

PROCESS OF DEMOCRATIZATION AND LINGUISTIC (HUMAN) RIGHTS IN NEPAL

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INTRODUCTION

Nepal comprises an area of 147,181 square kilometers, with a length of 850 kilometers from east to west and a mean breadth of 193 kilometers from north to south. Mountain, hill, inner Terai and Terai indicate its varied topography. 103 officially recognized caste and ethnic groups speaking more than 92 languages inhabit in this country.

Nepal is a multi-ethnic and multi-lingual nation. However, the policies of one language, one culture and one religion adopted right from Prithvi Narayan Shah merely through Rana rulers to Panchayati rulers merely focused in consolidations power and sustaining dynasty rule deprived ethnic communities of their linguistic, cultural and religious rights. This article presents how ethnic communities were deprived of their linguistic rights and how they are gaining it after the restoration of multi-party democracy in 1990 and after the second people's movement in 2062/63 B.S.

LINGUISTIC SUPPRESSION

The process of linguistic suppression was intensified with the territorial unification of Nepal by Prithvi Narayan Shah. It imposed the Nepali language and Hindu way of life together as the values, customs, traditions and costumes of ruling class on ethnic communities which had distinct languages, cultures and religions and value systems. Prithvi Narayan Shah and his successors based the unity of the country on four fundamental principles: the unquestioned authority and power of the Hindu king of Gorkha, Hindu culture in national life, Hindu social system based on caste hierarchy, and Nepali as the language of administration and education. A few years after *Limbuwan* 'the land of the Limbu' was united to the Kingdom of Nepal, king Rana Bahadur Shah issued orders to the Limbu to use Nepali language written in the *Devnagari* script while corresponding with the government. It deprived them of their linguistic right to use their mother tongue in official dealings. Janga Bahadur Rana in 1854 issued an order barring the use of languages other than Nepali in government service. The fact that endeavor was made to root out non-Nepali languages is revealed by the publication of the following lines written by Krishnachandra Aryal and Vaidyanath Joshi (Sedhai) in Gorkha Bhasa by the Gorkha Agency office in 1917 (Yakkha Rai, 2053 B.S.: 274-275).

Till now, the 'Gorkha Bhasa' has not been able to acquire universality, and the wild language slike Newar, Bhote, Magar, Gurung, Limbu., Sunuwar, Danuwar, Tharu also have not been able to leave their native places. As long as

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the one 'Gorkha Bhasa' can not kick out all other wild languages in the country, it is just wishful thinking to say that 'Gorkha Bhasa' can develop and that 'Gorkha Bhasa' is capable of calling itself the primary language.

Rana prime minister Chandra Shamsar declared in 1921 that documents written in non-Nepal languages could not be submitted in law court as a proof. It barred the use of non-Nepali languages in domestic dealings. The Chhantyal and Magar working in mines were prohibited to use their mother tongue. Rammani Acharya Dixit, a member of the 'Gorkha Language Publication Committee' formed in 1913, destroyed genealogies and the written inscriptions in copper and stone of indigenous peoples apart from burning 30,000 hand written documents of indigenous peoples related to their language, script, religion, culture and history in his campaign to destroy language, script and culture of indigenous peoples (Gurung, 1985: 47). Lalsor Sendang of Athrai had to flee the country to save his life for his attempt to educate the Limbus of his village with the help of books from his forefather's time. Chittadhar 'Hridaya', a poet, was jailed for ten years in 1940 for publishing a poem 'Aama' in Nepal Bhasa. Siddhicharan Shrestha was jailed for life and his property was confiscated in 1940 for publishing a poem 'Barsa' in Nepal Bhasa. Fatte Bahadur Singh was jailed for life and his property was confiscated in 1940 for publishing a book 'Nepal Bihar' in Nepal Bhasa.

After democracy, the government proclaimed on March 3, 1951 that no discrimination would be made on grounds of ethnicity, religion and language while recruiting soldiers for the Nepalese army. However, the Interim Government of Nepal Act 1951 did not mention anything about discrimination not being carried out on the ground of language. National Education Planning Commission formed in 2009 B.S. under the chairmanship of Sardar Rudraraj Pande said the following about the local languages (Education in Nepal. Report of the Nepal National Education Commission, 1956: 108).

