

Research Article

Discrimination and Inequality among Dalits in Nepal

Nandan Shrestha

Career Building International Academy, Pepsi Cola Town Planning, Kathmandu-32, Nepal
Corresponding Email: sadhak028@gmail.com

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Abstract: This paper analyzes caste-based discrimination and educational inequalities among Dalits using the deconstructive lens. The article reflects on Nepal's 1990 and 2015 constitutional provisions on the citizenry and educational rights in relation to equity, inclusion, and social justice. This paper is useful to draw attention of researchers and educators committed to transforming Dalits' lives to policy rhetorics regarding equity, inclusion, and social justice.

Keywords: Dalits, constitutional discourse, equity, inclusion, social justice.

Introduction

This paper analyzes the discrimination and educational inequalities faced by Dalits of Nepal. Using the deconstructive lens, the analysis reflects on Nepal's 1990 and 2015 constitutional provisions related to the citizenry and educational rights and examines how those provisions have contributed to Dalits' state of equity, inclusion, and social justice.

Dalits and the Caste System

Dalits are often derogatorily referred to as *untouchables* and *lower-caste* people in Nepal. Despite their long-standing struggles, Dalits in Nepal have accomplished no substantial success transforming their lives. Their peaceful demands for equity, inclusion, and social justice have been undermined, resisted, suppressed, or settled through false rhetorics time and again, even after the promulgation of constitutions that abolished caste-based discrimination. As the most disadvantaged people among Nepalis in the current social, economic, and cultural environment, Dalits of Nepal represent one large fraction of the population whose marginalization has raised widespread concern. Evidence shows that Dalits represent more than ten percent of Nepal's population (Barr *et al.*, 2007; United Nations Development Program [UNDP], 2008; Central Bureau of Statistics [CBS], 2012; Gadai, 2015), but they have faced unbreakable barriers to individual and collective freedom and development. Until recently, Dalits' literacy and educational development have been viciously low, and they are being discriminated against in schools and classrooms by both teachers and students (Joshi^a, 2022). Nevertheless, Dalits have received no meaningful support to fight inequality and injustice against them. Instead, they are cajoled into believing their marginalization and lack of development are anticipated.

To understand the marginalization of Dalits, it is vital to understand the caste system. While the caste system is not new, it is detrimental to the well-being of those victimized. It is said to have started as a division of labor for the smooth functioning of an ancient South Asian society. In the ancient time, the caste system was designed to meet the needs of the local market (Nadkarni, 2003). Later, the caste division was said to become permanent and imposed a vertical social hierarchy. Eventually, people started to be coerced to accept their new social status defined by the occupational role they once willingly accepted. The new order created hierarchy where the *lower-caste* people were forced to take diminished, banished, or impure status permanently. Also, the new system ended

occupational mobility, meaning those in the lower social order were forced to endure unfair treatment and widespread injustice.

It is important to note that the caste system was abolished in Nepal in the early 1960s in Nepal with the introduction of a new *Muluki Ain* (General Code, 1961). Later, caste-based discrimination was made unlawful in the country's constitutions of 1990, 2007, and 2015. Nonetheless, the discrimination against Dalits never stopped. Explicitly, Dalits have been denied entry into public spaces like schools and temples. They have been physically attacked when attempting to challenge discriminatory social etiquette or practices. According to an IDSN (2013) news, Dalit civil society organizations had to strongly condemn a brutal attack against Dalits by a dominant caste mob as the victims attempted to enter a local temple. Instead of coming to rescue the victims, the police were accused of siding with the perpetrators by arriving the scene extremely late (IDSN, 2013). The State's reluctance to timely and fairly intervene in situations like these hints toward intentions of the privileged groups to favor the privileged and maintain the status quo. This paper examines the proposed constitutional provisions to look at whether the constitutional language explicitly and implicitly favors the citizenry and educational rights of Dalits to maintain equity, inclusion, and social justice.

