A systems analysis of caste-based discrimination in Nepal:
Identifying a tipping point to dismantle endemic
marginalization of Dalits.

A thesis submitted to the Department of community Development in the School
Arts in partial fulfilment of the requirements for the award of the degree of
Master of Arts in Community Development of Murdoch University.

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I declare that this thesis is my own account of my own research. It contains as its
main content work which has not been previously submitted for a degree at any
university.

.......................... 22/11/013
Signature Date of Declaration
Contents
Abstract ................................................................................................................................. 6
Introduction .......................................................................................................................... 7
Literature Review ............................................................................................................... 10
Background ........................................................................................................................ 13
System Analysis of Caste-based Discrimination ............................................................... 21
   Socio-cultural and Religious factors ............................................................................. 22
   Economic Factors ........................................................................................................ 24
   Political Factors ........................................................................................................... 27
The interrelationships between socio-cultural and religious, economic, and political factors ......................................................................................................................... 28
Identifying a Tipping point ............................................................................................... 29
Good Governance ............................................................................................................ 33
   Global Governance ..................................................................................................... 34
   National Governance: reformation of judicial systems and public administration 34
   Community Governance ........................................................................................... 35
Good governance as a long term strategy for educational upliftment ......................... 41
Conclusion ....................................................................................................................... 43
References: ....................................................................................................................... 45
Appendixes: ...................................................................................................................... 48
COPYRIGHT ACKNOWLEDGEMENT ............................................................................... 49

List of tables and figures:
Table 1: Caste/Ethnic Groups with their Hierarchical Structure, Legal Code of Nepal, 1854 .......................................................................................................................... 15
Table 2: Caste wise literacy rate and education (CBS, 2001) ........................................ 23
Table 3: Dalit children enrolment rate (CBS, 2001) ..................................................... 23
Table 4: Occupational economic status of Dalits ....................................................... 26
Table 5: Caste wise economic status ........................................................................... 26
Table 7: Representation of population groups in high level positions ...................... 27

Figure 1 :Caste-based hierarchy according to the Hindu religious scriptures ....... 13
Figure 2: Diagram on systems influencing factors ......................................................... 22
Figure 3: Economic dimension of caste system ......................................................... 25
Figure 4: Community Governance for minimizing caste-based discrimination ... 37
Figure 5: Dalit Rights Watch Group (DRWG) for caste equality ............................. 39

Page 2 of 49
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## Acronyms:

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Full Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>CBOs</td>
<td>Community Based Organizations</td>
</tr>
<tr>
<td>CBS</td>
<td>Central Bureau of Statistics</td>
</tr>
<tr>
<td>CCA</td>
<td>Common Country Assessment</td>
</tr>
<tr>
<td>CERID</td>
<td>Research Centre for Educational Innovation and Development</td>
</tr>
<tr>
<td>CHR&amp;GJ</td>
<td>The Centre of Human Rights &amp; Global Justice</td>
</tr>
<tr>
<td>CPN-M</td>
<td>Communist Party of Nepal Maoist</td>
</tr>
<tr>
<td>CRSOD</td>
<td>Centre for Education Research and Social Development</td>
</tr>
<tr>
<td>DDC</td>
<td>District Development Committee</td>
</tr>
<tr>
<td>DEO</td>
<td>District Education Office</td>
</tr>
<tr>
<td>DHO</td>
<td>District Health Office</td>
</tr>
<tr>
<td>DOE</td>
<td>Department of Education</td>
</tr>
<tr>
<td>DRWG</td>
<td>Dalit Rights Watch Group</td>
</tr>
<tr>
<td>DSMC</td>
<td>District Scholarship Management Committee</td>
</tr>
<tr>
<td>EFA</td>
<td>Education for All</td>
</tr>
<tr>
<td>FRP</td>
<td>Formative Research Project</td>
</tr>
<tr>
<td>GoN</td>
<td>Government of Nepal</td>
</tr>
<tr>
<td>GOs</td>
<td>Government Organizations</td>
</tr>
<tr>
<td>ICCPR</td>
<td>International Covenant on Civil and Political Rights</td>
</tr>
<tr>
<td>ICERD</td>
<td>International Convention on the Elimination of All forms of Racial Discrimination</td>
</tr>
<tr>
<td>ICESCR</td>
<td>International Covenant on Economic, Social and Cultural Rights</td>
</tr>
<tr>
<td>IDSN</td>
<td>International Dalit Solidarity Network</td>
</tr>
<tr>
<td>IIDS</td>
<td>Indian Institute of Dalit Studies</td>
</tr>
<tr>
<td>INGOs</td>
<td>International Non-Government Organizations</td>
</tr>
<tr>
<td>NDC</td>
<td>National Dalit Commission</td>
</tr>
<tr>
<td>NEODCDC</td>
<td>Nepal Excluded, Oppressed and Dalit Class Development Committee</td>
</tr>
<tr>
<td>NGOs</td>
<td>Non-Government Organizations</td>
</tr>
<tr>
<td>NLSS</td>
<td>Nepal Living Standards Survey</td>
</tr>
<tr>
<td>OHCHR</td>
<td>Office of the High Commissioner for Human Rights</td>
</tr>
<tr>
<td>PTA</td>
<td>Parent Teacher Association</td>
</tr>
<tr>
<td>RC</td>
<td>Resource Centre</td>
</tr>
</tbody>
</table>
SMC  School Management Committee
UN   United Nations
UNCTN United Nations Country Team Nepal
UNDP United Nations Development Program
UNRCO United Nations Resident Coordinator's Office
WB   The World Bank
Abstract

The dominance of Hindu religion in the past was responsible for the emergence of a caste-based hierarchy, where illiteracy, poverty, and political underrepresentation have played a significant role in the continuation of the caste-based divisions in Nepalese society. In the caste hierarchy, Dalits - often identified as lower castes and untouchables - were kept at the bottom of the social structure, and this has perpetuated individual, institutional and structural discriminations in Nepal, for example untouchability at public/private sectors, adverse inter-caste marriage consequences, labour and job segregation, and exclusion from socio-economic and political opportunities. Consequently, Dalits have been experiencing difficulty in living a dignified life as defined by international and national human rights conventions.

This study focuses on Dalits of Nepal who, according to the National Census 2011, comprise 13.62 per cent of the total population. It identifies religious belief, rooted in the Hindu religion, as the primary basis of caste-based discrimination, according to which Dalits are supposed to be inherently inferior with respect to their intelligence and aptitude for work. Rampant poverty and illiteracy among Dalits and their political underrepresentation leave them vulnerable to caste-based discrimination in what amounts to a vicious cycle of inequality and discrimination.

Illiteracy, poverty (particularly unemployment) and political underrepresentation of Dalits have collectively reinforced caste-based inequality in Nepalese society. It is contended that strengthening governance at the global, national, and community levels may create a conducive environment for achieving caste equality, particularly in terms of improving educational levels that plays a key role in breaking the vicious cycle of discrimination entrenched in the caste system.
Introduction

Religious, linguistic and cultural diversity, together with caste-plurality, are important cultural heritages of Nepal. However, the culture of caste-plurality which was rooted in the Hindu religion has divided the Nepalese society into caste-based vertical hierarchical divisions. The hierarchical divisions of castes have stratified the society into high caste, medium caste, and low caste people. The low caste people- often referred to as Dalits or untouchables- were, and still are, kept at the bottom of the social structure with specified limitations and conditions. Dalits have been restricted to menial jobs like shoe-making and scavenging and specified cultural and religious activities. These predefined obligations have led to severe discriminations against Dalits - for example untouchability; social, economic and political exclusion; and restriction to inter-caste marriage and community festivals.

The caste system has restrained Dalits from enjoying their right to social justice and equality. The social exclusion includes untouchability in the socio-cultural sphere- for example at the water taps, temples, and community festivals like marriage. The involvement of Dalits in inter-caste marriage with non-Dalits leads to forced separation with the partner, harassment, social exclusion, and sometime even murder. Dalits are still banned from Hindu temples, as it is believed to be a sin to allow their participation. Furthermore, Dalits are prohibited from participating in community feasts like birth ceremonies and marriages, or alternatively provided separate places to eat and perform in the feasts. Dalits have been subjected to forced labour like Haliya\(^1\). These forms of social exclusion have led to abject poverty, illiteracy, health problems, and political exclusion. As a result, Dalits are lagging behind from the development mainstream due to a lack of access to socio-economic and political opportunities. The Indian Institute of Dalit Studies (IIDS, 2008) asserts that Madhesi\(^2\) Dalits and Dalit women have been the victim of multiple forms of discrimination because of existing regional and gender-based discriminations in Nepal.

