that time were in favor of regional languages. An *Education Act* was enacted in 1962

which confirmed that the medium of instruction in all government schools was to be Nepali. Yet, in 1965, Hindi and Newari news broadcasts were initiated by Radio Nepal in order to promote these languages.

A major policy of the Mahendra regime was to not provide Citizenship certificates to the Tarai-Madhes dwellers, believing that they would go back to India in search of their nationality. The *Citizenship Act* of 1963 was biased against the non-Nepali speaking population, and consequently, many Nepali citizens of plains origin were either deprived of citizenship certificates, or they faced much difficulty in the process of acquiring citizenship cards. Similarly, *Pahade* officials were recruited to provide citizenship, which was done to provide certificates through prejudiced eyes.

The citizenship issues in the Madhes have been complicated due to the Peace and Friendship Treaty signed in 1950 with India, in which many Indians migrated to Nepal. Most of the *Pahade* migrating to the Madhes received their citizenship certificates easily. Because of language, marital, social, and cultural linkages of Tarai-Madhesi with north India, many have dual citizenship. Similarly, criminals operating along border areas and migrating workers either from Nepal to India or vice-versa have dual citizenship. The government is arranging for citizenship certificates to all the people born in Nepal after 1990 prior to Constituent Assembly (CA) elections. All the people, including Tarai-Madhesi, born or living in Nepal for a long time should now be able to get citizenship without discrimination.

Politics of Language

Nepal is a multi-ethnic, multi-cultural, multi-religious, multi-lingual country. Yet, an ongoing conflict between the vice-president Paramananda Jha and the Supreme Court culminated in the apex court ordering Jha to re-take his oath of office in Nepali, on August 24, 2008. As Jha refused to take oath in Nepali within a week, he lost his power, and the vice-president chair has been ineffective from August 30, 2009. On two previous occasions the apex court remained silent as to what the government would do if Jha refused the verdict of the Supreme Court. Previously, the crisis had deepened when the full-bench, comprising five members of the Supreme Court, annulled his oath in Hindi on July 23, 2008, terming it unconstitutional. The petition was registered by Bal Krishna Neupane on July 25, 2008 against vice-president Jha for taking the oath in Hindi instead of using an official national Nepali language. President Dr. Ram Baran Yadav, also a Tarai-Madhesi from southern Nepal, took the Oath of Office and Secrecy in the Nepali language.

The refusal of Supreme Court's verdict by the vice-president has created both a constitutional and political crises. First, the Interim Constitution of Nepal does not mention any provision of ineffectiveness of a position if the concerned actor does not take Oath of Office and Secrecy. Second, the Government of Nepal tried hard to comply with the verdict of the Supreme Court, but failed to persuade Jha or otherwise find a solution. Third, mainstream parties have their own vested interests in the outcome of this crisis due to power politics. Fourth, there is no common consensus between the Tarai-Madhes parties (government versus opposition) in the CA, owing to difference of interests, strategy and tactics. Fifth, civil society is also divided into two camps; The Supreme Court verdict should followed by all, and the constitution should be amended

respecting all languages, cultures and religious backgrounds. Despite some protest programs in the Tarai-Madhes, the decision couldn't draw attention like other national issues either. After the Supreme Court's decision about Jha, time and again Jha has said that he has no more hope in the leadership of the Supreme Court, yet he still recently filed a petition to continue his duties and responsibilities again in the capacity of the vice-president.

Table 4: Distribution of population of Nepal by mother tongue (1952/54-2001)

| A. Indo-European | 1952/54 | % | 1961 | % | 1971 | % | 1981 | % | 1991 | % | 2001 | % |
|------------------|---------|-----|---------|-----|---------|-----|----------|-----|----------|-----|----------|-----|
| | 6351899 | 77 | 7449604 | 79 | 9062435 | 78 | 12417886 | 83 | 14701283 | 80 | 17982769 | 79 |
| 1. Nepali | 4013567 | 49 | 4796528 | 51 | 6060758 | 52 | 8767361 | 58 | 9302880 | 50 | 11053255 | 49 |
| 2. Maithili | 1024780 | 12 | 1130402 | 12 | 1327242 | 12 | 1668309 | 11 | 2191900 | 12 | 2797582 | 12 |
| 3. Bhojpuri | 477281 | 5.8 | 577357 | 6.1 | 806480 | 7 | 1142805 | 7.6 | 1379717 | 7.5 | 1712536 | 7.5 |
| 4. Tharu | 359594 | 4.4 | 406907 | 4.3 | 495881 | 4.3 | 545685 | 3.6 | 993388 | 5.4 | 1331546 | 5.9 |
| 5. Awadhi | 328408 | 4 | 477090 | 5.1 | 316950 | 2.7 | 234343 | 1.6 | 374635 | 2 | 560744 | 2.5 |
| 6. Rajbansi | 35543 | 0.4 | 55803 | 0.6 | 55124 | 0.5 | 59383 | 0.4 | 85558 | 0.5 | 129829 | 0.6 |
| 7. Hindi | 80181 | 1 | 2867 | 0 | 0 | 0 | 0 | 0 | 170997 | 0.9 | 105765 | 0.5 |
| 8. Urdu | 32545 | 0.4 | 2650 | 0 | 0 | 0 | 0 | 0 | 202208 | 1.1 | 174840 | 0.8 |