The study of the local languages in Nepal other than the Nepali will hinder the effective development of the latter, given that the use by the student of languages other than Nepali in the house and society will cause Nepali to become an alien language. If the students are taught Nepali from the primary level other languages will gradually become unimportant, and it will help in national integration.

On October 12, 1957, the Ministry of Education issued an order to implement the directives that ordinary Nepali language should be the medium of instruction and only Nepali and English languages will be the medium in the SLC examinations. The constitution of the kingdom of Nepal 1959 stated that the Nepali language in the *Devnagari* script would be the national language. Integrated National Education Committee formed on 7 May, 1961 declared that the medium of instruction should be the Nepali language. The constitution of Nepal promulgated in 1861 also continued the status of Nepali as a national language. The partyless Panchayat system implemented the policy of 'one language, one costume and one culture' and carried out severe linguistic suppression. Mangalman Shakya and Kajiman Jawa were jailed for nine months in 1965 under the Security Act for organizing a literary conference of Nepal Bhasa and reciting poems in the mother tongue. Mall K. Sundar, Durgalal Shrestha and many others were publicly arrested in 1988 for participating in

procession to mark the birth anniversary of Siddhidas Amatya, the epic poet of the Nepal Bhasa. Similarly, Gangaram Lingkhim, Prithvi Maden, Randhoj Sereng and Bir Nembang were put to jail for their involvement in the development of the Limbu language.

CONSTITUTIONAL PROVISIONS FOR LINGUISTIC DIVERSITY IN NEPAL

The constitution of the kingdom of Nepal 1990 recognizes Nepal as a multi-ethnic and multi-lingual nation. Article 4 of Part 1 of the constitution states Nepal is a multi-ethnic and multi-lingual kingdom and article 6 of the same section explicitly states about 'the languages of nation' in this way:

- Nepali language in the *Devnagari* script is the language of nation. The Nepali language shall be the official language.
- all the languages spoken as a mother tongue in different parts of Nepal are the national languages of Nepal.

There is a slight ambiguity of the constitution. While Nepali language is the language of the nation and the official language, mother tongues spoken by the indigenous people are the national languages of Nepal. Mother tongue speakers, perceive, it as semantic rhetoric. Article 18 of part 3 states that:

- Each community residing within the kingdom of Nepal shall have the right to preserve and promote its language, script and culture.
- Each community shall have the right to operate schools up to primary level in its own mother tongue for imparting education to its children.

In accordance with the multi-ethnic and multi-lingual provisions enshrined in the constitution, a recommendation commission for formulating policy for national languages was formed by the government in 1993. In the report of 1993, The Department of Education's National Language Policy's Recommendation Commission suggested designing mother tongue curriculum and textbooks with the aim of introducing mother tongue as the medium of monolingual and transitional bilingual primary education and literacy programs. The National Education Commission of 1999 envisaged a policy of providing education in mother tongue while the ninth five year plan (1999-2002) formulated explicit policies and programs to target indigenous peoples. The UNESCO meeting of the specialists held in 1991 recommended that every effort should be made to provide education in the mother tongue. In order to implement the provisions of the tenth plan, Nepali parliament issued an act in 2002 and established the Foundation for Development of Indigenous Nationalities (NFDIN) to ensure indigenous people's economic, social and cultural development and uplift as well as their equal participation in the main stream of national development. It has recognized 59 tribes as ethnic communities.

Despite such encouraging activities, there are still cases of violation of linguistic (human) rights occurring sporadically across the country. The Mother tongue speakers, however, do not seem to have sought legal remedies. They

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usually give three reasons about why they are not resorting to legal means to defend their rights. First, the machinery of government is controlled by high caste Brahmin group for the past 250 years. Second, the educated indigenous people in urban and rural areas are reluctant to use official channel to redress inequalities since they believe the system to weight against their interest and their chances of success are limited. Third, many indigenous peoples in the rural areas are unaware of their rights or even if they are aware, they do not know where to assert these rights.

