



## INTERNAL SECURITY ISSUES IN NEPAL

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**Abstract:** Ever since the culmination of the second people's movement in April 2006, issues of federalism, devolution of power to the local bodies, questions relating to ethnicity, language and religion, problems pertaining to social exclusion of certain caste groups in the government, business and other sectors of public life gained maximum prominence. The people of the Terai who have had strong resentment towards the manner in which the Kathmandu centric elite has dealt with their problems, this time eschewed their unique disposition of being patient and tolerant and started to organise themselves. Fanned by radical elements in groups of Madhesh, and certain groups in the hills, it has now come to the point where the interim Constitution itself has already accepted that a new Nepal will be a 'federal republic'. The Terai today is not only harbouring many outfits that are heavily armed; some have even vowed to carve out a new sovereign state of the Madhes but it has now become the epicenter of all these groups and armed gangs vying to outdo one another in the desperate attempt to secure vote banks. It must also not be overlooked that there are some political parties that are representing their respective constituencies in the parliament and are demanding only a single autonomous state of the Madhes.

**Key Words:** CPN (Maoist), Madhesh, Terai, Muslims, three murders, United Janatantrik Terai Mukti Morcha.

### 1. INTRODUCTION:

Nepal has gone through spectacular transformation in the past 3 years. Some of it has been positive change for the sake of peace, democracy and development such as the end of the decade-long people's war, peaceful transition from a monarchy to a republic, and a great leap forward from an old, feudal set-up to the world's youngest republic. The decision of the Maoist leadership to abandon the armed insurrection and embrace competitive multi-party democratic system based on free and fair elections was the first step towards the resolution of a decade of horrid violence and destruction that saw the taking of 13 thousand precious lives. It was certainly not an easy undertaking on the part of Comrade Prachanda to assuage his battlehardened commanders to lock up weapons in UN cantonment sites while at the same time request the people for votes. The ability of the Nepalese political leaders to set aside differences between 2007 and 2008 and hold elections for the country's first Constituent Assembly on April 10, 2008 was another landmark event in the history of the country. It was held in a free and fair manner and the international community too endorsed its results. And the unexpected triumph of the CPN (Maoist) party emerging as the largest political outfit in the elections and the formation of a government headed by Prachanda was not only a unique exercise in South Asia in which a former guerrilla leader assumed the highest executive office of the state but also an exemplary case of a spirit of accommodation and adjustment exhibited by various organs of the state – the army, police, bureaucracy, business community, civil society and the rival political parties. This was none to match with any other country in South Asia torn by years of civil war and polarized by extreme viewpoints and opposing political ideologies. The most urgent task of holding elections to the constituent assembly may have been completed but the drafting of the new Constitution will be another major leap. "Within two years the new Constitution needs to be drafted and ratified. The issues associated with it are, addressing of justified demands of various sections, ethnic groups and communities, the issue of federalism, state restructuring, and inclusive state."<sup>1</sup> As per the schedule agreed by the Constituent Assembly, M.P.s representing various political parties have begun to go to the villages in the hope of collecting views and suggestions from the general public on what type of a Constitution we should frame for ourselves. Taking advantage of the fluid situation, numerous groups have begun demanding different sets of demands from the state. In the meantime, therefore, ensuring peace and security, controlling inflation, implementing concrete programs for socio-economic transformation and ending impunity must be given adequate priority because the people desire to see swift resolution of their daily grievances such as load shedding and scarcity of petroleum products. Although the peace process is going on smoothly, there are already emerging several

fault-lines regarding which a more rational assessment needs to be done. Some of it is an outcome of the transition phase; others are more endemic and cover a wide area from law and order situation to the demand of numerous federal units from the erstwhile unitary and decentralize state structure.

In fact, ever since the culmination of the second people's movement in April 2006, issues of federalism, devolution of power to the local bodies, questions relating to ethnicity, language and religion, problems pertaining to social exclusion of certain caste groups in the government, business and other sectors of public life gained maximum prominence. The people of the Terai who have had strong resentment towards the manner in which the Kathmandu centric elite has dealt with their problems, this time eschewed their unique disposition of being patient and tolerant and started to decentralize themselves.<sup>ii</sup> Fanned by radical elements in groups of Madhesis, and certain groups in the hills, it has now come to the point where the interim Constitution itself has already accepted that a new Nepal will be a 'federal republic'. But some parties especially the extreme leftist and rightist ones are yet to accept federalism as having been demanded by the general people during the course of the people's movement in 2006. They see this as a conspiracy to baffle the electorate, push the infant republic into disorder and chaos, yet achieve nothing more than sincerely implemented decentralization or devolution of authority. The Terai today is not only harbouring many outfits that are heavily armed; some have even vowed to carve out a new sovereign state of the Madhes but it has now become the epicenter of all these groups and armed gangs vying to outdo one another in the desperate attempt to secure vote banks. It must also not be overlooked that there are some political parties that are representing their respective constituencies in the parliament and are demanding only a single autonomous state of the Madhes.