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\(^1\)Haliya bonded labourers are indebted to their landlords and receive little or no pay in return for their agricultural work and domestic work for their landlord” (IDSN, n.d.-c).

\(^2\)Madhesi are the people of Nepal those reside on the plain regions of southern part.
International and human rights conventions have acknowledged caste-based discrimination as a form of human rights violation. Consequently, the Nepalese government has recognized a right to equality and a right to be free from caste-based discrimination constitutionally. However, caste-based discriminations have been observed repeatedly in different parts of Nepal. The lack of effective implementation of the legislations has contributed to the perpetuation of caste-based discrimination. The contributing factors include predominance of non-Dalits in decision-making positions; lack of law enforcement; low level of awareness about the punishment, crime, and compensation related to caste-based discrimination; and procedural complexity in application lodgement (a form of institutional discrimination). Hence, it can be argued that strengthening governance at global, national, and community levels may provide a tipping point that can bring significant change in the caste system in Nepal.

This study will review and analyse the literature on social stratification, social inequality, and caste-based discrepancy. On the basis of a critical literature review, this study will identify the multi-influencing factors contributing to caste-based discrimination in Nepal. This study will employ a systems analysis to account for the continuation of caste-based discrimination, focusing particularly on the following factors: 1. socio-cultural and religious factors; 2. economic factors; and 3. political factors. Socio-cultural and religious factors include prevalent myths about the origin of caste, caste divisions in the Hindu scriptures, and lack of education and awareness in Dalits. Economic factors include forced/bonded labour, abject poverty, and labour. Political factors include underrepresentation in policy-making positions, the predominance of high-caste officials in the law enforcement sectors, and the lack of Dalits in leadership positions.

This study examines how illiteracy, poverty (particularly unemployment), and political underrepresentation have collectively contributed to the existence of caste-based discrimination in a mutually reinforcing manner. This study identifies that good governance and qualitative education are key drivers to dismantle caste-based discrimination in Nepal. Good governance at global and national levels can strengthen the rule of law against caste discrimination. This study identifies the relationships between Dalit rights and good governance, where community governance in particular has the potential to significantly improve the situation for Dalits. This study contends that a Dalit Rights Watch Group (DRWG) could serve
as a community governance tool to create a conducive environment to dismantle caste-based discrimination. The DRWG would become an important tool to: strengthen the rule of law; increase service delivery, increase Dalits’ participation in decision-making; and increase transparency and accountability at the community level. Moreover, this study contends that the assurance of school education and higher education for Dalits can serve as a tipping point to dismantle the vicious cycle of interdependencies among illiteracy, unemployment, and political underrepresentation, thereby creating a conducive environment for achieving social justice and caste equality in Nepal.
Literature Review

Social stratification, social inequality, and social exclusion have become an inescapable part of Nepalese society. Different economic strata, social status, cultural and religious beliefs, geographical locations, and traditional belief systems in Nepal have prolonged social inequalities. Castes as groups of ethnic communities, who have common beliefs in their ancestral origin and believe in blood relationships, have different hierarchical positions. The cultural and traditional hierarchical positions have sustained caste-based inequalities, and ultimately, caste-based discriminations in Nepal.

This section will critically examine the findings from key studies that shed light on discrimination, social inequalities, social stratification, and the consequences of caste-based discrimination as they may relate to Nepal. It will be contended that the castesystem as a form of stratification with respect to money, power, and prestige has economic, socio-cultural, religious, and political dimensions.

Discrimination is a harmful treatment of an individual or groups by another individual or groups on the basis of race, ethnicity, gender, or caste (Pincus, 1996; Sampson, 2008). The characteristics of the group (often considered innate or ‘natural’ in some manner) are seen to justify the negative treatment by the dominant individual or groups towards the minorities. Sampson (2008) asserts that there are three forms of discrimination: individual discrimination, institutional discrimination, and structural discrimination. Individual discrimination denotes the differential behaviour of an individual from one ethnic/ caste/ gender/ race group with an intention to cause a negative impact on a member from another ethnic/ caste/ gender/ race group. Institutional discrimination refers to the harmful treatment performed by the dominant groups’ institutions on the minority groups as a result of the predominance of the leading groups in policy, decision-making, and implementation surrounding institutions. Structural discrimination, on the other hand, refers to the way that the structure or systems of society give an unfair advantage to some groups. Here, the dominant group refers to the group who holds the power in society.

Social stratification is the systematic unequal distribution of resources and disproportional access to power, prestige, and property - particularly in socio-economic and political opportunities (Bowles, 2013). Stratification in industrial
global capitalism requires a multi-layered explanation with reference to property ownership, social status and power structures in order to understand completely (Bowles, 2013, p. 33). The different domains of stratification have reciprocal relationships in the contemporary global era. Some argue that stratification as an unavoidable element of modernization, either as an outgrowth of capitalism (ala Marx) or as a functional necessity (Cullen & Novick, 1979).

Caste-based hierarchies, as a particular form of stratification, are found in different parts of the world, but have a particularly long history in South Asia. Caste-based differences in South Asia involve notions of “untouchability” from physical contact resulting in residential segregation, occupational segregation, and other forms of economic deprivation, discrimination, and humiliation for low castes (Jodhka & Shah, 2010; Kharel, 2010). Heller (1969) suggests that existing social inequalities are based on economic dissimilarities, which are complex and multi-dimensional. Similarly, the caste system has an economic dimension as explained by Marx in terms of class-based hierarchies; however, the caste system also has religious, cultural, political, and spiritual dimensions.

In fact, the religious and cultural dimensions of caste pre-date the emergence of capitalism. These dimensions have also endured in the face of modernization (Thorat & Newman, 2007). Caste-based hierarchies inherent in South Asian social systems have been contested by normative modernity since the caste system is not considered conducive for nation-building, modernization, and development (Ganguly, 2005). Yet, as Max Weber to Samuel Huntington argue, the broad cultural heritages associated with religion, spiritual beliefs and political manifestations have enduring, autonomous, and prolonged influence in societies (Inglehart & Baker, 2000). Furthermore, while economic development supposedly brings a shift in traditional values towards secular and rational norms; economic degradation or collapse can drive societies in the opposite direction and reaffirm traditional values (Inglehart & Baker, 2000, p. 49). Thus, the persistence and restoration of the caste system mostly in underdeveloped South Asian countries like Nepal could be due to economic uncertainties.

It might be accurate to say that the meaning of caste has transformed in the age of modernization (Habibis & Walter, 2009), which can be understood by employing the concept of de-traditionalization and governmentality (Pick & Dayaram, 2006).
De-traditionlization is a disintegration, depletion, and edification of traditional beliefs as well as reformation of traditions either in a form of new inventions or the reconstruction of old ones (Pick & Dayaram, 2006, pp. 285-289). Increasing levels of self-conscious, political movements, political participation, and education have transformed the traditional meaning of caste. However, as Pick and Dayaram (2006, p. 288) explain, the traditions of caste are deeply rooted in Nepalese society which link with past traditions. From this perspective, caste as a reinvention of old traditions has not dissolved in modern socio-cultural, political, and economic landscapes- rather it has been re-invented, transformed, restructured, and re-justified (Inglehart & Baker, 2000; Pick & Dayaram, 2006; Rudolph, 1965). Modern government and bureaucratic systems have struggled to dissolve caste-based traditions.

According to some analysts, the lack of preparedness and prejudiced, passive, and discriminatory approach of constituent bodies like public administration, employers, and law enforcement obstruct the constitutional and legislation’s efforts of dismantling the caste system (Pick & Dayaram, 2006, p. 289). Despite the protective legislation against caste-based discrimination, many allegations of discrimination are never filed in police records due to: lack of knowledge of the act concerning punishment, compensation, and accountability; low level of consciousness of caste-based atrocities as a crime; obstacles in the application lodgement and other procedural difficulties; inadequate representation of Dalits in the criminal justice system; and ignorance of procedures that affect implementation (OHCHR, 2011; Pick & Dayaram, 2006, p. 289). Moreover, the lacks of integrated programs, poor implementation and a failure to mainstream Dalits into the national development process have perpetuated discrimination(Pick & Dayaram, 2006).