Source: Population Monograph:2003

This is not first time someone took the Oath of Office and Secrecy in a language other than Nepali. Matrika Yadav, a former leader in the United CPN (Maoist), took the oath in Maithili; however, no Nepali challenged him in court. More than 12 percent of people in the Tarai-Madhes speak Maithili dialect (see, Table 4 for more) and Maithili has been long marginalized by the state-actors (elites). Jha's move became controversial, as he took the oath in Hindi (0.47% are native speakers) rather his own Maithili. It is notable that Hindi is an official language of India and Nepal has an intense anti-Indian sentiment, due to its growing geo-political, socio-cultural, and resource related interference in Nepal. Jha has been attacked primarily for that cause and secondarily for his association with the Courts in the past.

There has been a long history of language politics in Nepal. It particularly started when Drabya Shah initiated his unification strategy, defeating the Magar kings in the Gorkha Empire. The Khas (which is presently known as Nepali) speakers, were complacent with the reign of unification, led by the Prithvi Narayan Shah. Ram Kumar Dahal writes, "The majority Nepali-speaking community and Khas rulers/*Rajas* of the small principalities, i.e. *Vaises* and *Chaubises* voluntarily and psychologically accepted the dominance of Khas culture and Nepali language under the Gorkha rule of King Prithvi Narayan Shah (1922-1975)⁶⁶." Under both the Shahs (1722-1846) and the Ranas (1846-1950) regimes of the Khas, Nepali language was protected, promoted and recognized as the national (official) language in modern Nepal. Nepali language was used as the *lingua franca* for a great majority of the population during the absolute Panchayat regime 1971-1990.

The Panchayat system introduced the "one nation, one language" policy that marginalized ethnic and cultural dialects. While during the Panchayat, rulers did not even accept Nepal as a multi-lingual society, linguistic conflict between ethnic, cultural and regional communities is as long as the democratic movements.

What is Khas?

Anthropologist Dor Bhadr Bista writes that Khas were pastoralists, associated with the western hills of Nepal, and had connections with central Asia. They speak an Indo-Aryan language and appear to have arrived with their cattle, goats and sheep in the western reaches of Nepal around the beginning of the first millennium B.C. He further writes that real confusion among the Khas began from the sixteenth century; after some of the powerful families took the title Thakuri along with the caste status of Chhetri and other less powerful yet ambitious and pretentious families assumed the title of Chhetri, wore the ritual thread, and became the clients of Bhun priests⁶⁷.

The Khas/ Khasas or Khasiyas are mountain dwellers that have been living in the southern shadow of the Himalayan range from Himachal, Uttarchanda, Kashmir, Bengal, Sikkim, and Bhutan to adjacent Nepali regions who originally migrated from the Caspian sea region of Russia and Khasgar of present China. This Indo-Iranian Aryan tribe is believed to have settled in the western, central, and eastern Himalayas in the early 2nd millennium B.C. It is also believed that Khas are the descendants of Kashi, an ikshvaku clan that appeared along with the rise of Buddhism. The word Khas has been used along with the Greater Nepal concept.

In Nepal, the Khas were rice-growing settlers in the Karnali-Bheri basin of far western Nepal, migrated eastward to settle in the lower valleys of the Gandaki basin suited to rice cultivation. Similarly, the Khas also migrated and settled with extended families in Gorkha. In the late 1700s, Prithvi Narayan Shah used an army of Chhetris, Gurungs, Magars and other hill tribesmen which finally conquered *baise* and *chaubise* (dozens of) petty principalities in the Himalayan foothills. The Khas language that they used at that time, Khaskura, now is called Nepali, the official (national) language of Nepal. The main sub castes of the Khas are Chhetri, Thakuri (Rana, Malla, Singh and Chand), Gharti, Sanyasi, Damai, Sharki, Gandharvha, and Baadi.