## **2. EVOLUTION :**

The Nepali state which was founded by King Prithvi Narayan Shah (1723 A.D.-1775 A.D.) bringing together 22-24 different principalities has been centrally focused, tightly controlled and integrated so as to encourage a single feeling of 'Nepaliness' all along its modern history. Since the country had 145 languages and dialects together with nearly 150 ethnic and caste groups, the leaders for the sake of national security desired to bring together the citizenry under a single cultural, religious and linguistic structure so as to politically and culturally unite the nation. King Prithvi \_ a warrior King of 'Gorkha' district, used political skill, acumen and sheer force to annex several princely states in the vicinity.<sup>iii</sup> He captured Kathmandu from Malla Kings in 1769 A.D. and turned it into the capital of the country. The Nepal Army which came to being after the country was unified became dominated by Gurungs, Rais, Limbus and Magars who are known the world over for their extraordinary bravery and courage [but have not yet] reached the position of the Chief of the Army Staff. Interestingly, not only in the Army, Police and the Armed Police but also in the Gurkha regiments within the British and the Indian Armies, the people of the Madhes have not been represented. This was primarily because they were never regarded as a 'combatant' race. During the party less Panchayat system, a few selected people from the *dalit*, janjati, Madhesi and Muslim communities were particularly promoted to showcase the country as a multi-ethnic mosaic of different ethnicities and religions and to depict to all communities that every citizen is equal and anyone could shine and prosper according to one's ability and education. However, cracks began to appear in the centralised system of governance after the political change of 1990 but they were more in the nature of political devolution, decentralisation, additional power to the district and village development committees, more budget for district development, etc. A stronger current of state restructuring became apparent after the Maoists [during the course of their war] declared that they would carve out various federal units on the basis of ethnicity. After the successful culmination of the second people's movement of April 2006, this issue gained prominence in the political and academic discourse of the country.

## **3. ETHNIC COMPOSITION :**

The word 'Madhesh' means mid-country which in the context of the southern plains of Nepal, is extended upto Vidhyachal hills in the south and Siwalik ranges in the north. There were many kingdoms in between such as Mithila, Kashi, Tirhut and Awadh.<sup>iv</sup> King Janak and his daughter-Goddess Sita of the legendary Hindu epic Ramayana were from Janakpur in the Madhesh as was Gautam Buddha who was born in Lumbini in Kapilvastu district. It occupies 23 percent of the land area and holds 48.5 percent of the total population of the country. More than 74 percent of the paddy cultivation of the country is in the Terai whereas 24 out of 75 are Terai districts. According to an American scholar Fredrick Gaige, "75 percent of land revenue, 8 percent of forest resource, 93 percent of excise duty and 70 percent of customs duty of the Nepal government come from the Terai." It is also the main industrial belt and the transit corridor of the country to the nearest seaport but only 18 percent of the total development budget is allocated to the Terai districts. Without the Terai-transit, major cities of Nepal such as Kathmandu and Pokhara would be starved of almost all major daily essentials although a second road link to Tibet through *Syafrubesi-Rasuagadhi* could to some extent ease the problem after it comes into operation. Major river systems of Koshi, Bagmati, Kamala, Rapti, Bakaiya and Narayani bifurcate from the Terai into Northern India occasionally producing devastating floods. Hinduism and Islam are the two

prominent religions of the area and so close is the relationship of the Terai people with people of Uttar Pradesh and Bihar that thousands are married across the border while tens of thousand cross the border on a daily basis for their everyday works.

The anthropology of subtropical-based ethnic groups of the Terai region has lately become a passionate topic for discussion. While the hill people opine that a sizeable portion of the total population living in the Terai have come from North India, Madhesi leaders strongly contest such arguments. They say that it is precisely because of these types of prejudices that the ruling privileged hill people have had towards their fellow countrymen in the Terai that the southern plain is in today embroiled in a deadly conflict. But still, there is no dearth of analysts that question the rationale behind the government's decision to haphazardly distribute over a million citizenship certificates in 2006-2007 to Terai people without properly investigating their country of birth and citizenship of parents. They feel that this exercise was orchestrated as part of a grand design to make the Madhes a majority community in the country thereby impacting on political, administrative and other systems within the country. Madhesi leaders claim that this is incorrect and they are in fact the "dharti putra" (sons of the soil) of the entire Madhes and the first problem that faced a Madhesi was identity and citizenship. "The dress and language of the Madhesi too differs from that of other Nepalis, which sets them apart and subjects them to discrimination," they opine.

Whatever maybe the rationalization, Brahmins and Rajputs thickly reside in the Terai and are influential in their community. Tharus on the other hand are the largest and oldest ethnic group usually found living in close proximity to densely forested regions. They are the chief caste groups in the Madhes, follow the Hindu religion and their practices are similar to many typical Aryan traditions. Danwars, Majhis and Darais are akin to Tharus, physically and racially. Nevertheless, they speak their own language, which is of Sanskrit origin. Rajbansi is another dominant ethnic group of far eastern Terai areas of Jhapa and Morang districts. Although they follow both Hindu and Islamic religions, they have their own local practices and are traditional farmers. Sattars are similar to Santhals of Bihar. Likewise, Bodos, Dhangars (with their origin in Madhya Pradesh), Dhimals, Muslims also reside in the Terai in fairly large numbers.