The endurance of the caste system in Nepal requires a multi-dimensional analysis since complex and interwoven factors like economic, socio-cultural, political, religious and other influencing factors have been sustaining inequalities and discriminatory attitudes and behaviour. Therefore, a systems analysis will be applied to analyse the existence of caste-based hierarchies in Nepal that may help identify a tipping point to decrease caste-based discrimination. Before this systems analysis is presented, some background on the caste system in Nepal will be provided as a means of understanding its deep cultural and religious roots.
Background

According to the National Census 2011, the total population of Nepal is 26,494,504, out of which 3,611,087 are Dalits, approximately 13.62 per cent of the total population (CBS, 2012). Other researchers and Dalit organizations contend that, due to undercounting in the census, the Dalit population is more than five million, that is, above 20 percent (IDSN, 2013). The national census lists 125 caste/ethnic groups in Nepal. A caste is a “hierarchy of endogamous divisions in which membership are hereditary and permanent” (Berreman, 1960). In other words, a caste is an ascribed social category that possesses inborn membership that cannot be left throughout the duration of a person’s life. Caste is a group of people having extended kinship, occupational similarity, sharing the same status group, and possessing similar cultural traits (Berreman, 1960; Karve, 1958).

Caste is a hierarchical division rooted primarily in the Hindu religions; however the caste hierarchies can be found in other religions in a different form. Hindu religious scriptures like Dharma Sutras and Dharma Sastras, the Gita and the Manusmriti, stratify people socio-religiously into fourfold caste hierarchies according to which Brahmins (priests and teachers) were placed at the highest positions whereas Sudras (servants, labourers) were placed at the lowest level (Kharel, 2010) as shown in figure 1.

![Figure 1: Caste-based hierarchy according to the Hindu religious scriptures](image-url)
Kharel (2010) notes that the Hindu scriptures view the top three castes as twice-borne because they have a second spiritual birth. The Sudras (Dalits) are also known as ‘untouchables’ and placed at the bottom of the caste-based hierarchies.

The genesis and growth of the caste system in India is variously attributed by scholars to religious-mythical and socio-historical roots (Mondal, 2012). According to the religious-mythical theory, the Purusa-sukta hymn of Rig Veda, a Hindu religious scripture, states that the four-fold caste system originated from Brahma, the god of creator. It is said that Brahmin originated from the mouth of Brahma, Khsatriya originated from the arms, and Vaisya and Sudra originated from the thigh and feet respectively. On the basis of origin caste-based responsibilities were entrusted to Brahmin as instructors, Khsatriya as the warriors, Vaisya as agriculturists and traders, and Sudra as servants. Manusmriti, a Hindu religious scripture, reinforced the caste-based system and recommended different treatment of the different castes.

Mondal (2012) contends that the origin of the castesystem in India is best accounted for by a socio-historical process whereby the Aryans, a warrior-nomadic tribe having pastoral and agricultural economic features, colonized the indigenous communities such as Negritos, Mongoloids, Australoids, and Dravidians, and introduced a caste system in India around 1500 BC in order to designate the positions of each community. Most of the non-Aryan communities were placed under the Sudravarna.

The origin of the caste system in Nepal is difficult to reconstruct due to the lack of scriptural records of Nepalese history before 1768 and lack of proper anthropological and linguistic surveys on caste/ethnic origins, costumes, and their languages (Dahal, 2003). However, some studies explain that the caste-based hierarchies manifested in the Hindu religion, as mentioned in Kharel (2010), which spread to Nepal. The Nepalese history states that the Lichhavis, an ancient kingdom that lost its political fortune in India, migrated to Nepal from north India around 250 AD and invaded the Kirat dynasty, the contemporary ruling dynasty in Nepal. Consequently, the Lichhavis introduced the caste system into Nepal as a part of their cultural heritage. The impacts of the caste system subsequently became embedded in Nepalese culture when king JayasthiMallarestructured the Newar society of the Kathmandu valley in the 14th century (Bhattachan, Sunar,
&Gauchan, 2007; Kharel, 2010). The caste hierarchy in Nepal was legally enforced by the promulgation of *Muluki Ain* (National Code of Conduct) in 1854 by the Prime Minister, JangaBahadurRana, which was probably inspired by the caste-based structure proposed by *Manusmriti* as shown in Table 1.

Table 1: Caste/Ethnic Groups with their Hierarchical Structure, Legal Code of Nepal, 1854

<table>
<thead>
<tr>
<th>Caste/Ethnic Groups</th>
<th>Classification</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>I. Tagadhari</strong> (Twice born castes-wearers of sacred thread)</td>
<td></td>
</tr>
<tr>
<td>UpadhayaBrahmin (Brahman)</td>
<td>P</td>
</tr>
<tr>
<td>Thakuri (the royal caste/warrior)</td>
<td>P</td>
</tr>
<tr>
<td>Kshetria (Ksatriya)</td>
<td>P</td>
</tr>
<tr>
<td>RajopadhyayaBrahmin (Deva Bhaju)</td>
<td>N</td>
</tr>
<tr>
<td>Indian Brahman</td>
<td>Other</td>
</tr>
<tr>
<td>Sanyasi(ascetics)</td>
<td>P</td>
</tr>
<tr>
<td>Certain high Shrestha groups (e.g. Joshi)</td>
<td>N</td>
</tr>
<tr>
<td><strong>II. Matwali</strong> (liquor consuming castes)</td>
<td>E</td>
</tr>
<tr>
<td>II.1 Na MasineMatwali (non-enslavable alcohol drinkers)</td>
<td></td>
</tr>
<tr>
<td>Non-thread wearing Shrestha</td>
<td>N</td>
</tr>
<tr>
<td>Vajracharya/Sakya/Uray-</td>
<td>N</td>
</tr>
<tr>
<td>Maharjan</td>
<td>N</td>
</tr>
<tr>
<td>Various Newar services castes</td>
<td>N</td>
</tr>
<tr>
<td>Hill Tribes (e.g. Magar, Gurung, Sunuwar)</td>
<td>E</td>
</tr>
<tr>
<td><strong>II. 2 MasineMatwali</strong> (enslavable alcohol drinkers)</td>
<td></td>
</tr>
<tr>
<td>Tibetans (including Tamangs); some Hill tribes; Tharu</td>
<td>E</td>
</tr>
<tr>
<td><strong>III. PaniNachalnechoichitohalmunaparne</strong> (water unacceptable/impure but touchable castes)</td>
<td></td>
</tr>
<tr>
<td>Khadgi (butchers, milk sellers)</td>
<td>N</td>
</tr>
<tr>
<td>Kapali (death specialists, musicians)</td>
<td>N</td>
</tr>
<tr>
<td>Rajaka (washermen)</td>
<td>N</td>
</tr>
<tr>
<td>Charmakar (drum makers)</td>
<td>N</td>
</tr>
<tr>
<td>Muslims (bangle sellers)</td>
<td>Other</td>
</tr>
<tr>
<td>Westerners/Europeans (<em>Mlecha</em>)</td>
<td>Other</td>
</tr>
<tr>
<td><strong>IV. Paninachalnechoichitohalmunaparne</strong> (untouchable castes: water unacceptable/impure)</td>
<td></td>
</tr>
<tr>
<td>HillDalits- Kami (metal workers), Sarki (leathers workers), Damai(tailor/musician), other HillDalits</td>
<td>P</td>
</tr>
<tr>
<td>Dyahla (sweepers)</td>
<td>N</td>
</tr>
<tr>
<td>Cyamkhalah (sweepers, scavengers)</td>
<td>N</td>
</tr>
<tr>
<td>Halahulu (scavengers)</td>
<td>N</td>
</tr>
</tbody>
</table>

Source: Kharel (2010), p. 15. Note: P= Parbatiya or Hill Group; N= Newar, the original inhabitants of the Kathmandu valley, E = Ethnic group. Ethnic groups are now known as indigenous nationalities.
According to the National Code of Conduct, the Nepalese societies were divided into fourfold caste system: (i) Tagadhari, (ii) Matwali, (iii) Paninachalnechoi-chhitohalnunaparne, and (iv) Paninachalnechoi-chhitohalnuparne (Bhattachan, Sunar, & Gauchan, 2009, p. 2; IIDS, 2008). The Tagadhari ethnic group were regarded as a sacred thread wearing or twice-born caste; it included Brahmins and Kshetriyas who are respectful, high and holy castes. The Matwali ethnic group were an alcohol drinking caste which included indigenous castes like Gurung, Magar, and Limbu. The Paninachalnechoi-chhitohalnunaparne ethnic group were regarded as an impure caste whose physical touch to the Tagadhari and Matwali was unacceptable. However, if this group came into physical contact with the high castes, there was no requirement to perform ritual purification. Finally, the Paninachalnechoi-chhitohalnuparne ethnic group was an untouchable caste—presently known as Dalits, which includes the Sarki, Damai, Gaine, Kami, Chamar, Dusadh castes. This group was strictly prohibited to have physical contact with the top three caste groups, and physical touch was punishable according to the legal conduct. For example, members of the top three caste groups were required to perform ritual purification if touched by Dalits at water taps, by means of sprinkling water on the water pitches.