Source: See the endnotes

The linguistic freedom movement was initiated after the democratic movement in 1950, where Tarai-Madhes had been advocating for Hindi and the Kathmandu valley for Newari. The Nepal Tarai Congress (NTC) led by Bedanand Jha had existed since the beginning of the democratic freedom movement. Their objectives were: establishment of an autonomous Tarai state, recognition of Hindi language, and enough recruitment of Tarains into the civil services⁶⁸. There was a huge mass gathering against Nepali language in education in the entire Tarai-Madhes region against the *Pahade* or Khas chauvinism. On the support of Nepali Congress, Communist Party of Nepal, United Democratic Party, and others, the NTC launched a 'Save Hindi Campaign' in 1957. A serious confrontation between the Committee for Save Hindi and Nepali Propaganda Assembly was held in Biratnagar. In February 1958, the representative of the All Nepal Save Hindi Committee met with the king to withdraw the Directive of the Government⁶⁹. While such protest programs were organized, the Government led by the K I Singh of the United Democratic Party ordered the removal of other languages from school education⁷⁰. The language conflict finally ended when the king's Government proclaimed the New Constitution effective in 1959, in which Nepali language was mentioned as an official language for all. According to Frederick Gaige, the NTC then removed its Hindi language demand from the party's document⁷¹. Subsequently, when King Mahendra introduced the Panchayat System (1961-1990) with the slogan of 'one nation, one political system,' he discouraged cultural and linguistic development, believing them factional political issues (parties were banned altogether).

Gagendra Narayan Singh established the Nepal Sadbhawana Parishad (similar to the Nepal Tarai Congress) after the referendum in Nepal in 1981, that had formed against the monopoly of Nepali language. The Parishad finally turned into the Nepal Sadbhawana

Party (NSP) after the *Janaandolon* I in 1990. Similarly, Manka Khala was also established under the leadership of Padma Ratna Tuladhar for linguistic secularism. As these political activist groups turned into political parties, the debate of national languages and languages of the nation became closer to mainstream politics. However, these languages could not be acknowledged publicly yet.

There are a few reasons for this. First, elite leaders (for instance Rajputs) led the Hindi language movement, abandoning their own Maithali, Bhojpuri and Awadi dialects as their interests were in using language as a step to reach state power with the influence of India. Second, such language movements or protests were seeds of foreign lands rather than those reaped from Nepali soil. Lastly, commoners seemed to value unity over erecting societal barriers such as Khas language vs. Hindi or others (see table 4).

Mushrooming Militant Groups in Tarai-Madhes

Militant groups (see Annex II) initiated their political and criminal activities while Nepal was being lead into the peace process through the 12-point understanding. The Tarai-Madhes is the most unstable and deeply troubled region of Nepal in recent years⁷² and it is also in ferment today⁷³. Abductions, killings, retaliations, extortions, torture, etc. are a common phenomenon in recent days due to fission of many groups from the mainstream militants. Right to life, liberty, security, and dignity are becoming endangered each day⁷⁴. Militant political culture is a relatively recent phenomenon in Nepal. A decade-long armed political movement likely played a sufficient role in enhancing militant practices over non-militant peaceful movements.

The government of Nepal records that there are 109 armed, semi-armed, and criminal groups⁷⁵ presently intensifying their activities in Nepal and most of them are active in Tarai-Madhes along the porous 1,808 km border with India⁷⁶.

The armed movement of Tarai-Madhes has a long history. The leader J.K. Goit writes:

"In 1956, Raghunath Thakur established *Madhesi Mukti Aandolan* (Madhesi Liberation Movement) to oppose and fight the discrimination and exploitation against Tarai residents.... He later formed 'Madhesi Janakrantikari Dal' to continue Madhes Revolution.... indigenous people of Western Tarai established 'Tarai Liberation Front'. As the Tarai residents were deprived of citizenship and their lands were being taken by Nepalese from hills, fighters from the Tarai Liberation Front were taking up arms against the discrimination. They started an armed revolution with guerilla war strategy⁷⁷. "

Some of the major armed and criminal groups in recent days are: Akhil Tarai Mukti Morcha (Goit faction), Janatantrik Tarai Mukti Morcha (Jwala Singh, and Bisfot Singh factions), Janabadi Ganatantrik Mukti Morcha, Tarai Cobra (Nagaraja), Defense Army, Tarai Army, National Army Nepal, Ulpha Group, Change Nepal, Nepal Gorkha Army and Madhesi Special Force, Madhesi Tigers, etc. (Table No. 3). Their military strength varies from 150 to 2000 in number.

The JTMM Goit and Jwala Singh factions are the most active militant forces. Quoting the Recent Report developed by the Ministry of Home, Kantipur daily stated that some of Tarai-Madhes

based militant groups including Goit and Singh have received moral, terrain, sanctuary, financial support and arms and ammunition from senior level Indian politicians⁷⁸. More than 20 militant

