

# Nepal: Maintaining Secularism an Up-hill Struggle

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Written by:  
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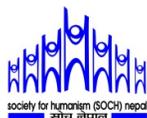
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## Foreword

Nepal has emerged through six decade long series of struggle for democracy. Certain rights were subsequently assured through the people's movement. Eventually, latest People's movement 2063 became milestone to abolish monarchy and Hindu authority together. Restored parliament's declaration on 16th January 2007 confiscated Nepal's title of world's only one Hindu Nation.

Even after the declaration, the attempt of state being neutral towards faith groups has become major political controversy. Some political parties have found huge political space to manipulate angry Hindu majority voters. As a result the most regressive political party has become forth-largest party despite their suppression on people's movement 2063.

Agenda of secularism has become the politics of religious hatred instead of equality and rights of minority. Parties favoring secularism are failed to make people realize its importance for strengthening democracy and dignity of each individual. The group or parties close to absolutism have mishandled the space created by their failure. As an civil society organization, Society for Humanism (SOCH) Nepal is lobbying for establishment of every individual's right regardless of their caste, color, race, religion, gender, geographical settlement, etc. Rights of minority religious or non-religious group cannot be assured without completely separating religion and state. In other words, SOCH Nepal has been actively lobbying for secularism (which guarantees the rights of each minority believers or nonbelievers). Publication of this book is an attempt to make reader's understand the importance of secularism in democracy. It gives an overview on political struggle for secularism in Nepal.

Dr. David Seddon is well-known researcher, writer and consultant, and author or co-author of several books on Nepal. Till now, many writers and politician provide his references in various contexts. SOCH Nepal is delighted to be able to publish this freestanding book. His text will also be included in the forthcoming publication by SOCH.

In the end, this book is a breakthrough for the readers understanding the discourse of secularism in Nepal where there is no legible domestic publication on Secularism.

Uttam Niraula

**Director**

Society for Humanism (SOCH) Nepal

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# Nepal: maintaining secularism - an up-hill struggle

Dr. David Seddon

## 1. Introduction

In May 2006, the newly re-constituted parliament declared Nepal to be a secular state. This was confirmed by the Interim Constitution in 2007 and by the elected Constituent Assembly in 2008. But the principles of secularism - popular democracy (*loktantra*), social justice and universal human rights, and a combination of the rule of the majority together with safeguard to protect and enhance the rights of minorities of all kinds - appear to be under threat as I write this in February 2015. This is not to mention issues around federalism, form of government and system of representation - all of which also remain matters of contention and strong disagreement. The struggle over the new Constitution that has now extended over nearly a decade, looks set to continue and even intensify.

Although Nepal was declared a secular state for the first time some eight years ago, the last few months of 2014 - perhaps not surprisingly in view of the lack of progress towards a consensus

on state re-structuring - saw heightened debate. Some began to call for the re-instatement of a Hindu state, often in the name of unity and integrity but sometimes as a response to alleged proselytization by Christians and Muslims; others (including Muslims and Christians) were alarmed by this increasingly aggressive Hinduism. In the meanwhile, many were calling for political quotas and other forms of positive discrimination for some 'minorities' but not others, in the name of 'social inclusion'; while others were increasingly fearful (particularly from a 'gender perspective') about partiality and exclusiveness in determining the rights of citizenship, and other rights. By the end of the year, secularism had become increasingly controversial even embattled.

The temperature was raised still further when, in December 2014, the British Ambassador expressed his view that any new Constitution would 'enshrine equality for all, without discrimination based on gender, sexual orientation, caste, ethnicity, religion or language, and with a particular focus on ensuring enjoyment of those rights by the most marginalised in society such as *dalits*', and would also ensure that 'the right to change religion is protected, and that the right to hold opinions and to express them freely will remain strong.' Although he was clearly endorsing a broad commitment to human rights without discrimination, his - to my mind legitimate but perhaps ill-advised - intervention as an official representative of a foreign power drew a critical response from certain media outlets and political commentators; but it was his apparent emphasis on 'the right to change religion' that aroused the greatest reaction, particularly among those sections of the press and political spectrum defensive of the special place of Hinduism in Nepal.

In this chapter, I explore the challenges to the idea of a secular society and state, particularly from those who wish to return to a Hindu state, if not a Hindu monarchy, in Nepal. I adopt a longer historical perspective to provide the context for those more recent challenges that have arisen in recent years in response to the formal establishment of a secular state in Nepal in 2006-2008, and express my own concern that the real

opportunities that secularism provides for the development of a tolerant progressive society and political culture, and thus for popular democracy and human rights, may be abandoned in the context of a rising demand for more radical change on the one hand and a grim defence of the status quo ante on the other.

I consider the issues involved from a broadly secular, humanist position, pointing out, among other things, that 'secular' does not necessarily mean 'atheistic' - as some people in Nepal believe and as some Marxists (and Maoists) assert - but does imply a state and society that allows and indeed encourages attitudes and behaviour that are broadly permissive and 'non-partisan' as regards religious beliefs and practices, is 'agnostic' on more specific issues as federalism, devolution and the precise form or combination of forms of government and representation of the people, but is strongly supportive of popular democracy, social justice and the rule of law, and universal human rights.

I also remind readers that India - a federal republic and multi-lingual, multi-ethnic and multi-faith society, which has experienced its own conflicts between different faith communities, its own Marxist armed struggles and Maoist-Naxalite insurgencies, as well as movements to ensure positive discrimination for *dalits*, scheduled castes and tribes, and other selected 'minorities' - has also been, officially, a secular state since 1976, and remains one, despite the continued cultural dominance of Hinduism and despite having recently elected as Prime Minister a man who is a member of both the Bharatiya Janata Party (BJP) - a political party widely considered to be reactionary, if not fundamentalist, and Hinduist - and the Rastriya Swayamsevak Sangh (RSS), a right-wing, nationalist NGO, whose *ghar wapsi* programme is concerned to reconvert Muslims and Christians to Hinduism. I ask whether India can provide an example to Nepal, or whether India also is struggling with a resurgent Hindutva and growing challenges to secularism.

## 2. India: an example for Nepal?

### *Hinduism*

The majority of Indians are Hindus. Hinduism has been called the oldest religion in the world. Some refer to it as *Sanātana Dharma*, 'the eternal law' or the 'eternal way' - something above and beyond human culture and society, but for which it prescribes 'eternal' duties such as honesty, mercy, purity, self-restraint, among others. Throughout its extensive history, there have been many key Hindu figures, teaching different philosophies and writing diverse holy books. For these reasons, writers often refer to Hinduism as 'a way of life' or 'a family of religions', rather than a single religion. Western scholars tend to regard Hinduism as a fusion or 'synthesis' of various Indian cultures and traditions, with diverse roots, no single scripture, no single founder and no commonly agreed set of teaching.

This 'Hindu synthesis' seems to have emerged around the beginning of the Common Era and to have co-existed for several centuries with Buddhism, finally gaining pre-eminence over the latter during the 8th century, after which the 'Hindu synthesis' and its associated caste hierarchy spread gradually throughout the subcontinent and to parts of Southeast Asia. The use of the term 'Hindu' to refer to believers probably does not go back before the 15th and 16th centuries, when it was used by people to differentiate themselves from followers of other traditions, especially Muslims. The 'ism' was added to 'Hindu' only in the 19th century in the context of British colonialism and missionary activity, when, under the dominance of western colonialism and Indology, the term 'Hinduism' came into broad use, and it re-asserted itself as a coherent and independent tradition.

Some Hindus define orthodoxy as compliance with the teachings of the Vedic texts (the four Vedas and their supplements). Hindu texts are classified into *Śruti* (revealed) and *Smṛiti* (remembered). The *Vedas* and the *Upanishads* are both *Śruti*;

the *Mahabharata*, *Ramayana*, *Bhagavad Gita*, *Puranas*, *Manusmurti* and *Agamas* are all *Smriti*). However, as suggested above, still others identify their tradition with '*Sanātana Dharma*', the eternal order of conduct that transcends any specific body of sacred literature. For some, the caste system is a defining feature of Hinduism, providing a hierarchical interactive system of inter-group relations, based on religious concepts of purity and contamination; for others caste is mere a social phenomenon defining a historic division of labour or alternatively as a social evil and not as intrinsic to the religion. Hinduism cannot be defined solely by a belief in *karma* and *samsara* (reincarnation), because Jains, Sikhs, and Buddhists (in a qualified form) have adopted these concepts too.

### ***Hinduism, nationalism and Islam***

The Hindu revival and reform movements of the 19th and early 20th centuries were closely linked with the growth of Indian nationalism and the struggle for independence, although large numbers of Indians of other religious persuasions (notably Muslims) were also involved in the nationalist movement. The Arya Samaj strongly encouraged nationalism, and, even though Vivekananda and the Ramakrishna Mission were always uncompromisingly nonpolitical, their role in promoting the movement for self-government is quite evident. During the 20th century, Hindutva (a term coined by Vinayak Damodar Savarkar in his 1923 pamphlet *Hindutva: Who is a Hindu?* referring to a prominent set of movements advocating Hindu nationalism in India) emerged as a political force and a source for national identity in India. It remains a powerful movement.

While Buddhism and other minority religions of India have rarely been seen to pose a significant threat to Hinduism - although there is a long history of attacks on all minority religious communities - the same cannot be said for Islam. The tension between the two dates back to the Muslim 'invasions' of the 14<sup>th</sup> and 15<sup>th</sup> centuries, the establishment of the Mughal Empire and the subordination of Hindu communities to Muslim overlords. Divisions between the two communities were effectively

strengthened, in part intentionally and in part unwittingly, by the British - who tended, if anything, to privilege the Muslims - throughout the colonial period. The relationship between the Hindu and the Muslim communities in the nationalist movement proved increasingly problematic during the final years of the nationalist struggle for Indian independence, despite the efforts of politicians from both communities.

When 'independence' from the British was eventually achieved in 1947, and the Union of India came into being, it gave rise to significant communal riots, large numbers of casualties, and the subsequent partition of India into two separate states (India and Pakistan) and a disputed territory (Kashmir). Pakistan was itself divided into two parts - West and East Pakistan - both of which were effectively Muslim states; but India, significantly and one might say heroically declared itself simply 'a sovereign democratic state', in which Hindus and Muslims (and others) would have equal rights.

### ***A republic, a union and a secular state***

The Constitution adopted by the Indian Constituent Assembly (CA) on 26 November 1949 came into effect on 26 January 1950 and the Union of India officially became the Republic of India, with the new Constitution replacing the Government of India Act 1935 as the country's fundamental governing document. The Constitution declared India to be a sovereign, democratic republic, assuring its citizens of justice, equality, and liberty, and endeavouring to promote fraternity among them. The question of federalism had been a matter of debate since the formation of the CA in December 1946, but the passing of the India Independence Act and eventual partition led the CA to adopt what might be term a 'unitary' or centralized form of federalism.

It was not until nearly three decades later that the words 'socialist' and 'secular' were added (in the Preamble to the definition of the Republic), when they were included by the 42<sup>nd</sup> amendment to the Constitution, enacted in August 1976 (during

the Emergency) by the Indian National Congress government headed by Indira Gandhi. In fact, however, as has recently been pointed out by Shivam Vij writing in *Scroll.In*, ‘critics of socialism and secularism... (tend to) forget to read the rest of what the founding fathers wrote on 26 November 1949:

WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC and to secure to all its citizens: JUSTICE, social, economic and political; LIBERTY of thought, expression, belief, faith and worship; EQUALITY of status and of opportunity; and to promote among them all FRATERNITY assuring the dignity of the individual and the unity and integrity of the Nation; IN OUR CONSTITUENT ASSEMBLY this twenty-sixth day of November, 1949, do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION’.

Even so, the 42nd Amendment of 1976 is arguably the most controversial constitutional amendment in Indian history. Its 59 clauses reduced the authority of the Supreme Court and High Courts, curtailed democratic rights and gave sweeping powers to the Prime Minister’s Office to amend any parts of the Constitution without judicial review; it transferred more power from the state governments to the central government, thereby eroding India’s federal structure. The 42nd Amendment also amended the Preamble and changed the description of India from a ‘sovereign democratic republic’ to a ‘sovereign, socialist secular democratic republic’; it also changed the words ‘unity of the nation’ to ‘unity and integrity of the nation’. This all implied (and reflected) a wish on the part of the rulers of India at the time to exercise greater centralised power and authority. Part XI of the Constitution defines the power relationship between the Federal Government and the States, giving priority to the former. It was to remain in effect a Union of States.

The amended Constitution nevertheless maintained the Fundamental Rights - the right to equality, to freedom, against exploitation, to freedom of religion, and to cultural and educational rights, to property and to constitutional remedies -

for all Indian citizens. The Fundamental Rights preserve individual liberty and democratic principles based on equality of all members of society; they act as limitations on the powers of the legislature and executive branches of the federal and state governments, local administrative authorities and other public agencies and institutions.

### ***The right to equality and non-discrimination***

The Right to Equality is embodied in Articles 14-18. Article 14 guarantees equality before the law as well as equal protection of the law to all persons within the territory of India, including equal subjection of all persons to the authority of law and equal treatment of persons in similar circumstances. Article 15 prohibits discrimination on the grounds of religion, race, caste, sex, place of birth. However, the State is also able to make special provision for women and children, or any socially and educationally backward classes of citizens, including Scheduled Castes and Scheduled Tribes.

Article 16 guarantees equality of opportunity in matters of public employment and prevents the State from discriminating against anyone in matters of employment on the grounds of religion, race, caste, sex, descent, place of birth, or place of residence. It creates exceptions for the implementation of measures of affirmative action for the benefit of any ‘backward class’ of citizens in order to ensure adequate representation in public service, as well as reservation of an office of any religious institution for a person professing that particular religion. The practice of ‘untouchability’ is declared an offence punishable by law under Article 17, and the Protection of Civil Rights Act, 1955 was enacted by Parliament to further this objective.

Article 19 guarantees six freedoms in the nature of civil rights: freedom of speech and expression, freedom of assembly, freedom of association without arms, freedom of movement throughout the territory of India, freedom to reside and settle in any part of the country of India and freedom to practice any profession. All these freedoms are subject to

reasonable restrictions that may be imposed on them by the State. The grounds for imposing these restrictions vary according to the freedom sought to be restricted, but include national security, public order, decency and morality, contempt of court, incitement to offences, and defamation ; the State is also empowered, in the interests of the general public to nationalise any trade, industry or service to the exclusion of the citizens.

The Right against Exploitation, contained in Articles 23-24, lays down certain provisions to prevent exploitation of the weaker sections of the society by individuals or the State. Article 23 provides prohibits human trafficking, making it an offence punishable by law, and also prohibits forced labour or any act of compelling a person to work without wages. However, it permits the State to impose compulsory service for public purposes, including conscription and community service. The Bonded Labour system (Abolition) Act, 1976, was enacted to give effect to this Article. Article 24 prohibits the employment of children below the age of 14 years in factories, mines and other hazardous jobs. Parliament enacted the Child Labour (Prohibition and Regulation) Act, 1986 to provide regulations for the abolition of, and penalties for employing, child labour, as well as provisions for the rehabilitation of former child labourers.

### ***Hindu dominance, but a secular state***

Perhaps most significantly, for the discussion in this chapter, the Right to Freedom of Religion, covered in Articles 25-28 and as amended in 1976, provides religious freedom to all citizens and ensures a secular state in India. According to the Constitution, there is no official State religion, and the State is required to treat all religions impartially and neutrally. Article 25 guarantees all persons the freedom of conscience and the right to preach, practice and ‘propagate’ any religion of their choice. This right is, however, subject to public order, morality and health, and the power of the State to take measures for social welfare and reform. The right to ‘propagate’ does *not* include the right to convert another individual, since it is considered

that this would amount to an infringement of the other’s right to freedom of conscience, but individuals have a right to change their religion.

Article 26 guarantees all religious denominations and sects, subject to public order, morality and health, to manage their own affairs in matters of religion, set up institutions of their own for charitable or religious purposes, and own, acquire and manage property in accordance with law. These provisions do not derogate from the State’s power to acquire property belonging to a religious denomination. The State is also empowered to regulate any economic, political or other secular activity associated with religious practice. Article 27 guarantees that no person can be compelled to pay taxes for the promotion of any particular religion or religious institution. Interestingly, Article 28 prohibits religious instruction in a wholly State-funded educational institution; and educational institutions receiving aid from the State cannot compel any of their members to receive religious instruction or attend religious worship without their (or their guardian’s) consent.

The Cultural and Educational rights given in Articles 29 and 30 protect the rights of cultural, linguistic and religious minorities, enabling them to conserve their heritage and protecting them against discrimination. Article 29 grants any section of citizens having a distinct language, script or culture of its own the right to conserve and develop the same, and thus safeguards the rights of minorities by preventing the State from imposing any external culture on them. It also prohibits discrimination against any citizen for admission into any educational institutions maintained or aided by the State, on the grounds only of religion, race, caste, language or any of them. However, this is subject to reservation of a reasonable number of seats by the State for socially and educationally backward classes, as well as reservation of up to 50 percent of seats in any educational institution run by a minority community for citizens belonging to that community.

Article 30 confers upon all religious and linguistic minorities the right to set up and administer educational institutions of their choice in order to preserve and develop their own culture, and prohibits the State, while granting aid, from discriminating against any institution on the basis of the fact that it is administered by a religious or cultural minority. The term 'minority' is not defined in the Constitution, but has been interpreted by the Supreme Court to mean 'any community which numerically forms less than 50 per cent of the population of the state in which it seeks to avail the right'. Under the 1992 National Commission for Minorities Act, five religious communities - Muslims, Sikhs, Christians, Parsis and Buddhists - are considered 'minority' communities.

Hinduism has remained a potent mobilizing and organizing force in Indian politics, but despite this, and the existence of powerful pro-Hindu political, social and cultural forces, the Constitution continues to enshrine the notion of India as a secular state - one in which there is no state religion and in which there is freedom of religious belief and expression, and equality in the eyes of the law. This basic constitutional proposition has remained unchallenged so far. However, there has always been debate, and sometimes significant differences regarding specific elements of the Constitution, particularly as regards the implications of Hindu 'dominance' in India.

In Nepal, the notion of a secular state, which is much more recent, remains highly contested, as we shall see below; even the transition from a monarchy to a republic is recent. Can India provide Nepal with a model of a viable secular state in which basic and universal human rights are protected by law, if not always in practice? Or is it necessary for Nepal to find its own way, and not try to mimic the Indian Constitution?

### 3. Nepal: A Hindu monarchy

#### *Hinduism and the mandala of power*

Nepal is a country in which the majority of people claim to be Hindus and which for more than two centuries was officially a Hindu monarchy, even if for a century or so (1846 to 1951) it was ruled by a hereditary dynasty of Rana prime ministers. Prithivi Narayan Shah referred to the newly unified kingdom as an '*asal Hindustan*' (true land of Hindus) - a 'garden' of the four *varna* and thirty six *jat* - the safeguarding of which was only possible through the presence of a Saivite or Vaishnavite ruler 'who justly ordered social relations'. The royal domain was envisioned and reproduced through ritual as a body politic, and the royal consecration and the ability to apply the five punishments (*caturvarnasram*) to those who transgressed formed the prerogative of kingship. Buddhists, however, were recognized as equal in status to Hindus and other indigenous and ethnic groups were drawn into the Hindu fold through inclusion in the caste system, albeit towards the bottom; even non-Hindus, such as Muslims and foreigners (*mleccha*), were also recognized although they were included within the body politic only 'on sufferance', and religious conversion from Hinduism was always prohibited.

For the Ranas, the preservation of Nepal as an *asal Hindustan* served to reinforce and legitimate their secular political power as regents or 'guardians' of the monarchy - even as they effectively usurped it. The first Muluki Ain (1854 civil code) divided Nepal's non-Hindu ethnic groups on the model of the Hindu caste system. Under this civil code, a subject who committed an offence could be spared or killed depending on the caste one belonged to: for the same offence, a Brahmin would be punished with 'loss of caste'; a Tamang would lose his life. One's caste/ethnic identity was therefore literally a matter of life and death.

## Early ‘Threats’: Islam

The Muslim presence in northern India had significant impact on the hill kingdoms of what is now Nepal; but, according to the *Vamshavalis*, the first Muslims actually to settle in Nepal arrived in Kathmandu from Kashmir only in the late 15<sup>th</sup> and early 16<sup>th</sup> century, during the reign of King Rama Malla (1484-1520 AD). Many of these ‘Kashmiri’ Muslims entered into the Kingdom as traders of woolen goods, who were permitted to settle in the Valley as a mid-point for their journeys between Kashmir and Lhasa; some married and settled in Nepal - others settled in Lhasa (Dastidar, 2008). Sijapati suggests that ‘as descendants of traders, the Kashmiri Muslims of Kathmandu have traditionally had strong ties with Nepal’s monarchy, and have served in various positions in the court’.

Sijapathi suggests that ‘letters of Christian missionaries from the seventeenth century onwards attest to the presence of Muslims in Kathmandu’ (2011: 20) and comments that ‘prior to the unification of Nepal in 1768, Kashmiri Muslims enjoyed a relationship of mutual respect with the King through, in Gaborieau’s words, ‘their intermediary ‘sufi-fakir’ leaders’ (Sijapati 2011: 21). Oral histories recount how, in the 16th century, a Kashmiri fakir by the name of Shah Miskeen Baba employed his spiritual powers to persuade the Hindu Malla king at the time to give him land to establish a mosque in the Valley - the Kashmiri Takia Jame Masjid - on the king’s way (Raj Path) only a few hundred metres to the south of the king’s palace.