Hence, the caste system in Nepal was strengthened legally through the promulgation of a national act. The caste-based hierarchy explicitly divided socio-cultural, economic, political, and educational roles for different caste-fold communities which can be explained as a strong socio-cultural and jurisdictional inclusion and exclusion for upper-caste and lower caste people respectively. These categorizations of Nepalese society into caste-based hierarchies led to the practice of caste-based discrimination, including untouchability (Bhattachan et al., 2009).

The strong jurisdiction promulgated in 1854 on the basis of caste-based social structure has resulted in the dominance of the upper caste in socio-cultural, political, and economic opportunities, whereas the lower-caste people are subjected to discrimination in political, economic, educational, and health sectors (Bhattachan et al., 2009; Bhattachan et al., 2007; Cameron, 2007; IIDS, 2008; Jodhka & Shah, 2010; Lamsal, 2012; Rao, 2010; Shrestha, 2002; Stash & Hannum, 2001). Practices of discrimination in religious and socio-cultural areas
include denial and exclusion of inter-caste marriage between *Dalits* and non-*Dalits*; restriction for *Dalits* from entering Hindu temples, participating in food festivals and weddings; and untouchability at public water taps (IIDS, 2008, p. IV; Shrestha, 2002, p. 2). The Indian Institute of *Dalit* Studies (2008) presents data based on empirical research conducted by various organizations and finds that there are attitudinal discriminations in health sectors, with some health practitioners feeling uneasy to touch and treat *Dalit* patients; educational sectors mirror inherent traditional discrimination- teachers and students use derogatory words to *Dalit* students and perform untouchability in schools (IIDS, 2008, p. 33&121; Stash & Hannum, 2001).

Along with caste-based discrimination, *Dalits* have very low access to socio-cultural, economic, and political opportunities. Poverty, illiteracy, landlessness, food deficiency, health problems like reproductive issues, and caste-based labour discrimination are other problems that exist in *Dalit* communities (IIDS, 2008; Rao, 2010). Rao (2010) shows respective relationships between caste-based discrimination and poverty and states that the caste-based hierarchy have led *Dalits* to be restricted to menial and low-paid jobs and not afforded educational opportunities. Moreover, socio-culturally defined intra-*Dalit* marriage between equivalent economic status-quo groups- has perpetuated poverty among *Dalits* (Rao, 2010).

King Mahendra promulgated the National Code of Conduct in 1963 for the first time to abolish caste-based discrimination. However, discrimination persisted due to ineffective planning, policies, and implementation mechanisms (Bhattachan *et al*., 2009). Due to the different political movements and right-based movements after reinstating the democracy in 1990, the constitution of Nepal 1990 sub-Article 4 ensured rights against untouchability and made caste-based discrimination punishable by law; however, the prohibition of change of religion enunciation on Article 19 reinforced traditional Hindu doctrine (Bhattachan *et al*., 2009) which perpetuates caste-based hierarchies.

The government of Nepal (GoN) established the National *Dalit* Commission (NDC) in 2002 with the objective to develop policies to eradicate caste-based atrocities. NDC has defined *Dalits* as those communities-identified by the National Code of Conduct 1854 on the basis of the Hindu caste-based hierarchy.
as ‘untouchables’ and ‘water polluting’. It noted that this group has been excluded from social, economic, political, education, and religious spheres (NDC, 2013). NDC lists 26 castes within Dalits, out of which seven are HillDalits (those live in hilly areas) and the remaining are TeraiDalits (those live in flat lands) (see Appendix A).

Some scholars argue that the existence of social and structural inequalities based on caste, ethnicity, and gender as well as political oppression and unequal access to economic resources provided a fertile ground for the Maoist insurgency from 1996-2006 (Eck, 2007; Geiser, 2005; Murshed & Gates, 2005), which resulted in almost 14,000 deaths and severe physical destruction in Nepal. The Maoist insurgency, led by CPN-M for ten years, marked a resurgence of Nepali people against the monarchy. It resulted in Nepal becoming a republic in the interim constitution of Nepal 2007. The interim constitution of Nepal has ensured rights against caste-based discrimination, including untouchability, while declaring Nepal to be a secular country in a constitutional sense. Furthermore, the GoN has enacted the Caste-based Discrimination and Untouchability (Offence and Punishment) Act, 2011 through which caste-based discrimination and untouchability has been made punishable by law.

The GoN as well as other international conventions including the UN, international diplomatic organizations, international and national NGOs, and community based organizations, have focused their plans, strategies, and programs on the elimination of caste-based discrimination. The Interim Constitution of Nepal 2007 has ensured Dalit rights in Article 14, Right against Untouchability and Caste-based Discrimination; Article 13, Right to Equality; and Article 21, Right to Social Justice (CHR&GJ, 2008; IIDS, 2008). The GoN has recently passed the Caste-based Discrimination and Untouchability (Crime and Punishment) Act 2011, established the National Dalit Commission and the Nepal Excluded, Oppressed, and Dalit Class Development Committee for the protection and promotion of human rights of Dalits (Lamsal, 2012). Moreover, Nepal is a signatory to various human rights conventions and has ratified the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the International Convention on the Elimination of All forms of Racial Discrimination (ICERD).
These agreements have made it obligatory for the GoN to eliminate all forms of discrimination (CHR&GJ, 2008, p. 5; Lamsal, 2012, p. 77).

Despite these efforts, the lack of governmentalility, de-traditionalization, political impairment, the economic gap between Dalits and non-Dalits, and superstitions and traditions have become hurdle for the implementation of affirmative action proposed by national and international organizations.

The GoN has ensured reservation for Dalits in education and employment sectors; however, the lack of a sustainable vision has increased disparity in opportunities between Dalits and non-Dalits. Reform activities aimed at dismantling the caste system have brought disturbance to a social structure that has changed cooperation into conflict, and trust into mutual suspicion; thus, caste-based distance has been increasing in the present society (Rao, 2010). Despite positive legislations for inclusion of Dalits, indigenous nationalities and socio-economically backward classes after the People’s Movement II in 2006 (a public demonstration against monarchy and discrimination), the predominance of upper caste members in political institutions, jurisdiction, legislation, and bureaucracy have restricted lower caste people from political opportunities (IIDS, 2008, pp. 96-117).

Due to the ineffective implementation of the Act against caste-based discrimination, Dalits are still suffering different forms of discrimination in the socio-cultural, political, economic and educational spheres (Shrestha, 2002). Shrestha (2002) estimates that the discrimination in food and drink sectors comprises 38.9% and prohibition to the entry at private/public places including households and temples comprises 28.3%. Dalits are still restricted to traditional occupations. Despite abolition of the slavery system in 2002, a significant number of Dalits are forced to work in the households of landlords in conditions commensurate with slavery. Dalits cannot undertake socio-cultural and religious rites without harassment. Consequently, caste-based discrimination is still persisting in socio-cultural, economic and political spheres.

There are frequent occurrences of individual discrimination on daily behaviours by high-caste people, for instance untouchability at water taps, shops, and homes. Social institutions have maintained anti-Dalit norms which have restrained Dalits access to socio-economic and political opportunities. The social norms include prevention of Dalits from accessing schools’ facilities, avoidance of
*Dalits* in customer contact positions at restaurants, and discriminatory practices in community programs which are contemporary examples of institutional discrimination. Moreover, perpetrators of caste discrimination are often acquitted from the criminal justice systems due to the predominance of high-caste people in police and judiciary bodies.