groups have the intention of secession of Tarai-Madhes from Nepal, whereas nearly 60 militant groups have a political intention and many activities of them are against *Pahade*, some seem against Khas/ethnic chauvinism, and few see it as a struggle for existence (fights to the finish amongst themselves for their identity). These groups are active in nine out of 20 districts –Sunsari, Saptari, Siraha, Dhanusa, Mahottari, Bara, Parsa, Rautahat, and Nawalparasi and are advancing as regionalist and secessionist forces in favor of Madhesis only. As a result, many *Pahade* officials/inhabitants of those districts have either left or gone underground, where a few of them have been killed. On May 25, 2007, a few militant groups demanded all *Pahade* civil servants and security forces leave the Madhes within a seven-day ultimatum. More than two dozen *Pahade* civil servants (from Engineer to Junior Technical Assistant) were killed. Numbers concerning abduction, torture, extortions, and so forth remain unavailable⁷⁹. The Kathmandu Post of August 5, 2007 stated that more than 900 *Pahade* civil servants, including over 700 VDC secretaries and 200 staff from the Land Tax and Revenue Offices and Inland Revenue Offices, have vacated their offices. The Asian Development Bank has twice extended its huge projects for rural roads and livelihood, and consequently closed them, due to lack of security of its project in the concerned districts.

The factors contributing to the proliferation of armed factions in the Terai-Medhes are varied and numerous. After the peace accord, the Seven Party Alliance and the Maoists (SPAM) focused on political agendas, paying little attention to federalism, autonomy, inclusion, proportionate representation, and republicanism in Nepal⁸⁰. Discussing the main problem of the Madhes, Jwala Sing of the JTMM said, "There are three main issues in the Nepal-occupied Tarai. The first is the suppression by authoritarian *Pahade* sectarian state and colonial exploitation of Madhes and Madhesi. Second is class difference in the Madhes and third is difference among different caste groups."

The history of the Maoist's armed struggle has likely been an inspiration for the armed and semi-armed violent groups, including criminal ones. It may or may not be a coincidence that all such groups were born shortly after the Government and the Maoists signed the Comprehensive Peace Agreement (CPA) on November 22, 2009 and the Maoist army was inducted into the main and satellite cantonments. Regardless of this, the Maoist's separation from their arms provided the groups an ample opportunity.

The Tarai-Madhes has long been a stronghold for Hindu fundamentalists. When Nepal, then the only Hindu state in the world, declared it secular, it threw them into a rage. Hindu entities in India are just as strongly against this declaration and the militant activities could be intensified in Nepal due in part to cheaply available small and light weapons at Indian boarder areas of Nepal, from where they can be easily distributed over the country⁸¹.

In addition, the proliferation of armed groups has been possible due to personal benefits derived, apart from their objectives⁸².

Tharu's Initiation against Madhes

In November 2008, the Autonomous Tharuhat National Council created the Tharuhat Liberation Army (TLA) in Kailali district, intending to revolt against the state's *Khas* Chauvinism. It is recognized as the first armed Tharu rebellion force⁸³.

When the Madhesi Janadhikar Forum (MJF), Tarai Madhes Loktantrik Party (TMLP), and Sadbhavana Party opposed replacing the term Madhes from the Interim Constitution by the Tarai, the Tharu hit the streets, challenging the term “Madhes.”

When the Government failed to incorporate terms and conditions agreed upon within the six-point deal on March 14, 2009, the Tharu Joint Struggle Committee (TJSC) resumed

| | |
|-------------------|---|
| Case Study | The Kangaroo Tharu Government |
| | <p>The Tharuhat Autonomous State Council (TASC) has established its government and started to collect the tax establishing the custom check point nearby Lamahi Area Police station in Dang. It collects the tax from the public vehicles as well as loaded trucks. Similarly, the Council has announced a petition of tender to import and export of stones, sands, and pellet-stones in Dang district against the government's earlier decision of tender announcement from 36 rivers and streams. The Council asked to submit 7 percent amount at its office from the contractors of tender submission.</p> <p>In early November 2009, the TASC had announced recruitment of Tharus at Tharuhat Liberation Army (TLA) for the formation of Brigade. The prime duty of the TLA is to ensure security to administration, water resource, jungle, and land. The Tharu establish its armies with the slogan of "Let's ensure the ethnic rights for water resource, jungle, and land in our areas."</p> <p>On November 3, 2008, the Tharuhat established the TLA in Kailali district far-western region with the intention to make the armed revolt of the indigenous people successful. Indeed, the TASC is against the "One Madhes One Pradesh."</p> <p><i>Source:</i> Nagarik: July 28, 2009 and Nepalnews.com of November 4, 2008</p> |

its second round of protests to repeal the ordinances and bills against the fundamental rights of the indigenous communities of Nepal. When the government did not implement the agreement, the TJSC⁸⁴

organized a press meeting and disseminated how the government violated terms of the six-point deal on April 17, 2009. The statement informed that the Nepal government revoked the decision to eliminate the Madhes terminology about the Tarai in the Interim Constitution. The Interim Constitution's conflicting ratio of 55 percent – 45 percent was considered illogical and unconstitutional.