Theoretical Lens

This article uses a deconstructive approach to understand the discrimination and educational inequality faced by Dalits. Deconstruction is a valuable tool to unpack, understand, and challenge the forms of power and power centers. Deconstructionists recognize that language is a valuable tool linked with power, authority, and knowledge. They also assume that language creates ambiguity, confusion, and gaps in narratives (Pope, 2002) and is often controlled and manipulated by people in power. The deconstructive approach helps dislocate, dismantle, disintegrate, or even destroy the supposed center or the source of power, authority, and knowledge, often falsely crafted, constructed, and canonized. For deconstructionists, demolishing the notional center is important to empower the fringe or the margin. Upon reflection on the language itself, Derrida asserts that language does not refer to what it supposes. Accordingly, there is a weak association between the *signifier*, the sound-meaning concept of a word, and the *signified* or the referred object. The meaning (arbitrary but fixed) between the *signified* and the *signifier* is delayed as there could be a never-ending interplay of the meanings of words. For Derrida, "all meanings are ultimately deferred" (Pope, 2002, p. 131). Like the in-definitive meaning of a word, the essence of the center is doubtful because it is created by the language, which in itself is incomplete or defective. Hence, how narratives are created about *others* and their inherent deficiencies as projected by privileged groups are attempts to assist those in the upper layer of social, economic, and cultural hierarchy. In the light of deconstruction, the proclamations on equity, inclusion, and social justice, too, can be illusory because of the inconsistency in the language to produce policy texts like constitutions and because the documents are crafted by those who are often associated with the maintenance of historically transmitted power, knowledge, and skills. The privileged class may explicitly reject but tacitly engage in disenfranchising the suppressed people; hence, it is crucial to analyze their words based on how those words are put into action, which this paper intends to accomplish.

Analysis and Discussion

Using the deconstructive lens, this section reflects on the citizenry and education rights provisions endorsed by Nepal's 1990 and 2015 constitutions and evaluates caste-based practices and Dalits' educational outcomes. Table 1 presents what the constitutions say about citizenry and educational rights in relation to equity, inclusion, and social justice. According to the provisions related to citizenry rights (Article 11 of 1990 and Article 18 of 2015 constitutions), both documents explicitly prohibit untouchability and emphasize equal rights for all citizens. They also stress that any violations of constitutional provisions are punishable by law. Regarding educational rights (Article 18 of 1990 and Article 31 of 2015 constitutions), both texts overtly highlight the right of every citizen to education. Even though the 1990 constitution is not very explicit about the medium of

instruction policy, which is required for successful schooling of Dalit children as they are also linguistic minorities (Joshi^a, 2022; Joshi^b, 2022), the 2015 constitution stipulates mother tongue-based education for children who have different home languages. While the former constitution allows communities to open schools up to the primary level, the current constitution allows them to operate schools up to the university level in local languages. Based on the provisions related to citizenry and educational rights, Nepal's recent constitutions are sensitive about eliminating caste-based discrimination and giving equitable access and opportunity for education. Thus, the constitutions can be called promising documents to promote equity, inclusion, and social justice. Yet, caste-based discrimination against Dalits is extreme, and access to education and educational opportunity for Dalits is challenging in Nepal. The following paragraphs explicate the situation of Dalits that contradict the core message of the constitutions to safeguard Dalits' citizenry and educational rights.

Table 1. Rights, Education, and Language Provisions in Nepal's 1990 and 2015 Constitutions

Constitution of Nepal	Rights Provisions	Education and Language Provisions
1990	Article 11. Right to Equality. (1) All citizens shall be equal before the law. No person shall be denied the equal protection of the laws. (2) No discrimination shall be made against any citizen in the application of general laws on grounds of religion, race, sex, caste, tribe [,] or ideological conviction or any of these. (3) The State shall not discriminate among citizens on grounds of religion, race, sex, caste, tribe, or ideological conviction or any of these. [...] (4) No person shall, [based on] caste, be discriminated against as untouchable, be denied access to any public place, or be deprived of the use of public utilities. Any contravention of this provision shall be punishable by law. (5) No discrimination [regarding] remuneration shall be made between men and women for the same work.	Article 18. Cultural and Educational Right. (1) Each community residing within the Kingdom of Nepal shall have the right to preserve and promote its language, script [,] and culture. (2) Each community shall have the right to operate schools up to the primary level in its own mother tongue for imparting education to its children.
2015	Article 18. Right to Equality. (1) All citizens shall be equal before the law. No person shall be denied the equal protection of the law. (2) There shall be no discrimination in the application of general laws on the grounds of origin, religion, race, caste, tribe, sex, physical conditions, disability, health condition, matrimonial status, pregnancy, economic condition, language or geographical region, or ideology or any other such grounds. (3) The state shall not discriminate among citizens on grounds of origin, religion, race, caste, tribe, sex, economic condition, language or geographical region,	Article 31. Right to Education. (1) Every citizen shall have the right to access to basic education. (2) Every citizen shall have the right to compulsory and free basic education, and free education up to the secondary level. (3) The physically impaired and citizens who are financially poor shall have the right to free higher education as provided for in law. (4) The visually impaired person shall have the right to free education with the medium of brail script. (5) Every Nepali community living in Nepal shall have the right to acquire education