*Dalits* have also been victims of structural discrimination. Most government and private services are less likely to benefit *Dalits* due to the predominance of high-caste people in policy and implementation positions. The non-*Dalit* officers are indifferent to providing services to *Dalits*. Hence, attitudinal discrimination exists in the different public and private institutions.
System Analysis of Caste-based Discrimination

Systems thinking is an approach that seeks analyse multiple influencing factors contributing to a state of affairs. It as an anti-reductionist approach that analyses the inter-relationships between contributing factors that may jointly contribute to an issue (Aronson, 1996; Kay, 2008). Systems thinking involves a shift from linear to non-linear analysis that employs multi-disciplinary analysis similar to transdisciplinary thinking and complexity theory (Albrecht, Freeman, & Higginbotham, 1998). The caste system in Nepal has socio-cultural, economic, religious, philosophical, political, and other dimensions and these dimensions are intertwined each other, thus reinforcing one another in a complex manner. For instance, among Dalits there is rampant poverty, illiteracy, food scarcity, sanitation and health problems, social oppression, economic dependency, superstition, political deprivation, insignificant representation in decision-making positions, and so on. These factors can be explained under the general areas of socio-cultural and religious, economic, and political factors as shown in figure 2.
Socio-cultural and Religious factors

Socio-cultural and religious factors associated with the caste system include traditional beliefs about the origin of the caste system and superstition, ancient caste-based labour division, illiteracy and lack of awareness, social oppression (untouchability and caste-based discrimination), and health and sanitation issues. As explained earlier, there are superstitious and traditional beliefs regarding the genesis of different castes. As a part of a religious philosophy and important cultural heritage, caste has become engrained within the Nepalese culture (Inglehart & Baker, 2000). Hence, different religious and cultural dimensions associated with the caste system have contributed to the perpetuation of the caste-based hierarchy.
Illiteracy is one of the key drivers of socio-cultural and religious factor that has contributed to the vicious cycle of inequality and discrimination among Dalits. Due to a lack of awareness about the importance of education, discriminatory practices around schools and poverty have perpetuated illiteracy which have resulted higher level of unemployment and political underrepresentation.

Dalits have a lower level of education in comparison to other communities due to lower enrolment and higher drop-out rates. Discrimination is likely a major factor that contributes to the high drop-out rate. Dalits suffer discrimination by fellow students, teachers and School Management Committees (SMCs) (Bishwakarma, 2011). The Common Country Assessment (CCA) for Nepal (2007) reports that lack of education contributes to poverty. The second Nepal Living Standards Survey (NLSS) has identified 46% of households under poverty whose heads were illiterate, whereas only 1.6% households were under poverty whose heads had 11 or more years of schooling (UNCTN, 2007). The education level of Dalits is shown in table 2.

Table 2: Caste wise literacy rate and education (CBS, 2001)

<table>
<thead>
<tr>
<th>Caste groups</th>
<th>Literacy rate (6 years &amp; above)</th>
<th>SLC &amp; above</th>
<th>Bachelor &amp; above</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brahmin and Kshetria</td>
<td>67.5%</td>
<td>24.7%</td>
<td>5.4%</td>
</tr>
<tr>
<td>Terai</td>
<td>41.7%</td>
<td>16.7%</td>
<td>2.7%</td>
</tr>
<tr>
<td>Dalit</td>
<td>33.8%</td>
<td>3.8%</td>
<td>0.4%</td>
</tr>
<tr>
<td>Caste groups</td>
<td>56.6%</td>
<td>12.9%</td>
<td>2.0%</td>
</tr>
<tr>
<td>Religious minority</td>
<td>34.5%</td>
<td>9.0%</td>
<td>1.6%</td>
</tr>
</tbody>
</table>

Source: Bishwakarma (April 25, 2011)

The data shows that Dalits have a 33.8% literacy rate in school education, 3.8% in higher secondary education and only 0.4% literacy in university education; whereas Brahmins and Kshetrias have 67.5%, 24.7% and 5.4% literacy rate in school, higher secondary, and university education respectively. The drop-out rate of Dalit children is shown in table 3.

Table 3: Dalit children enrolment rate (CBS, 2001)

<table>
<thead>
<tr>
<th>Population</th>
<th>Enrolment</th>
<th>Gap</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary enrolment level</td>
<td>13.3% (5-9 years)</td>
<td>8.7%</td>
</tr>
<tr>
<td>Lower secondary level</td>
<td>8% (10-12 years)</td>
<td>6.8%</td>
</tr>
<tr>
<td>-----------------------</td>
<td>------------------</td>
<td>------</td>
</tr>
<tr>
<td>Total</td>
<td>21.8%</td>
<td>15.5%</td>
</tr>
</tbody>
</table>

Source: Bishwakarma (2011)

Bishwakarma (2011) notes that only 8.7% of Dalit children (5-9 years) enrol in the primary level of education despite Dalits comprising 13.3% of the total population in this age group, and only 6.8% of Dalit children (10-12 years) enrol in the lower secondary level despite Dalits comprising 8% of the total population in this age group.

*Dalits usually have health and sanitation issues due to their restriction to menial jobs in poor working conditions. Due to extreme poverty, Dalits cannot afford adequate and nutritious food. Due to the lack of personal hygiene, they are more susceptible to health risks, for instance-diarrhoea, flu, cholera, plague, and other diseases (UNCTN, 2007). Abject poverty and acute hunger led Dalits to severe food insecurity and a lower health status, which in turn prevent them from contributing to socio-economic and political disempowerment.

It can be seen, therefore, that religious belief related to caste origin, labour discrimination, lack of education and lower health status are collectively contributing to the persistence of caste-based discrimination in an interrelated manner.

**Economic Factors**

Rao (2010) contends that there is a reciprocal relationship between the caste system and economic status, with lower caste people restricted to menial jobs which result in lower incomes and abject poverty. Poverty, bonded /forced labour,
labour discrimination, food deficiency, economic degradation, and class-based discrimination are economic factors that perpetuate the caste system in Nepal.

*Dalit* have a lower economic status and they do not enjoy sufficient socio-economic and political status to dismantle the caste-based system embedded in Nepalese society in order to reverse their economic position. The economic dimensions of caste system are shown in figure 3.

![Figure 3: Economic dimension of caste system](image)

According to Thorat and Newman (2007), predefined occupational segregation has restrained *Dalits* from upward mobility. Consequently, they are restricted to employment in traditional occupations like farm labouring and shoemaking. The forced and predefined occupations have limited *Dalits* access to economic resources like land, human capital, and other resources. The restriction to
resources has led to a monopolistic division of labour and fragmentation in markets that contributes to a decrease in human capital, low income, and inter-caste conflict; thereby undermining social harmony and economic development. The occupational economic status of Dalits is shown in table 4:

Table 4: Occupational economic status of Dalits

<table>
<thead>
<tr>
<th>Occupation</th>
<th>Dalit Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture</td>
<td>54%</td>
</tr>
<tr>
<td>Service</td>
<td>15.7%</td>
</tr>
<tr>
<td>Non-farm wage earning</td>
<td>14.2%</td>
</tr>
<tr>
<td>Farm wage earning</td>
<td>6.1%</td>
</tr>
<tr>
<td>Others (traditional jobs like leathering, blacksmith, tailoring etc.)</td>
<td>10%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>


Estimates of occupational economic status of Dalits (Dahal, Gurung, Acharya, Hemchuri, & Swarnakar, 2002) indicate that 54% of Dalits are engaged in their own agricultural production. Most do not undertake agriculture for income, but purely on a subsistence basis. Moreover, they do not have an ownership of agricultural land which impedes their ability to consume all agricultural products. Sharma et al. (1994) note that the main economic resource of Dalits is wage labour. According to the second NLSS (2007), Dalits have the highest poverty rate, as shown in table 5:

Table 5: Caste wise economic status

<table>
<thead>
<tr>
<th>Caste Group</th>
<th>% poor (under poverty)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Terai Brahmins and Kshetrias</td>
<td>12</td>
</tr>
<tr>
<td>Hill Dalits</td>
<td>48</td>
</tr>
<tr>
<td>Terai Dalits</td>
<td>46</td>
</tr>
<tr>
<td>Hill Janajatis</td>
<td>42</td>
</tr>
</tbody>
</table>

Source: CCA Nepal (2007)

According to the data, more Hill Dalits and Terai Dalits suffer greater poverty than other groups. Furthermore, 80% of Dalits are landless among 29.94% of total landless in Nepal. Due to abject poverty, 65% of total girls trafficked to India are Dalits and Janajatis. Although Nepal has ratified the Children’s Act 1991 which prohibits the employment of any child in enterprise; 26% Dalit children are victim of child labour (ILO, 2005), including 8% who are subject to slavery or slavery-like practices. Despite an abolition of the slavery system in Nepal, many Dalits have not yet been freed from bonded labour, forced labour, slave labour,
including low payment for Dalit women that led to abject poverty among Dalits (IIDS, 2008; Rao, 2010; Shrestha, 2002).

The National Dalit Welfare Organization contends that one fifth of the total Haliya bonded labours are Dalits, where ILO estimates that there are 20,000 Haliya bonded labourers in total (IDSN, n.d.-c). Therefore, labour bondage, labour discrimination, and restriction to menial jobs have prevented Dalits from enhancing their economic status; consequently, they have become economically dependent on other castes, which has served to preserve the imbalance of power between the castes and sustained an environment conducive to discrimination and abuse.