The Muslims have migrated from Northern India and from neighbouring Bangladesh. They speak Urdu and their social practices correspond with the Islamic religion. Altogether four districts of Terai namely Banke, Kapilbastu, Parsa and Rautahat with over fifty percent of Muslim population can be termed as Muslim-majority districts. In five districts namely, Bara, Mahottari, Dhanusha, Siraha and Sunsari, Muslims are the second religious majority. There are altogether 17 Muslim members in the current Constituent Assembly. The Muslim community in the country have been demanding better representation in the mainstream politics, bureaucracy and policy making levels, a permanent Madrasa board through Constitution, regulations for a permanent Haj committee and ensuring adequate security for Muslims among other things.<sup>v</sup>

Past migration histories suggest the Terai to have been a melting pot specifically the urban centres such as Biratnagar, Birgunj, Rajbiraj, Lahan and Nepalgunj. Eradication of malaria, clearing of jungles, construction of the East-West Highway along the southern foot of the hills, and land settlement programmes initiated by King Mahendra contributed to a massive movement of population from the hills into the Terai, resulting in a large increase in the area devoted to agriculture. Not only did more and more hill people start to settle in the Madhes but at the same time Indians in the neighbouring bordering villages also began to enter. Today it has become difficult to indicate which community is "indigenous" and "non-indigenous" except perhaps the Tharus who have serious trouble in being associated with the term 'Madhesi' as they regard themselves as indigenous.

#### **4. THE CONFLICT :**

Academic explanations of ethnic conflict(s) generally fall into one of three schools of thought: primordialist, instrumentalist or constructivist. According to Primordialists, ethnic groups and nationalities exist because there are traditions of belief or biological features and specific territorial location [therefore] they use their cultural groups as constituencies in their competition for power or resources. Instrumentalists view ethnicity and race as instrumental identities, organised as a means to particular ends whereas constructivists stress the importance of the socially constructed nature of ethnic groups, drawing on Benedict Anderson's concept of the imagined community. However, these empirical puzzles are most of the time difficult to explain which is why some ethnic disputes escalate to violence and skid along to decades of senseless war. Often ethnic trouble is also fuelled by a feeling of national superiority of the majority which leads to discrimination of the minorities. In order to gain politically from this feeling of being "left-out," politicians usually try to take advantage through identity politics. It has happened in neighbouring India where political parties have used schisms between Hindus and Muslims, upper castes and lower castes, dalits and untouchables, Yadavs and Baniyas, etc. for securing vote banks. Nepal in general and the Terai in particular could not have remained unaffected by this trend in the Northern Indian states of Uttar Pradesh and Bihar.

Our leadership should have been more alert to thwart possible dangers emanating from ethnicity, caste and language and the hill-Terai divide rather than pointing fingers at the monarchy in the aftermath of the second People's Movement. Had they done that, the country would not have witnessed so much turmoil in the Terai.

It was no big surprise therefore that when the eight political parties promulgated the Interim Constitution on Dec. 16, 2006, it almost sporadically instigated a series of protests across the country. Several episodes of burning of copies of the Interim Constitution were reported across the country; dozens of Madhesi activists were arrested mainly because the Madhesi people believed that this was a Constitution "handed over" to them without proper consultations. Since the Nepali Congress and the CPN (UML) only consulted the Maoists who were just about to shun the decade of insurgency, the Madhesi People's Rights Forum (MPRF) launched its protest by stating that the Constitution failed to address the demands of the Madhesi community. Both factions of the Jantantrik Terai Mukti Morcha (JTMM) said that the Constitution was prepared by the "hill people and did not address the issues raised by the people of the Terai." Today it is widely believed by Madhesi leaders that a situation of bloodshed arose from some major missteps in the transition process in 2006-2007. The hastily promulgated interim constitution did not fully reflect the aspirations of the Terai people (including the Tharus) nor the grievances of Janajati, Dalit, women, and other traditionally marginalised communities which is why we had to repeatedly go on amending the interim Constitution.

Through a sequence of intermittent campaigning and sporadic incidents of violence, the Terai agitation soon converted into a full-fledged confrontation between the state and the Terai parties. The nation began to witness a dramatic increase in the number of armed and unarmed political parties advocating the cause of the Madhesi people. The main reason for this striking increase in armed and underground movements was a deadly nexus established between organised gangs in Northern U.P. and Bihar with their counterparts in neighbouring Terai in order to set-up various armed political outfits in the prosperous industrial belt of the BirgunjBiratnagar corridor, for obvious reasons of making money through extortion, looting and abduction.