The interim constitution of Nepal (2007) has the following provisions for languages:

- All the languages spoken as the mother tongue in Nepal are the national languages of Nepal.
- The Nepali language in *Devnagari* script shall be the official language. Notwithstanding anything contained in clause (2), it shall not be deemed to have hindered to use the mother tongue in local bodies and offices. State shall translate the language so used into the official language.

Regarding the education and cultural right, the constitution enshrines the following provisions:

- Each community shall have the right to get basic education in their mother tongue as provided for in the law.
- Each community residing in Nepal shall have the right to preserve and promote its language, script, culture, cultural civility and heritage.

ACHIEVEMENTS

With the restoration of democracy, the government officially recorded through census the number of indigenous people and the number of people on the basis of mother tongue, and also made constitutional provisions for preserving and promoting indigenous and minority languages with the right to acquire primary education in mother tongue and started developing textbooks in local languages. These are positive signs for securing and preserving of linguistic rights.

LINGUISTIC SITUATION

The population census of 2001 identified the ethnic and caste groups and their population as given below:

Table: Population by Mother Tongue (Census 2001)

S.N.	Mother Tongue	Number	%	Cumulative
1.	Nepali	11053255	48.61	48.61
2.	Maithili	2797582	12.30	60.92
3.	Bhojpuri	1712536	7.53	68.45
4.	Tharu Dagauna/Rana	1331546	5.87	74.31
5.	Tamang	1179145	5.19	79.49

6.	Newar	825458	3.63	83.12
7.	Magar	770116	3.39	86.51
8.	Awadhi	560744	2.47	88.98
9.	Bantawa	371056	1.63	90.61
10.	Gurung	338925	1.49	92.10
11.	Limbu	333633	1.47	93.57
12.	Bajjika	237947	1.05	94.61
13.	Urdu	174840	0.77	96.38
14.	Rajbangsi	129829	0.57	95.95
15.	Sherpa	129771	0.57	96.52
16.	Hindi	105765	0.47	96.99
17.	Chamling	44093	0.19	97.18
18.	Santhali	40260	0.18	97.36
19.	Chepang	36807	0.16	97.52
20.	Danuwar	31849	0.14	97.66
21.	Jhangar/Dhangar	29615	0.13	97.79
22.	Sunuwar	26611	0.12	97.90
23.	Bangla	23602	0.10	98.01
24.	Marwari (Rajasthani)	22637	0.10	98.11
25.	Majhi	21841	0.10	98.20
26.	Thami	18991	0.08	98.29
27.	Kulung	18686	0.08	98.37
28.	Dhimal	17308	0.08	98.45
29.	Angika	15892	0.07	98.52
30.	Yakkha	14648	0.06	98.58
31.	Thulung	14034	0.06	98.64
32.	Sangpang	10810	0.06	98.64
33.	Bhujel/Khawas	10733	0.05	98.74
34.	Darai	10210	0.04	98.78
35.	Khaling	9288	0.04	98.82
36.	Kumal	6533	0.03	98.85
37.	Thakali	6441	0.03	98.88
38.	Chhantyal/Chhantel	5912	0.03	98.90
39.	Nepali Sign Language	5743	0.03	98.93
40.	Tibetan	5277	0.02	98.96
41.	Dumi	5271	0.02	98.98
42.	Jirel	4919	0.02	99.00
43.	Wambule/Umbule	4471	0.02	99.02
44.	Puma	4310	0.02	99.04
45.	Yholmo	3986	0.02	99.05
46.	Nacchiring	3553	0.02	99.07
47.	Dura	3397	0.01	99.08
48.	Meche	3301	0.01	99.10
49.	Pahari	2995	0.01	99.11
50.	Lepcha/Lapche	2826	0.01	99.13