Political Factors

Political marginalisation is another significant factor which contributes to the perpetuation of the caste system in Nepal. The political factors include ineffective law enforcement, lack of governance, political underrepresentation of Dalits, lack of sustainable vision on inclusion policy, and inadequate representation of Dalits in government policy and decision-making positions (OHCHR, 2011; Pick & Dayaram, 2006; UNRCO, 2013). CCA Nepal shows the insignificant representation of Dalits in high level governance positions as shown in table 7:

Table 6: Representation of population groups in high level positions

<table>
<thead>
<tr>
<th>Group</th>
<th>% of Nepal’s population</th>
<th>% of high level governance positions held</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brahmans and Kshetrias</td>
<td>31.6</td>
<td>66.5</td>
</tr>
<tr>
<td>Newars</td>
<td>5.6</td>
<td>15.0</td>
</tr>
<tr>
<td>Janajatis</td>
<td>22.2</td>
<td>7.1</td>
</tr>
<tr>
<td>Dalits</td>
<td>8.7</td>
<td>0.3</td>
</tr>
<tr>
<td>Madhesis</td>
<td>31.9</td>
<td>11.1</td>
</tr>
<tr>
<td>Total</td>
<td>100</td>
<td>100</td>
</tr>
</tbody>
</table>

Note: The figures in the right hand column are for high-level decision-making in government administration, judiciary, industry, commerce, civil society and education.
Source: CCA Nepal (2007)

The data shows that only 0.3% of Dalits occupy high-level positions in State agencies, compared to 66.5% of Brahmans and Kshetrias. Due to their very insignificant representation in decision-making, law enforcement, and policy-making positions, Dalits lack the authority to redress caste-based discrimination.
Political parties do not have clear-cut policies in regards to Dalit inclusion, Dalit empowerment, and Dalit development. The dominant political parties show little interest in giving political representation to Dalits. For example, very few Dalits have been granted candidacy for the election of the second Constitution Assembly in Nepal that was held on November 19, 2013. The lack of a sustainable vision on reform activities aimed at dismantling the caste system has increased the social gap between Dalits and non-Dalits in Nepal.

The interrelationships between socio-cultural and religious, economic, and political factors

It can be seen that socio-cultural and religious, economic, and political factors cannot be analysed in isolation since they are interwoven and have strong reinforcing relationships. For instance, religious belief rooted in the Hindu religion has restricted Dalits to menial jobs which have resulted in their lower economic status. Due to their lower economic status, Dalits do not have access to decision-making positions. The lack of political representation of Dalits means that they cannot influence policy-making in order to redress inequalities and discriminatory practices. Thus, religious beliefs, poverty, and political underrepresentation have reinforcing relationships that, together with many other factors such as education and health, collectively sustain the existence of caste-based discrimination. This obviously makes it difficult to identifying any specific level or “tipping point” that could break the cycle of exclusion. That said, there are some factors that appear to play a greater role in sustaining the systems of inequalities and discrimination against Dalits, and it is towards these factors that we should perhaps look for possible ways forward for addressing Dalit marginalisation.
Identifying a Tipping point

A tipping point is a transitory state in which an action enacts system change in a completely different direction from its normal state of functioning (Marten, 2005). The term “tipping point”, as often discussed in the sustainable development context, is a way to change the social, economic, and environmental status-quo (Marten, 2005). In the case of Dalits, the tipping point refers to change in the existing system of stratification based on caste hierarchies.

In order to identify potential tipping points, it is important to isolate the key factors that sustain the system. The key factor that has historically produced Dalit marginalization and continues to sustain it are traditional attitudes that Dalits are lesser human beings than people from other castes. Dalits are unable to subvert these cultural myths, because they are unable to occupy positions that would: a) prove these preconceptions to be misguided in a demonstrative sense; and b) arrest the institutional reproduction of these ideas through social and political action.

The caste system has provided a strong basis for identity among the people of Nepal, and it also incorporates high cultural values, lingual differences and costume-diversities that define Nepal’s cultural life. Obviously dismantling the caste system would involve some form of de-traditionalisation process, which it must be said would be very difficult to achieve both in practical terms and also without violating people’s religious freedom. However, it can be argued that unless this is done, it will always be an uphill battle to address caste-discrimination. However, it might be possible to preserve the caste system, but eliminate caste-based discrimination. Education can play a substantial role to overcome the riddle.

Lack of education and an increased drop-out rate among Dalits has sustained a cycle of poverty, political underrepresentation, and lower socio-economic status. Therefore, ensuring educational attainment for Dalits up to higher education and providing Dalits with access to positions of influence offers the best hope to dismantle the vicious cycle of inter-related socio-cultural, economic and political factors that have collectively sustained caste-based ostracisms. Therefore, this study suggests that ensuring education at Dalits’ households level and good
governance at different levels promises to be the key drivers for dismantling caste-based discrimination in Nepal.

In terms of addressing inequalities, the education of Dalits is important. The high illiteracy rate has led to multiple disparities among Dalits - for example poverty, political underrepresentation, and low social status. Widespread illiteracy has foiled the gainful employment opportunities for Dalits (IDSN, n.d.-b). Due to a lack of education, Dalits do not acquire skills required for workforce placement which increases unemployment. Unemployment restricts Dalits from breaking out of dire poverty which in turn perpetuates notions of Dalits as ‘lesser’ than others and only suitable for menial jobs, thereby reinforcing discrimination. Dalits are restricted to menial jobs like leathering, shoemaking, and cleaning due to low level of education that result in lower earnings and problems of health and sanitation. The poor sanitation and health hazards put more economic burden on families, which decreases the educational attainment in Dalits. Moreover, Dalits cannot attain influential decision-making positions due to the lack of education. Therefore, educational development is crucial for increased level of employability and political representation of Dalits.

Only 0.3% Dalits have a university education. Dalits have higher rates of drop-out from school education. IIDS (n.d. -b) illustrates the existence of different forms of discrimination in the educational institutions, from elementary level to graduate level. The discrimination includes separation of Dalit students from their peers, denial access to school water supplies, and forcing Dalit students to do scavenging works at school (IDSN, n.d.-a). Dalit students experience discrimination from fellow students, teachers, SMCs, and discrimination in the curriculum (Bishwakarma, 2011). Furthermore, extra costs associated with the education and lack of parents’ awareness of the importance of schooling has also contributed to the high drop-out rate among Dalits.

The Formative Research Report 1 (FRP) (2005) asserts that the GoN has enacted different forms of educational programs under Education for All (EFA) to ensure access to elementary education for all by 2015. Under the EFA program, the government has increased the number of schools with access to different forms of scholarship programs to attract students from vulnerable communities (CERID, 2005). Along with the free primary and secondary education for Dalits, there have
been different scholarship programs for girls, Dalits and other marginalized communities. The scholarship amount for Dalit students of primary level (age of 5-9 years) and secondary level is Rs. 250 ($2.5) and Rs. 500 ($5) per year respectively (CERSOD, 2010). CERSOD (2010) reports that the Dalit scholarship distribution at primary level is 83% whereas the distribution rates are 58% and 62% at lower secondary and secondary level. The data shows the inconsistency between the scholarship scheme and its implementation. It has been contended that the scholarships are being misused by school administrations (CERSOD, 2010). Despite the affirmative actions towards educational upliftment, the enrolment rate is lower and drop-out rate is higher in Dalit communities.

The Centre for Education Research and Social Development (CERSOD) states that the Department of Education (DOE) plays a secondary role in effective implementation of scholarship programs since it pays more attention to developing policy, budget allocation and monitoring (CERSOD, 2010). The DOE has developed a procedural implementation mechanism to ensure effective management, implementation and monitoring of the scholarship programs delivered to the children from marginalized communities. The District Education Office (DEO) plays a primary role in distributing scholarships. The DEO collects students’ data from RC at school level and allocates budget on different scholarship headings. Despite these mechanisms, it has been reported that the scholarships have been misused due to lack of fixed distribution policy and political interference in scholarship distribution (CERSOD, 2010). Moreover, the scholarship amount has not been received by needy students.

A related problem is that Dalit children often need to look after their siblings or be involved in economic generation activities to fulfil their family’s daily needs. A significant proportion of Dalits are still unaware of the importance of education or they are not aware of the inclusive educational policy endorsed by the government. These factors are contributing to the low enrolment and high drop-out of Dalits in the educational system.