The TJSC main political demands are⁸⁵:

- Repeal and amend all acts and rules that violate the spirit of the six point agreement;
- Replace the term “Madhesi” with “Tharuhat” in the Interim Constitution;
- Recognize the territorial expanse of Tharuhat stretching from Jhapa in the east to Kanchanpur in the west;
- Enact immediately all rights enshrined in ILO Convention No. 169;
- Implement equal rule of law by providing constitutional guarantee of full proportionate representation for all;
- Immediate appointments of *Adhibasi* Janajati – Tharus in the posts of all state machineries;
- Include Tharu language as an official language;
- Guarantee Constitutional rights for the political rights of the *Adhibasi* Janajati including Tharus, and minorities;
- Execute immediately the task of compensation, re-establishing, and empowering the freed ex-Kamaiyas (see more in Annex - III).

When the Maoist-led government was ousted on the issue of military versus civilian supremacy and new government formed under Madhav Kumar Nepal (who was defeated in two constituencies in first-past-the-post CA elections), the Tharu movement itself was ended. Indeed, it gave a solid challenge to the Madhes movement, the word 'Madhes', and their demand of "One Madhes One Pradesh."

Conclusion

Autonomy, right to self-determination, and proportionate representation of all marginalized, disadvantaged, and vulnerable groups in all organs of state and non-state mechanisms including the Nepal Army are the prime demands of Tarai-Madhes. In the course of creating an autonomous federal structure, the sharing of power and resources between the central government and the regional structures should be clear. Otherwise, the country could be lead into ethno-nationalism.

Inclusion in civil services and national politics as well as education in native languages has been the major unresolved demands in the Tarai-Madhes for generations. Even after 2.3 million Tarai-Madhes people received citizenship certificates, Tarai-Madhes leaders claim many people are denied citizenship rights⁸⁶. Similarly, the miss-use of distribution of citizenship certificates, particularly to alleged criminals who have been on a hit list in government officials in India have been a major concern regarding Nepal's security, peace process, and the strengthening federal democratic republic.

The Madhes movement was launched in the central flat-land of Nepal in particular, and the Tharu movement mainly in the mid-western and far western regions. The Madhes movement vandalized and torched a lot of district government offices, blocked east-west highways, and victimized many *Pahade* people accordingly, with the slogan of 'One Madhes and One Pradesh,' whereas the Tharu movement initiated in early 2006, but tried to accumulate all forces such as caste/ethnicities who have long been living in the Tarai-Madhes. The Tharu also vandalized a few government offices and blocked the entire high-way; however, they received considerable support even from *Pahade* people and other mainstream political parties including bureaucrats as they act as a counter to the Madhes movement. There is still fear that if the country heads into 'One Madhes One Pradesh', it may lead to secession. In contrast, the Tharu promise to unite the people of several diverse indigiuones ethnicities. Although, the terminology of the Madhes movement has already been incorporated in Nepal's Interim Constitution, the Tharu are still awaiting to replace the term 'Madhes' by 'Tarai-Madhes' in the interim Constitution, enshrining the recent six point agreement. The Tharu, which comprise 6.4 percent of the population with the fourth largest ranking in the census among indigenous ethnic groups (aboriginal Tarai settlers), have little trust that the Government will provide equal representation in an all executive, legislative, and judiciary bodes proportionately, respecting the six-point agreement.

Thus, The Autonomous Tharuhat National Council has already formed the TLA to establish a Tharu autonomous federal state. The TLA first exhibited its military strength on November 4, 2008 in Kailali district in the name of preserving *jal*, *jangal* and *jamin* (water resource, forestry, and land) considering their historical and cultural importance in Tarai. Besides this, the Madhes also suffers from militant and criminal forces who are particularly against the *Pahade*. Dozens of *Pahade* have been extra-judicially killed so

far by such militant groups. All of these identity-based military forces are underground in the case of Madhesis, but the TPA is public. In recent days, the TJSC has started to establish tax custom points publicly on the high-ways similar to during the People's War period by the Maoists. The JTSC have claimed that they have begun to run their own parallel power structure at the local level (parallel local self-government) from June 15, 2009 onwards.

The proliferation of cultural-regional conflict, particularly in Tarai-Madhes, has been balanced somewhat by the emergence of Tharuhat movement. Migration of *Pahade* people from Tarai-Madhes has been decreased for the time being and *Pahade* are now less targeted by the militant groups in the Tarai-Madhes as well. However, the hot debate of territorial and ethnic models of federalism is now intensifying the conflict amongst the Tharus and *Pahade* of far western Nepal.

The trend of the Madhes movement, particularly with the violent and criminal groups, seems to be to prioritize the return of the 33 percent of *Pahade* to hills/mountains from the Madhes, but the Tharu want to integrate all without classifying *Pahade-Taraian-Madhese*.