This small Muslim community continued to live in the Kathmandu Valley even after the overthrow of the Mallas and the gradual ‘unification’ of what is now Nepal under the rule of the kings of Gorkha. They are referred to by early English residents in Kathmandu, such as Francis Hamilton and by Daniel Wright, who, in the introduction to his *History of Nepal*, refers to ‘a few Musulmans, consisting of Kashmiri and Iraki merchants live in Kathmandu. The former have been established there for generations. Altogether they do not number more than about one thousand’ (Wright, 1877). Conversion from Hinduism to

Islam was already taking place; as early as 1803, Francis Hamilton remarked that ‘while at Kathmandu, several Hindus of high caste among our followers chose to embrace the Musulman faith and thereby subjected themselves to severe restrictions and disgrace’ (Hamilton 1971: 37-38). He added that ‘Musulmans have become pretty numerous, and are increasing, as they are zealous in purchasing girls and in propagating their sect’ (cited in Sijapati 2011: 146, footnote 25).

This may have been one of many factors leading the Ranas to codify the social status of different groups, including Muslims, in the Muluki-Ain of 1854. Other factor might have been concern about the influence of Christian missionaries (see below). Reinforcement of the specifically ‘Hindu’ character of Nepal was felt to be required. In 1866, Jang Bahadur Rana emphasised that ‘we have our own country, a Hindu kingdom, where the law prescribes that ‘cows shall not be slaughtered’, nor women nor Brahmans sentenced to capital punishment; a holy land where the Himalayas, the Basuhi Ksetre, the Arya Tirtha, and the refulgent Sri Pashupati Linga and Sri Guhyesvari Pitha are located. In this Kali age, this is the only country in which Hindus rule’.

‘The Kali age’ clearly was considered, by the Rana rulers at least, to bring with it new threats of subversion of the *asal Hindustan*, both from within and from outside. As we have seen, religious conversion was proscribed, but clearly did take place. Islam was, however, not seen as such a great threat to Hinduism - until perhaps the second half of the 19<sup>th</sup> century when significant numbers began to enter Nepal from India; the major threat to the religious-social-political status quo during the 19<sup>th</sup> century was considered to be Christianity.

## Early ‘Threats’: Christianity

The alleged ‘threat from Christianity’ has been a real (but largely exaggerated) concern of the ruling elite in Nepal for more than a century. The Serampore translation of the New

Testament into Nepali was completed in 1821<sup>1</sup>. Darjeeling, on the eastern border of Nepal, was developed by the British during the second half of the 19<sup>th</sup> century, and a large community of Nepalis migrated and settled there to work as labourers in the tea plantations and other sectors. In 1870, William MacFarlane, a Church of Scotland missionary, began the Eastern Himalayan Mission, which was active in education, Christian literature, Bible translation, and village evangelism. The Gorkha Mission, an indigenous Nepali mission, was founded by Darjeeling Christians in 1892 to evangelize the local Nepalese. The Darjeeling and Kalimpong region later became the main centres for the nascent Nepali church.

Although only a tiny minority of Nepalis was literate, Christian literature used sporadically during the 19<sup>th</sup> and 20<sup>th</sup> centuries to penetrate the border, despite laws that prohibited its sale, possession, or use within Nepal. The education provided by the missionaries was the main attraction. An early Christian convert was Ganga Prasad Pradhan, who was born into a wealthy Newar family in Kathmandu in 1851. When he was ten, his father took him to Darjeeling to join his older brother in MacFarlane's school, where Ganga Prasad was educated and converted. He became the first ordained Nepali pastor, the first Nepalese translator of the Bible into Nepali<sup>2</sup>, a pioneer in Nepali literature, and owner of the first Nepali press. He edited a monthly paper, *Gorkhe Khabar Kagat*, from about 1901. This paper drew criticism from Parasmani Pradhan (described by Onta as 'the doyen among Darjeeling-based Nepali language activists for much of this century', Onta 1996: 48), who criticized it both for its language and for its avowedly pro-Christian and anti-Hindu stance. In 1914, Ganga Prasad returned with his extended family to Kathmandu to establish a Christian presence there, but they were expelled by the Rana rulers with the words, "There is no room for Christians in Nepal!"

<sup>1</sup> This was only to be superseded when the British and Foreign Bible Society's Nepali translations of the *New Testament* (1902) and the *Old Testament* (1914) were completed.

<sup>2</sup> As a result of which he was made a life governor of the British and Foreign Bible Society.

Other 'threats' included John Coombe, for example, a founding member of the Australian National Mission (ANM), who had (with his wife, Lillian, and two children) established a base in Ghorasahan, Bihar, near the border with Nepal, in 1917. Although not one of the small group of ANM missionaries ever crossed the border, their focus for three decades was undoubtedly on the Christian 'mission' in Nepal. The regime was aware of this, and from this time onwards made it absolutely clear that missionary work with a view to conversion to Christianity was not to be permitted in this Hindu kingdom. There was, in fact, relatively little foreign Christian presence inside Nepal for the next three decades.

After 1951, however, Christian organisations began to enter Nepal to undertake work, usually in the field of medicine and health care and in more general rural development. One of the most influential of these was the United Mission to Nepal (UMN) which was established in 1954 as a co-operative missionary endeavour between the people of Nepal and a number of Christian groups working along the border in India. The mission grew over the years as increasing numbers of foreigners sought 'to serve the people of Nepal, particularly those who live in poverty... inspired by the love and teachings of Jesus Christ'. The early founders of the UMN were invited into Nepal by B P Koirala (then Home Minister) and told that medical and educational work would be welcome, but open preaching prohibited.

These discussions dovetailed with a separate approach by the authorities in Tansen, a large hill-town half way between Nautanwa and Pokhara, to American missionaries representing Methodist and Presbyterian missions. Eventually a letter came from S.K. Dikshit in the Department of Foreign Affairs, permitting a hospital in Tansen and clinics in Kathmandu. Methodist Bishop J.W. Pickett then circulated an invitation letter from HMGN to other missions associated with the Nepal Border Fellowship (NBF) in conjunction with the National Christian Council (NCC) of India with a view to establishing a Christian mission in Nepal on the widest possible cooperative

basis, a combined inter-denominational and international approach. The NCC endorsed this and the United Christian Mission to Nepal was founded in Nagpur in March 1954.

There were eight founding missions. Medical work began in Kathmandu (in January 1954) and in Tansen (in June 1954), but activities quickly expanded and diversified into other areas, such as education and development of hydropower. Since that time, the activities of the UMN have been clearly defined in five-yearly agreements, in the past with HMG, and now with the Government of Nepal. There have always been clear prohibitions on proselytising, but the Christian nature of UMN and the personal faith of its workers was known and, by and large, accepted by the government of Nepal, and the Mission recognized the constraints on conversion: 'The Mission takes the terms seriously... and has learned that its stay in Nepal rests on a mixture of invitation, permission and mutual agreement; that it is temporary ...that it is in partnership with Nepali society'. On the other hand, the Christian missions continued to be regarded by many Nepalis, notably the Hindu priesthood, as a threat - even if the number of conversions remained, at this time, extremely small. This concern remains very real today in certain quarters<sup>3</sup>.

### Early 'Threats': the Arya Samaj

The regime and the priesthood was concerned not only with the threat from Christian missionaries just across the border in India, but also from Hindu heretical movements, like the Arya Samaj, that began as a revivalist Hindu sect in India in the late 19<sup>th</sup> century, and was brought to Nepal in January 1901 by Madhav Raj Joshi, who had attended the frequent *shastarthas* (debates) of Dayananda Saraswat in Benares from 1893 onwards. Joshi began preaching the Vedas with an emphasis on *shuddhi* equality within Nepal. He began his mission in Nepal in the house of a businessman in Kel Tol, Kathmandu, and soon opened

<sup>3</sup> Many Hindus believe there to be a Western conspiracy to spread Christianity throughout Asia. See, as an expression of this tendency, *The People's Review: a political and business weekly*.

another centre - the Arya Samaj Mandir- in Pokhara (in western Nepal). He hoped to open two schools in Kathmandu - one for boys and one for girls - and suggested the government levy a tax on domestic animals in the Kathmandu Valley in order to fund the schools. This created great tension between the Samajists (proponents of the Arya Samaj) and the Sanatanists, who believed in preserving the *varna* (caste) system and were the bastion of religious and social conservatism; for the Samajists were keen to preach their notions of *shuddhi* to all - including members of the lower castes (*shudras* and *udas*) and even Muslims.

The popularity of the Arya Samaj was a clear threat to conservative Hinduism and led a group of Brahmins in Patan to sign a petition which draw attention to the fact that 'a person by the name of Madhav Raj Joshi is disturbing the peace of the people by teaching the Vedas to Sudras and Udas - a class which does not have the right to study the scriptures', and called on the government to punish the trouble-makers (Uprety 1992: 43). Eventually, the Sanatanists arranged a formal debate (*shastartha*) in front of the Prime Minister and the King, with a view to bringing the Arya Samaj into disgrace. The Rana regime was already concerned about the wider social and political impact of the missionary methods and teachings of the Arya Samaj, and their spies and spokespersons had already raised doubts over it activities (according to Uprety 1992: 44).

The *shastartha* was held at Singha Durbar, the seat of government, in July 1905 and the proponents of the Arya Samaj, including Madhav Raj Joshi and a Punjabi Guru, so shocked their opposition and indeed the audience at large - by suggesting, among other things, that Pashupatinath was just a stone idol - that Joshi was subjected to a beating and locked up for a few days while members of the Arya Samaj in Kathmandu and Pokhara were rounded up. Madhav Joshi was jailed for two years, in chains and leg irons, and was then to be exiled from Nepal; others were also given prison sentences, while some were given the lash or made to pay fines. The whole of Madhav's family was ostracised and widely condemned; some of its

members who were attending the Durbar School were expelled as 'untouchables'. Life in Kathmandu became impossible and the whole family was obliged to move to Birgunj.

Madhav himself 'escaped' from jail in 1907 and went to live in India, where his sons, Amar Raj and Shukra Raj, attended Gurukul Vedic schools, in which the pupils live in close proximity with the guru<sup>4</sup>. Association with the Arya Samaj was still subject to sanctions: in 1910, Dr Kartik Prasad, an assistant surgeon in the Bir Hospital was dismissed on a charge of having had correspondence with Bhai Parmanand, a prominent Arya Samaj leader in India. But, after eight years abroad, around 1915, Madhav returned to Kathmandu at the invitation of the Prime Minister, and was allowed to set up the Arya Samaj again. The motivation for this was, it seems, to co-opt this movement so as to prevent it from becoming a focus for social discontent and social dissidence. Madhav was even given a position in Singha Durbar, the office of the Prime Minister and effective seat of government. Some debates were held with the conservative Brahmin pundits, when Madhav was assured that his views would be respected, but generally the Prime Minister tried to ensure that the temperature was kept low.

While the Arya Samaj was able to maintain this low key existence on an official basis, it also developed an underground organisation to disseminate the more radical ideas of the Arya Samaj. This was the Satya Charan Malami Guthi - ostensibly a society to help those, particularly the destitute and needy, who faced the practical and financial burden of disposing of their dead, by simplifying the rituals required and reducing the expenses. In an effort to keep its existence secret, the underground Arya Samaj moved its headquarters from Kathmandu to Lalitpur; but shortly after the move, four of the leaders of the underground movement were arrested and charged with propagating the heterodox doctrine of the Arya

<sup>4</sup> In a *gurukula*, the pupils (*shishya*) live together as equals, irrespective of their social background, learn from the guru and help him in his daily life, including the carrying out of mundane chores such as washing clothes, cooking, etc.

Samaj under the guise of the Satya Charan Malami Guthi. Upreti explains this as follows:

'the Ranas were annoyed for two reasons. First, the democratic organisational structure of the Samaj with its duly elected office bearers and governed by egalitarian precepts ran contrary to the ascriptive non-participatory polity of the Ranas. Second, the innovative ideas of the Samaj, like shuddhi and niyog, brought a small earthquake in the Nepali society that was governed by rigid sanatanist ideals. The actions of the Ranas against the Samajists were dictated by self-interest as well as the need to keep the priestly class, the indispensable support of the system, in good humour' (Upreti 1992: 47).

In other words, it was a threat to the conservative and authoritarian religious and political 'establishment'. Three of the leaders of the Arya Samaj - Amar, Bakpati and Shukra (Chakra) - who were the main office holders (and all sons of Madhav Raj Joshi) - were to be paraded around Kathmandu, jailed, fined and then exiled. But there was in fact considerable sympathy for these men and Upreti states that 'the people of the Valley wept bitterly for the social reformers' (1992: 47) and they were assisted by others in paying fines that would have constituted a serious burden for the Joshi family.

The experiences of Madhav Raj Joshi are more or less reproduced in fictional form in the novel, *Pretkalpa*, by Narayan Dhakal. The author explains that this is not a historical novel but maintains that the story he is telling was related to him by his grandfather. Summarized by Michael Hutt<sup>5</sup>, *Pretkalpa* tells the story of a young Brahmin, Balkrishna, who returns from his studies in Varanasi to his home village of 'Dukhpur' (an invented name meaning 'place of sorrow') in the Kathmandu Valley. Deeply influenced by the teachings of the Arya Samaj, he brings with him many ideas as to how he will set about reforming his native society. He takes in a Sarki boy and renames him 'Ashvini' after the character who campaigned for *dalit* liberation in the

<sup>5</sup> In a recent article in *Himalaya, the Journal of the Association for Nepal and Himalayan Studies* (vol. 34, no. 2, 2014: 22),

Rig Veda. He and his family are ostracized by the village and, although Balkrishna argues that there is no basis for caste discrimination or social division in the Vedas, not even the local Sarkis are convinced.

Undeterred, Balkrishna brings Ashvini up as a Brahmin. Balkrishna marries a young Chhetri widow for love, but also in defiance of local traditional beliefs and practices, arguing that many of the sacred texts show that widows should be allowed to re-marry and women should have more freedom to choose their own destinies. The local consequences of Balkrishna's actions are complex and contradictory, but he is summoned by Prime Minister Chandra Shumshere Rana to Singha Durbar and offered a position as advisor to the Bharadari Sabha, which he turns down to return to the village. He is kept under surveillance, however, and later his main enemy in the village convinces Chandra Shumshere to have him arrested, tortured and interrogated; then he and his family are stripped of their caste, banned from rituals, not permitted to farm their fields, and eventually banished from the village and expelled from Nepal.

### ***Early 'Threats': the 'free-thinkers' or humanists***

The Arya Samaj was not the only threat to the Hindu status quo in the broad field of intellectual endeavour around the turn of the century. There was an emerging body of thought in Nepali stimulated by the writing of Jai Prithivi Bahadur Singh, son of the King of Bajhang (in the remote northwestern mountains) and member in a sense of the ruling elite, in so far as he also had close relations with the Ranas and was son-in-law of the Prime Minister Chandra Shumshere Rana. He was appointed Ambassador to India and held this post in Calcutta from 1902 to 1905. He was also made chief editor of *Gorkhapatra* and as such visited England in 1908, at the time of Chandra's visit to England. He was received there by King Edward VII and made an honorary colonel.

He was, however, an active campaigner for the wider development of education at a time when it was virtually non-

existent and indeed effectively proscribed for the majority of the population. He produced a Nepali Grammar (*Prakit Vyakarna*) in 1911 and a number of books on the improvement of school education in Nepal. He established a primary school, Satyabadi Prathamik Pathashala (Truthful Primary School) in his own residence in Kathmandu. He believed in equality and freedom, and frequently raised his voice against the authoritarian rule of the Ranas. He was threatened and offered bribed, but he persisted in expressing his views. His first book, *Tatwa Prasamsha*, a book on 'humanism', was published in Nepali in 1913. He was working for the humanistic movement in Nepal when war broke out, and, like so many others of his outlook, was shocked by the rapid descent into the 'barbarism of war' in Europe and elsewhere.

Having inherited the kingdom of Bajhang, he now abdicated formally, handing over the throne to his brother and leaving Nepal in 1916 for Nainital in India, where he worked on what would eventually be a three volume treatise on humanism, in which he developed his ideas on world peace, unity and brotherhood. In 1924, he moved to Bangalore, where he built Jaya Bhavan, a residential centre for humanists and free-thinkers. He started the first Humanist Club there in 1928 and began to publish a monthly magazine, *The Humanist*. Between 1929 and 1933, Jay Prithivi undertook a series of visits to many other countries, in Europe, North America and Asia to promote the humanistic movement; in 1935 he went to work with war victims in Abyssinia after the Italian invasion. In 1939, considered a subversive by both the Ranas and the British government in India, he was put under house arrest. He died in September 1940 at the age of 63.

### ***Early 'Threats': the Secular Democratic Forces***

In the second half of the 19<sup>th</sup> century, a distinctive Nepalese literary scene developed in Varansi (Benares). The majority of the intellectuals involved - as indeed was the case in Nepal - were high caste Brahmins and Chhetris, for whom literacy was traditionally closely linked to the reading and appreciation of

holy Hindu texts. But gradually, after the turn of the century, more mundane and contemporary concerns began to receive the attention of the Nepalese expatriate intelligentsia, many of whom had chosen to live outside Nepal for various reasons. Chiranjivi Sharma, for example, who was a poet and a translator, was also the first editor of the new weekly newspaper *Gorkhali* and wrote an autobiography exposing ‘the tyranny’ of the Rana regime. Supported by language-activist students like the poet Dharanidar Koirala, *Gorkhali* embarked on a programme of publishing not just literary articles and poems, but also articles advocating social reform in Nepal and the spread of education for all the ‘*Gorkha jati* (Nepalese people).

According to Uprety, ‘Devi Prasad Sapkota conducted a ceaseless campaign of anti-Rana publicity through the weekly periodical, *Gorkhali*, published from Benares for a full six years’ (Uprety 1992: 35). The objectives of this periodical were twofold: one, to expose the Ranas regime as responsible for the social and political backwardness of the Nepali people - as a remedy for which it called for political rights for the people of Nepal and advocated social and economic reforms; two, to ask the Nepalis living or domiciled in India to join the *satyagraha* movement launched by the Indian National Congress under the leadership of Mahatma Gandhi. Many of the journal’s followers did in fact join the Non-Cooperation Movement of India. Chandra Shumshere Rana managed, however, to persuade the British government in India to take action against the paper, first by asking it to submit a security bond (as provided by the Indian Press Act of 1910) and second, in 1922, by banning it. As Onta remarks, ‘given the nature of Rana surveillance over Nepali language publications in India, many who chose to write about issues for which they might have gotten into trouble with Rana officials wrote under different pseudonyms. Even then, Parasmani reports that spies working for the Ranas visited his press occasionally. The Ranas were very concerned, even at this time, about the dangers of criticism of and political opposition to their authoritarian rule’.

Inside Nepal, the publication in 1914 of *Chandra Badini* and *Chandro Daya Darshan* by Shambu Prasad Dhungel also created a furore. The first of these, which was ostensibly produce to eulogise the splendour associated with the accession of Maharaja Chandra Shumshere Rana to the post of prime minister, served just the opposite. It exposed the luxurious and opulent lifestyle of the Ranas in general and of Prime Minister Chandra in particular. In his second work, Dhungel urges the prime minister to follow the example of the moon and expel the darkness enveloping every nook and corner of Nepal. The very idea of the country swathed in darkness was taken as an implied criticism of the current state of affairs in Nepal. The poem *Pijarako Suga* (the Bird in a Cage) by Lekh Nath Poudyal, written in 1917, told of the plight of a caged bird, but could be taken as a poem about a human prisoner<sup>6</sup>.

As Uprety remarks, ‘as the World War I came to a close, the war veterans brought a new element in Nepali revolutionary intelligentsia. The voice of those veterans who preferred to live in India became extremely vocal... (thus) Jamadar Keshar Jang Gurung (for example), sent an open letter to Premier Chandra<sup>7</sup>, which demanded the establishment of a parliamentary form of government under the constitutional leadership of the monarch. His other demands included the dismantling of the hereditary structure of premiership and the fixation of the annual salary of the prime minister. His letter concluded with a bold assertion that if his demands were not met he would approach the League of Nations on behalf of the Nepali people to redress their grievances’ (1992: 37).

Orchestrated political opposition to continued Rana rule began to emerge more systematically after the end of the Great War.

<sup>6</sup> 20 years later the revolutionary poet Juddha Prasad Mishrawould publish his *JabikoCharo* (The Bird in a Net) which relates the calamity that has befallen a mother bird that became entrapped in the net of a hunter, and describes how her limbs and wings had become torn and tattered as she struggled to escape to freedom and safety and to be able once again to protect her little ones up in the tree.

<sup>7</sup> In February 1919, an abstract is provided in G C Shastri, *Freedom Loving Nepal*, Kathmandu: G C Shastri 1960, p. 15.

As early as 1920, a controversial little book, called *Makai ko Kheti* (the *Cultivation of Maize*) was published under the name of Krishna Lal Adhikari (or Subba Krishna Lal). A satire of life under the Ranas, the book effectively called for economic and social reform, including land reform and the introduction of new techniques in agriculture. Almost all copies of the book were seized and more than nine people, including Krishna Lal, were arrested. Krishna Lal remained for three years in detention, during which time he was ill-treated; he died in prison. At around the same time, the poet Dharanidhar Koirala wrote a poem - *Jaga, Jaga, Aba Jaga* (Awake, Awake, Now Awake) - which called on the Nepali elite to rouse themselves from their comfortable way of life and intellectual slumber and work for the progress of their country.

In 1932, a group of young Nepalis, calling themselves Prachanda Gorkha planned to bomb all of the senior Ranas; they were arrested before their plan could be realized; some were exiled and others jailed. Shortly, after this, in 1935, the Praja Parishad was formed; this political movement sought democracy and a constitutional monarchy. It grew slowly and in 1940, its cadres distributed leaflets in Kathmandu; in October that year those involved were arrested and charged with an assassination plot. Four of the leaders were sentenced to death and others to long jail terms. This did not, however, stop the growth of political dissent.