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51.	Bote	2823	0.01	99.14
52.	Bahing	2765	0.01	99.14
53.	Koi/Koyu	2641	0.01	99.16
54.	Raji	2413	0.01	99.17
55.	Hayu	1743	0.01	99.18
56.	Byangsi	1734	0.01	99.19
57.	Yamphu/Yamphe	1722	0.01	99.19
58.	Ghale	1649	0.01	99.20
59.	Khariya	1575	0.01	99.21
60.	Chhiling	1314	0.01	99.21
61.	Lohorong	1207	0.01	99.22
62.	Panjabi	1165	0.01	99.22
63.	Chinese	1101	0.00	99.23
64.	English	1037	0.00	99.23
65.	Mewahang	904	0.00	99.24
66.	Sanskrit	823	0.00	99.24
67.	Kaike	794	0.00	99.25
68.	Raute	518	0.00	99.25
69.	Kisan	489	0.00	99.25
70.	Churauti	408	0.00	99.25
71.	Baram/Baramu	342	0.00	99.25
72.	Tilung	310	0.00	99.26
73.	Jero/Jerung	271	0.00	99.26
74.	Dungmali	221	0.00	99.26
75.	Oriya	159	0.00	99.26
76.	Linkhim	97	0.00	99.26
77.	Kusunda	87	0.00	99.26
78.	Sindhi	72	0.00	99.26
79.	Koche	54	0.00	99.26
80.	Hariyanwi	33	0.00	99.26
81.	Magahi	30	0.00	99.26
82.	Sam	23	0.00	99.26
83.	Kurmali	13	0.00	99.26
84.	Kagtae	10	0.00	99.26
85.	Dzongkha	9	0.00	99.26
86.	Kuki	9	0.00	99.26
87.	Chhintang	8	0.00	99.26
88.	Mizo	8	0.00	99.26
89.	Nagamese	6	0.00	99.26
90.	Lhomi	4	0.00	99.26
91.	Asamese	3	0.00	99.26
92.	Sadhani	2	0.00	99.26
93.	Unknown languages	168340	0.74	100.00

The above languages are divided into five language families— Indo-European, Tibeto-Burman, Austro-Asiatic, Drvidian and Kusunda, a linguistic

isolate. 80% population speak Indo-European languages, 19% population speak Tibeto-Burman languages. The rest 1% population speaks Austro-Asiatic, Dravidian and Kusunda languages. Among indigenous languages, only Limbu, Tibetn, Lepcha and Newari language have scripts. Other indigenous people are also trying to develop tradition of literacy either by using the Devangari script or by inventing new scripts.

ETHNIC SITUATION

The indigenous nationalities and their population are as follows:

Table- 2: Population Distribution According to Ethnic Groups

A	Mountain	Population	A	Mountain	Population	A	Mountain	Population
1.	Barhagaunle		7.	Lhomi		13.	Tangbe	
2.	Bhote	19,261	8.	Lhopa		14.	Thakali	13,731
3.	Byangsi	2,103	9.	Marphali		15.	Thumdam	
4.	Chairotan		10.	Mugali		16.	Tingaulne	
5.	Dolpa		11.	Sherpa	110,358	17.	Topkegola	
6.	Larke		12.	Syar Chumba		18.	Walung	1,148
B.	Hill	Population	B.	Hill	Population	B.	Hill	Population
19.	Bankariya		26.	Hayu	1,821	34.	Pahari	11,505
20.	Bhujel/Gharti	117,644	27.	Yholmo	579	35.	Fri	
21.	Baramu	73.83	28.	Jirel	5,319	36.	Rai	635,151
22.	Chepang	52,237	29.	Kusunda	164	37.	Sunuwar	95,254
23.	Chantel	9,814	30.	Lepcha	3,660	38.	Surel	
24.	Dura	5,169	31.	Limbu	359,255	39.	Tamang	1,282,304
25.	Gurung	543.571	32.	Magar	1,622,339	40.	Thangmi	22,999
			33.	Newar	1,245,232	41.	Yakkha	17,003
C.	Inner Terai	Population	C.	Inner Terai	Population	C.	Inner Terai	Population
42.	Bote	7,369	44.	Darai	14,859	46.	Majhi	72,614
43.	Danuwar	53,229	45.	Kumal	99,389	47.	Raji	2,399
D.	Terai	Population	D.	Terai	Population	D.	Terai	Population
49.	Dhanuk (Rajbangsi)	188,150						
50.	Dhimal	19,537	53.	Kisan	2,876	57.	Satar (Santhal)	42,698
52.	Jhangar	41,764	55.	Meche (Bodo)		59.	Tharu	1,533,879
			56.	Rajbanshi (Koch)	95,812			