In order to increase access to education for Dalits, there should be collective efforts to create a conducive environment at schools so that all students have an equal opportunity to acquire education. For this, school teachers should be trained to reform their discriminatory practices, Dalit teachers should be increased, the
schools should ensure equal access to school resources for all, and the meaningful representation of Dalits should be increased in SMCs since they play an important role in allocating school resources including scholarships. Furthermore, the discriminatory educational curriculum should be reformed to include positive accounts of Dalits’ contribution to Nepalese society. Dalit scholarship amounts should be increased so that the amount becomes adequate to cover expenses for educational requirements. However, it is challenging to find an economic resource to compensate for the extra financial burden placed on Dalit families by their children not being available for work. There should be a united effort to create an ‘educational basket fund’ at local level to solve the economic burden. The educational basket fund could be created by financial assistance from various I/NGOs, primarily focusing on the marginalized communities like Dalits and Madhesis.

Thus, there should be a united effort to ensure educational upliftment in Dalit communities, which is only possible through a long-term vision. Further education of the groups doing the discrimination is also important. In order to breakdown the structural discrimination associated with the caste system, it is necessary to review cultural components and the principle of social institutions which is only possible through educating the dominant groups as well as the minorities. Hence, education will help to enhance social capital, trust and relationships within community members by providing a critical perspective to analyse their cultural practices, which can contribute to the cultural transformation. IIDS (n.d.) asserts that education plays a pivotal role in combating any forms of discrimination based on race and caste (IDSN, n.d.-a).

However, the present forms of discrimination in socio-cultural, economic, political, educational, health sectors cannot be disregarded as factors that serve as barriers to educational attainment as part of a system of constraints. Therefore, there should be a short-term strategy to eliminate the discrimination that exists in the broader socio-cultural and other sectors which should be followed by a long-term vision of ensuring educational upliftment in Dalit communities. The principles of good governance provide a foundation for the elimination of the present forms of discrimination and sustainable way of elevating the educational status of Dalits.
Good Governance

Governance is an interrelationship between power structures and civil society, involving cooperation between the state and citizens for the wellbeing of the people (Grindle, 2004; Roy, 2008). Good governance encompasses the concept of self-creativity and self-initiation of the community for addressing local problems. UNDP states that good governance involves an equitable access to socio-economic and political opportunities on the basis of a broad social consensus where the most vulnerable communities are privileged in decision-making regarding resource allocation (WB, 2013). UNDP furthermore states that good governance involves a rule of law which ensures participation, transparency and accountability.

Good governance includes reformation of judicial systems and public administration, public safety and law enforcement, community-based initiatives and civic participation, decentralization, transparency and accountability, and enhancing social capital (Grindle, 2004). Here, good governance is proposed in a broader sense, concerning concerted and differentiated efforts at global, national, and community levels. These levels of accountability can ensure social justice in the stratified Nepalese society.

Good governance includes the improved implementation of the rule of law. Most development programs in Nepal at central and local levels incorporate the concept of affirmative action for the development of marginalized communities. Good governance promotes affirmative action which includes increased caste-based awareness. Good governance promotes economic empowerment and entrepreneurship for Dalits. Furthermore, good governance emphasizes the political awareness, political representation of Dalits, improved law enforcement, and transparency and accountability in the justice system. Therefore, ensuring good governance at global, national and community levels can create a conducive environment for law enforcement which is essential to dismantling discrimination based on caste and ethnicity.
**Global Governance**

Global governance is a united effort by transnational actors to address common problems in one or more nation states. As noted earlier, the ICCPR, the ICESCR, the ICERD and other UN treaties and conventions are some examples of global governance enacted for the elimination of caste-based discrimination. There are some global initiatives in practice to abolish caste-based ostracisms, for instance the European Parliament has recognized caste-based discrimination as an act against human rights and advised European institutions to deal with it (Dhillon, 2013). Moreover, the government of UK has passed an anti-discrimination Equality Act against caste-based discrimination of British Dalits (Dhillon, 2013). However, they have not succeeded in bringing a tangible difference to Nepal.

The UN, European Commission, and other international governments should regularly monitor the progress achieved in addressing caste-based discrimination. International organizations should initiate the provision to cut-off their funding for inadequate progression in addressing caste equality. This process will put pressure on the government to properly implement the programs related to caste-based discrimination.

**National Governance: reformation of judicial systems and public administration**

Pick *et al.* (2006) assert that the predominance of higher caste people in parliament, the judiciary, and executive bodies have restrained lower caste people from enjoying rights to social justice and equality. The non-enforcement of protective law against the caste system, police corruption, and caste-biasness, low level of knowledge of constitutional provision against the caste system and structural/procedural difficulties are some important causes that have contributed to the perpetuation of caste-based discrimination (OHCHR, 2011; Pick & Dayaram, 2006, p. 289). There is a very insignificant representation, passive even if represented, of Dalits in parliamentary, judiciary, bureaucratic, and other decision-making positions.

National plans and policies of Nepal have acknowledged the inclusion of Dalits in socio-economic and political opportunities. The effective implementation of those plans, policies and programs can become an instrument to ensure increased representation of Dalits in decision-making and law enforcement.
Effective implementation of affirmative action towards social inequality, and increased awareness about the Act concerning punishment and compensation related to caste-based discrimination, transparency and accountability in the justice process are essential for the elimination of caste-based discrimination. Moreover, integrated programs that contain strong mechanisms to involve Dalits into the national development process can ensure social justice and equality for the historically marginalized and vulnerable group.

**Community Governance**

Community governance is a collective efficacy which enhances social capital - a sense of trust and brotherhood among community members (Bowles & Gintis, 2002). Community governance may be an influential factor in the state’s policy since community initiatives can compel the government in policy making and law enforcement. Roy (2008) claims that there is a positive correlation between governance and civil society, the synergy of which are conceived as a solution to many forms of local, regional, and global problems.

Community governance can be conceived as a solution to the caste-based problems rooted in Nepalese society. Community governance involves an improved relationship among community members, which can become an important tool to enhance social capital, trust and relationships between Dalits and non-Dalits. Social capital can contribute to the public goods and it can provide a common ground for risk sharing and stratification management that exist on the basis of religion, caste, and gender. The risk sharing will draw an attention of the communities to caste-based discrimination and the community will find a preventive measure within the community. Therefore, community governance will acknowledge the principle of “by community and for the community”, which can bring a tangible change in caste-based discrimination.

Communities tend to be better placed to address local issues than outsiders (i.e. the government and economic market) because community members have vital information about other members of the community (Bowles & Gintis, 2002). Community governance can enhance social capital between different caste groups since the community better understands the relationships between community members.
Community governance, as an integral part of good governance, has three important dimensions: synergy, accountability and mobilization (Roy, 2008). Roy (2008) remarks that synergy embraces the coalition of marginalized people and their representation in decision-making position. Accountability encompasses the state’s obligation to ensure social justice. Mobilization includes cooperation with political powers, access to cultural spheres and productive resources, and representation in governance. In the context of Nepal, community governance can have implications on four different realms: organizational, co-operational, local developmental and political aspects, which together can dismantle caste-based discrimination as shown in figure 4.
Figure 4: Community Governance for minimizing caste-based discrimination
Community governance can ensure increased level of inclusion for Dalits in an organizational realm, improved service-delivery in a corporate aspect, Dalits’ participation in development plans, and improved leadership of Dalits in politics. These united efforts can enhance social capital between Dalits and non-Dalits, and strengthen the socio-political and economic status of Dalits. However, a question revolves around how can community governance be assured?

OHCHR (1996-2013) identifies the four key links between human rights and good governance: democratic institutions, service delivery, rule of law and anti-corruption. Developing a DRWG can contribute to the assurance of these four broad aspects of Dalit rights and good governance. Developing a DRWG at the district level would help strengthen community governance. The DRWG would work as a rights-based forum and coordinate with the local government to secure and promote Dalits rights, law enforcement, leadership development, and monitoring and evaluation of Dalits-focused programs. The DRWG would compose Dalits right activists from inter-political parties and non-Dalit scholars at the district level. The GoN allocates a certain amount of budget to the district level committee for the development of Dalits, which can be used as an economic resource for the DRWG.

The DRWG would require four important sections: law enforcement section, coordination section, leadership development section, and a monitoring section as shown in figure 5.
The law enforcement sector would uphold close coordination with the district level judiciary body. This sector would help Dalit victims to register files related to caste discrimination allegations which increase Dalits’ access to the justice system. Moreover, law enforcement section would maintain close coordination and consultation with the subordinating bodies for the implementation of the Discrimination (Crime and Punishment) Act, 2011. This process would help strengthen the rule of law which is an important dimension of good governance related to human rights.