Emulating the armed movement of the MJF, which essentially is a legitimate political party, at least a dozen armed outfits along with their breakaway groups surfaced in the Terai. Most prominent of these were:

1. Janatantrik Terai Mukti Morcha (JTMM) led by Jaya Krishna Goit (JTMM-G) later by Rajan Mukti,
2. Nagendra Kumar Paswan a.k.a. Jwala Singh (JTMM-J),
3. JTMM \_ Bisfot Singh faction,
4. Madheshi Rashtriya Mukti Morcha (Madheshi National Liberation Front),
5. Madheshi Mukti (Liberation) Tigers,
6. Terai Cobra,
7. LTTE
8. Terai Baagi
9. Terai Army
10. Madheshi Virus Killers Party
11. Joint Democratic Liberation Front
12. Royal Defence Army.<sup>vi</sup>

Hence, initially launched to create 'Madhes' as a province within the overall sovereign jurisdiction of Nepal, gradually the aggression and brutality associated with the agitation began to transform into a separatist movement with some groups openly calling for a separate state. Jwala Singh, the coordinator of Janatantrik Terai Mukti Morcha (JTMM – Singh faction), said that his party demands a separate, independent Terai. Although the two factions of the Nepal Sadbhawana Party (NSP) and the Madhesi Janadhikar Forum (MJF) contested the CA polls, Jwala Singh is still underground and together with the Goit Group is regarded to be most lethal forces in the existing terai imbroglio. Taking his cue, outfits are formed and factions are carved out virtually on a monthly basis. The latest in the series is the soubriquet adaptation of the CPN (Maoist) party formed by breakaway Maoist leader Matrika Yadav who dedicates himself to the woes of the Terai people. Yadav had visited Beijing before splitting the Maoist party. Similarly, Jay Krishna Goit of the Terai Mukti Morcha announced in January 2008 that his party had united with the Pawan Giri-led United Jantantrik Terai Mukti Morcha.<sup>vii</sup> Not all parties are engaged in the conflict. The MJF is an important partner of the current ruling coalition government with its leader Upendra Yadav as the nation's Foreign Minister<sup>viii</sup> while the Terai Madhes Loktantrik Party and the two factions of the Sadhvawana Parties are also powerful components of the opposition. The Terai problem therefore has several dimensions.

Starting as an identitybased social movement against two centuries of hill people's domination, the Madhesis have since polarised into two camps: a left-leaning militant secessionist movement and a right-of-centre federalist movement. While the factions within the militant front are politically less significant and their demands are detached from the spectrum of possible resolutions, the federalist front is politically impossible to ignore.<sup>ix</sup> In fact, the lid over the Pandora's box has already been lifted. Not only the Madhesis, Limbus in the eastern hills want their own state; Tharus,

who are spread across the Terai, want their own state; Madhesis, Magars and Tamangs also want their own state; Newars want theirs – actually, any sizeable ethnic group wants its own state. All this is happening because they were told it was possible, they were told it was their right and they were told there was a conspiracy to deny them their right, their self-rule.<sup>x</sup> Without a broad political understanding and proper homework it is highly probable that the federal system will turn out to be a fireball for the Nepali polity. Worse, the nation is yet to fully understand various types of federal models that are prevailing around the world. While it maybe true that the Westminster model despite repeated experiments has failed in the Nepali context, we are not sure whether the American, German, French, Indian or the Sri Lankan model that is best suited for our situation.

## **5. A CASE STUDY OF THREE GRUESOME MASS MURDERS :**

The conflict in the Terai has thrived not only because of the oft-repeated “genuine grievances” of the Madhesi populace but also due to the inept handling of the issue by the leadership in Kathmandu. There has neither been a holistic review of the implementable policies that the state can pursue in the interim period nor a directional approach to address the problem in the long-term. The state has not tried to obtain recommendations from the civil society, academia, human rights organisations and the media to ensure that the Madhesi issue is well represented in the new Constitution. Fearing a backlash from the Terai, it occasionally states that the nation will adopt a federal structure. But fearing the ‘One Madhes – One Province’ arrangement will split the nation, it immediately retracts from giving too much weight to the Madhesi demands. Madhesi parties, mainly the MJF, wanted almost all the caste groups residing in the Madhes to be called ‘Madhesis’ but other parties, primarily the NC, UML, and the Maoists, desiring to cut into the vote bank of the Terai parties, have supported the agitation by the Tharus who do not wish to be lumped up in the concoction of Madhesis. Same with the question of Muslims who also do not want to be called ‘Madhesi’. Such a haphazard style of functioning has led to some parties demanding the ‘right to self-determination,’ which has been denounced by almost all sections of the society including the army and the Supreme Court. On the other hand, it could give rise to dirty caste and religion-based politics of hatred, which could have a longlasting effect on Nepal’s peace, tranquility and political stability.