While the urban intelligentsia, both in India and inside Nepal, began to mount their criticism of the Rana regime, in the eastern hills of a movement against caste discrimination and the many forms of state oppression, led by a young widow, Yog Maya, had emerged and attracted thousands of followers. The movement was articulated as a campaign for truth and justice (Satya Dharma Bhichcha) and was essentially non-violent. Yog Maya's analysis was reflected in a poem - *Maharaj Chhan Darbama Herna Aundainan; Dukhi Janle Niya Nishaf Sidha Paudainan* - which criticized the rulers for the suffering of the poor and the lack of justice. She was jailed in Dhankuta in 1939, but released within a year or so; in 1942, she led a mass suicide when she, along with nearly 60 of her followers, drowned

themselves in the Arun River in protest against the lack of response (cf Aziz 2008).

The translation of a growing mood for social change during the 1920s and 1930s into coherent forms of political opposition took a couple of decades, and was further accelerated - both in India and in Nepal - by the involvement of Indian and Nepalese men on a large scale in the Second World War. In 1947, India achieved its political independence, while at the same time new Nepalese political parties were in the process of formation in India. The Communist Party of Nepal (CPN), for example, was established in Calcutta in 1947 under the leadership of Pushpa Lal Shrestha, and the Nepali communist movement began to take shape after the publication of the Nepali edition of the Communist Manifesto (CM) in 1949.

The founder and primary theorist of Marxism, and co-author of the CM, Karl Marx, had an ambivalent and complex attitude to religion, viewing it primarily as 'the opium of the people' that had been used by the ruling classes to give the working classes false hope for millennia, while at the same time recognizing it as a form of protest by the working classes against their poor economic conditions. In his book on *Religion*, Lenin wrote: 'Atheism is a natural and inseparable part of Marxism, of the theory and practice of scientific socialism'. In the Marxist-Leninist interpretation of Marxist theory, religion is generally seen as retarding human development, and explicitly Marxist-Leninist governments in the 20<sup>th</sup> century, including the Soviet Union and the People's Republic of China, included rules introducing state atheism. However, several religious communist groups exist, and Christian communism was important in the early development of communism.

More specifically, the first leaflet produced by the CPN (in April 1949) declared that Nepal should establish 'a new democracy', as had recently been done by the Communist Party of China in the People's Republic of China, if necessary through armed struggle. The establishment of the CPN and the formation in April 1950 of the Nepali Congress Party (NCP) through the merging of the Nepali National Congress (formed in 1947) and the Nepal Democratic Congress (formed in 1948) - were of

critical importance in establishing the basis for left politics in Nepal. Significantly, at its inaugural meeting, the new NCP also put aside the principles of non-violence that it has initially espoused, and agreed with the Communist Party that only armed struggle would lead to the overthrow of the Rana regime in Nepal. The new Party elected the Nepali National Congress leader, M P Koirala, as its president, and prepared for an armed insurgency.

A party manifesto, written by B P Koirala in 1950 and a leaflet dropped by the NCP from the air over Kathmandu at the very beginning of the revolt promised radical social reforms but also loyalty to the king; there were brief references to democracy 'as in the West' and to a constitutional monarchy. The leadership of the NCP remained largely in the hands of high caste Hindus, who saw no contradiction between their religion, their support for the monarchy and their 'progressive' politics. The same was largely true also of the Communist Party; and most of these secular democrats and revolutionaries were from relatively privileged backgrounds and 'old respected families'. Their followers were, however, more varied in terms of social background and included many former soldiers, most of whom were from the different ethnic groups recruited by both the British and the Ranas to provide the 'other ranks' of their armies.

The crossing of the border by NCP rebel forces (the Mukti Sena) and their attack on the district headquarters at Birgunj coincided with King Mahendra's own personal initiative - first seeking refuge in the Indian Embassy in Kathmandu in November 1950 then flying to New Delhi for talks with the new Indian government. The insurgency spread unevenly through Nepal and was accompanied by civil unrest in several towns, including Kathmandu, as well as in the western and eastern hills; the army garrisons defending the regime were largely overwhelmed. Talks were held in New Delhi in January 1951 and a ceasefire agreed. Significantly, not only was the NCP excluded from these talks, but they apparently hardly knew of their existence. The Indian government's priority was to ensure political stability in Nepal, even if its rhetoric emphasized the importance of 'democracy', and that involved the re-instatement of the monarchy.

## 4. The Monarchy Resurgent

An agreement- known tellingly as 'the Delhi compromise' - whereby an interim coalition government including both Rana and NCP representatives would be formed and the king would play the role of constitutional monarch under a new democratic constitution to be framed by a Constituent Assembly elected by the people, was reached in February 1951. In March, Nehru declared in the Indian Lok Sabha that 'in the inner context of Nepal it is desirable to pay attention to the forces that are moving in the world - the democratic forces, the forces of freedom - and to put oneself in line with them, because not to do so is not only wrong according to modern ideas, but unwise according to what is happening in the world today'. In reality, King Mahendra failed to honour this tripartite 'compromise', made public in a Royal Proclamation in 1951.

In the meanwhile, the Communist Party of Nepal (CPN) committed itself at its first conference in September-October 1951 to struggle for an all-party conference, an interim government and an elected Constituent Assembly. It was unable, however, to press effectively for this for lack of an organizational base. With the overthrow of the Ranas and the effective reinstatement of the monarchy in 1951, the country continued - as it had been for more than a century and a half - to be a Hindu monarchy; but now the monarchy was in control in a way it had not been throughout a century of Rana rule, even though there were to be various experiments with various forms of 'democracy' over the following four decades. The CPN reiterated its demand and objectives at the First Congress of the Party in January 1954 and again at its Second Congress in May-June 1957, but to no avail. In 1956, at its Sixth National Convention, the Nepali Congress Party (NCP) declared that it adopted the principles of 'democratic socialism', suggesting a turn to the left. The secular democratic forces were looking increasingly radical.

In 1959, however, instead of a Constituent Assembly, a new Constitution was drafted and promulgated by the king. Under the new Constitution, the king retained the power to dissolve parliament and the cabinet without necessarily consulting the Prime Minister. The political parties eventually agreed, reluctantly, to participate under the 1959 Constitution in parliamentary elections. The NCP emerged as the dominant political force with more than two thirds majority (winning 74 out of 109 seats); the CPN, partly as a result of growing internal divisions, won only four seats. For a very brief period there was an NCP government, which adopted a set of radical progressive economic and social policies, including land reform, which threatened the vested interests of the economic and social elite, and, by implication, the monarchy as a major political force.

### ***The king intervenes - the left responds***

In 1960, after only one decade of experimentation with various kinds of party democracy, King Mahendra intervened decisively to establish his own version of a form of politics and a regime (Panchayat Democracy) 'more suitable to local conditions', in his view, given the relatively un-developed nature of civil society and political consciousness in Nepal, than any multi-party system. Political parties were banned and many leaders, including B P Koirala, were arrested and detained. The banned NCP went into exile in India and started a movement to restore democracy in Nepal. In January 1961, a Conference of Nepali Congress activists held in Patna (India) under the leadership of Subarna Shumshere Rana (Deputy Prime Minister in the deposed government) appealed for a non-violent movement against the royal coup and restoration of democracy.

The royal coup caused a split in the CPN: one faction, under the Party's General Secretary, Keshar Jung Rayamaji, supported the Palace and the Panchayat regime; the other did not. There was a merging of various political parties within the NCP, including the main parliamentary opposition party, Gorakha Parishad and there were peaceful demonstrations countrywide in which more than 2,000 people were arrested. In December 1961, a full-scale

armed revolt was initiated; but the Indo-Chinese conflict of 1962 - which was perceived as a danger to Nepal's territorial integrity - forced the NCP to call off the armed insurrection in November 1962 and adopt a non-violent path of struggle.

The Third Congress of the CPN in April 1962 had already approved support for 'a powerful and sovereign parliament' and once again demanded the election of a Constituent Assembly. The International Union of Socialist Youth (IUSY) at its meeting at Berlin in February 1962 and a Socialist International Meeting at Oslo in June 1962 condemned the Royal Coup and the repressive measures adopted against Nepali Congress Party workers and expressed their full solidarity with the NCP 'comrades' fighting both from within and outside the country. Several other 'threats' to the regime and to the ruling elite (which by supporting the monarchy and the regime was effectively committed to a unified state under a Hindu monarchy) were identified at this time.

The Constitution of 1962 promulgated by the monarch established Nepal as a Hindu Kingdom and adopted a policy of 'one people' (epitomized by high caste *pahari* Hindus), 'one dress' (*daura suruwal*), and 'one language' (Khas Nepali), thus arguably perpetuating the subordination of the vast majority of the population to a dominant Hindu elite (<http://recordnepal.com/perspective/they-it#sthash.EUJrISNN.8VtHAj3u.dpuf>). The Muluki Ain of 1854 was replaced with another which officially outlawed 'untouchability' and declared all citizens equal before the law<sup>8</sup>. There was, however, no criminalization of social discrimination based on caste and both the Constitution and the law proved ineffective in a number of other respects. But the new legal code of 1963 effectively upheld the Hindu state and stated that: inside Nepal, nobody is allowed to preach creeds like Islam and Christianity, which destroy the *dharma* practiced by the Hindu people; or to convert to those creeds people practising the Hindu *dharma*'

<sup>8</sup> Significantly, the list of signatories to the first Mukuki Ain was reprinted by the Law Book Committee, Singha Durbar in 1963.

(Code no 1, 223). According to Sijapati 2011: 38): ‘Hindus were the followers of Shivaism, Vaishnavism and other eternal *dharma* as well as *arya samaj*, *brahma samaj*, *ramakrishna* (sic), *wallabhi*, *ramkibir*, *jhanna-shanna* (sic), *nastic*, and *jain*. Non-Hindus were those of religions whose teachings were viewed as *widharma bidesi mat* (non-*dharma*, foreign creeds), specified as *kabirpanth*, *islam* and *isai*’.

In the early 1960s, however, despite this general concern about the threat of foreign religions, the main fear of the regime was in fact that the democratic left (including the NCP) as well as the far left, including Naxalites, communists and the Terai Liberation Front - all of whom were undoubtedly operating in the *terai* at that time, and all of whom represented a threat to the cultural and religious norms of Nepali society - were together threatening with violence both the regime itself and the integrity of the nation. Later in the decade, in addition to the direct threat from the left and the far left, it was widely suggested that immigration into the *terai* from India was also a threat, with newcomers invading, squatting on and effectively colonising the land, organising gangs of criminals (dacoits) and undermining law and order, and as a result exacerbating Hindu-Muslim relations (particularly in districts with high levels of Muslims, like Kapilvastu and Rupandehi) and also creating problems around the definition of citizenship.

One ultra-nationalist Kathmandu newspaper, identifying an alliance of all these dark forces, charged that exiled Nepali Congress Party workers were facilitating the ‘infiltration of a large number of Indian Muslims and other Indians into this region of Nepal to create disturbances’ (cited in Gaige 1975: 177). There was real concern in some quarters that Muslims, who accounted for a mere 2.5 per cent of Nepali population in the early 1960s, were becoming rapidly more numerous and, in certain parts of the *terai*, threatened to ‘overwhelm’ the local population; although the validity of this charge is doubtful, it is evidence of the ‘specter of migration’ fear (Gaige 1975: 177). On the other hand, the late 1950s and early 1960s saw the formation of several Muslim associations, and in 1963, there was

a nationwide conference of Nepali Muslims in Rautahat and an annulment of the previous requirement to obtain government permission to build a mosque within the kingdom. This marks the beginnings of efforts to develop a coherent and official ‘minority’ status for Muslims as a whole in Nepal.

In October 1968, B.P. Koirala and other leaders were released after eight years in prison. In February the following year, B.P. Koirala, now in exile in India, called for the restoration of democracy by violent means if necessary. Subsequently, the NCP adopted a three-pronged approach to the struggle: one group tried to work through dialogue and cooperation with the king, another through non-violent and non-cooperative means at home and the third by armed struggle from exile in India. The last of these was initiated in August 1972, under the leadership of B P Koirala, for which activity he was sentenced to death in absentia in November 1975.

During the 1960s, the growing divisions between the Soviet and the Chinese communist parties and tensions between the two great ‘socialist’ powers, began to have their effect on the CPN. In 1971, a group of young communist party activists in Jhapa, in the eastern *terai*, formed the Koshi Regional Committee of the CPN, later known as the All Nepal Revolutionary Coordination Committee (Marxist-Leninist). These young activists launched an underground guerrilla movement (popularly known as the Jhapa Uprising) in line with the Maoist concept of the protracted People’s War. The movement was brought to an end by a brutal counter-insurgency operation, which led to many deaths. The failure of the Jhapa Movement caused the leadership to review both strategy and tactics of the Committee; and it re-emerged in 1978 as the CPN (Marxist Leninist) or Ma-Le, abandoning the People’s War in favour of a non-violent mass movement.

### ***National Reconciliation?***

In December 1976, B.P. Koirala returned from exile, following the introduction of a new policy of ‘National Reconciliation’ advocating an understanding between the King and people for

the restoration of democracy. In May 1979, King Birendra proclaimed that a National Referendum would be held on the relative merits of the Panchayat Regime and the multi-party system, following a students' revolt against the government's repressive measures. The NCP was allowed to participate in the referendum, but more than 45 per cent of the votes recorded were in favour of the multi-party system. After the death of B P Koirala in July 1982, the first National Conference of the NCP, back in Nepal but still banned, was held in Kathmandu and reiterated its stand on the struggle for the restoration of democracy.

The Panchayat Regime - under strong monarchical control - was maintained through the first half of the 1980s. Throughout this period, the national anthem, national dress (the *daura surwal*, which mixed Rajput warrior style pants with a top and cap (*topi*) distinctive to the hills (*pahari*), nationalist history and an education system with enforced Sanskrit and Nepali language study in schools, the study of nationalist poets like Bhanu Bhakta, and national holidays for Hindu festivals, were all means whereby the state propagated Hinduism and the dominance of hill Hindu traditions. The cultural dominance served to reinforce the political dominance of the Hindu elites. And yet, the relative proportion of those who identified themselves as 'Hindu' was beginning to decline, albeit slowly, with those identifying themselves as Buddhist in particular becoming more confident of registering themselves as such. Numerous ethnic 'cultural' associations were formed during the 1970s and 1980s. Muslim associations were also emerging. One of these, the All Nepal Anjuman Islah (All Nepal Reform Council), was apparently 'active in quelling several outbreaks of violence between Hindus and Muslims in the late 1970s in the *terai*' (Sijapati 2011: 28).

There was in fact relatively little tension between Hindus and Muslims during this period, despite the doubling of the Muslim population from around 200,000 in 1952-54 to about 400,000 in 1981; indeed, even the All-Nepal Anjuman Islah was able to document only eight incidents of Hindu-Muslim conflict in Nepal between 1954 and 1981, almost all in the *terai* and many of

them associated with immigration and citizens' rights. Muslim candidates were fielded in the first Panchayat elections, in 1981, in 14 districts (12 in the *terai* and two in the hills); two Muslims were elected to the national legislature and one other appointed by King Mahendra. Sijapati remarks that 'Muslims were no threat to the monarchy in the panchayat system', and even suggests that 'this period saw what some describe as 'assurance of royal protection'. The Muslim Sewa Samiti, registered in 1974, apparently held 'a Quran competition' in the Police Club in Kathmandu, with the full cooperation of His Majesty's government, during which 'all the statues of different Hindu gods and goddesses were covered with cloths' (cited by Sijapati 2011: 28).

In May 1985, the NCP organized a nationwide Civil Disobedience Movement against the Panchayat Regime, in which more than 12,000 party workers and sympathizers voluntarily went to jail for several months. Through the second half of the decade, growing popular dissatisfaction grew, to the point where the banned parties orchestrated a popular movement to bring about major changes to the political regime, which manifested itself in mass demonstrations (Jana Andolan) in 1990. Despite the emergence of strong left-wing 'Marxist' forces at this time - in the form both of the United Left Front alliance (ULF), which included the Communist Party of Nepal (ML), and the 'rejectionist' United National People's Movement (UPNM), which included Pushpa Dahal's Mashal and Mohan Bikram Singh's Masal - there was little real threat to the monarchy itself or to the notion of Nepal as a Hindu state. Although the People's Movement (Jana Andolan) of 1990 led to the introduction of a multi-party political system with an elected government and the re-writing of the Constitution, the Maoist parties in the UNPM, together with Nirmal Lama's Fourth Convention from the ULF, refused to recognise the legitimacy of the new Constitution. The majority of the population, however, remained resolutely Hindu and the monarchy remained in firmly place, albeit with the façade of a constitutional monarchy.

### **The monarchy endures**

The constitution of 1990, which was the fifth to be drafted since the first in 1948 but the first since 1962, was to remain in effect until January 15, 2007 - and there are some reactionaries even today who argue that, in the absence of agreement even in 2015 on some of the fundamentals, Nepal should return to that Constitution. As in the Constitution of 1962, Nepal was described (in Article 4 (1) as 'a multi-ethnic, multi-lingual, democratic, independent, indivisible, sovereign, Hindu, constitutional monarchical Hindu kingdom', even if it did not actually decree that Hinduism was the state religion. There was a ban on cow slaughter, religious proselytization was forbidden and those who chose to convert to a different religious group were often ostracized and at times faced violence. Nepal was identified as multi-ethnic and multi-lingual, but *not* as multi-religious. Political parties or groups based on ethnicity or religion were forbidden. Article 27 of the Constitution declared the monarch, who had to be a descendant of Prithivi Narayan Shah, an upholder of the Aryan culture and a practicing Hindu, to be 'the symbol of Nepalese nationality and the unity of the Nepalese people'.

As Hutt remarked (1994: 37), 'the debate on 'religion' quickly became an impassioned argument between proponents of a secular state and proponents of a Hindu state'. Those demanding a secular state included Buddhist, Muslim and Christian associations, ethnic organisations representing the predominantly non-Hindu Tibeto-Burman tribes, and leftist, liberal and republican elements. An enormous demonstration organized by the Nepal Buddhist Association to demand a secular state brought some 10,000 marchers out onto the streets of the capital on 30 June (1990). These demands were strongly opposed by traditionalist Hindu organisations, particularly by the Sanatan Dharma Seva Samiti and the Nepal Committee of the Vishwa Hindu Parishad. The Interim Government's minister of housing, Achyut Raj Regmi even threatened to go on hunger-strike if the constitution made Nepal a secular state. Concern was expressed that 'the declaration of Nepal as a secular state would open its

borders to a flood of Christian missionaries, who might have political as well as religious patronage and motives' (Hutt 1994: 37).

Justice Bishwanath Upadhyaya of the Supreme Court, who chaired the Constitution Recommendations Commission later expressed dismay over the fact that the vast majority of suggestions submitted to the Commission concerned what he evidently considered as trivial linguistic, religious, ethnic and regional issues - issues that remain contentious even today. Rather than recognizing these as being of major significance, the Commission (and the Interim Government) perceived them as a threat to national unity and virtually dismissed them out of hand (Hutt 1994: 36). 'Untouchability' was outlawed; but again, there was no effective criminalization of social discrimination. Adherents of the country's major religious groups generally coexisted peacefully, and, although there were reports of abuses and of social discrimination, these were usually within a given faith group rather than between them - *dalits* (so-called 'untouchables' whose outcaste status was legitimized by the Hindu religion), for example, were widely discriminated against, mainly (but not only) by high caste Hindus.

The new political and social 'freedoms' of the early 1990s encouraged the proliferation of new civil rights movements of various kinds and of NGOs ostensibly oriented towards 'development' (*vikas*). Most special interest groups formed associations of their own. Many of these identified themselves on the basis of ethnicity (*janajati*) or as 'regional' movements; cultural and religious associations also proliferated. Newari tantric Buddhists turned to Burmese, Thai and Sri Lankan forms of Theravada Buddhism; Hindu groups emerged that were affiliated with more rigid, less tolerant forms of Hinduism connected with Indian Hindutva groups, and Muslims in the *terai*, sometimes backed by 'petrodollars' and by Pakistan, tended to create new forms of 'modern' Islam (discussed by Sijapati 2011, *passim*).

The Constitution of 1990, however, while reinstating the multiparty system, still barred people of different ethnic communities from forming political parties to promote the interests of their communities and religious groups from forming religious parties. Meanwhile, all “mainstream” political parties were dominated by high caste Hindus. The Supreme Court also declared it unconstitutional for *janajatis* to use their mother tongue in local administration (<http://recordnepal.com/perspective/they-it#sthash.EUJrISNN.8VtHAj3u.dpuf>).

### ***Atheism - The Marxist/Maoist threat***

Some sections of the far left became involved and indeed integrated into the new multi-party political regime - the Communist Party of Nepal (United Marxist-Leninist), for example, adopted a programme of ‘People’s Multi-Party Democracy’; others, however, identifying more with the Chinese than the Soviet experience - hence explicitly ‘Maoist’ - decided not to participate in what they believed to be little more than a façade for continuing domination of governance by a small elite (the ruling class) and preferred rather to build up the basis for a protracted revolutionary struggle.

The CPN (UML) had already made a commitment in its Fourth Party Congress, in 1989, to support ‘a communist struggle for social transformation within the framework of a plural society’, and in 1993, at its Fifth Party Congress consolidated its ideas and policies for a People’s Multi-Party Democracy (PMPD) or Bahudaliya Janabadi. PMPD was presented as ‘a creative application of Marxism in Nepal that fights against all kinds of left deviations of the Nepali communist movement including liquidationism, conservatism, ultra-leftism, puppetism and dogmatism’ (*PMPD Policy Papers*, CPN-UML, 2000: 5). It saw the struggle as one to be undertaken by workers, peasants and other progressive nationalist forces within a parliamentary and multi-party regime against ‘feudals, comprador-capitalists, foreign monopolistic capitalists and international imperialists’ (2000: 7).

Its policy papers (CPN-UML 2000) prioritized human rights and made specific reference to the rights of women and the

elimination of gender discrimination. Its discussion of ‘cultural policies’ referred to ‘the protection and promotion of the culture of all groups, and the ending of a culture’s hegemony over others’. It mentioned specifically, ‘the elimination of inter-caste exploitation, discrimination and oppression, as well as the wrong practices and trends prevailing within a caste’ and also ‘the protection and promotion of existing collective and positive value within various castes thereby maintaining inter-caste relations and harmony’. It stated, among other things, that ‘everybody has the right to opinion, faith, freedom and organization, civil and political rights in other terms’ and encouraged ‘the promotion of religious freedom and relativism’.