The coordination section would link with local government agencies like the District Development Committee (DDC), District Education Office (DEO), District Health Office (DHO), and other government organizations, I/NGOs, and community-based organizations (CBOs). This section would create pressure to implement Dalit-focused programs effectively and it would lobby different organizations to focus their...
programs for the betterment of Dalits. This process would help to increase service delivery at the district level.

The leadership development section would be required to organize leadership development trainings for Dalit youths at the local level on a continual basis. Dalit youths should be exposed to frequent visits at the national and international levels from which they can gain effective leadership skills. This process, in the long run, can help develop Dalit political leaders that can have a positive impact on decision-making and policy-making.

The monitoring and evaluation section would work as ‘a watch dog’ to monitor the effectiveness and outcomes of Dalit-focused programs in GOs, INGOs and CBOs at the district level. This section would identify the strengths and weaknesses of the programs and provide feedback to the concerned stakeholders for the increased effectiveness of the programs. This will help increase transparency and accountability in organizations.

The DRWG would help strengthen the rule of law, increase service delivery, increase participation in decision-making, and increase transparency and accountability - these being the four key areas related to good governance and human rights (OHCHR, 1996-2013). In order to develop and execute the DRWG effectively, a national policy should be developed that is conducive to the protection and promotion of Dalits' rights which can be ensured by good national governance.
Good governance as a long-term strategy for educational upliftment

As stated earlier, the low level of enrolment and high drop-out rate of Dalit children in schools, discriminatory practices at schools, discriminatory and stereotypical language used in school curriculum, low representation of Dalits in SMCs and Parent Teacher Associations (PTAs), and the low number of Dalit teachers are influencing factors in the low educational level of Dalits. The International Dalit Solidarity Network (IIDS, 2008) presents some action-oriented recommendations for increased access of marginalized communities to education. Nepal, as a signatory country to the UN Forum on Minority Issues, has been trying to increase the Dalit enrolment rate through free primary, secondary and tertiary education to Dalit children. The GoN has been trying to reduce the drop-out rate of Dalit children through scholarships and financial subsidies to schools. Moreover, the education policy acknowledges the non-tolerance policy on caste-based discrimination at schools by teachers, SMCs and PTA members, and peer students. The education policy should acknowledge training and public campaign programs against caste-based inequality which can help non-Dalits to change their discriminatory behaviours towards Dalits.

The GoN has been trying to ensure equal opportunities for Dalit children to access to physical facilities at schools. The education policy seeks to reform school curricula by eliminating derogatory and stereotypical language. In the curricula, Dalits’ contribution should be reflected which can increase respect towards Dalits. The educational policy should involve Dalit Children who are out of the education mainstream through transitional education paths like bridging education programs. Child labour should be eradicated which has prevented children from spending full time at school. Furthermore, increasing the number of Dalit teachers at schools and increasing the number of Dalits in SMCs and PTAs can significantly help Dalit children to acquire a qualitative education.

The NDC at the central level can coordinate with the DOE for the effective implementation of Dalit scholarship programs. At district and school levels, the DRWG needs to work at school levels and help the RCs to collect Dalit students’ data. On the other hand, the DRWG requires coordinating with the District Scholarship Management Committee (DSMC) to distribute Dalit scholarships effectively.

Beside these policies, the GoN should increase the Dalit scholarship amount because the present scholarship amount has proven to be inadequate. Thus, the government
should create ‘an education fund’ to reduce the drop-out rate at district levels. The GoN should instigate ‘an educational loan’ for the pursuit of higher education for Dalits. However, it is difficult to find an economic resource for these initiatives. For the sustainability of the educational loan, there should be an obligatory policy to pay back the loan, much like the Higher Education Contribution System (HECS) in Australia. This process may help to promote the sustainability of the education loan for future Dalit students.

As argued earlier, education will contribute to the increased economic status and political representation of Dalits. This will help to decrease the socio-economic and political gaps between Dalits and non-Dalits.
Conclusion

Caste-based discrimination has existed as an on-going challenge for the development of Nepal. The predominance of the Hindu religion, especially resulting in the stratification of Nepalese society into caste-based hierarchies which were politically enforced through the promulgation of the National Code of Conduct in 1854. According to the code of conduct, Nepalese society was classified into the four-fold castes: high caste, medium caste, water unacceptable/impure but touchables, and water unacceptable/impure and untouchables. The caste-based pyramid put untouchables, also known as Dalits, at the bottom of the social hierarchy, which marginalized Dalits from social, economic, and political opportunities. The caste system perpetuated different forms of caste-based discrimination like untouchability in public/private sectors, inter-caste marriage disparities, social exclusion, and economic and political oppression.

The political movement after 1950 and the reinstatement of democracy in 1990 heightened Dalit movements against caste-based discrimination. Consequently, the GoN constitutionally ensured the right against caste-based discrimination and untouchability in 1990. Furthermore, the GoN established the NDC which started to work for the protection and promotion of Dalits’ rights. The Maoist conflict which was prolonged for ten years and the people’s movement, 2007, collectively heightened the Dalit movement. The Interim Constitution of Nepal, 2007, has ensured improved rights against caste-based discrimination and affirmative action including inclusion.

However, caste-based discrepancies remain constant in terms of individual discrimination, institutional discrimination, and structural discrimination. These forms of discriminations exist due to the predominance of high-caste people in decision-making positions including bureaucracy and law enforcement; lack of preparedness of police department; low level of awareness about the Act, punishment and compensation; lack of transparency and accountability in implementation mechanisms; and the lack of a sustainable vision in government policies and strategies. Hence, it is essential to enact short-term strategies to minimize existing discriminations and long-term strategies to enhance the educational level of Dalits, which in turn will contribute to political representation, not to mention economic success.

Caste-based discrimination that exists at socio-cultural, economic, and political spheres can be addressed by strengthening governance. Good governance at global,
national and community levels can create a conducive environment for promoting social equality.

Global governance includes increased global concerns and improved global mechanisms towards caste issues where the UN should take a leading role in addressing caste-based discrepancies. National governance plays an important role in creating a conducive milieu for all, including increased Dalit participation in decision-making and law enforcement positions, improved law enforcement, increased awareness about discrimination legislation, and greater transparency and accountability in the justice process. Although global governance and national governance significantly contribute to addressing the caste-based discrimination, governance needs to develop more strongly at the community level by establishing and mobilizing a DRWG.

At the same time, it is essential to enhance the education level of Dalits, particularly of Dalit children. The discrimination practices that exist within schools, lack of awareness of Dalit parents, inadequate economic resources to bear educational expenses and poverty contribute to drop-out rates among Dalit students. These structural discriminations can be addressed by mobilizing the DRWG at the local level. Furthermore, with the help of I/NGOs, diplomatic agencies, bilateral and multilateral organizations, and NGOs, the government needs to create ‘an educational basket fund’ at district levels that can provide economic support to Dalit students to continue their study. The government can propose ‘an education loan’ for Dalit students for the pursuit of higher education which can be funded by international aid programs.

Dalits want to live a respected life with rights to social justice and equality. However, Dalits have been subjected to different forms of discrimination like untouchability, inter-caste marriage conflicts, and socio-economic and political exclusions. These practices of discrimination have drawn the attention of global, national and regional authorities to eliminate caste-based discrimination in Nepal. However, good governance at global, national and community levels is needed to ensure that educational attainment by Dalits can serve as a tipping point to bring about long-lasting change in caste-based discrimination in Nepal.
References:


Appendixes:

Appendix A:  

_Dalit Caste Index_

A. **Hill Dalit (lives in Hilly area):**
   1. Gandharba (Gaine)
   2. Pariyar (Damai, Darji, Suchikar, Nagarchi, Dholee, Hudke)
   3. Badi
   4. Bishwokarma (Kami, Lohar, Sunar, Od, Chunanra, Parki, Tamata)
   5. Mijar (Sarki, Charmakar, Bhool)
   6. Pode (Deula, Pujari, Jalari)
   7. Chyame (Kuchikar, Chyamkhal)

B. **Terai Dalit (lives in plain area)**
   8. Kalar
   9. Kakaihiya
   10. Kori
   11. Khatik
   12. Khatwe (Mandal, Khang)
   13. Chamar (Ram, Mochi, Harijan, Ravidas)
   14. Chidimar
   15. Dom (Marik)
   16. Tatma (Tanti, Das)
   17. Dushadh (Paswan, Hajara)
   18. Dhobi (Rajak) Hindu
   19. Pasi
   20. Bantar
   21. Mushar
   22. Mestar (Halkhor)
   23. Sarbhang (Sarbariya)
   24. Natuwa
   25. Dhandi
   26. Dharikar/ Dhankar

**Source: National Dalit Commission, 2013**
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