Even the mainstream parties in addition to the Terai parties themselves are unclear of what they want in the new Constitution, which can ensure that the Madhesis are given equal opportunities by the state. An example of this is the demand for more Madhesis in the Nepal Army. When the Army advertised for recruitment for its Sabuj Battalion with the strength of 850 personnel, the number of Madhesi applicants was much less than expected. Currently in NA statistics, they are seemingly mixed with Brahmins of the Hills and constitute only 6.26 percent of the total army’s strength. The cause for this lesser degree of inclusion seems to be the lack of interest on the part of Madhesi communities to join military services. There is, for instance, almost no representation of Madhesis in the British or Indian Gurkhas.<sup>xi</sup>

The main cause behind this lack of trust between Madhesi parties and the other mainstream parties was also the result of three ill-famed clashes and episodes of mass slaughter in Lahan, Gaur and Kapilvastu just before the elections to the Constituent Assembly. These massacres were horrendous crimes committed by miscreants that staggered the nation and ignited the already volatile security situation in the Madhes. Yet, despite judicial commissions, the perpetrators were not arrested. The Home Minister, who remained a by-stander in all these three gruesome cases of genocide, did not even bother to resign setting off a dangerous precedent of impunity in the Nepali polity.

Below is a brief review of these incidents as they were instrumental in widening the divide between Kathmandu and the Madhesi people.

Protesting against the newly promulgated Interim Constitution which fell far too short of addressing the demands of the Madhesis, the MPRF set ablaze government offices in Lahan of Siraha district on Jan. 20, 2007. Infuriated locals burnt down the government offices and district office of the CPN (Maoist) in Lahan while cadres of the MPRF clashed with Maoist cadres. Two days later, the police opened fire at a mob and two were killed. A meeting of top leaders of the SPA-M in Kathmandu decided to form a high-level probe commission to investigate violent activities in the Terai districts. However, the passion of regionalism and federalism had gone beyond the fear of Maoist guerrillas, which in itself was a clear break from the past when people used to be scared of the Maoists. The news of district offices of the Maoist party being burnt down and Madhesi cadres colliding with the battle-hardened Maoists had spread across Terai districts and this in turn encouraged more young Madhesis to come to the streets. Following the Lahan incident, Maoist and MJF cadres clashed also in Bhairahawa and Nepalgunj. Furthermore, two more protestors were killed when clashes ensued between policemen and protestors in Katakari bazaar of Biratnagar. Situation in Rautahat had gone out of control and media houses and journalists were also attacked in Birgunj. Curfews were clamped for days in major towns such as Biratnagar, Birgunj, Janakpur, Rautahat and Rajbiraj.

In order to confound the terai crisis and blame the “reactionary forces” for “instigating” the trouble, the government arrested Former Ministers of the royal cabinet Kamal Thapa and Badri Mandal on Jan. 30<sup>th</sup> but nobody (which included the international community) in reality believed that pro-palace forces were behind this violence. PM Koirala in a message to the nation on January 31<sup>st</sup> promised to look into the demands of a federal set-up but the MPRF

said that it was not satisfactory. The NSP-A said that the PM's address did not address the Madhesi people's demand of the resignation of Home Minister Krishna Sitaula for his excessive use of force to quell the agitation. Amnesty International too had urged enquiry into the unlawful killings in the Terai. Finally, on February 7<sup>th</sup>, Koirala and the leaders of the seven other political parties agreed to delineate electoral constituencies based on population and geography in the

Terai (in essence it meant that more constituencies would be allotted to the Terai) and hold elections based on proportional representation. At the same time, the Interim Parliament passed a government-sponsored bill aimed at amending the interim statute by a two-third majority. In the 329-member house, 278 members voted for the amendment.<sup>xii</sup> The violent demonstrations had caused the death of 24 people including an Indian national.

However, the Maoists were not at all pleased to see the expansion of power base by Madhesi parties in the Terai. A more dastardly confrontation between the MJF and the Maoist party seemed inevitable because the Maoists had seen this sudden upsurge of Terai emotion having been "sponsored" by an external hand to corrode their support base. That is why it did not come as a surprise when they clashed in Gaur of Rautahat district on March 21<sup>st</sup> 2007. The incident was a result of these two political groups wanting to have meetings at the same place at the same time but nobody had ever imagined that this small overlap of two programmes would result in such a huge human casualty. The MPRF announced a meeting to be held in Gaur at 11:00a.m. and publicized the meeting over loud speakers. Another group, Madhesi Mukti Morcha (MMM), affiliated to the Maoists, also decided to hold a public meeting although the Maoist claim that they had set the programme much before the MPRF. There was no real intervention on the part of the police to separate the parties and to ensure that the meetings were held peacefully, in separate places. They soon came to dismantling of the stage of one group by the other and shots were fired at MMM cadres. Altogether 29 people were killed in the incident, which clearly could have been avoided. "Understandably, the horrendous slaughter of 29 persons in Gaur by lathis, strangulation, and gunshot wounds, among other means, was universally and very rightly condemned both at home and abroad. While the official version of that terrible afternoon's tryst with mass murder will hopefully be brought out, it in the interregnum raised a welter of knotty issues besides birthed a bunch of political conundrums and contradictions."<sup>xiii</sup>

The third incident, which generated a separate series of bloodbath, was the cold-blooded murder of local Muslim leader Mohit Khan, triggering rioting, and mayhem from Sep. 16-21, 2007 in Kapilvastu.<sup>xiv</sup> It was neither an "one-off" episode nor an unmanageable incident for the police and the armed police force. Such incidents, as described above, had been happening at regular intervals for the past year yet the nonchalant government and the anemic Home Ministry showed the highest order of ineptitude by being a by-stander at yet another deadly massacre in less than six months.