It is noteworthy that new leaders from the Tarai have emerged. Unfortunately, the same Jha, Yadav, Singh, etc. clans are still in the forefront in power, politics, property, and privileges in the case of Madhesi movement, excluding the Dalits and marginalized ones (in the same way Bahun and Chhetri do in the hills). As a result of this, semi-armed and armed groups are propagating the identity-based rebellion culture of the downtrodden. The Tharu, who consider themselves to be the sons of the soil, have a slogan of "Unite the movement for national liberation to make victorious the movement waged by Indigenous people". Thus, the identity-based militancy in the Madhes seems to be an individualist rather than united effort, while the Tharu's movement looks as if it is heading toward a collective one. Still, the power struggle inside the Tharu may imitate the same in Madhesi conflicting parties.

The present Tarai-Madhes is being faced with a critical debate on its dialects and linking-languages due to a long isolation imposed by the Ranas and cultural nationalism introduced by Mahendra. Even today, the common perception of ethno-linguistic-regional nationalism has not yet been incorporated into the mainstream owing to the traditional mind-set of mainstream political parties, the intolerant approaches of state machinery, the secessionist trends within socio-cultural violent and non-violent groups, the fueling interest of donors, and the prejudice of Bahun and Chhetri. Until all of these actors realize ethno-linguistic-regional nationalism problems, leaving their own vested interests, a real identity-based secessionist movement is not far off.

It should be stated that though a small section of the violent and criminal groups in the Madhes are against those with hill-and-mountain origin, the core Tharu and Madhes movements intend to integrate all without classifying *Pahade*, Madhesi, and *Taraian*. All such communities look for their own separate national identity and their identity within all philosophical, socio-cultural, economic, gender, and political security dimensions. Identity is the distinct personality of an individual(s) as a persisting entity. Identity seeks to ensure a set of individual behavioral characteristics by which a person is recognizable as a member of a society or community. Indeed, identity security of the individual(s) or

community(ies) is the freedom from risk or danger, anxiety or fear, exclusion or sanction, injustice or discrimination, and hunger or famine.

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Chronology of Key Madhes Events

- 1951 Nepal Tarai Congress formed under Vedanand Jha.
- 1952 First Citizenship Act introduced.
- 1957 Imposition of Nepali as sole language for education sparks protests in Tarai.
- 1959 NC sweeps first democratic elections; Nepal Tarai Congress wins no seats.
- 1964 New Citizenship Act based on 1962 Panchayat constitution makes it harder for Madhesi to acquire citizenship.
- 1979 King Birendra holds referendum on Panchayat system; higher support for multi-party democracy in Tarai districts.
- 1983 Nepal Sadbhavana Parishad formed under Gajendra Narayan Singh to raise Madhesi issues.
- 1990 People's movement brings Panchayat system to an end. New constitution promulgated. Nepal Sadbhavana Parishad registers as party to contest elections but demands constituent assembly.
- 1994 Government sets up Dhanapati Commission on citizenship issue
- 1996 Maoists launch insurgency.
- 1997 Madhesi Janadhikar Forum (MJF) established in Biratnagar as cross-party intellectual platform.
- 2000 Maoists set up Madhesi Rashtriya Mukti Morcha (MRMM) under Jai Krishna Goit in Siliguri.
- 2004 Matrika Yadav appointed as head of MRMM; Goit splits and forms the Janatantrik Tarai Mukti Morcha (JTMM).