	ideology [,] and such other matters. [...] (4) There shall not be any gender discriminations regarding remuneration for the same work and social security. (5) There shall be no gender discrimination regarding the right to parental property [regarding] all family members.	in its mother tongue up to the secondary level, and the right to open and run schools and educational institutions as provided for by law.
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Firstly, the continuity of caste discourse in Nepal's recent constitutions itself informs that caste-based discrimination is still pervasive and a relevant subject to discuss in the Nepali context. Based on this information, it can be assumed that constitutional provisions have not seriously been implemented in Nepal. Otherwise, caste-based discrimination would not have survived so long as such for more than seven decades after the introduction of *Muluki Ain* in the early 1960s, which abolished the caste system.

Secondly, even though Nepal's 1990 and 2015 constitutions assert that the caste system is discriminatory and illegal, the words of the constitutions have not matched well with the actions of racist castes or groups, who have embraced the evil system in their day-to-day life. Consequently, despite their significant representation in the country's population (CBS, 2012; UNDP, 2008), Dalits of Nepal continue to get discriminated against and face social exclusion as described earlier. Such unfair experience is the outcome of weak application of law (see IDSN, 2013), largely emanated possibly from the inconsistent and uncommitted provisions in the constitutions. Because people who control over authority and resources tend to maintain the status quo through hegemony (Gramsci, 1971), it is irrational to think that they become willing to change their discriminatory attitudes and actions overnight and stay away from influencing major policy change in favor of Dalits.

Thirdly, the impact of blanket discrimination against Dalits due to ineffectiveness of constitutional provisions and practice is manifested through the current educational data despite Nepal's decades of rhetoric of abolishing the caste system. If we pay attention to the current low educational performance among Dalit students, we notice that Nepal's education system has contributed little to alter the situation of Dalits. For example, by the mid-2000s, the literacy among Dalits was 33.8% and Dalits' graduation with a bachelor's degree or above was only 0.4% or less (UNDP, 2008). Literature also claims a high school dropout among Dalit children (IDSN, 2009; Joshi *et al.*, 2022). So, Dalits' educational situation clearly contradicts what has been said in the constitutional provisions discussed above.

Fourth, most of the provisions in Nepal's 1990 and 2015 constitutions are aligned with decades of rhetoric and inconsistent practices; hence, they cannot be treated as unbiased, consistent, and without problems. For instance, in 1954, Nepal officially declared that all Nepalis would receive five years of universal education within two and a half decades (Upadhyaya, 2011); however, the country did not introduce specific strategies to target socially, economically, and culturally disadvantaged populations. The same problem repeated after the promulgation of 1990 and 2015 constitutions. The mere 65.9% literacy achievement over six decades (CBS, 2012; Joshi *et al.*, 2022) shows that the language of public policy has not matched with the actions of the State. Naturally, the impact of the false promise is detrimental more to the development of disadvantaged groups like Dalits, who do not have a powerful voice in the political system controlled by historically privileged non-Dalits (Joshi and James, 2022).

Finally, equity, inclusion, and social justice cannot be achieved unless serious issues related to citizenry and educational rights are addressed through clear legal mandates and the application of law. In case of Dalits in Nepal, they are segregated among various Indigenous and ethnic groups, hence they speak different vernaculars. Even though Nepal proclaimed the end of caste

discrimination and equal access to education for all citizens, Dalit children did not get the opportunity for education in mother tongue until the promulgation of 1990 constitution, which allowed formal schooling in local languages for the first time in the country's history (Joshi^a, 2022; Joshi^b, 2022). The lack of early years of education in the mother tongue can be understood as one of the reasons for low literacy among Dalits. Unfortunately, even after the commitment of the 2015 constitution to provide schooling in mother tongue up to tertiary level, Nepal has not started a meaningful medium of instruction in local languages, creating doubts about the intent of the country's more recent constitutions.

Conclusion

Despite the recent constitutional proclamations to eliminate caste-based practices and provide equitable access to education for all, existing discriminatory practices and poor educational attainment of Dalits inform that Nepal has failed to fulfill the constitutional obligations. As deconstructionists agree that language creates ambiguity, gaps, and contradictions in discourse and privileged people manipulate discourse to marginalize others, the marginalization of Dalits through caste-based discrimination and educational inequalities continue to hinder the situation of equity, inclusion, and social justice. Thus, this paper should draw attention of researchers and educators committed to transforming Dalits' lives to policy rhetorics regarding equity, inclusion, and social justice.

Declarations

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