On the other hand, it also stated that ‘Nepalese society is not liberated from conservative beliefs and thinking, supernatural and almighty powers to bless and curse one’s fate. Relics of the feudal society - such as praying, worshipping, etc. - still mar Nepalese society’. It argued that ‘the majority of the Nepalese people are still trapped in the cobweb of hell, heaven and fate’. It was proposed that ‘appropriate programmes will be introduced to reform social trends and rituals gradually, their links to religion and almighty powers will be dissociated and all-acceptable human culture and rituals will be developed’. In other words, it adopted a secular and essentially humanistic programme with respect to religion. The leadership of the UML, however, remained dominated by high caste Hindus, many of whom were an integral part of Nepal’s social and intellectual Hindu elite, even if their political programme was explicitly critical of both Hinduism and the caste system.

The Maoist, in the meanwhile, struggled both among themselves and with the cadres and officials of the NCP, now in government, to develop alternative strategies for popular democracy, including the armed struggle. Internal divisions - personal and pragmatic as well as ideological and strategic - led to a proliferation of Maoist groups (the Unity Centre, Mashal, Masal etc.). Eventually, in February 1996, the newly formed CPN (Maoist) - also led for the most part by high caste Hindu intellectuals - launched a People’s War to create the pre-conditions for a political revolution and a subsequent social and

economic transformation. Limited in scope at first, the Maoist insurgency gained ground and momentum through its first four years.

The initial rhetoric of this group of Maoists was that of class struggle, combined with an attempt to gain support among a wide range of what were identified as 'disadvantaged *janajati*' (or ethnic minorities). Between 2000 and 2001, a number of ethnic and regional 'front' organisations was established (cf Karki & Seddon 2003: 28) and the promise was made that these would become the basis for the government of autonomous political entities after the revolution had achieved its initial military and political objectives. The threat of such a revolutionary (and often aggressively atheistic) Marxist movement, supported by ethnic minorities (whose adherence to Hinduism was often limited) to the conservative Hindu elite was palpable. Rita Manchanda refers specifically to 'the upper caste Hindu Brahmin-Chettri power elite of Kathmandu' (2001: 220) and 'upper caste chauvinism' was explicitly criticised by Prachanda (see Karki & Seddon 2003: 83). More significantly, orthodox religion was a major target and the teaching of Sanskrit in school was banned by the Maoists; landowners and local high caste elites more generally were explicitly threatened and attacked; the monarchy was described as 'archaic' and feudal.

The leaflet that was distributed by the CPN (M) in vast quantities all over the country at the time of the launching of the People's War 'appealed' to the masses, explaining, among other things, that 'to maintain the hegemony of one religion (ie Hinduism), language (ie Nepali) and nationality (ie Khas), this state has for centuries exercised discrimination, exploitation and oppression against other religions, languages and nationalities and has conspired to fragment the forces of national unity that is (sic) vital for the proper development and security of our country' (Karki & Seddon 2003: 188). It set itself apart from the mainstream parties, levelling particular criticism at the CPN (UML) and its Bahudiya Janabadi (PMPD), and at the other factions of the Maoists - the 'Unity Centre' and CPN (Masal) led by Mohan Bikram Singh (Karki & Seddon 2003: 196). The CPN-

UML, for its part, 'rejected ethnic activists' demand for autonomous governance in their areas and the preservation and promotion of their languages. The party thought that such measures would only promote atavistic and irrelevant forms of identity... On this point... their views converged somewhat with the official doctrine of the Panchayat' (Adhikari 2014: 116-17). In the meanwhile, the CPN (Masal) agreed with the CPN (Maoist) that 'both the king and the Nepali Congress Party represent the feudal, bureaucratic and comprador bourgeoisie'<sup>9</sup>.

Attempts to crush the movement (particularly through Operation Kilo Sierra during 1998) and talks to achieve some form of compromise and settlement (2000 and 2001) both failed; and, after the massacre in the Palace (in June 2001) and the start of the 'war on terror' (following the attack on the US in September 2001), the new king, Gyanendra, and the government adopted a harder line towards the Maoists. They were now labeled 'terrorists' by the government of Nepal, as well as by the US (which did not remove the Maoists from its 'terrorists' list until September 2012) and by the UK. Under Secretary of State for the Foreign and Commonwealth Office, Mike O'Brien, for example made it clear that in his view and that of the British government, 'Maoist terrorists are conducting a savage campaign of intimidation in Nepal' and argued that 'it is imperative that we help the government of Nepal in its struggle against terrorism' (Karki & Seddon 2003: 45)).

The talks foundered and the ceasefire collapsed as the Maoists attacked the barracks of the Royal Nepalese Army (RNA), a state of emergency was declared and the RNA was deployed for the first time. During 2002, the conflict intensified; but the Maoists continued to gain both territory and support. In May, parliament was dissolved and the ruling NCP split; in October, the king adopted a more direct political role, dismissing the prime minister, Sher Bahadur Deuba, and appointing a loyalist, Lokendra Bahadur Chand, in his stead. For the next three years, after this royal coup, under what had become in effect an active monarchist regime, Nepal was plunged into civil war.

<sup>9</sup> Kiran, *Retrospective Journey of the Masal Group*, 2001, p. 41 - cited by M B Singh in Karki & Seddon 2013: 321.

In February 2003, a second ceasefire was agreed; but in August, after the RNA executed 17 unarmed 'Maoists' in Doramba, the civil war resumed with even greater intensity. It continued for another two years, with the Maoists continuing to extend their control and their influence throughout much of the countryside and the government forces holding the district headquarters and towns and maintaining the ability to strike even the heartland of the Maoists.

In the areas under Maoist control, 'in addition to creating a new *janabadi* culture among their rank and file, the Maoists sought to bring about a 'cultural revolution' among the population they controlled. This entailed getting rid of retrograde beliefs and customs. Religious festivals, caste discrimination and socially harmful habits such as alcohol consumption were to be banned' (Adhikari 2014: 137). It was also reported that:

'private boarding and day schools have been banned and their properties distributed to the public/state schools. The Maoists have expressed a major concern about government education policy, which they see as dominated by a distinctive nationalist and hierarchical ideology. Some Maoist workers told Arjun Karki that the Party was developing a new school curriculum under the rubric of 'progressive education' and was in the process of introducing it in the schools. School teachers reported that in the areas under Maoist control, Sanskrit teaching and the national anthem had been banned. Instead of songs one hears in the rest of the country, revolutionary songs are a lot more popular (Seddon 2004).

Despite the political threat constituted by the Maoist insurgency, and the clear commitment of the Maoists to providing alternatives to government education (with its emphasis on 'traditional' values and the teaching of Sanskrit and Nepali), it was rare to find the Maoists accused of undermining the Hindu state by their clear opposition to the teaching of Sanskrit in schools and their general 'atheistic' political ideology of Marxism-Leninism-Maoism; it was more common for them simply to be labelled as 'terrorists'. US Ambassador, Mike Malinowski, for example - arriving in Nepal in December 2001 and remaining until April 2004 - was particularly outspoken, and denounced the

rebels as 'fundamentally the same as terrorists elsewhere, be they members of the Shining Path, Pol Pot's people or Al Qaeda'. Malinowski was followed by the even more vocal anti-communist, James Moriarty, who was replaced in May 2007, after his efforts to sustain the monarchy had failed.

External support for the Nepal government and its armed forces increased significantly in the period 2002 to 2004. In August 2002, the Royal Nepalese Army was given two Russian-built Mi-17 helicopters under a British 'aid' programme (the 'global conflict prevention pool') and 'in support of the military intelligence support group which the UK are assisting the Royal Nepalese Army in setting up'. The Foreign Office stated that the helicopters would be used to carry troops and for humanitarian work; but in May 2004, the DFID/GTZ Risk Management Office reported that the "Security Forces have... used helicopters to attack Maoist-inspired gatherings, and there were a number of reports of civilian deaths from machine-gun strafing or bombs dropped by helicopters".

The USA substantially increased its aid budget to Nepal in 2002 and provided substantial technical and logistic support as well as training and weapons, notably large consignments of M-16 automatic rifles. India also increased its commitment. In the early years of the insurgency, India appears to have been little interested in providing support to the government of Nepal (Manchanda 2001: 220). After 2001 it became the major supplier of materiel to the Royal Nepalese Army. In 2002, the Belgian government sold 5,500 FN Minimi automatic weapons to the RNA (for \$3.3 million), ostensibly for 'training purposes' and for UN peace-keeping missions. The UK maintained close contact with the RNA and the security forces generally, increased its budget of support for Nepal through DFID Nepal (which had been established in April 1999) and offered £175,000 to give Nepalese troops 'training in human rights' (sic) according to *The Guardian* 5 August 2002.

In January 2003, it was reported that the RNA had received some 3,000 M-16 A-2 assault rifles from the USA to replace the traditional self-loading rifles used previously. Another 500 Belgian sub-machine guns from Belgium were expected during

2003. In May 2004, the DFID/GTZ Risk Management Office reported that “The SF (security forces) are well-armed and equipped - RNA generally carried M-16 rifles, with new webbing and uniform”. It also noted that “SF have... used helicopters to attack Maoist-inspired gatherings, and there were a number of reports of civilian deaths from machine-gun strafing or bombs dropped by helicopters”.

In mid-September 2004, Prime Minister Deuba received assurances of more cooperation from India in the struggle against the Maoists. Reports at the time stated that India had agreed to provide three advanced multi-role light helicopters, 20,000 INSAS rifles, 15,000 7.62 mm self-loading rifles, machine guns, mine protected vehicles, trucks, jeeps, and other accessories. India also promised to help Nepal modernise its army and launch a pilot project to provide counter-terrorism training to the Nepali police. It was reported that India and Nepal had set up a joint consultation group to coordinate between security agencies of the two countries and to upgrade facilities at border points. India also promised to help Nepal modernise its army and launched a pilot project to provide ‘counter-terrorism training’ to the police. American, British and Indian military intelligence teams also provided anti-Maoist training and technology. The CPN (M) remained on the US ‘terrorist list’ until September 2012.

### **Attitudes towards Muslims in Nepal after 9/11**

It was not only the Maoists who suffered during this period from the label of ‘terrorists’. In line with New Delhi’s thinking under the terrorism-obsessed BJP, the Government of Nepal began to harbour fears that subversive elements in Muslim religious institutions, especially *madrasas* and mosques, might be, or become, active although there was no concrete proof of such activity either on the Indian side of the border or on the Nepali side.

However, when an Indian Airlines plane was hijacked from Kathmandu to Kandhar in December 1999, India seized the opportunity to claim that Nepal had become a hotbed of ISI

activity against Delhi. When pressed by G M Banatwala, a Muslim member of the Indian Parliament, to pinpoint such institutions the Indian Home Minister, L K Advani, told him that such institutions existed on the Nepali side of the border! Prime Minister Atal Behari Vajpayee raised the issue with Nepal’s Prime Minister G P Koirala during his state visit to India in December 2000; and when Prime Minister Sher Bahadur Deuba visited India in March 2001, the issue of ISI’s activities against India from Nepalese soil was raised once again by Vajpayee.

There had been low level tension and conflict between Muslims and Hindus in Nepal, mainly in the *terai*, during the 1980s and 1990s, but these were all localized conflicts and up until the end of the 1990s were ended swiftly with government intervention (Sijapati 2011: 55). After 9/11, however, the Muslim *madrasas* and mosques were looked upon by the Nepalese authorities with increasing suspicion; they were now suspected, by ordinary Nepalese as well as by the state, of harbouring and producing terrorists and of encouraging and promoting terrorism, despite vehement denial of this by Nepal’s Muslim political and religious leadership. The courses of study they provided were scrutinized and they were pressurized to dilute their Islamic content and add more secular subjects. They began to feel threatened. The situation was particularly acute in the immediate aftermath of 9/11, but continued through the period of the US’ ‘war against terror’.

In May 2002, there were reports of two Nepali Muslims being killed by the army inside a mosque in Nawalparasi district, in the *terai*. The authorities acted on a tip-off that ‘explosives’ were hidden - allegedly under a pile of sand - inside mosque under construction. It was reported by the local authorities that ‘during the army raid, explosives and bombs were found. The mosque was said to host a religious fair every summer and those killed had, allegedly, worked earlier in an ammunition factory in India. Eyewitnesses claimed that an *imam* of a mosque was arrested after the raid, whereas a Kathmandu-based daily reported three arrests.

More significant, however, was the killing of 12 Nepali hostages in Iraq at the end of August 2004 by the Islamist group Ansar al-Sunna. This was followed by riots across the Kathmandu Valley on 1 September, directed at anything associated with or representing the Middle East (such as manpower agencies, airlines, embassies) and anything associated with Islam or Muslims (mosques, *madrasas*, Muslim businesses, even individual Muslims and their homes) in an orgy of violence. This became known, to the Muslim communities in Nepal, as 'Black Wednesday (*kalo buddhavar*). Megan Anderson Sijapati has provided a full account of this incident, in which rioters attacked the embassies of Middle Eastern governments, the offices of recruitment agencies (which send many Nepalis to the Gulf) and any office or building associated with Muslims or with Islam, including notably *madrasas* and mosques (Sijapati 2011: 48-70).

It was widely thought, at the time and afterwards, and not only by Muslims, that the Palace was at the very least compliant in this wave of attacks on Muslims and other agencies supposedly 'associated' with the executions in Iraq. Sijapati considers that 'in reviewing the contemporary rise of Hindu extremism in Nepal and the particular violence perpetrated on *Kalo Buddhvar*, we saw how the incident expressed sentiments of Hindu extremists who contested the state's transition from a nominally Hindu state to a secular one..' (2011: 133-34). It should be noted however that the state had not at that time been formally declared to be 'secular' and the monarchy was still in place.

Nepali Muslims commemorate the incident as "a black day" in the history of Muslims in Nepal. But an increasing awareness of conflict throughout the Middle East - and closer to home, in Afghanistan and Pakistan in particular and in the Indian sub-continent - between Islamists and others, has, over the last decade, pervaded the attitude of many Nepalese towards Muslims in their own country. Yet, 'Nepali Muslims neither have attacked anyone nor do they have any sort of armed groups, as there are several as such in the Tarai where over 90% of Nepal's Muslims reside', said Nazrul Hussain Falahi, General Secretary of the National Muslim Forum, Nepal (NMFN) - an umbrella organization of Muslim-led development organizations in Nepal.

'Then how come we Muslims are terrorists? We're a peace loving people and want peace and harmony in the country'.

But, as Sijapati has remarked, Black Wednesday 'consisted of violent attacks upon Muslims solely because of their religious identity; that is, Muslims were blamed for the crimes of other Muslims with whom they had no relationship beyond a broadly construed religious identity' (2011: 55). Actual links between the indigenous Muslim community in Nepal and Islamist terrorist groups whether in Iraq, Pakistan and elsewhere have never been documented, but it can be argued that fears, expressed in the aftermath of 9/11 and at various points during the next decade as the US administration under President George W Bush pursued the global 'war against terror', continued to be held by various elements of Nepalese society, and this exacerbated the already-existing social and political discrimination resulting from their perceived status in Nepalese society associated with the overall classification of the population on the basis of caste, class and ethnicity, both in official and in unofficial policies and practices.

Even today, when various social groups (eg women, *dalits*, *madhesis*, *adivasi janajatis*) have been identified as requiring special attention and support for the purposes of 'social inclusion' (the term that has come to dominate the debates about democracy and human rights in Nepal - see discussion below) 'Muslims', although clearly a religious minority, remain without such a privileged social and political identity, and are effectively marginalized - as indeed are many other 'minorities' unrecognized and ignored by the 'social inclusion' project of the 'donors' and, increasingly, of the government. Given this situation, self-help seemed the best way forward; and so, towards the end of September 2004, the Islami Sangh Nepal brought together 55 Muslim social workers, intellectuals and religious leaders to discuss the situation in Nepal in general and the challenges faced by Muslims in particular - this led to the formation of the National Muslim Forum, which was registered in June 2005 and held its first annual meeting in December. The aim of the Forum was to help Muslims find a unified Nepali Muslim voice, representing the common interests of the Muslim population, to establish a political platform for articulating Muslim needs to the government.

Interestingly, the Islamist group that killed the Nepalis serving in Iraq regarded them as ‘serving the Jews and Christians...believing in Buddha as their God (see Sijapati 2011: 59). Buddhists, like Muslims in Nepal, do not have any clearly identified ‘minority’ status in Nepal, nor is Buddhism specifically protected - or attacked. Buddhists constitute the second largest religious group in Nepal - even if, arguably, Buddhism is not strictly a religion - and it is likely that their numbers are considerably underestimated as many combine their Hindu beliefs and practices with those of Buddhism. Buddhists have tended to support the idea of a secular state. As Michael Hutt remarks, in his discussion of the 1990 Constitution, ‘those demanding a secular state included Buddhist, Muslim and Christian associations, ethnic organisations representing the predominantly non-Hindu Tibeto-Burman tribes, and leftist, liberal and republican elements’. He also adds that ‘an enormous demonstration organized by the Nepal Buddhist Association to demand a secular state brought some 10,000 marchers out onto the streets of the capital on 30 June (1990)’ (Hutt 1993: 37).

Despite this clear alignment of the Buddhists in Nepal with the idea - and movement in favour of - a secular state, there has been no indication, as far as can be ascertained, that those in Nepal arguing for a restoration of the Hindu state see a threat from Buddhism itself, either from within the country or from outside, or from Buddhists as such. The government of Nepal has received Buddhist refugees from Tibet since the 1950s, and many of these have settled in Nepal, adding to the indigenous Nepalese Buddhist population. Over the years, the government of Nepal has come under pressure from the government of China to restrict the political activities of the Tibetans inside Nepal and to prevent overt demonstrations of nationalism. The response of the government of Nepal has been generally acquiescent in this matter at one level, although its actions to restrict and constrain the activities of Tibetans in Nepal have generally been limited, although it certainly maintains a close surveillance of Tibetan political activists and militants inside Nepal.

## 5. Towards a secular state

### *The royal coup - and its aftermath*

On 1 February 2005, faced with a military stalemate and a continuing Maoist threat, the king decided to assume direct executive power and launched a royal coup, declaring a state of emergency, arresting political party leaders and leaders of civil society, suppressing civil liberties, and assuming personal control of the RNA. Advised by Tulsi Giri that ‘*sarkar*, monarchy and democracy cannot go together’ and that ‘sovereignty can either be with the people, or with you, the Palace; the choice is yours’<sup>10</sup>, the King made his choice, making it clear that as far as he was concerned, sovereignty lay with the monarchy.

Reactions to the second royal coup, both inside and outside Nepal, were generally negative; but even so, persistent efforts were made in the following months, by the US, UK and India in particular, to promote an alliance between the Palace and the more conservative political elements and the restoration of the status quo ante; but in October, the Maoists identified the monarchy and ‘feudalism’ as the principal enemies and committed themselves (at their meeting in Chunbang) to creating ‘a democratic republic’ in Nepal. In November, a 12-Point understanding was signed by the Seven Party Alliance and the Maoists in Delhi to fight and bring about the end of ‘autocratic monarchy’.

This paved the way for a second People’s Movement (Jana Andolan II), which forced the king to concede publicly on 24 April 2006 that sovereignty rested with the people. He fought hard even after this to maintain support - sending private envoys to Delhi, making assurances to Indian as well as to Western diplomats, and to rulers of former princely states and the Hindu Right, that he would prevail; but support trickled away as the

<sup>10</sup> see Prashant Jha’s *Battles of the New Republic*, page 57

new popular alliance gained ground inside Nepal and the foreign powers laid blame on the king for violating their preferred twin-pillar policy of multi-party democracy and constitutional monarchy. Nepal's new parliament - based on that which had been dissolved in 2002 by the king - was re-instated; a ceasefire was declared and G. P. Koirala, leader of the NCP, took the oath as Prime Minister.

In the aftermath of the 2006 People's Movement, there was a small paradigm shift in the law-making process. For the first time in Nepal's history, a constituent assembly representing the diverse populations of Nepal was given the responsibility of writing their own constitution. *Janajatis* demanded participation in any future Constituent Assembly on the basis of their distinct identity, and not merely as representatives of political parties. It had become clear that party members, even those from marginalized communities, are severely constrained by their party line. They are forced to uphold the party's interests even when they go against the interests of their communities. Experience from other countries, too, has shown that indigenous peoples are rarely able to secure their interests and rights through their chosen political parties.

The *adivasi janajatis'* demand for non-party affiliated representatives was articulated in two agreements - the Godavari agreement between the government and the Nepali Federation of Indigenous Nationalities (NEFIN) et al, and the agreement between the government and then Sanghya Limbuwan Rajya Parishad. Accordingly, Article 63 (c) was inserted in the Interim Constitution specifying that 26 seats in any future Constituent Assembly should be reserved for people from marginalized indigenous groups. But in the event, the 26 seats were appropriated by the political parties and *janajatis* claimed that they were denied their right to send their own representatives through umbrella organizations such as NEFIN. Various *janajati* organizations including LAHURNIP, an organization of indigenous lawyers, filed a petition against the government in the Supreme Court. It was not, however, until April 2013, that the Court responded positively by ordering the

government to ensure meaningful participation of *adivasi janajatis*.

Meanwhile, a complaint was filed with the UN Committee on the Elimination of All Forms of Racial Discrimination (CERD) and the UN Special Rapporteur on the Rights of Indigenous Peoples (SRIP). The CERD urged the government to guarantee free and meaningful participation of indigenous peoples (beyond the confines of political parties). The SRIP further recommended that the government seek free prior and informed consent of indigenous peoples before finalising constitutional provisions that relate to them. Eventually, in April 2014, the SC ruled that the 26 seats were not for political party representatives but for otherwise unrepresented groups and prominent members of civil society (see <http://recordnepal.com/perspective/they-it#sthash.EUJrISNN.8VtHAj3u.dpuf>).