Source: International Crisis Groups: July 2007

| Table 3: Armed/Semi-Armed Forces Born After Peace Accord (November 22, 2006 – June 30, 2009) | | | |
|---|---|----------|--|
| # | Organization/Group | # | Organization/Group |
| 1 | Akhil Tarai Mukti Morcha | 40 | Nepal Mukti Morcha |
| 2 | Bahun Chhetri Newar Saamuha | 41 | OBC Regiment |
| 3 | CPN [Maoist (United Bidrohi Morcha)] | 42 | Nepal Rakshya Dal |
| 4 | Chure Bhawar Shanti Sena | 43 | PalloKirat Limbuwan Rastriya Monch |
| 5 | Deshbhakta Army Nepal | 44 | Paribartan Nepal |
| 6 | Gorkha Mukti Morcha | 45 | Rajan Mukti Samuha |
| 7 | Gorkhaland Mukti Sena (Tista Kangada) | 46 | Rajdhani Army |
| 8 | Gorkha-Line Mukti Sena Samaj | 47 | Ranabir Sena |
| 9 | Janabadi Ganatantrik Tarai Mukti Morcha | 48 | Rastriya Army |
| 10 | Jana Samrakshan Sena | 49 | Rastriya Army Nepal |
| 11 | Janabadi Kirant Workers Party | 50 | Rastriya Samanantar Jwala Mukhi |
| 12 | Janatantrik Tarai Mukti Morcha (Goit) | 51 | Revolutionary Left Wing (National Red Guard) |
| 13 | Janatantrik Tarai Mukti Morcha (Himmat Singh) | 52 | Samyukta Janatantrik Tarai Mukti Morcha |
| 14 | Janatantrik Tarai Mukti Morcha (Jwala Singh) | 53 | Samyukta Mukti Morcha (Ulfa) |
| 15 | Janatantrik Tarai Mukti Morcha (Prithvi Samuha) | 54 | Saghia Limbuwan Rajya Parishad (Dambar Lawoti) |
| 16 | Janatantrik Tarai Mukti Morcha (Visfot Singh) | 55 | Sanghia Limbuwan Rajya Parishad (Sanjuhang Palung group) |
| 17 | Karebian Dog | 56 | Sanghia Limbuwan Rajya Parishad (Kumar Lingen) |
| 18 | Khambuwan Rastriya Morch | 57 | Sanghia Lontantric Rastriya Morcha |
| 19 | Janatantrik Party Nepal | 58 | Save the National Army Nepal |
| 20 | Kirant Janabadi Workers' Party | 59 | Shahi Mukti Morcha |
| 21 | Liberation Tigers of Tarai Elam | 60 | Shantikalagi Tarai Kranti |
| 22 | Limbuwan Democratic Volunteers Force | 61 | Shiva Sena |
| 23 | Limbuwan Mukti Morcha | 62 | Sudur Parswim Krantikari Party |
| 24 | Madhesi Mukti Force | 63 | Sup Kranti Dal |
| 25 | Madhes Raksha Bahin | 64 | Tarai Army |
| 26 | Madhesi Special Force | 65 | Tarai Bagi |
| 27 | Madhes Sena | 66 | Tarai Camando Lig |
| 28 | Madhesi Bises Dasta | 67 | Tarai Cobra (Naagraja) |
| 29 | Madhesi Commando | 68 | Jarai Janakrantikari Bal |
| 30 | Madhesi Janaadhikar Forum | 69 | Tarai Ganatantric Mukti Morcha |
| 31 | Madhesi Mukti Tigers (Raman Singh) | 70 | Tarai Parishad |
| 32 | Madhesi Tigers | 71 | Tarai Uthan Sangathan |
| 33 | Madhesi Virus Cleaners Party | 72 | Taraibadi Madhesi Mukti Force |
| 34 | Mangolian Revenge Group | 73 | Tharuhat Swatta Rajya Parishad |
| 35 | National Terrorist Encounter | 74 | Trishul Sena Nepal |
| 36 | Nepal Ajinger X Samuha | | |
| 37 | Nepal Gatantric Sena | | |
| 38 | Nepal Gorkha Sena | | |
| 39 | Nepal Janatantric Party | | |

Source: CS Center:2009

The TJSC's Statement

1. The Nepal government had agreed to revoke the ordinance of enforcement inclusion in the Madhesi category by explicitly eliminating the terminology “Madhes” in the Interim Constitution and reinstatement of the word “Tarai”. The Interim Constitution would thereby recognize the inhabitation of the *Adhibasi* Janajati (indigenous communities) such as Tharus, other *Adhibasi* Janajatis, Dalits, Muslims, Madhesi, and other minorities and adopt/adapt provisions to ensure the equal rights to their self determination without discrimination.

2. Since Article 21 of the Interim Constitution makes comprehensive provision for proportionate representation by percent in ratio to population distribution, thus securing social inclusion in all organs of government services and offices, the conflicting ratio of 55 percent – 45 percent is illogical and unconstitutional. The objection to this discriminatory ratio distribution not only marginalizes the participation of the *Adhibasi* Janajati – Tharus, Adhibasi Janajatis, Dalits, Muslims, and Madhesi but the Reformed Bill incites conflicting interests without an acceptable formula and rule of law that allows an amicable co-existence of the above mentioned identities. The Tharu movement had demanded the implementation of the provisions for separate quota from the Madhesi category to fulfill their aspiration for separate independent identity. This would ensure them opportunities in various public services, to develop and empower the potential of the Tharus, who have been incessantly victimized by the state in oppressing, discriminating, and exploiting them; whereby the State has been successful in marginalizing the Tharus from actively participating in the reconstruction of the State.

The transparent decision by the present government, headed by Puspa Kamal Dahal, confirms the *Brahminbadi* (Bahun-ism) autocracy in oppressing the justifiable demands of the inalienable rights of the *Adhibasi* Janajati – Tharus, *Adhibasi* Janajatis, Dalits, Muslims, and Madhesi. Since the government of Prime Minister, Puspa Kamal Dahal has violated the trust agreement signed between the two parties; we are obliged to continue our Civil Rights Movement with various civil disobedience acts. We demand that the government attend to the social justice issues as key to the political rights of the *Adhibasi* Janajati, Dalits, Muslims, Madhesi, and the minority groups to establish a foreseeable peace in Nepal.