Altogether 14 were killed<sup>xv</sup> at least 300 were injured and over five thousand people were displaced following this incident which can easily be termed as the biggest communal violence till date in the country's history. The fact that it took place in the same district of the birthplace of Lord Gautam Buddha was enough to cast a long shadow over the security situation of the country. Khan was a local Muslim landowner who was a Nepali Congress cadre and a former member of the vigilante group set-up by the (R) NA during the years of the insurgency to counter Maoist offensive in the Terai. Within an hour of the news, homes belonging to people from the hills were gutted and businesses of hill people were attacked and burnt in Chandrouta and Krishnanagar. As a retaliation, Muslim owned shops and buses/trucks were set ablaze close to the Mahendra Highway. Eyewitness reports stated that altogether 300 homes and 100 vehicles were set fire by mobs. Properties worth a billion rupees were destroyed. Following the incident in Kapilvastu, communal riots sparked in Lamahi, Tulsipur and Bhalubang area of Dang district but the state again became a mute spectator in the incident. The Nepal Human Rights Treaty Monitoring Coordination Committee (NHRTMCC) blamed the Home Ministry, local authorities and the police for the human and physical losses in the riots as they failed to act responsibly. Despite of the fact that 300 APF personnel were stationed in Chandrouta battalion, 100 being on regular duty that day, the people had to witness such a hideous crime perpetrated by merciless hooligans and executed with unparalleled precision in a short span of time. Instead of taking action against the architects who acted behind the scenes and the security agencies that proved themselves worthless, the government took solace simply by forming another judicial inquiry and distributing a token compensation for the victims.

## **6. TRANSNATIONAL IMPLICATIONS :**

It is certain that the most dangerous fall-out of an enduring conflict in the Terai will be to the border relations between India and Nepal. As an embodiment of the age-old relations, the 1800 km border has been allowed to remain "open" and porous but there is a strong desire at the level of officials in both countries that this border needs to be, at least, in the short-term, strictly controlled or 'regulated'. Issuance of ID cards is already in the offing to the people living in the bordering areas whereas a passport or a citizenship card has been made mandatory to passengers traveling by air. During regular meetings between senior police officers of both sides, the Nepali side has repeatedly conveyed to India that criminal elements in UP and Bihar have been deliberately trying to disturb the internal harmony of bordering Nepali

districts and have even forwarded credible evidence of some of the underground leaders of the armed groups and gangs having been freely moving around in bordering Indian towns.

The then Prime Minister Koirala had once suggested that the Terai problem could be resolved “within minutes” if India were to be serious about resolving it. Since the Madhesi movement draws much of its money and sometimes its muscle from the other side of the border, it could be plausible that India does have a role in an eventual resolution of the problem. But Koirala’s above statement goes beyond a mere ‘influence’ or ‘leverage’ that the government of India may have on some of these outfits to an actual ‘control’ of the entire Terai agitation. Such public pronouncements coming from the head of the government of Nepal and instances of official negotiations between the government and the underground Terai outfits being conducted inside the Indian Embassy in Kathmandu have unnecessarily raised public opinion against India. They have been manifested during occasions in forms of anti-Hindi demonstrations such as after Vice-President Parmananda Jha took his oath in Hindi language, which was followed by nation-wide protest rallies. Therefore, the likelihood that the rest of Nepal – mainly the hill-people characterising the Terai movement with one that has been blessed by official India is not only perilous to overall IndoNepal relations but also carries with it enormous risks of dragging a powerful neighbouring country into what is solely an internal affair of Nepal. Furthermore, one of the powerful underground Madhesi leaders Jay Krishna Goit had on one occasion expressed his willingness to talk to the Nepal government provided the UN monitored the peace process. Similarly, some arms monitors stationed at the office of the United Nations Mission in Nepal (UNMIN) had clandestinely tried to meet with leaders of the Terai armed groups on Indian soil in 2007 irking the Government of India. Any possible overtures by the UN or extra regional powers to try to fish in the muddled rivers of the Terai will certainly have a negative bearing on the security of the Indo-Gangetic plain which has surprisingly remained protected in the last six decades.