In response to this ruling, the *janajati* groups demanded that, in order to avoid a conflict, the 26 CA members selected by the political parties be replaced by representatives nominated by NEFIN in accordance with article 63(c) of the Interim Constitution, articles 6 and 7 of the ILO Convention 169 and articles 3, 18, 19 of UNDRIP. Second, the CA must set up a mechanism for obtaining free prior informed consent of indigenous groups for provisions relating to indigenous peoples. This has not yet happened.

## 6. Nepal: Towards a Secular State

### *The initial declaration*

In May 2006, the new parliament (convened on the basis of the former parliament of 2002) clipped royal privileges, brought the former Royal Nepal Army (RNA) under direct civilian rule, abolished 'untouchability' and declared Nepal to be a secular state. On 21 November 2006, a Comprehensive Peace Agreement was signed between the political parties and the Maoists, effectively bring to an end the Maoist insurgency and the civil war, and drawing up a 'road map' for eventual elections to a Constituent Assembly that would draft a new Constitution. On 15 January 2007, an interim parliament was constituted, with the participation of the Maoists; an interim Constitution was promulgated, which replaced the Constitution of 1990.

The Interim Constitution pledged to accomplish the restructuring of the state in order to solve the problems arising from inequalities and divisions of class, ethnicity, religion and gender in Nepalese society. It expressed its full commitment to democratic values and norms, including the competitive multi-party democratic system of governance, civil liberties, fundamental rights, human rights, adult franchise, periodic elections, complete freedom of the press, independent judiciary and concepts of the rule of law; implicit in this was freedom of religious belief, expression and practice. This is what was meant by a 'secular' state. No laws specifically affecting freedom of religion were, however, changed. It went on to state explicitly, that 'the sovereignty and the state authority of Nepal shall be vested in the people of Nepal' and that, 'having multi-ethnic, multi-lingual, multi-religious and multi-cultural characteristics with common aspirations and being united by a bond of allegiance to national independence, integrity, national interest and prosperity of Nepal, all the Nepalese people collectively constitute the nation.

The next day, Upendra Yadav of the Madhesi Janadhikar Forum was arrested after setting fire to a copy of the Interim Constitution because it failed, in his view, to provide specifically for the interests of the people of the Madesh (a relatively new umbrella term for the peoples of the plains area of the *terai*). The day after that, 17 January 2007, a protest movement erupted in the *terai*, as people who saw themselves as Madeshis demanded 'their rights'.

### *Madhesi rights - Hindutva agitation?*

Some commentators suggested that this was a 'regressive' movement, backed by reactionaries from across the border; and there were rumours that the king had begun a campaign, a final effort, to protect the monarchy, and that these two were linked, through the influence of the Rashtriya Swayamsevak Sangh (RSS) and the wider Hindutva movement in India which had consistently supported the monarchy in Nepal. Although there can be little doubt, particularly in retrospect, that the Madhesi movement was a genuine popular reaction (albeit one orchestrated by a minority of political leaders with a view to self-advancement) both to the evident opening up of the political process to groups hitherto effectively marginalized, including the *adhivasi janajatis* and, potentially, the various peoples of the *terai*, and to visible attempts by the 'hill elites' to exclude 'Madhesis' from the new republican political arena, it was also fuelled by Hindutva tendencies.

A key figure in this was Yogi Adityanath - acting head of the Gorkhath Math and a leader of the BJP, MP in the Lok Sabha and national president of the Indian chapter of the Vishwa Hindu Mahasangh (VHM), which maintained its headquarters in Nepal, and founder of the extremist Hindu Yuva Vahini, which was considered the BJP and even the militant Vishwa Hindu Parishad (VHP) to be moderate - who argued that 'the unifying force in Nepal, like the soul that unites the body, is the Hindu king and Hindu culture'. Why - he asked, referring to the decision of the restored parliament in May 2006 to declare Nepal a secular state - was secularism imposed there (*yeh secularism kyon laad diya*

*waha pe*)? He supported the Madhesi movement, but did not wish to see a separate Madesh: ‘what we want’, he said, ‘is a unified Nepal as a Hindu state’<sup>11</sup>. He was virulently anti-Maoist, in part because of their alleged atheism.

Indeed, during the 2006 UP assembly elections, one of his key campaign planks was to oppose the links between the Nepalese Maoists and all the Indian left parties. Just before the 2007 Madhesi ‘uprising’, he had hosted a meeting of Madhesi leaders, to encourage them to start anti-Maoist agitation. He was also extremely suspicious of Pakistan’s intentions in Nepal and in the Lok Sabha he had often raised the issue of ISI-sponsored *madrasas* in the Nepalese *terai* and UP. He was also at the forefront of the opposition to abolish the Hindu character of the Nepalese monarchy. Sijapati has remarked that ‘when King Gyanendra Shah yielded to mass protests organized by the seven political parties and the Maoists in April of 2006 and a Constituent Assembly declared Nepal a secular nation, Hindu organisations based in India and Nepal decried the country’s change from a Hindu monarchy to a secular state. They claimed that Nepal was obligated to retain its Hindu essence and not fall prey to secularism. Reports in 2007 indicated that a new alliance of Hindu groups, called the Nepal Armed Hindu Morcha, had formed with the objective of returning Nepal to its status as a Hindu state through any means, including violence...’ (2011: 135-36).

On 7 February 2007, the Prime Minister, G. P. Koirala, promised ‘federalism’ and ‘an equitable electoral system’ that would recognise the rights of all of the peoples of the *terai* - ‘the Madeshis’. Two months later, an interim government was formed. There continued, however, to be considerable political turmoil in the *terai* as different political groups fought, under various banners, to mobilise the highly differentiated population of the region to ensure greater representation in the new emerging political dispensation. This had the effect not only of unifying certain groupings but also of increasing tensions and the

<sup>11</sup> see Prashant Jha’s *Battles of the New Republic*, page 111-114

potential for conflict. In September of 2007, what Sijapati describes as ‘a tragic episode of sustained violence’ occurred between Muslims and Hindus in the *terai* district of Kapilvastu, prompted by the murder of Abdullah Mohut Khan, a leader of the Madhesi Mukti Morcha Party and formerly a member of an anti-Maoist resistance group. Dozens were killed and hundreds more victimized in tit-for-tat inter-communal violence; hundreds fled the area. The government, however, failed to respond adequately during the several weeks of conflict.

In February 2008, a second Madhesi movement - heterogeneous in many ways yet unified in demanding greater recognition of Madhes - broke out, resulting this time in an explicit agreement by the Interim Government to recognise a Madhesi province, to integrate Madhes into the Nepal Army (NA) and to ensure the proportionate and inclusive representation of Madhes in the organs of state, joining the *adivasi janajatis* and others as recognized minorities. Many ethnic groups, notably the Tharu, objected to being characterized simply as Madhes and demanded specific recognition as a ‘minority’ - after all, the Maoists had recognized a Tharuwan National Liberation Front as well as a Madhesi Liberation Front as early as 2000-2001 and had proposed a Tharuwan Autonomous Region in the western *terai* as well as a Madhes Autonomous Region in the central and eastern *terai*. Muslims also became more vocal in their demands that Madhesi leaders and the interim government *not* categorise them as Madhes, alleging that the Madhesi parties were trying to co-opt Muslim members and ‘deny them their rights’ (Sijapati 2011: 136)

### ***Secular republic declared***

Elections to a Constituent Assembly were held on 10 April 2008. The Maoists emerged - the surprise of many, the Maoists included - as the largest party in the new, and relatively inclusive, Assembly. On 28 May, at its first session, the recently elected Constituent Assembly of Nepal made a momentous decision: that Nepal would no longer be a Hindu monarchy but a secular republic - overturning, in effect, more than two

centuries of history. Already, a year or so earlier, in January 2007, the Interim Parliament - constituted on the basis of the composition of the National Assembly ten years previously, in 1997, when the last elections had taken place - had promulgated the Interim Constitution, which declared Nepal to be a secular state. Now, the 4<sup>th</sup> Amendment of the Interim Constitution brought in by the Constituent Assembly in May 2008 stated unambiguously that Nepal would be 'an independent, indivisible, sovereign, secular, inclusive and federal democratic republican state'. All the languages spoken as native tongues would be languages of the nation; Nepali would be the official language, but nothing shall be deemed to prevent the using of any language spoken as the mother tongue in a local body and office.

It stated that 'the Rights to Freedom include the right to live with dignity and no law shall be made that provides for the death penalty. Every citizen shall have the following freedoms: freedom of opinion and expression; freedom to assemble peaceably and without arms; freedom to form political parties; freedom to form unions and associations; freedom to move and reside in any part of Nepal; and freedom to practice any profession, carry on any occupation industry and trade. These, subject to laws to impose reasonable restrictions on any act which may undermine the sovereignty and integrity of Nepal or which may jeopardise the harmonious relations subsisting among the peoples of various castes, tribes, religions, or communities or on any act of defamation, contempt of court or incitement to commit an offence or on any act which may be contrary to public decency or morality.

### ***Religious rights***

The Interim Constitution, as a 'secular' document, provided explicitly for freedom to practice one's religion; it also specifically denied the right to convert another person<sup>12</sup>. No

<sup>12</sup> Article 23 of the Interim Constitution protects the rights of all religious groups by guaranteeing the individual the right "to profess and practice his/her own religion as handed down to him/her from ancient times having

laws specifically affecting freedom of religion were changed. Nonetheless, many believed that the declaration made it easier to practice their religion freely. Government policy contributed to the generally free practice of religion and the government itself took positive preliminary steps with respect to religious freedom. Although there were no registration requirements for religious groups, there were legal registration requirements for NGOs. Organizations had been prohibited from registering if their names contained religious words.

However, this began to change in April 2007 when the Government allowed the registration of an organization with the word "Bible" in its title. Christian, Muslim, and Jewish religious organizations claimed that, unless registered, they would be restricted from owning land, an important step for establishing churches, mosques, synagogues, or burial sites. An organization that provided religious services and *kosher* foods to Jewish adherents (generally tourists) complained that the organization was not able to legally register as a religious organization and that its workers had to enter the country on business visas. Foreign workers in the Christian missionary hospitals and schools also entered the country with visas designating them as technical workers for local or international NGOs sponsoring the hospitals and schools; if they were found to proselytize, they were to be expelled from the country, but there were no expulsions during the reporting period.

For decades, dozens of Christian missionary hospitals, welfare organizations, and schools have operated in Nepal. These organizations claimed that they did not proselytize and tended to operate relatively freely. Missionary schools were among the most respected institutions of secondary education; and many members of the governing and business elite graduated from Jesuit high schools. Some foreign Christian organizations, however, had direct ties to local churches in Nepal and

due regard to traditional practices." It also states "no person shall be entitled to convert another person from one religion to another and shall not take actions or behave in a way that would create disturbance in another's religion."

sponsored pastors for religious training abroad. Specific holy days, most of them Hindu, were recognized as national holidays. These were Mahashivaratri, Buddha Jayanti, Falgun Purnima, Krishna Asthami, Dasain, and Tihar. Although public schools did not teach religion, most had a statue of Saraswati, the Hindu goddess of learning, on their grounds. Many began the day with a Hindu prayer to the goddess.

Other festivals and holy days, however, more closely linked with other religions, were also recognised and celebrated, including Easter and Christmas. Civil servants could take off religious holidays and celebrate them at home (on private property) without government interference. The Government had no formal policy on inter-faith understanding, but the Interreligious Council of Nepal, consisting of representatives of the Hindu, Buddhist, Muslim, Christian, and Baha'i faiths, was active in promoting peace in the country. The growing number of cultural and religious organisations was generally tolerated.

Tibetan Buddhists living in Nepal faced various restrictions on their celebrations; local authorities generally restricted celebration of Tibetan religious festivals to private property. Police in Kathmandu, for example, prohibited Tibetans celebrating the New Year from carrying pictures of the Dalai Lama around an important Buddhist temple as part of religious ceremonies. The Government also restricted all other non-religious local Tibetan celebrations (Tibetan New Year, the Dalai Lama's birthday, and Democracy Day) to private property. The Government revoked the legally obtained registration of a welfare office to look after Tibetan refugees (a lawsuit was pending at the end of the reporting period) and did not allow the registration of an office to represent the Dalai Lama; the welfare office had previously looked after more than 20,000 Tibetan refugees who left their homeland after the Dalai Lama fled from Tibet in 1959. This was, however, largely because of the political connotations rather than religious discrimination as such. Oddly, however, on March 10, 2007, the Tibetan community was allowed to march freely in the street, demanding "freedom and justice for Tibet".

Personal conversion was allowed; and there were no restrictions on the selling or possession of religious literature. The law, however, prohibited converting others and proselytizing; these activities were punishable by fines, imprisonment, or, for foreigners, expulsion. NGOs or individuals were allowed to file reports that individuals or organizations were proselytizing, and the Government investigated these reports; but there were few if any incidents of punishment for conversion or proselytism. There were no reports of religious prisoners or detainees. Some Christian and Muslim groups were concerned that the ban on proselytizing limited the expression of non-Hindu religious belief, but there is little evidence in fact of this. On the contrary, as we shall see, the expression of non-Hindu belief has increased in recent years, as has the number of self-declared Muslims and Christians.

*Madrasas*, but not mosques which receive no government funding, were now required to register with local district administration offices (part of the Home Ministry) and supply information about their funding sources to operate; some Muslim leaders criticized the move as discriminatory; but the registration requirement has not been enforced. Muslims were not restricted from participating in the Hajj, although the Government did not subsidize the pilgrimage.

The Constitution prohibits discrimination on the basis of caste; however, the caste system - which is deeply associated with the Hindu religion, although some Hindus deny this - strongly influences inter-personal and inter-group relations throughout Nepal. While the Government has stressed that caste-based discrimination is illegal and temple access for "lower castes" has improved in some areas, caste discrimination was and remains frequently practiced at Hindu temples, where *dalits* are frequently forbidden from entering by some Hindu priests. The outlawing of 'untouchability' did not prevent the continuation of social discrimination against *dalits* by other Hindus, although there may have been some improvement by virtue of the ability of *dalits* (in theory at least) to invoke the law. Even members of other religious faiths tended to discriminate against *dalits*.

### Some Immediate Reactions

The Rastriya Prajatantra Party of Nepal (RPP-N) - a centre-right, culturally conservative and royalist political party and a splinter group of the Rastriya Prajatantra Party (RPP) - strongly objected to the declaration of a secular state, and supported the maintenance of Nepal as a Hindu kingdom. It had registered with the Election Commission of Nepal ahead of the April 2008 Constituent Assembly election and sought to form a front of royalist parties. The RPP-N won only four seats in the April 2008 Constituent Assembly election; and at the first meeting of the CA on 28 May, the RPP-N was the only party to oppose the declaration of a republic. Its leader, Kamal Thapa, subsequently said (on 20 June 2008) that the country faced an impending 'disaster', and that the party's policies and programmes would remain the same despite the political change. On 13 July 2008, he described the abolition of the monarchy as merely "an interim decision", and emphasized that the RPP-Nepal sought the restoration of the monarchy. The party boycotted the July 2008 presidential election, on the grounds that the major parties were treating the election as a partisan contest. In August 2008, some senior leaders left the party and joined the RPP.

It was in August that the Maoist leader, Prachanda, took on the role of prime minister. His first act after taking office was to declare that he would be travelling to Beijing to attend the concluding ceremony of the Olympics. This upset the Indian establishment; all the more because Prachanda declared it to be intentionally 'a break in continuity' or *kram bhang*, in Nepal's history of its relationship with India. The next month, India welcomed Prachanda in Delhi and gave him the 'red carpet' treatment; at the same time, he was warned not to step too far out of line. Not long after his return, however, he adopted the line being advocated by the radical faction of Mohan Vaidya 'Kiran' which argued that 'now that the monarchy was abolished, it was time to move on to the next stage and declare India and its perceived 'brokers' in Nepal, particularly the NCP, as the principal enemies' (Prashant Jha, *Battles of the New Republic*, page 126).

If this apparent shift in foreign policy proved controversial, a number of moves on the domestic front were even more challenging to the status quo, at home and abroad. When Prachanda sought to end the age-old tradition of appointing Indian priests at Pashupatinath temple and to replace them with Nepalese priests, religious conservatives in Kathmandu saw it as an attack on Hinduism, and many in Delhi perceived it as an affront to 'the special relationship'. Hindu conservatives in Nepal were affronted; the Indian BJP was particularly incensed on both counts and expressed itself vocally - its leader, L K Advani, even called up Prachanda to register his protest.

On the other hand, in line with the Interim Constitution's position on religious tolerance and wishing to redress the balance in this domain, Prachanda signed a six-point agreement in March 2009 with the United Muslim National Struggle Committee, pledging to form a Muslim Commission and provide a constitutional guarantee for 'Muslim identity' through the nationalization of Muslim holidays and the establishment of political quotas, a permanent Hajji committee, an Islamic Affairs Commission and an Islamic School Board, and through the introduction of Islamic personal law (based on the *shari'a*) for Muslims. In May 2009, however, Prachanda resigned, leaving Muslims unsure that the agreement would remain valid.

In January 2010, a meeting of Nepal's Inter-Religion Council - representing the Hindu, Buddhist, Christian, Muslim and Jain communities - met to discuss how best to ensure a vision for a new Nepal. Their visions differed in many respects, but all agreed that a multi-faith perspective was essential to the realization of a coherent and unified yet diverse nation. They criticized the rejection of religion implied in an atheistic or irreligious perspective of a secular Nepal, and agreed that Nepal would survive only if the convictions of religious communities inform the shape of the new secular state (Sijapati 2011: 137).

## 7. The Hindu Backlash: 2008-2014

By contrast with this attempt to generate support for a secular state in which all religions were respected and in which there was a positive contribution to be made by the different faith communities to a new tolerant multi-faith society and state, the predominant mood among Hindus - and particularly Hindu nationalists - has been to reject the idea of a secular state and to return to a Hindu state. Throughout the last eight years, since the formation of the first Constituent Assembly in 2008 and its declaration of Nepal as a secular republic, forces loyal to the notion of a Hindu monarchy as central to Nepal's identity, unity and stability have continued to argue for a return to the status quo ante as regards this basic feature of the state and have tended to oppose the very notion of 'secularism', often equating it with 'atheism' or even with anti-Hinduism. With the rise of Narendra Modi within the BJP during 2013 and his subsequent nomination as Prime Minister of India in 2014, there can be little doubt that politically active conservative and nationalist Hindus in Nepal saw a new opportunity to maintain or rather re-gain their previous largely unquestioned dominance.

The RPP-N contested the 2013 Constituent Assembly elections in November 2013 and this time won 24 seats out of 575 seats under the system of proportional representation, making it the fourth largest party in the House (it had only four seats in the previous Constituent Assembly). In an interview with the *Kathmandu Post* on 29 December 2013, Kamal Thapa indicated that he might be able to compromise on the issue of the Hindu monarchy, suggesting that 'despite the fact that we have received six times more votes than last time, we still don't have enough. So it is not just our agenda that will be established. A compromise is necessary and the people recognise that the NC-UML is capable of finding this compromise'. The next day, some 20 Central Committee (CC) members - including former minister Tanka Dhakal and former Kathmandu mayoral candidate Rajaram Shrestha, registered a new party - the 'Nepali Rastriya

Prajantra Party' (NRPP) - with the Election Commission. But the Election Commission turned down the breakaway group's claim to the PR seats won by the RPP-N. Tanka Dhakal and several others later announced their return to the RPP-N, stating that 'splitting the RPP-N at this moment is not in our interest. It will weaken democracy'.

The RPP-N was not the only party to harbour concerns about the declaration of Nepal as a secular state and to favour the restoration of the monarchy and a Hindu state. The Nepali Congress Party (NCP), although historically (in the 1950s and 1960s) a republican, democratic socialist party, has grown increasingly conservative over the years, to the point where it was prepared - certainly in the 1990s and even during the latter part of the Maoist insurgency - to accept the strong hand of the monarchy (first Birendra and then Gyanendra) on the rudder of the state, only baulking when the latter launched his royal coup and opting for democracy over the monarchy. It was, even then, a very late 'convert' to the emerging republican trend at the time of the Jana Andolan II and would undoubtedly have preferred a 'conservative democracy' with a constitutional monarchy to anything more radical until it became clear that this would be unacceptable to the emerging pro-republican forces inside Nepal and indeed (at that point) to India.

There has always been a strong current on the right of the NCP - as indeed has also been the case for the CP-UML - supporting the monarchy and the Hindu state; it was this tendency in the NCP (and in the UML and RPP) that was courted by the key foreign powers - India, the USA and the UK - during the crucial period between the Jana Andolan II and the promulgation of the Interim Constitution, when it was hoped by those 'external forces' that there was still a chance to secure a 'conservative alliance' around the Palace, if the king had been willing to accept a constitutional role. This faction of the NCP had been relatively quiet for some time, firstly because the NCP was able to a large extent to dominate the political debate between 2006 and mid-2008 and then because it was pre-occupied with its power struggle with UML and the CPN (M) over who ran the interim

government and how. The NCP would also re-emerge at the end of 2013, after the elections for the second Constituency in a more powerful position than before, able to assert its numerical preponderance in the CA, together with the UML, to keep the Maoists on the back foot.

Some nine months later, however, the disquiet of many NCP members with respect to the notion of a secular state, and even with the notion of federalism, was becoming too great to be contained. The party began to show new signs of division on these issues. In September 2014, it was reported by *TelegraphNepal.com* that

'If leader Khum Bahadur Khadka of Nepali Congress is to be trusted, then his party senior leaders including his party president and Prime Minister Sushil Koirala, vice president Ram Chandra Poudel and senior leader Sher Bahadur Deuba too, are not at all happy with the decision to undermine Nepal's Hindu identity. "They have not been able to express their words freely in public but internally they too are not pleased with the choice of declaring the country a secular one," said Khadka, while addressing an interaction program in Kathmandu, September 12, 2014.