The TJSC again put forward the following main political agendas⁸⁷:

- Repeal and amend all acts and rules related to public services, Citizens Act, Election Act etc. in the Interim Constitution of Nepal, violating the spirit of the six point agreement signed between the Tharuhat Movement and the Government of Nepal. The government must uphold the spirit of equality by including the issues raised by the Tharuhat Movement to be tabled by this Winter Session.
- Replace the term “Madhesi” with “Tharuhat” in the Interim Constitution.
- Recognize the territorial expanse of Tharuhat stretching from Jhapa in east to Kanchanpur in the west, including Udaypur valley, Kamala gorge of Sindhuli, Chitwan, Dang, Surkhet as Tharuhat Autonomous Federal State and Limbuwan, Magarat, Tamuwan, Newa Mandal, Tamangsaling, Khambuwan, Khasang as other

autonomous federal states in the Interim Constitution and the drafting of the new constitution.

- Enact immediately all rights enshrined in ILO Convention No. 169, UN General Assembly Declaration on indigenous peoples, Earth Summit Declaration 1992 etc. amending the constitution and formulate the legislation in the interest of indigenous nationalities as Nepal government has ratified the international rule of laws binding to its partners.
- Implement equal rule of law by providing constitutional guarantee of full proportionate representation for all castes/ethnicities based on ratio of census at all levels of state organs and sectors of the state.
- Immediate appointments of *Adhibasi* Janajati – Tharus in the posts of Judges, Chief District Officers, Local Development Officers, Education Officers, Police and Army Chiefs, Constitutional Commissions, Diplomatic Missions, Ministries, Departments, various Commissions, the Supreme Court, including all government offices/corporations and companies in Tharuhat districts. In addition, correspond to appoint the *Adhibasi* Janajati – Tharus immediately in International Multinational donor agencies and organizations etc.
- Include Tharu language as an official language alongside other languages and special arrangement for education up to higher secondary level in Tharu language for the Tharus.
- Constitutional guarantee should be provided for the political rights of the *Adhibasi* Janajati – Tharus, *Adhibasi* Janajati, Muslim, Dalits and minorities.
- Execute immediately the task of compensation, re-establishing, and empowering the freed ex-Kamaiyas (bonded laborers).

Annex IV

| Peace Agreement signed among the Government, SPA and the Maoists | |
|---|--|
| Date | Title |
| April 12, 2009 | 9 point agreement between CPN (UML) and Unified CPN (Maoist) |
| June 25, 2008 | Agreement between the political parties to amend the Constitution for the peace process |
| April 01, 2008 | 10-point commitment for the CA from top leaders of NC, CPN (UML), and CPN (Maoist) |
| March 19, 2008 | Agreement between the Government and Federal Limbuwan State Council |
| March 02, 2008 | Agreement between the Government and Federal Republican National Front (FRNF) |
| February 28, 2008 | Agreement between the Government and United Democratic Madhesi Front (UDMF) |
| December 23, 2007 | 23-point agreement by the Seven-Party Alliance |
| October 15, 2007 | Agreement between the Interim Government and the National Badi Rights Struggle Com. |
| September 13, 2007 | Agreement between the Interim Government and the Chure Bhawar Pradesh Ekta Samaj (CBPES) |
| 30 August 2007 | Agreement between the Government of Nepal and the Madhesi People's Right Forum |
| August 07, 2007 | Agreement between the Government and Janajati |
| December 08, 2006 | Agreement on the Monitoring of Management of Arms and Armies |
| November 21, 2006 | Comprehensive Peace Agreement |
| May 25, 2006 | The Code of Conduct for Ceasefire agreed between the Government and the CPN (Maoist) |
| November 22, 2005 | 12-point understanding reached between the Seven Political Parties and CPN (Maoists) |

Endnotes

- 1 Himalayan range
- 2 covered by Mahabarat and Shivalik ranges
- 3 the southern plains along with porous border of India
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- 51 OCHA Nepal Situation Overview. Issue No. 21, covering the period 01 February – 29 February 2008
Kathmandu, 3 March 2008
- 52 a) Arrange for severe legal punishment for those who discriminate based on caste and practice untouchability; b) Arrange for the effective implementation of a policy for free and compulsory education for dalits, at least at the primary level; c) Arrange for special opportunities and reservations in education and employment; and d) Arrange for homes for landless dalits and alternate means of livelihood.
- 53 Provided that, if the King poses a threat to holding the constituent assembly election, a two thirds majority of the interim legislature-parliament can implement the republic by voting for the proposal. The Council of Ministers shall make the decision to submit such a proposal and the Council of Ministers shall present the proposal to the interim legislature-parliament. c) The King shall not have any responsibility for handling any state affairs. d) The Prime Minister shall be responsible for handling all state affairs. e) Until the implementation of a republic, the Prime Minister shall conduct all the duties of the head of state.
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