The third crucial impact will be on the delicate demographic balance of the Terai and that in turn influencing the ethno-religious and inter-racial relations across the border in North India’s volatile politics. There are far more Yadavs and Rajputs or Bhojpuri and Maithili speaking people in North India than in Nepal’s Terai. In fact, there are more than 12 million Maithili speakers in India whereas Bhojpuri (with 170 million speakers) is spoken as far as Guyana, Fiji and Suriname. A tendency to lump them together and demands of some Nepali parties with nudges by vested groups to carve out states based on ethnicity or language with the ‘right to self-determination’ will have more far-reaching impact on India than to any other country in the sub-continent. Furthermore, Tharus and other indigenous communities have already begun to assert their rightful place disapproving the governmental decision to call them ‘Madhesis’ which means that there will be stronger, more vocal protests from other ethnic groups too against the idea of the formation of a single autonomous state of Madhes. It is said that while the MJF, NSP and the TMLP have a strong hold over Madhesis; the same cannot be ascertained about the Tharus or about the hill people that reside in the Terai. In general, the Terai today has already become a hotbed of fanaticism and a cocktail of a bizarre variety of groups with nefarious connections that will directly impact India.

Nepali historians believe that the first Muslims settled in the country in the late 15<sup>th</sup> century. Kashmiri traders were probably the first Muslims to arrive, followed by Afghans, Persians and even Iraqis. During the Rana regime, a large number of Muslims migrated to the Terai fleeing persecution by the British army during the Sepoy Mutiny in 1857. During the Sepoy Mutiny, Begum Hazrat, wife of Nawab Wajid Ali Shah of Lucknow also escaped to Kathmandu via Nepalganj and was allowed to take refuge in Nepal. The Muslims have always enjoyed harmony and brotherly relations with the majority Hindus and accordingly maintained a low profile under the Hindu Monarchy. As a result, two huge mosques were allowed to be built in just one-kilometre distance of the Narayanhiti Royal Palace of the world’s only Hindu kingdom. But now with the monarchy gone and the nation having been declared a ‘secular republic,’ there is a growing urge amongst interest groups to politicize various religious faiths and thereby introduce the eternally impulsive problem of Hindus vs. Muslims in a frantic bid to gain politically from it. As a consequence, the Kapilvastu riots took an ugly communal turn as soon as the locals knew that the person killed was a Muslim. It is no secret that Bajrang Dal and Shiva Sena have already made a grand entry into the Terai politics nor is it a surprise that hundreds of *Madrasaas* have sprung up all along the border and as the administration is grappling with the law and order situation, nobody has an iota of information on whether or not extremist brand of Islam has entered into the Terai. Muslims are likewise not happy to be lumped up with other Madhesis. Already, Muslim leaders have started demanding their rightful representation in the Constitution making process, which most certainly is their entitlement. But at a time when a cluttered political transformation is taking place in the country, the Muslim community of the Terai neither should be neglected from the political process nor ignored for possible infiltrations from hardliners from within and outside the country.

## 7. CONCLUSION :

Nepal has just overcome a decade-long armed conflict, which cost the nation dearly in terms of human and infrastructural destruction. It will be really unfortunate if the nation has to witness another conflict on ethnic, religious

or racial lines. Although we have thrown the old Constitution, we are still struggling to draft a new one. Naturally, a lot of challenges still remain. Issues of federalism, sharing of power and resources, questions of political culture and the ethics of coalition politics, accountability and transparency of the bureaucracy, civilian supremacy of the army, sense of discipline in the police are all issues that have suddenly germinated and require a careful but astute handling. The most daunting task is how to handle the grievances of the Terai people. The Terai, which is the main agricultural area, shares the country's open border with the Indian states of Bihar and Uttar Pradesh and therefore is in a very strategic location economically and politically. Moreover, people of this area accounting for 48 percent<sup>xvi</sup> of the total population share cultural, linguistic and social ties with people across the border. They have faced problems of identity and citizenship and have had limited access to government jobs. Apart from the Terai, the demand for a federal structure in the country is also been raised by other ethnic groups such as Gurungs and Magars in the West, Tamangs and Newars in the Centre, Khambu-Rai and Limbus in the East \_ triggering fears that Nepal will go back to being 22 different tiny principalities.<sup>xvii</sup>

In view of the fact that in some major areas of the Terai, the hill people and not the Madhesi are in the majority, the idea of a single federated Terai becomes politically unviable. While the Madhesi movement leaders understand this, they are holding on to the demand as a bargaining chip. "Due to these persistent problems in the region, some Madhesi are [also] losing faith in peaceful progress and democracy. The Madhesi [youth especially] see the success that the Maoists achieved through violence and want to achieve the same for themselves. Following the Maoists' lead, they are increasingly turning to violence to bring attention to their problems."<sup>xviii</sup> This makes the numerous armed groups that are active in the area so critical to the resolution of the problem. But suppression can never be a solution to any deep-rooted crisis. The Madhesi have taken this as a fight for personal and social dignity and equality and hence there is also an associated emotional component to this problem.<sup>xix</sup> Understanding this reality, the Prachanda-led government has not resorted to using the armed police or the army to quell the Terai agitation. In fact, some progress has been made in peacefully resolving the conflict by inviting the armed groups for talks in early October 2008. For instance, on 26 December, the government held talks with the United Janatantrik Terai Mukti Morcha (U-JTMM) and both parties agreed among other things on suspension of armed activities and gradual release of U-JTMM jailed cadres.