Khadka suggested that "the majority of the Nepali Congress central committee members are in favour of reviving the country's Hindu identity," and continued: "In the party's next central committee meeting, I will forward the proposal to revive our Hindu identity and declare the constitution without federalism." "The decision to declare the country secular was conspiratorial by all means because the parties had no public mandate to do so," he said, adding that "we will be left with no option than to set the new constitution ablaze if it endorses the secular declaration." "I can clearly see that if secularism is continued, then in the next 10-12 years Nepal will plunge into religious conflict," he concluded.

A month later, in October 2014, it was reported widely in the press that several Nepali Congress leaders had openly launched a

campaign to revive Nepal as a Hindu state. The campaign, which has adopted the slogan "Nation, Nationality and Sanatan Hindu State", is led by former minister and party leader, Khum Bahadur Khadka, and was launched at a public event in Kathmandu, at which several former ministers, lawmakers and party leaders expressed their support for the proposal to re-assert the country's Hindu status. The programme was organised by the Civil Struggle Committee for a Sanatahan Hindu State Nepal, with BP Chintan Pratisthan as the coordinator.

This was the first time since 2008 that the pro-Hindu leaders in the party had publicly and collectively urged for the revival of a Hindu state. The NCP, which had agreed to make Nepal a secular state in 2007, did not make any official comment over the campaign; but former Speaker Taranath Ranabhat said that the demand was 'logical since Hindus and Buddhists that fall under the Omkar clan together combine to account for 90 percent of the nation's population', and NC leader Chirinjivi Wagle asserted that 'a huge sum of money has been poured into the nation in an attempt to convert Hindus'; this latter assertion was not documented, although it is certainly the case that some of the Muslim candidates for the second Constituency Assembly elections received support from outside, mainly from Pakistan, and there is undoubtedly considerable effort put into encouraging conversion to Christianity by Christian missionaries and development agencies, despite their protestations that they do not proselytise. In any case, 'secularism is the seed for (the) disintegration of the state,' Wagle declared.

Deep Kumar Upadhyay, central working committee member of the NC, also bemoaned the party's decision to accept a secular state: "NC should rectify its decision. If the party fails to act on it soon, it will come right back at us." Senior advocate Kumar Regmi presented his views on the relevance of a Hindu state in Nepal; and several of the pro-Hindu state NCP members present - including Kul Bahadur Gurung, Pushpa Bhusal, Laxman Ghimire, Purna Kumar Sharma Limbu, Marshal Julum Shakya, Duryodhan Singh Chaudary, Parvati Chaudary, Swarna Jawrchan and Keshav Thapa - said they would press the House to declare Nepal a

Sanatan Hindu State in the new constitution. Khum Bahadur Khadka said that his party had ‘made a mistake’ by adopting the idea of secularism, a mistake that the party should now correct. He warned that the country could face religious conflict if the new Constitution fails to declare Nepal Sanatan Hindu State, hinting at a new ‘Hindu movement and possible ‘uprising’.

Less than a month later, in mid-November 2014, Kamal Thapa of the RPP-N addressed a meeting in Dangadhi and told the audience that if the new Constitution were to be pushed through by a two thirds majority vote in the Constituent Assembly, it would be against the agreed system and process: ‘it would be better to organize a referendum to decide on federalism, democratic republic and secularism while drafting the new statute’, he said. He asserted that the declaration of Nepal as a secular state was ‘at the behest of *international power centres* (sic)’ - although he failed to identify these foreign influences - and warned that the political parties that played a key role in making Nepal a secular state would be ‘wiped out’ of the political spectrum sooner or later. He promised that ‘millions of people’ would gather on behalf of the RPP-N outside the Constituency Assembly building to put pressure on the major parties to ensure that the new Constitution reinstated Nepal as a Hindu state.

There are several reasons for the concern expressed by those advocating a return to the status quo of the Hindu state (and possibly to a monarchy) and a reluctance to follow the programme of ‘social inclusion’ and federalism being promoted by the Madhesi parties and the Maoists. One - which receives the most rhetorical attention and insistence - is the assertion that the institution of a secular state, and of federalism in particular, represents a threat first to Hinduism and then to the integrity of Nepal as a state. There is little evidence of the former. Statistics show that 80 per cent of the population still identifies itself as Hindu. There is also little evident appetite for separatism - apart from a minority, exemplified by Madhesi militants like Dr C K Raut - among those advocating federalism. Another, and closely related to this, is the argument that ‘social

inclusion’ as currently advocated by its supporters risks the sharpening of ethnic and caste divisions and the spectre in particular of ethnic ‘identity)-based states. The combination of federalism and pursuit of a ‘social inclusion’ agenda, it is felt by some, risks promoting social and political conflict and disintegration.

The fear of undue influence from ‘outside’ Nepal, from ‘international power centres’, invoked by Kamal Thapa, deserves more detailed attention. We have already referred to the adverse responses to the verbal intervention by the British Ambassador in November 2014; more recently, in early February 2015, there have been strong objections to meetings between EU representatives and the Madhesi activist, Dr C K Raut. One English-language weekly, the *People’s Review*, has been particularly exercised by Westerners’ agendas and interference.

But the *People’s Review* is also concerned about undue interference by what it terms ‘the South’, by which it means India. In its edition of January 29 - February 4 2015, for example, it suggests that ‘it is clear that the Indian embassy is backing the agenda of Madhesh Pradesh. One other possible interpretation of the concern with ‘external forces and power centres’ is, therefore, that Nepalese Hindu nationalists feel threatened by the influence that India undoubtedly has had in the past on political developments - including, during the key period from 2006 to 2008, the promotion in Nepal of republicanism, federalism, ‘social inclusion’ and secularism. The Maoists, many of whom are of course Hindus despite their adherence to an essentially atheistic political ideology, have, in the past - albeit much less in recent years - expressed their concern about ‘Indian expansionism’ as a threat to national integrity, but this has rarely been linked to the idea of a threat to republicanism, federalism, ‘social inclusion’ and secularism - all of which the Maoists appear to espouse.

## 8. The 'Social Inclusion' Agenda

### *The intervention of 'external' powers*

One explanation (and in some cases justification) given for the Hindu 'backlash' in Nepal is the concern that 'external powers' (ie certain foreign states) and 'foreign donors' (foreign development agencies and Embassies) in particular are responsible for illegitimate external pressure on successive governments in Nepal and on the major political parties to adopt a secular Constitution. There is certainly considerable evidence to demonstrate that 'external agencies' and 'foreign powers' have routinely intervened in Nepali politics over many decades, and continue to do so - sometimes, it must be said, at the instigation of indigenous political forces (including the monarch and the various political parties, including the Maoists). Leaving aside this explicitly political involvement, some foreign 'development' agencies have pushed, starting in the 1990s and continuing throughout the next decade, for a distinctive interpretation of 'secularism', that recognizes the diversity of languages, ethnic groups and castes, and the variety of religious affiliations in Nepal, and affords protection to, and advocates affirmative action, by government as well as by non-government organisations and local community based organisations, for the 'social inclusion' of certain hitherto marginalized and disadvantaged minorities, initially women, *janajatis* and *dalits*. Gradually, this 'social inclusion' agenda or paradigm began to replace the earlier focus (in the 1980s and early 1990s) of foreign development agencies on 'poverty and social disadvantage' among the majority of the Nepalese population (epitomized by the *World Development Report 1990* on 'Poverty' but expressed widely in the 'development' literature of multilateral and bilateral development agencies and I/NGOs during the late 1990s and early 2000s), which explicitly advocated targeting 'the poor and disadvantaged'.

Prompted initially by the political changes initiated following the Jana Andolan and the formulation of the new Constitution,

which not only allowed a multi-party regime but allowed and indeed encouraged a proliferation of civil society and non-government organisations, the *janajati* movement erupted on the scene in the 1990s. As the decade progressed, the concerns of the *janajatis*, and particularly those identified first as 'disadvantaged' *janajatis* and then as indigenous or '*adhivasi*' (indigenous) *janajatis*, became difficult to ignore. Dalit organisations also were formed, such as the Nepal National Dalit Social Welfare Organisation (1994) and the Dalit NGO Federation (1996). The government began to address these concerns in the Ninth Five Year Plan (1997-2002), but by this time, the far left had decided that the real concerns of 'the poor and disadvantaged' were not going to be met by the new political dispensation and the CPN (M) had launched a People's War to take advantage of the manifold dissatisfaction of those who saw themselves not only as exploited and oppressed, but also as marginalized and excluded.

Aditya Adhikari has argued that 'from the Maoist perspective, the early years of the 1990s confirmed that the parliamentary regime amounted to a combined dictatorship of the feudal class and the bourgeoisie, which would do nothing to transform Nepal's social and economic relations' (2014: 21). He cites senior Maoist leader Mohan Baidya as commenting on the writings of Kagendra Sangroula: 'it is clear that the writer has chosen NGOs over the revolutionary communist party, NGOism or decadent capitalism over Marxism, and capitalist-imperialist thought over New Democracy and socialism'. Significantly, however, even the Maoist insurgency built their support as much on ethnic and caste divisions, and notions of 'social exclusion', as they did on class divisions, despite their 'Marxist-Maoist' rhetoric and alleged philosophy of class struggle.

From very early on in the insurgency, they courted the ethnic minorities (*janajatis*) and 'untouchable' *dalits* as much as they did the poor peasants and workers, drawing on widespread dissatisfaction and dissent with regard to social and cultural discrimination as much as to economic exploitation and oppression. Despite the fact that the idea of 'the armed

struggle' to create the pre-conditions for a 'revolutionary' social, political and economic transformation owed a good deal to the classical Marxist-Maoist tradition, the self-declared 'Maoists' encouraged support from different ethnic 'minority' groups and from the *dalits* discriminated against by the caste system, with the vision of a future in which the former at least would have their own autonomous states and the latter some ill-defined specific recognition, and in this way built a strategic alliance based on an unorthodox foundation of class, caste and ethnicity.

Through the latter part of the 1990s, from their heartland in Rolpa and Rukum - the land of the Khas Magars - the Maoists extended their influence and control not only throughout the hills, gaining support from workers and peasants and sections of the intelligentsia but also arousing a sense of systematic cultural and ethnic oppression of the many 'minorities' by the high caste Hindus of the political elite as much as by the ruling landowning, commercial and rentier classes represented by the monarchy (the Palace) and the government.

Throughout the early years of the new millennium, at the same time as they began to focus on the conflict, as it deepened and intensified, and its implications for development activities, the foreign embassies and development agencies - most of which were explicitly critical of the People's War and the underlying political ideology of Marxism and Maoism - also began to consider 'the root causes of the conflict'. Although there were a few voices arguing for a political economic analysis couched in terms of class, of exploitation and oppression, as the 'root causes' of dissidence and to explain widespread support for the insurgency (eg Seddon & Hussein 2002, Seddon 2003), far more were pointing to the social and cultural factors of gender, ethnic and caste 'exclusion' - and effectively ignoring the political economic basis of social discrimination.

More specifically and concretely, the World Bank, together with DFID (and also DANIDA and the SNV), for example, were in the forefront of those obliging *all* their partners to identify specific

'excluded' groups (eg women, *dalits*, disadvantaged *janajatis* and indigenous peoples or *adhivasis*) in all their funded development programmes and projects, and to give priority to such groups in their design, implementation, and monitoring and evaluation of the effectiveness of those programmes and projects in reaching and benefiting such groups. Such an approach - which effectively avoided and ignored the relevance of socio-economic differences of wealth and income (that is, of class and inequality) and even, gradually, of poverty, but asserted instead the significance of gender, caste and ethnicity as central in any analysis of Nepalese society - has had profound, but possibly un-anticipated<sup>13</sup> - implications and consequences.

It has privileged a particular interpretation of Nepalese economy and society, which sees the key social divisions as related to what is often referred to as 'identity', rather than to 'class', in large part because of a fundamental antipathy to 'class analysis' on the part of those involved - seeing this as dangerous and too close to the analysis of the root causes of the People's War and the revolutionary struggle provided by the Nepalese Maoists themselves. It is highly significant that the dominant voices and 'authors' of this perspective on Nepalese economy and society tended to be those of 'social development' and 'gender' specialists (often with a background in social anthropology and cultural studies) rather than economists, sociologists or political scientists with a more 'materialist' bent.

The World Bank's report *Unequal Citizens: Gender, Caste and Ethnic Exclusion* (Washington DC 2009) started life as a draft document that was several years in the making and involved a good deal of discussion among the social development specialists of the Bank and DFID, and contracted social development and gender specialists from Nepal and abroad. *Nepal's Poverty Reduction Strategy Paper* (2003) was based on four pillars, one

<sup>13</sup> Some, however, consider that the entire 'social exclusion' paradigm is part of a deeper conspiracy to support 'ethno-based federalism as a design to create civil war in Nepal' as well as 'a huge investment for developing Nepal as a hub for (a) Christianity campaign', *People's Review*, vol. xxiv, no. 26, January 29 - February 4, 2015, c front page.

of which was 'inclusion'. It was decided that 'attaining its inclusion goal would require fundamental shifts not only in the structure of governance and access to economic opportunity (two of the other pillars), but also in the underlying hierarchical norms, values and behaviours that govern social interaction' (from Background and Framework). The Gender and Social Exclusion Assessment (GSEA) undertaken by the social development specialists examined gender, caste and ethnicity as 'three inter-locking institutions that determine individual and group access to assets, capabilities and voice based on socially-defined identity' (ibid).

In this way, the 'social' is presented as determining the 'political' and the 'economic', and 'identity' is privileged as the key concept. In the GESI, the other pillars of Nepal's poverty reduction strategy are marginalized, and 'identity' is constructed through gender, caste and ethnicity - but not (strangely) through other social (let alone economic or political) determinants of 'identity'. This very partial and arguably partisan approach to the construction of social, economic and political 'identity' is cited approvingly by the Asian Development Bank's *Overview of Gender Equality and Social Inclusion in Nepal* (Mandaluyong, The Philippines, 2010) and the report *Unequal Citizens* cited as a seminal text. The ADB's report suggests, however, that 'it has been recognized that the barriers to inclusion are due not only to gender, caste and ethnicity, but also to language, religion, disability, geography, and regional identity' (p 8). It notes that 'key terms' identified are: social exclusion, social inclusion, gender, caste, *adivasi janajatis*, *madhesis* and Muslims. There is no mention, however, of wealth or power, exploitation and oppression, workers and peasants, or even of 'the poor'.

These documents, produced and disseminated by major development agencies with considerable authority in Nepal (in part by virtue of the funds disbursed by them and in part by their intellectual hegemony), are themselves founded on analyses developed systematically over the previous decade by a wide variety of intellectuals working in the field of development

- all using the same basic language, of 'social exclusion' and 'social inclusion', without mentioning socio-economic inequality let alone 'class' or 'relations of production and exchange'- and increasingly rarely even 'poverty' (once a key concept in the discourse of development policy-makers and practitioners as well as in the writings of social and economic analysts).

### ***Internalization of the 'social inclusion' agenda***

This language and the perspective that lies behind it came to dominate the political discourse and framework adopted in the second half of the decade not only by foreign development agencies but also by Nepalese actors and agents. The Nepal Federation of Indigenous Nationalities (NEFIN), formed in 1991 and increasingly active on behalf of so-called 'indigenous peoples' through the 1990s and early 2000s, particularly welcomed this attention to its constituency, and the 'social inclusion' perspective and paradigm can be seen to permeate the Interim Constitution of 2007, the Constituent Assembly Membership Election Act, the 2007 amendment to the Civil Service Act. Particularly influential was the ratification by Nepal in 2007 of the UN Declaration on the Rights of Indigenous People and ILO Convention 169 (Indigenous and Tribal People's Convention). The 'social inclusion' approach has gradually - and almost imperceptibly - been absorbed in recent years, willy-nilly and almost unthinkingly, into government programmes, such as, for example, the Gender and Social Inclusion (GESI) Strategy of the Local Governance and Community Development Programme (LGCDP) of the Ministry of Federal and Local Development (2009).

One of the main reasons for its wide acceptance is that it feeds into and reinforces the demands of some at least of the identified 'minorities' who see themselves (rightly or wrongly) as disadvantaged and discriminated against and effectively 'excluded' from political power and economic rewards. Another is that many of those Nepalis who have been so seduced by the language of 'social exclusion' - and of involved in working closely with precisely those foreign agencies that promoted the

social exclusion paradigm - are themselves (like so many of the social development advisers, both national and international, of the foreign agencies) already pre-disposed to be hostile towards a more 'economic' or materialist analysis which uses concepts like class, wealth and poverty to analyse and challenge the major cleavages within the political economy of Nepal and regards social and cultural divisions as only part of the explanation of disadvantage and discrimination - largely because they associate it with a Marxist analysis, which they consider illegitimate and unacceptable.

Already by the turn of the century, there were those who questioned the validity and the implications of the 'social inclusion' perspective, including Amartya Sen. In the case of Nepal, where, as we have seen, the World Bank and DFID in particular had been actively promoting the paradigm as an overarching framework for their 'new' (eventually post-conflict) development policy through the mid-to-late 2000s, Rajendra Pradhan (who worked for the Asian Development Bank) traced back the application of the concept to the developing world to the late 1990s, and explored its relevance in the case of Nepal (Pradhan 2006). Such voices, however, were few and far between in Nepal, where more and more who saw themselves as social development 'specialists' were now actively supporting the 'social inclusion' agenda which was widely adopted by those it 'privileged' analytically but who identified themselves as marginalized and 'excluded'.

After 2006, an additional category was added to the list of 'excluded' groups - Madhesis - as a consequence of the powerful 'movements' that developed in the aftermath of the CPA, the formation of an interim government and early discussions regarding the future landscape of a 'new' Nepal, and loudly criticized and condemned the effective 'exclusion' of Madhesis (already marginalized and excluded under previous regimes, from the Panchayat Regime onwards through the period of 'parliamentary democracy and constitutional monarchy' and the brief period of the royal dictatorship. Already, it might be argued, the basis for their agitation had been laid when the

Maoists, much earlier, recognized the Madhes Liberation Front and promised a Madhes Autonomous Region in the central and eastern terai, and more recently in 2006 and 2007 the Prime Minister, G. P. Koirala, had promised 'federalism' and 'an equitable electoral system' that would recognise the rights of all of the peoples of the *terai* - 'the Madeshis'. After 2007, the 'social inclusion' agenda included 'Madhesis'.

### ***Resistance to the 'social inclusion' agenda***

By the start of the second decade of the 2000s, there was growing resistance to the 'social inclusion' agenda, largely from those (often indeed members of the Hindu political elite) who identified it as 'a foreign intervention in support of a divisive agenda', but also (albeit to a lesser extent) from those Nepalis and foreign observers who saw in it a highly specific and fundamentally undemocratic identification of selected 'minorities' for preferential treatment and positive discrimination, rather than a broader programme to reduce the exploitation and oppression of the vast majority of peasants and workers and to create the basis for a genuine democracy at national and local level in Nepal and for social justice.

Significantly, these latter critics of the 'social inclusion' agenda were often identified and caricatured as defenders of the status quo, and as anti-democratic; they tended to be identified as 'traditional Hindu hill elites or as 'male Bahuns and Chhetris', although they also included male and female liberals and leftists who maintained a broad commitment to universal human rights, popular democracy and social justice, as well as a number of foreign analysts and commentators. Significantly, even the so-called communist parties - whom it might be thought would privilege a materialist analysis based on the well-developed Marxist concepts of mode of production, forces of production, relations of production, exploitation, surplus labour, surplus value, class, class struggle, etc. - have tended to ingest the GESI approach and adopt the 'social inclusion' paradigm, and to couch their 'Marxist', 'Leninist', Maoist' and 'Prachanda Path' rhetoric, if they use it at all, in terms that are not a million

miles away from the 'social inclusion' paradigm. Significantly also, even the 'Madhesi' political leadership has (for the most part) adopted the same language of 'social inclusion' as a key element in their political rhetoric, despite the evident divisions as to what this might mean in concrete terms, both between the various 'Madhesi' parties and also between those who support the idea of 'Madhes' and those who prefer to emphasise a different 'identity' (eg Tharus).

But if the 'social inclusion' paradigm has become dominant in current 'development' and even political discourse, especially since the mid-2000s, there is resistance, not so much from the 'Marxist' and 'Maoist' parties as from the largely Hinduist right, in defence of the status quo ante. Thus, on 20 August 2012, the newspaper *Republica* published a piece by Kosmos Bishwokarma (presumably himself a *dalit*), in which he commented on the way in which a report produced by DFID, with the help of a range of 'specialists', had generated controversy ([http://myrepublica.com/portal/index.php?action=news\\_details&news\\_id=40080](http://myrepublica.com/portal/index.php?action=news_details&news_id=40080)).

'An extensive report on Nepal's socially excluded groups prepared by the UK Department for International Development (DFID) is yet to be published even after a year of its completion due to the pressure from the traditional 'hill elites'. The report titled "*Forging Equal Citizenship in a Multicultural Nepal*" was completed in September last year, but still remains a 'draft' because of DFID's 'self-censorship' under pressure'.

'The report, prepared after a thorough research, highlights how Bahuns and Chhetris continue to prevail on all aspects of state affairs and how difficult it is to develop a just and inclusive Nepali society. The report basically unravels how Bahuns and Chhetris have dominated in the state affairs creating a uni-cultural society and explains in detail the present status of five excluded groups - women, Dalit, Janajati, Madhesi and Muslim. It analyses the progress made since Jana Andolan II on the issues of social inclusion and highlights related issues and challenges. The report is the summary version of the *Gender and Social*

*Exclusion Assessment* (GSEA) that DFID produced last year, with core authors being Lynn Bennett, Bandita Sijapati and Deepak Thapa of Social Science Baha, a non-governmental organization.'

A number of well-known social activists and intellectuals broadly supportive of the 'social inclusion' agenda were involved in this project. The major funding support for the GSEA 2011 project was provided by the DFID Nepal Social Inclusion Action Programme (SIAP) through a joint World Bank/DFID Trust Fund and through DFID's Enabling State Programme (ESP). The Asian Development Bank provided further support to the project. All of these, as we have seen, strongly endorse (and indeed were largely responsible for) the 'social inclusion' agenda. It was argued, in the piece in *Republica* that

'Though the report was completed almost a year ago (ie in 2011), DFID has not been able to make it public," a source close to those involved in the project (sic) told *Republica*. "That is because of pressure from the hill elites (the so-called high castes) not to publish the report." DFID Nepal, however, claimed that the Gender and Social Exclusion Assessment is not yet finalized. "It is currently in draft form awaiting important new data, such as analysis of the Nepal Living Standards Survey, before it can be finalized," Philip Smith, acting head of DFID Nepal, told *Republica*. "Without this new data, the report would be incomplete and quickly become out of date." "The intention of this exercise is to generate updated information on gender and social inclusion in Nepal" according to Smith. "Once finalized, we hope that this empirically-based report will provide robust data contributing to the social and political development process in a constructive way," he said. He also said that DFID, the World Bank and" the Asian Development Bank remain committed to 'the government's policy of supporting social inclusion in Nepal'.

But sources alleged that DFID decided to self-censor and delayed its publication after a delegation of various high-caste organizations put pressure on the donors not to interfere in Nepal's affairs by promoting the cause of the marginalized

communities. A delegation from the Joint Struggle Committee for National Sovereignty and Ethnic Harmony, a front comprising 11 different organizations of Brahmins, Chhetris and Dashnamis, met with head of DFID Nepal Dominic O'Neill in May this year and told the latter not to interfere in Nepal's internal affairs by providing funds to various NGOs, thereby promoting the cause of indigenous Janajatis. The delegation told DFID that it was not right for them to lobby for federalism based on ethnic identity, according to Om Sharma, secretary of Brahman Samaj, one of the members of the struggle committee. "We told them that the international organizations should instead focus on investing for the backward people in general which includes people from different caste, ethnicity and backward regions," Sharma told *Republica*.

This even led those in DFID to re-think about using the term 'socially excluded' in their reports. Journalist Prashant Jha, one of the reviewers of the report, suggested in *The Kathmandu Post* on June 13 that international organizations, from multilaterals like World Bank to bi-laterals like DFID, had been "bullied (sic) by the Bahun-Chhetri interest groups to the extent that they are toying with the idea of shifting from the term 'excluded' to 'poor and vulnerable'".

The draft report referred to by Bishwokarma in this highly partisan piece in *Republica* was said to focus on understanding how Nepal is accommodating its diversity and dealing with the dilemmas of acknowledging the collective rights of different groups while also guaranteeing the individual human rights of all its citizens. In reality, however, it appears (as indicated in the previous section) that there is less emphasis in the report on individual universal human rights than on the rights of selected 'minorities'. "*Forging Equal Citizenship in a Multicultural Nepal*" follows the earlier 2006 report "*Unequal Citizens: Gender, Caste and Ethnic Exclusion in Nepal*" that was written during the period of the insurgency and the royal take-over; but while the original publication focused on the need to ensure *equal rights to all* Nepali citizens (equal citizenship), this follow-up volume changes its focus to *gender, caste and ethnic*

*exclusion* 'to reflect the increasingly strong demand for accommodation of difference as an equally essential part of the foundation for the restructured Nepali state' - that is, away from issues of 'equality and inequality' to the 'accommodation of difference and exclusion'.

The DfID report is said to have highlighted the continued domination of elite-caste hill Hindus which made it difficult to move the country beyond the 'uni-culturalism' of the 1990 Constitution, terming it a 'half-hearted effort at accommodating Nepal's diversity'. It suggested that 'Bahun and Chhetri males remained overwhelmingly dominant in all branches of elected and administrative government' - which of course is true; 'either unaware of or failing to take seriously, the resentment of other groups' - which is largely the case. The partisan nature of this perspective is, however, clear. It is directed - rightly one might argue - against a set of vested interests; but these vested interests are identified solely in caste and gender terms ('Bahun and Chhetri males') and there is no attempt to provide a coherent overall explanation of the roots of (anti-democratic) authoritarianism, as a combination of class, caste/ethnicity and gender relations through a political-economic as well as a social and cultural analysis. The result is a partisan and prejudiced perspective which sidelines (and effectively undermines) the idea of universal human rights, democracy and social justice in favour of a more partial vision in which some groups are castigated and others are assured of positive discrimination in an attempt to redress the balance between identified groups.

## 9. More Recent ‘Foreign’ Interventions: 2014-2015

### *Intervention and response*

The controversial nature of the ‘social inclusion’ paradigm in Nepal is now evident - even if its full implications are still not widely recognized or accepted. It is conceivable that the foreign agencies which have been so influential in its development and subsequent adoption by government departments, did not intend it to preclude the analysis of socio-economic relations (ie of class) and inequality by focusing exclusively on social and cultural divisions and forms of discrimination, or to support a systematic - and often virulent - assault on the ruling elite as ‘a group of high-caste men’.

But in reality, whatever the intention, the effect was to suppress any serious consideration of the relations of production and exchange that are associated with the exploitation and oppression of the majority of the Nepalese people - as workers and peasants - as well as the growth of inequalities in wealth and income between classes, communities and regions, and, instead to endorse and reinforce the special pleading for ‘minorities’ which risks doing no more than give a voice to a tiny group of relatively affluent and locally powerful male representatives from particular ‘minority’ groups (and not others), speaking in the name of ‘social inclusion’ and democracy, but effectively putting themselves forward as candidates for inclusion within the existing privileged elite.

However, when foreign agencies or individuals in special privileged positions in those agencies publicly provide advice to those entrusted with the drafting of the new Constitution, whatever that advice and whatever the basis of the analysis underlying it, it is perhaps not surprising that there is an adverse reaction from very much the same people as those who have experienced the antagonism of the proponents of the ‘social exclusion’ paradigm. Thus, when the British Ambassador,

Andrew Sparkes, saw fit to intervene in mid-December 2014 in the debate on the Constitution with comments that in fact supported the notion of universal human rights were seen by some to focus on ‘secularism’ and ‘religious tolerance’, this sparked an immediate backlash. The editorial of the *Annapurna Post* (16 December 2014), for example, lambasted the Ambassador and ‘foreign powers’:

The country’s increasing dependency on foreign aid for development has turned many people to hold out their hands rather than use them for hard work. When leaders start appeasing donors, foreign interference becomes direct. The Indian-led 12-point agreement in November 2005 between the parties and the Maoists against the king is a stark example of direct foreign interference in Nepal’s politics. Since then, other foreign powers have openly backed NGOs, INGOs, the various committees of the CA, civil society and media. But the open letter through the media to CA members by British Ambassador Andrew Sparkes to protect religious conversions crosses all norms and boundaries.

It seems his understanding of secularism is defined in terms of the right of conversion. In other words, he is for giving conversions through inducement or coercion legal sanction in the new constitution. Just as India started its political interference after 2006, the UK and Scandinavian countries have tried to disturb communal harmony through INGOs, churches and their diplomatic missions. Political parties must warn Ambassador Sparkes about such outrageous meddling, and instruct foreign missions from further interference. The parties should also analyse their own role in giving in to diplomatic pressure to promote secularism, republicanism and federalism in the new constitution. If not, the public anger against Ambassador Sparkes may soon be directed at them’.

This was by no means the only response. A somewhat different and more balanced perspective was provided by Damakant Jayshi, writing in the *Nepali Times* (19-25 December 2014):

An open letter to Constituent Assembly members by Britain's Ambassador to Nepal, Andrew Sparkes, has set off an intense debate in the public sphere both in favour and against, but more of the latter. The letter published in the *op-ed page of Republica* on the occasion of the International Human Rights Day on 10 December spoke about the need to safeguard a plethora of rights in the new constitution.

Among the rights that Ambassador Sparkes wrote about were 'advocat(ing) citizenship provisions which treat men and women equally, allowing children born in Nepal to acquire citizenship from either parent.' He went on: 'We hope that the constitution will enshrine equality for all without discrimination based on gender, sexual orientation, caste, ethnicity, religion or language, with a particular focus on ensuring enjoyment of those rights by the most marginalised in society such as Dalits.' All fine so far. But some individuals and political parties focused exclusively on this part of his write up: 'We encourage you to ensure that the right to change religion is protected, and that the right to hold opinions and to express them freely will remain strong.'

Whether or not an ambassador of a foreign country should be speaking about this issue is actually moot. The more relevant question is to ask why we left it to a foreign envoy to bring this up. Since when did talking about right to change religion become a taboo? Why do we keep entangling ourselves in matters that are an individual's choice and basic right? Moral policing on an individual's right is not uncommon in the overgrown village that is Kathmandu. Be it sermonising in Reporters' Club Nepal a few years ago on barring Nepali women from participating in Miss Nepal contest, preventing youth from going to disco or arresting students from cinema halls - we have seen it all. Prime Minister Sushil Koirala reportedly told a RPP-Nepal delegation that he would summon Sparkes over his remarks. The British Embassy overdid its damage control by issuing a 'clarification' about 'unintended misunderstanding' and so forth. Very similar to the capitulation by the Norwegian Embassy when UCPN (Maoist) members and a section of media made such hue and cry over its

grant to Southasia Trust which was always in the public domain and open to all to see.

In all the hullabaloo and righteous indignation over l'affaire Sparkes, we should actually have been asking ourselves whether the ambassador had a point. The ambassador's remark was like a red rag before the RPP-Nepal bull which advocates a return to monarchy and champions a return to Hindu Rastra. By the way, elected members of the RPP-N have taken an oath under the Interim Constitution that says Nepal is a secular republic. Affected by a southerly breeze, RPP-Nepal obviously thinks it can use the fracas over the British envoy's remarks to political advantage. Freedom of expression, like the rule of law, cannot be applied selectively as some have been doing. Baburam Bhattarai is trying to obstruct justice in the name of conflict-era crimes in cases of murder-convict Bal Krishna Dhungel, shielding convicts in Dailekh over murder of journalist Dekendra Thapa and denying justice to Nanda Prasad (now dead due to indefinite hunger strike) and Ganga Maya Adhikari. But we have witnessed some silly and idiotic defence on this front.

The speed of reaction from PM Koirala and RPP-Nepal on the Sparkes' article is nowhere to be seen when it comes to the rights of citizenship for offspring of single mothers. Nepal is only one of two countries which doesn't grant citizenship rights on the basis of the mother. The condition of Dalits in the country is bad, but much worse in the Madhes. But some of the highly-rated intellectuals have no time for it because of their obsession with the 'pahade domination'. The reason why states based on ethnicity is a bad idea also applies to having a State identified with a single religion. Merely saying minorities (be it in ethnicity-based states or religious ones) will enjoy rights is not good enough. It is double-standards on the part of those who speak against Hindu Rastra but have no qualms in calling for single ethnicity-based federation, and vice versa for the advocates of Hindu Rastra'.

The second response is moderate and balanced, critical both of the Hindu nationalist response and of the 'social exclusion'

agenda when taken to extremes to promote ethnic and regional federalism, but rightly concerned about gender, caste and ethnicity in the context of inequality. The first response, however, is surely that of the voice of the privileged elite, defending itself against the onslaught from the proponents of 'social exclusion'; but it is significant that it too is less concerned to promote democracy and social justice and human rights against those demanding special rights for 'minorities' than to attack 'secularism' (along with republicanism and federalism) and more specifically the threat it sees in the 'right to conversion' being equally applied to all religions - this is the voice of the Hindu nationalists.

Those supporting the notion of a Hindu state in Nepal are not only hostile to this 'foreign' intervention in matters that they consider should be for debate by Nepali nationals only - and they are also extremely sensitive on the issue of nationality and citizenship access to which they generally believe should narrowly drawn (with both parents, rather than either parent, being themselves Nepalese citizens); they are incensed by the fact that the majority of the foreign powers and agencies intervening in this debate - and generally pressing for Nepal to retain its secular status - are themselves predominantly Christian, even if the majority of their populations are agnostic or even atheist, and in many cases Christianity is actually their state religion<sup>14</sup>.

<sup>14</sup> A state religion (also called an established religion, state church, established church, or official religion) is a religious body or creed officially endorsed by the state

## 10. 'Secularism' and Religious Beliefs and Practices

### *State and Church*

Jayshi argues that it is 'a bad idea' to have a state identified with a single religion. It is certainly not what is generally meant by 'secularism', which tends to favour a separation of politics and religion and to enshrine (if that is the right word in this context) an official recognition of and tolerance towards all religious beliefs and practices, as long as they do not contravene the law. This is certainly what was intended by the various decisions taken in the last few years to frame a Constitution that defines Nepal as a 'secular' state, and by the decision taken by the Indian government in 1976, to define India as a 'secular' state. British Ambassador Sparkes was clearly intending his intervention to support this idea, and to underline the importance of universal human rights. Problems do arise, however when, as in Islamic states, religion defines the law and the law become holy law (*shari'a*) or when, as previously in Nepal, the dominance of one religion, Hinduism, has been for centuries inextricably associated not only with the monarchy and the authoritarian state but with a distinctive 'nationalist' political ideology and dominant (male) political elite (drawn largely from specific sections of the ruling class, identified as '*pahade* Brahmins and Chhetris').

It will have been hard, however, for some in Nepal to accept such an intervention from the Ambassador of a country in which Church and State are inextricably inter-twined. It might be thought to smack of hypocrisy. Much of the hue and cry that followed his intervention focussed on whether an ambassador from another country has the right to write such articles. In a 'secular' state he should have; just as I (also a foreigner and British by nationality) have the right to argue for the crucial importance of maintaining 'secularism' in Nepal. However, the

Hindu right has tended to use the ensuing controversy to drum up support against a secular state in Nepal—suggesting that because an ambassador from a Christian country is supporting it, there is a larger international design to inundate Nepal with missionary zealots. ‘Secularism’ is not, I suggest, a Christian device for converting Hindus to Christianity, whatever some Hindus may believe. But it is, indeed, unfortunate that some of the most vocal critics of the notion of Nepal as a Hindu state have been official appointed representatives of countries that do not themselves formally separate the Christian church from the State.

### ***Christian states***

The Church of England, for example, is the officially established religious institution in England and also the Mother Church of the worldwide Anglican Communion. The Head of State (the Queen) is the Supreme Governor of the Church of England and is also Defender of the Faith. The Lords Spiritual, who are the 26 most senior Archbishops and Bishops in the Church, are reserved seats in Parliament in the House of Lords: the Archbishop of Canterbury, the Archbishop of York, the Bishop of London, the Bishop of Durham, and the Bishop of Winchester sit automatically with the other 21 longest-serving Bishops. The Church of Scotland, by contrast, is recognized as ‘the national church of Scotland’, but is not a state church. Its constitution, which is recognised by acts of the British Parliament, gives it complete independence from the state in spiritual matters.

As for the Nordic countries, some of whose representatives have also intervened significantly in the debate on secularism and on ‘social exclusion’ in Nepal, the Church of Denmark is the state church, the Church of Iceland is the state church, and in Norway the Church is described as ‘Norway’s people’s church, and is supported by the State as such’. The Church of Sweden, previously the national state church, is now described as the ‘national church’. In Finland, the Church does not consider itself a state church; the structure of the Church is defined, however, by the Church Act, which can be amended only by a decision of

the synod of the Evangelical Lutheran Church and subsequent ratification by the Parliament of Finland. The Church Act is protected by the Finnish Constitution and the state cannot change the Church Act without changing the Constitution. The Finnish state does not accord any precedence to Lutherans or the Lutheran faith in its own acts. In all these countries, state and church are deeply entwined.

Countries where Roman Catholicism has been established as a state or official religion include Argentina, Costa Rica; Liechtenstein; Malta and Monaco. Other countries that give constitutional privileges to Roman Catholicism without necessarily referring to it as the state religion, include: Andorra, Dominican Republic, El Salvador, Panama, Paraguay, Peru, Poland and Spain. The Vatican is the sovereign territory of the Holy See (Latin: *Sancta Sedes*) and the location of the Pope’s official residence, referred to as the Apostolic Palace ; it is an ecclesiastical or sacerdotal-monarchical state ruled by the Pope, who is also the head of the Catholic Church, and the highest state functionaries are all Catholic clergy of various national origins.

Interestingly, one of the most powerful states in the world (and one whose Ambassadors have certainly intervened strongly in the past in Nepali politics, notably during the Maoist insurgency) has an entirely secular Constitution. The American Constitution refers to religion only twice - in the First Amendment (‘the Establishment Clause’), which bars laws ‘respecting an establishment of religion or prohibiting the free exercise thereof’, and in Article VI, which prohibits ‘religious tests’ for public office. When Thomas Jefferson wrote the Declaration of Independence, he spoke of human rights as ‘unalienable rights endowed by our Creator’, but did not employ the specifically Christian language traditionally employed by nations with state churches. Through ratification of the First Amendment, observed Jefferson, the American people built a ‘wall of separation between church and state’.

On the other hand, the significance in the USA of the church and especially what has been called 'the Christian Right' cannot be underestimated. The Christian Right argues that separation of church and state is not made clear in the American Constitution, believing instead that such separation is a creation of what it claims are 'activist judges in the judicial system'. In the United States, the Christian right often supports its claims by asserting that the country was 'founded by Christians as a Christian Nation'. Members of the Christian Right take the position that even if 'the Establishment Clause' bars the federal government from establishing or sponsoring a state church it does not prevent the government from acknowledging Christianity as the religion of the state as well as the people. It points out that the term 'separation of church and state' is derived from a letter written by Thomas Jefferson, not from the Constitution itself. Generally, the Christian Right supports the presence of religious institutions within government and the public sphere, and advocates for fewer restrictions on government funding for religious charities and schools

The Christian Right has been a notable force in both the Republican Party and American politics since the late 1970s, when Baptist pastor Jerry Falwell and other Christian leaders began to urge conservative Christians to involve themselves in the political process. In response to the rise of the Christian right, the 1980 Republican Party platform assumed a number of its positions, including - most significantly - dropping support for the Equal Rights Amendment. The rise of the Christian right during the 1990s and first decades of the 20<sup>th</sup> century gave strong support to the Republican administrations - and foreign policies - of the two Presidents Bush, including, not only as regards the continuing hostility towards the atheistic, totalitarian Marxist, Maoist and any other 'communist' world and/or 'communist' movements, but also hostility towards many Middle Eastern states, notably Iran, where Islam appeared particularly threatening to American interests, and towards other 'emerging' Islamic threats.

It is perhaps worth noting that almost all of these predominantly Christian foreign powers, the US in particular, appear uncomfortable - despite the close linkage in many of them between Church and State - with the idea of close ties between religion and politics, not only in the case of Hinduism in Nepal (or for that matter in India - where President Obama had specific things to say during his visit in February 2015 to India), but also - indeed especially - in the case of 'Islamic states', particularly when associated with what are seen as aggressive foreign policies. The Islamic Republic of Iran, for example, has been identified for nearly 35 years by successive US administrations as a major regional and global threat, while the USA and its allies went to war in Afghanistan in 2001 not only against Al Qaeda but against the Islamic Emirate of Afghanistan (the Taliban regime) and are currently involved in a major assault on the self-declared Islamic State in Syria (ISIS) and Lebanon (ISIL) and on As-Shabab in Somalia. It is likely that they will be equally hostile towards the recently declared Caliphate of Benghazi in Libya and its links with ISIL/ISIS. The European 'democracies' have been more or less supportive of US action in all of these instances.

One of the major 'differences' frequently identified between the so-called 'Western democracies' and the more 'fundamentalist' Islamic states is the lack of separation between religion and politics and between the law (*shari'a*) and the state. This distinction is based on a deep-seated failure to recognise the historical and contemporary ties that bind church and state in most 'Western democracies', even in the face of a general decline of religious commitment on the part of the citizens of those states, and continue to permeate notions of 'identity' as well as of citizenship and nationality. It is also a matter of real-politik, in so far as many of the Islamic states (and political movements) that are regarded as 'anathema' (labelling them rogue states and part of the 'Axis of Evil' or as havens for terrorists or terrorist movements are indeed threatening to the status quo in many parts of the world.

### Islamic states

On the other hand, the USA and Western powers more generally have accepted as allies a number of states in which not only is Islam the state religion, but in which there is very little tolerance of even basic human rights - such as Saudi Arabia (where recently a blogger was condemned to 10 years in jail and 1,000 lashes) and Pakistan (where a woman was recently condemned to death for blasphemy). Many states throughout the world define Islam as the state religion and adopt the *shari'a* as the law. Some, like Pakistan and Bangladesh, Iraq, Palestine and Djibouti, have constitutions that regard Islam as the state religion but demand respect for other religions. Those states that are explicitly and exclusively Sunni Islamic states (even if they contain a Shi'a minority and minorities of other religions) include: Afghanistan, Algeria, Brunei, Comoros, Egypt, Jordan, Libya, Maldives, Malaysia, Mauritania, Morocco, Qatar, Saudi Arabia, Somalia, Tunisia and the United Arab Emirates. Iran is the only specifically and exclusively Shi'a Islamic state, unless one also counts the Ibadi state of Oman. Mixed Sunni and Shi'a states are a minority: Bahrain, Kuwait and Yemen. Some states where the majority of the population is comprised of Muslims regard themselves as secular states, like Indonesia, Turkey and Tunisia, and combine the *shari'a* and a civil code.

It is not just the threat of unwarranted intervention by representatives of 'Christian' states that disturbs some sections of Nepali society, but also the threat of intervention by 'Islamic' states. Stimulated in part by concern to maintain its close relationship with India (towards which it has deep fraternal but profoundly ambivalent sentiments), and in part for fear again of unwanted intervention from outside. The Nepali political elite and particularly those of the Hindu right are particularly concerned by the possible involvement of Islamic states in its internal affairs, notably through support for mosques and *madrasas* by Saudi Arabia, Kuwait, Qatar and other Gulf states, and even more so by Pakistan, whose ISI is often suspected by both Indian and Nepali intelligence services to be actively promoting a greater Muslim political consciousness inside Nepal.