The competing relations between ethnic, religious and racial identities in contemporary Nepal at a time of rapid socioeconomic change and in the face of the declining authority and legitimacy of the state has today become the most critical issue. During 104 years of Rana oligarchy and three decades of one party rule the state had pursued policies \_ educational, linguistic, religious, developmental, etc. \_ aimed at constructing a national identity capable of uniting diverse social groups. With the ushering in of multi-party democracy in 1990, various elected governments also did not do enough to change the status Quo-ist nature and character of state policy towards the minority. The sudden onslaught of the Maoist rebellion in 1996 altered the course of the country's history altogether. While the politicians both from the mainstream political parties who call themselves 'national' leaders and those belonging to the Terai-based parties must not forget that the territorial integrity and independence of Nepal must be the top most priority at all times, it is the responsibility of the Constituent Assembly to draft an inclusive and a forward looking Constitution by taking into account the genuine demands of the Madhesi people.

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<sup>ii</sup> The Terai is the southern plains from east to west running along the Indo-Nepal border. It is the main agricultural and industrial area of the country and much of the essential supplies from India comes through the Terai to Kathmandu and other main cities. The word 'Madhes' is also interchangeably used to denote the Terai.

<sup>iii</sup> One of the several recommendations by the Nepal Army to the Constitution Drafting Committee of the Constituent Assembly submitted on Feb. 13, 2009 states that the new Constitution should regard King Prithvi Narayan Shah the Great as the Founder of the Nation.

<sup>iv</sup> Rakesh, Ram Dayal. 2008 *Murder of Madhesh*, Kathmandu: Safari Nepal Publishers. p. 1. v Maharajan, Laxmi. 2009. Muslims Miffed at govt. for ignoring identity, *The Himalayan Times*, Feb. 16.

<sup>v</sup> Maharajan, Laxmi. 2009. Muslims Miffed at govt. for ignoring identity, *The Himalayan Times*, Feb. 16.

<sup>vi</sup> Pradhan, Prashant Kumar. 2007. Turmoil in the Terai, *South Asia Intelligence Review* Vol. 6 No. 4, Aug. 6, 2007

<sup>vii</sup> Nepal Weekly. 2009. Mission Madhes. Feb. 9. p. 29.

<sup>viii</sup> Minister of Water Resources Bijaya Kumar Gachhedhar, a Tharu, is also representing the MJF Party in the current coalition government.

<sup>ix</sup> Prasai, Sagar. 2009. In Nepal: Holding Constituent Assembly elections Attempt no. 3, <<http://asiafoundation.org/inasia/2008/02/20/in-nepal-holding-constituent-assembly-electionsattempt-3/>>.

<sup>x</sup> Dhakal, Ameet. 2009. Rebooting Politics, *My Republica*, [www.myrepublica.com/portal/?action=news\\_details&news\\_id=1945](http://www.myrepublica.com/portal/?action=news_details&news_id=1945).





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- <sup>xi</sup> State of Inclusiveness in Nepal Army, <[www.nepalarmy.mil.np/inclusiveness.php](http://www.nepalarmy.mil.np/inclusiveness.php)>, Nepal Army website.
- <sup>xii</sup> People's Daily online <[http://english.people.com.cn/200703/09/eng20070309\\_356101.html](http://english.people.com.cn/200703/09/eng20070309_356101.html)>
- <sup>xiii</sup> Josse, M.R. 2007. "Gaur Massacre: Issues, Contradictions and Conundrums Galore," <<http://madhesi.wordpress.com/2007/03/30/gaur-massacre-issues-contradictions-and-conundrums-galore/>>
- <sup>xiv</sup> Kapilvastu is the birthplace of Lord Gautam Buddha and is also a sensitive area close to the Indo-Nepal border.
- <sup>xv</sup> This figure is given by UN-OHCHR. Some have cited a figure of dead people as high as 28.
- <sup>xvi</sup> 48 percent of the total population of Nepal lives in the Terai but both Madhesis and people of the hills known as Pahadis live in the Terai.
- <sup>xvii</sup> King Prithvi Narayan Shah united Nepal, which has 60 recognised major ethnic groups, as a single country from 22 different principalities in 1768.
- <sup>xviii</sup> United States Institute of Peace hosted talk program of Minister Rajendra Mahato July 17, 2007, [www.usip.org/pubs/usipeace\\_briefings/2007/0803\\_violence\\_nepal.html](http://www.usip.org/pubs/usipeace_briefings/2007/0803_violence_nepal.html).
- <sup>xix</sup> Jha, Bal Krishna, Madhesi Issue: Deep Rooted?, [www.scribd.com/doc/4027994/EthnicMadhesis-of-Nepal-heading-towards-deeprooted-crisis](http://www.scribd.com/doc/4027994/EthnicMadhesis-of-Nepal-heading-towards-deeprooted-crisis).