Another major concern is the threat of conversion, from Hinduism to Christianity or Islam. As we have already seen, these have been concerns for at least a century, and they appear to be still sufficient to arouse the passions of some Hindus - in India, incidentally, as well as Nepal. Buddhists have not, as far as I know, been regarded as a threat in this way by Hindus in Nepal, although there has been a significant growth in the number of those identifying themselves as Buddhists in recent years, in part as a result of greater assertion of ethnic identity among members of the different ethnic groups; but there is little historical or contemporary evidence of tensions let alone conflict between Buddhists and Hindus in Nepal.

The Buddhists have many beliefs in common with Hindus, such as the after-life and reincarnation, but Buddhism is a very different kind of religion from most others, including Judaism, Christianity, Islam or Hinduism, for that matter. A recent book on *Humanism* (by Uttam Niraula and Sanjay Khadka), even considers Buddha as a 'humanist thinker of Nepal' (Niraula & Khadka 2014: 7).

Also, when there was considerable debate at the time of the promulgation of the 1962 Constitution regarding the 'right to religion', 'the debate on these issues quickly became an impassioned argument between proponents of a secular state and proponents of a Hindu state. Those demanding a secular state included Buddhist, Muslim and Christian associations, ethnic organisations representing the predominantly non-Hindu Tibeto-Burman tribes, and leftists, liberal and republican elements. An enormous demonstration organized by the Nepal Buddhist Association to demand a secular state brought some 10,000 marchers out onto the streets of the capital on 30 June (1962)' (Hutt: 1994: 37). Sijapati also notes that in the early 1990s also, there was 'fierce public debate as to whether the Constitution should continue to describe Nepal as a Hindu state or declare it a secular one', and 'calls from the state's religious minorities such as the Muslims, Christians and Buddhists (as well as the National Communist Party) for a secular, that is, non-

religious, non-Hindu state were not appeased' (Sijapati 2011: 41).

### **Changing religious composition in Nepal**

The evidence for a major impact over the years on the beliefs and practices of Nepalis in general, including the religious composition of the population suggests that these stated fears of interference in and subversion of Hinduism are greatly exaggerated. In fact there has been a slight - but only very slight - change over the years in the proportion of Nepal's inhabitants declaring themselves to be of a faith other than Hindu. In 1971, for example, according to the national census, Hindus constituted 89.4 per cent of the population, Buddhists 7.5 per cent, and the remainder, 3.1 per cent only. However, statistics on religious groups have always been complicated by the widespread prevalence of dual faith beliefs and practices, particularly among Hindus and Buddhists. Many Nepalese people are eclectic as regards religion, and combine their beliefs and practices, although the long-established dominance of Hinduism in Nepalese society and the state explains what is probably an over-representation of 'Hindus' in the census.

There can be little doubt that the population's official religious composition does reflect the political changes of the last few decades, particularly since 1990 and the rise of the *janajati* movements, the members of which have often repudiated Hinduism in favour of Buddhism, or at least downplayed the importance of the Hindu religion in their construction of identity. According to the 2001 census, 80.6 per cent of Nepalese were Hindu, 10.7 per cent were now recorded as Buddhist, 4.2 per cent as Muslim, 3.6 per cent as Kirant (an indigenous religion), 0.45 per cent as Christian, and 0.4 per cent classified as 'other groups' (such as the Bön religion). This decline of around 10 per cent in those declaring themselves to be 'Hindus' undoubtedly reflects a real change in religious adherence, but also may suggest a greater confidence among those of religions other than Hinduism to identify themselves as

such. The proportion of Christians had certainly increased, but Christians were still in a tiny minority<sup>15</sup>.

There is some evidence to suggest that over the last ten years conversions to Christianity in Nepal have been more numerous among *dalits* than any other group. But converts to Christianity in fact come from many different backgrounds, including former members of the Royal Nepalese Army and other security forces (today the Military and Police Christian Fellowship has a membership of some 500 retired and serving security personnel across Nepal). Other Christians include former Maoists and members of former vigilante groups (see reports by Luke Pender from Nepalgunj and Deepak Gywali from Nawalparasi in the *Nepali Times* (21-27 November 2014). The increasing number of Christians in Nepal, and concern that this may be the result in part of proselytization, has undoubtedly alarmed some Hindus and has contributed to what might be termed a 'backlash' in recent years against the alleged 'secularisation of Nepali society'.

The number of Christian organisations and workers both increased significantly after the political 'opening up' of the 1990s, following the growth in the opportunities for civil society and non-government organisations in various fields, including that of 'development' (*vikas*). Most of these have been careful to limit their evangelical work, but there can be no doubt that the driving purpose of many Christian missions in Nepal has, in reality, been to 'bring the faith' and to obtain conversions to Christianity. The number of converts has, however, always been far smaller than the number hoped for by the missionaries and feared by the Hindu majority.

In 1990, for example, the Vishwa Hindu Parishad sent a 108-member delegation to the Chair of the Constitutional Recommendations Commission, Bishwanath Upadhyaya, claiming that 30,000 Nepalis had been converted to Christianity since

<sup>15</sup> In India, the census of 2001 indicates some 24 million Christians, but this constitutes only 2.3 percent of India's population. Christianity is the third largest religion in India; in Nepal it is the fifth largest.

April; and one newspaper claimed that 48,000 had been converted in one day in Dhading District, 'due to financial allurements' (cited in Hutt 2011: 37). To put these assertions into perspective it is worth remembering that the 1991 national census indicated that a mere 31, 280 Christians lived in Nepal (0.17 per cent of the total population); even a decade later, in 2001, there was only a total of 101,976 (0.45 per cent).

The National Council of Churches in Nepal (NCCN), which was established in 1999, admitted that although the Christian groups had made some positive contributions in the Nepalese society - such as breaking down the barriers of caste system, reducing the economic burden on the people and (providing) health and education services - they had failed to work together sufficiently with those of different faiths, had tended to have negative attitudes towards them and had, in some instance, increased social divisions and social discrimination within local communities. It was felt that there had developed, in part as a result of these failings, a negative attitude and 'wrong perception' of Nepalese society towards Christians.

The NCCN became fully operational only when it was formally registered with the government of Nepal in May 2004 under the name Nepal Rastriya Mandali Parisad. The launching of the South Asia Ecumenical Partnership Programme (SAEPP) from July 2003 as a joint programme of the five NCCs of Nepal, India, Pakistan, Sri Lanka and Bangladesh and ecumenical partners from the North played an important role in the institutional capacity building of NCCN in the initial period. The stated objectives of the NCCN are:

- To unite the Christians in Nepal and to encourage them to be actively involved in social and national development
- To work for peace in society by promoting a spirit of tolerance, cooperation and understanding among the various religious communities in Nepal
- To contribute to the development, preservation and promotion of the positive aspects of the religions and

cultures of Nepal by conducting various studies and research

- To support the efforts and activities of any religious group, organization and institution for the promotion of human rights, peace, justice and reconciliation
- To contribute to the elimination of poverty, illiteracy, ignorance, and backwardness prevalent in Nepali society
- To develop and strengthen networking with all groups, organizations and institutions with similar objectives at the national and international level.

There can be no doubt that the number of Christians has grown significantly in the last decade or so, with the 2011 census giving a figure of 375,699 (1.4 per cent of the total population); and the number could be significantly greater. The Federation of National Christians of Nepal has indicated said that it could prove from church records that there were more than 2.5 million Christians in the country, and it is indeed the case that the preliminary results of the census, were declared in late September 2011, had put the number of Christians at 2 million. However, according to the 2011 census, 81.3 per cent of the Nepalese population were recorded as Hindu, 9.0 per cent as Buddhist, 4.4 per cent as Muslim, 3.0 per cent as Kirant/Yumaist, 1.4 per cent as Christian, and 0.9 per cent said that they followed other religions or had no religion.

Little appears to have changed over the last decade as regards the balance of self-declared Hindus and Buddhists, Muslims or Kirant. The number, and proportion, of Christians had certainly increased, but both remained relatively small. Also, for the first time, perhaps significantly, people were able to declare that they had no religion and were atheists; few, however, choose to do so, and even the Maoist leadership maintains the outward rituals of religious (usually Hindu) belief, whatever they may personally believe. As in the USA and the UK, political leaders tend to parade their religious convictions as a positive element of their public persona.

## 11. Current Issues

As lawmakers in Nepal struggled in 2014 and early 2015 to complete the difficult process of drafting a new Constitution, there was widespread concern from a wide range of different sections of Nepali society, to ensure that they maintain the progressive impetus inherent in those commitments of the Interim Constitution, based on the Comprehensive Peace Agreement, towards a Constitution in which power lies ultimately with the people (democracy) and reflect the will of the people as expressed by the majority, in which the cultural, social and political diversity of Nepalese society is respected, and in which the rights of minorities are protect and indeed enhanced. Whatever the final 'settlement' between the parties as to the structure of the state and the forms of representation and government, most Nepalis would argue it is essential that basic human rights - freedom from fear, freedom from want, freedom of expression and assembly, and freedom of religious belief and practice - be upheld, maintained and ensured by the new Constitution.

There were, are and will continue to be those who see federalism and positive discrimination in favour of specific identified or selected 'minorities' as part of a necessary and desirable redressing of the previous balance of power - which is concentrated in Kathmandu and supposedly among '*pahadi*' (hill) people, particularly among high caste Hindus - towards the people of the *terai* (identified by some - but by no means all) as Madhesis, towards *adhivasi janajati* (indigenous ethnic groups) and towards other 'minorities'. There will be others who see this as an attack - understandable perhaps but ultimately unwarranted - on a specific section of the population and a threat to universal human rights. The former will include proponents of 'social inclusion' and positive discrimination for specific 'minorities'; while the latter will include both those (such as myself) in favour of universal human rights and full democracy (representing the rights of the majority and

defending the rights of the minority) and those arguing for a Hindu state (in the name of a religious majority).

The Interim Constitution states that 'the sovereignty and the state authority of Nepal shall be vested in the people of Nepal'. It adds that 'having multi-ethnic, multi-lingual, multi-religious and multi-cultural characteristics with common aspirations and being united by a bond of allegiance to national independence, integrity, national interest and prosperity of Nepal, all the Nepalese people collectively constitute the nation'. As to the fundamental rights to be recognised, it spells out in some detail - following the example of the Universal Declaration of Human Rights and other subsequent statements by various 'democratic' states in their constitutions - the right to security and freedom, the right to equality, the right not to be discriminated against on grounds of caste or ethnicity, rights relating to free expression, publication and broadcasting, the right to a healthy environment and basic health services, the right (for every community) to education in the mother tongue and to preserve and promote its language, script, culture, cultural civilization and heritage, the right to employment and social security, the right to property, the rights of women, the right to social justice, the rights of the child, the right to religion, the right to justice, the right against preventive detention and torture, the right to information, the right to privacy, the right against exploitation and the right to labour and to form and join trades unions, the right against exile and the right to constitutional remedies to enforce all of these rights.

It has been pointed out, however, that while there has been much discussion of the rights of specific 'minorities' in recent years, the process of Constitution drafting has thrown doubts on the ability of the Constitutional Assembly - and the political parties represented there and in its constituent committees - to bring forward an agreed Constitution within the agreed time-frame (ie by January 2015); it has also thrown serious doubts on the extent to which this process has been in any way democratic. For the process has been dominated by the leadership of three major parties - the Nepali Congress Party,

the UML and the UCPN (M). The various other parties, including the several Madhesi parties have been largely excluded from the main discussions, although they have lobbied hard for their inclusion both in the discussions and in the drafting of the Constitution itself.

The 'demands' of the Madhesi parties for adequate recognition of the interests of the people of 'the Madhes' have, however, been couched largely in terms of demands for a single Madhes in any new federal structure. Opposition to this has come from many quarters, notably from *adhivasi janajati* groups, including the Tharu, who are not content to be labelled 'Madhesi', when they have their own ethnic identity and were in effect 'promised' an autonomous state of their own - Tharuwan Autonomous Region - in the western *terai*. There has been relatively little interest expressed in alternative strategies to improve the political representation of the people of the *terai* - such as a re-definition of the 19 districts of the *terai* to reflect better the relatively (in comparison with districts in the hills and mountains) large populations of the current districts or in proportional representation as a way of ensuring better representation of votes at the national level.

*Dalits* have also been identified as a 'minority group' in Nepali society requiring special treatment and recognition. The new Muluki Ain of 1963 proclaimed all citizens equal before the law and proclaimed the end of caste-based 'untouchability'. But there was no legislation to criminalise the practice of social discrimination based on caste against *dalits*. After the restoration of democracy in 1990, the new Constitution proclaimed the practice of 'untouchability' to be illegal and stated that those breaking the law could be punished. But the law was widely disregarded and poorly implemented. Again, in 2006, after the end of the Maoist insurgency, the interim legislature declared Nepal to be an 'untouchability-free country' on 4 June. In 2011, the legislature passed a bill outlawing caste-based discrimination and 'untouchability' and defining the nature of the offence and the appropriate punishment. But caste-based discrimination continues, and *dalits* remain widely

discriminated against. Their representation even in the second Constituent Assembly was only by virtue of their nomination by the political parties, rather than by direct selection though the various *dalit* associations and federations.

This is one reason why many of those converting from Hinduism to Christianity are *dalits*. As we have already noted, there have been increasing fears, primarily among, but not limited to, members of the Hindu right, regarding proselytisation by Christian missionaries. There is a belief that missionary activity has intensified a great deal, that large numbers of Hindus are converting, and that this is undermining Hinduism itself. It is partially because of such fears that there have been such bitter denunciations of demands for the freedom of religion, particularly for the freedom to convert and be converted.

In the debate that occurred in the last weeks of 2014, many of the British Ambassador's critics asserted that by promoting freedom of religion (or right to conversion), he was providing direct encouragement to the spread of missionary Christianity. In reality, these are two very different things. The right to conversion is a fundamental right, and is an intrinsic aspect of the right to free opinion. Nepal is currently not only a democracy but also a secular state. This means that its citizens have the freedom to choose their own religion. In addition, it could well be argued - as I would - that Nepali citizens also have the right to try and convince others of their views, religious or otherwise. The right to propagate one's beliefs is, I would suggest, an integral aspect of the freedom of expression in a democratic society. Of course, this doesn't mean there should be room for forced conversions.

Members of the Hindu right say that Christian missionaries have been convincing people to convert by bribing them and spreading slanderous lies about Hinduism. But, while there might no doubt be sporadic cases of bribery and fraudulence, any detailed look at the actual state of affairs would demonstrate that such cases are more the aberration than the norm. Many converts to Christianity come from *dalit*, *janajati* or

impoverished backgrounds. They feel humiliated and oppressed within their own religions. One strong attraction toward Christianity is the promise of equality that they are denied in the Hindu caste system. Hindu activists need to take a close look at the reasons behind conversion and not to try to portray the phenomenon as a sole material gain. They need to begin the work of reforming institutions within Hinduism so as to make them more capable of resonating with the needs of the broader population.

### ***Secularism and atheism***

For many Hindus, 'secular' means something akin to 'atheist'. This is, however, I would suggest, misleading in the specific context of Nepal at least. Some clarification is therefore in order. Atheists are those who are convinced that there is no link between the forces of the natural world and human morality. Some, like the well-known biologist and geneticist, Richard Dawkins, are what I would term aggressively 'anti-religion' - as is made clear in his book, *The God Delusion*; many Marxists or Maoists would also declare, as did Karl Marx himself, that 'religion is the opium of the people' - a drug that numbs the pain and relieves the drudgery of everyday life but offers a misleading explanation and justification of prevailing social values and ideologies as well as patterns of social and economic inequality. Others, however, are simply clear and unapologetic about their own beliefs - for they are also beliefs - regarding the lack of connection between the laws of physics and human morality, conventions and laws.

Atheists can be distinguished from agnostics - who are essentially unsure (agnostic) regarding the existence of a God or Gods, and are not prepared to declare themselves to be 'atheists'; but who also are not prepared to make a commitment as believers, and do not belong to a specific religious group or follow a particular religious tradition. In Western society, there is also a significant minority of those who would call themselves 'religious' or 'people of faith' and believe in the existence of some form of spirituality - in some cases involving a higher

being or authority - but do not adhere to any particular established religion.

For many in Nepal, the term 'secularism' is considered an alien import from 'the West' which implies hostility towards religion. As such, it is regarded as a threat to the beliefs and practices of those who follow Hindu, Muslim and even Buddhist traditions. But, it could be argued that Buddhism is one of the early forms of Asian humanism, together with Taoism and Confucianism; and we have already seen that the Buddhists in Nepal have, by and large, supported the idea of a secular non-Hindu state in Nepal, in which all religions and beliefs are tolerated at the very least. Secularism is linked to 'humanism' and is based, in my opinion, on the general idea of universal human rights, which is not just a 'Western' idea. Indeed, it has been embraced, in theory at least by most nations, at least since 1948.

### ***Universal rights***

At the end of 1948, in the aftermath of the Second 'World War', the United Nations General Assembly adopted the Universal Declaration of Human Rights (UDHR). The full text is published by the United Nations on its website. The Declaration consists of thirty articles which have been elaborated in subsequent international treaties, regional human rights instruments, national constitutions, and other laws. The International Bill of Human Rights consists of the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights and its two Optional Protocols. In 1966, the General Assembly adopted the two detailed Covenants, which complete the International Bill of Human Rights. In 1976, after the Covenants had been ratified by a sufficient number of individual nations, the Bill took on the force of international law. The United Nations Charter affirms a basic faith in fundamental human rights, and dignity and worth of the human person and commits all member states to promote "universal respect for, and observance of, human rights and fundamental

freedoms for all without distinction as to race, sex, language, or religion".

In reality, however, in the domain of human rights, even if some would argue that there are undeniable fundamental human rights, there are always many competing and even conflicting rights. In the last analysis, which specific rights 'prevail' at any one time depends on a 'consensus' at that point in time regarding a hierarchy of rights which itself, I would argue, is the result or outcome of a process of 'contestation' (ie argument, lobbying and even individual and collective action) whereby that particular hierarchy was achieved. But the hierarchy is always subject to contestation.

The most fundamental rights, it can usually be agreed in principle, include the right to life and individual security (from harm) - but even these may be subject to limitations and/or contestation. In many states, for example, capital punishment is accepted not only as legally but also morally as justifiable, under defined circumstances; while some degree of diminution of the 'absolute' right to personal security and freedom from harm is often accepted where a great public good is identified, as in the case of those suspected of acts of terrorism or even plotting against the government or the state. There is also much contestation between the 'right to life' (anti-abortion) advocates and those who argue that it is a woman's right to choose whether her pregnancy goes to full term or not. There is also much debate about the morality and legality of war, in which killing and injuring 'the enemy' is an almost unavoidable means to an end, and there are those who defend the idea of a 'just war' as there are also those who believe no war can be justified. Other rights are often equally contested.

The right to practice a given religion, for example, may be restricted in certain respects by the state if any of its specific practices are considered to contradict other 'higher' rights, such as the right to freedom from harm (as in the case of female genital mutilation, often justified by reference to religion as well as to custom and tradition), or to demand certain practices

and observances by women (behavioural or relating to dress codes ) when it is considered that this goes against gender equality rights or the rights of the individual more generally. Also a state - as in the case of France - may restrict certain practices, such as the wearing of religious symbols (the cross and/or the veil), in the name of 'secularism' ; while others may demand their right to wear such symbols as an expression of the freedom of individuals to practice their religion and express their religious beliefs. It seems that currently Sikhs in France are demanding the right for men to wear turbans at work, something that is not allowed in France, in the name of secularism. In Britain, by contrast, Sikh bus-drivers won the right to wear turbans at work as early as 1969.

The recent attacks by radical Islamists (apparently linked to Al Qaeda in the Arab Peninsula) on the offices of the satirical journal Charlie Hebdo and a Jewish kosher supermarket and the assassination of more than a dozen French citizens of various religious affiliations have helped re-ignite the debate on the importance and the limits to free speech and a free press. While murder is, arguably never justified (although in many countries the state reserves to itself the right to take a life as punishment for murder, and some of the assassinations carried out by Islamists are presented as justifiable 'executions' in response to blasphemy or a slur on religion, there are certainly questions to be legitimately asked about whether there should not be limits to what is often scurrilous 'rebel-rousing' by politicians or by the media, presented as 'free speech'. Incitement to racial hatred is a crime in both France and Britain. Some might argue that Charlie Hebdo, by publishing cartoons of the Prophet Mahomed were not only offending Muslim sensibilities, but blaspheming and even in effect inciting racial hatred; the journalists at Charlie Hebdo, and many around the world in support (ie Je Suis Charlie) would disagree and maintain that they were publishing something, possibly offensive, but within the realms of legality and in defence of free expression - free speech and a free press.

Maintaining the balance between different rights and different 'freedoms' is a perennial problem in a liberal democracy. Even

'fundamental rights' have to be fought for and justified before the democratic 'court of appeal' - the will of the people - while at the same time defending the rights of the minorities and minority who do not agree with the majority view. A secular Nepal will have to struggle to maintain an acceptable balance, for example, between the active 'freedoms for and freedoms to' and the passive 'freedom from'.

## **POST SCRIPT**

One of the main forces deployed against a secular Nepal is, as we have seen, the resurgence of the Hindu right. We asked at the outset whether India could provide a model, in so far as it was also officially a secular democratic republic. Its Constitution has much to recommend it, as indicated in some detail, but in India also there is undoubtedly a resurgence of the Hindu right. There is no space here to chart that phenomenon, but it is a matter of considerable importance - and relevance - for the debate in Nepal. India has always had a great influence, direct and indirect, on politics in Nepal. It would be strange if, at this crucial juncture in Nepali politics, this were not to be the case.