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EFFORTS OF EDUCATION MINISTRY

The Education Ministry has made the following efforts:

- The Curriculum Development Centre has so far developed text books for school level in 14 national languages. Programs are being aired through Radio Nepal in 18 different national languages.
- Government of Nepal is committed to making quality primary education accessible to all children including children from indigenous and minority groups. It has endorsed a policy of transitional multilingual education according to which a child will acquire basic educational skills through the medium of his/her mother tongue and gradually switch to an official language so that s/he can feel at home in the language in which government affairs are carried on and finally learn a foreign language (English) for broader communication and access to science and technology.
- Establishment of the Central Department of Linguistics under Tribhuvan University.

CONSTRAINTS

There are still some constraints more in persons than at policy level. They are disturbing the implementation of government plans and policies for the development of minority and indigenous languages. These disturbing factors are conservative Hindu fundamentalists and indigenous hypocrites.

THE CONSERVATIVE HINDU FUNDAMENTALIST

The bureaucratic channels of the government are controlled by the conservative Hindu fundamentalists who do not want the development of other languages and cultures. Because of it, we see discrimination made on linguistic ground.

- According to population census 2001, Sanskrit speakers number 823. For them, a separate university Nepal Sanskrit University has been established. There are only 1584 students but for them, 372 teachers and 429 administrative and technical staffs have been employed. Government has allocated Rs. 11,05,83,000.00 for the fiscal year 2062-63. Tribhuvan University is the university of the speakers of all languages. It has 1,53,126 students but for them only 5,960 teachers and 6,967 administrative and technical staffs have been employed Rs. 1,57,74,02,000.00 was earmarked for the fiscal year 2062-63. Still more surprising thing is that Tamang has 11,79,145, Newar has 8,25,458, Magar has 7,70,116, Bantawa has 3,71,056, Gurung has 3,38,925 and Limbu has 3,33,633 speakers but the bureaucrats are reluctant even to release budget for primary teachers of indigenous languages.
- The local Self-governance Act of 1999 deputed to local bodies the right to preserve and promote local languages. Following this provision,

Kathmandu municipality declared Nepal Bhasa and Rajbiraj and Dhanusa Municipalities Maithili as the alternative official languages. However, on June 1, 1999, the Supreme Court announced its final verdict and issued a certiorari declaring that the decisions of these local bodies to use the regional languages were unconstitutional and illegal. It raised serious doubts about the sincerity of government's commitment to the use of minority languages in administration.

INDIGENOUS HYPOCRITES

These days, we see many indigenous leaders in the capital raising their voices for preservation, promotion and development of their native languages. We can see them leading procession and addressing the mass meetings in public places. We also see them delivering speeches in the programs organized by NGOs and INGOs in five star hotels. The amusing thing, however, is that they do not know how to speak their own language and do not have interest to learn it as well. We agree that it was impossible to learn it during the Panchayat regime but after the restoration of multiparty democracy in 1990, everyone has been free to learn and teach his or her language. A baby born in 1990 has passed Proficiency Certificate Level. If they had learned to speak, read and write their language, they would have been able to do so by now. But they can not do so because they are not loyal to their language. Therefore, they send their children to English Boarding Schools right from nursery level and feel proud if they hear their children speaking English and feel humiliated if they hear them speaking their mother tongue. For this reason, we see indigenous language classes empty of students. We have 59 indigenous nationalities with distinct languages but the Central Department of Linguistic is suffering for want of students. If each indigenous nationality had sent only one student each year, the Department of Linguistics would have flourished and produced manpower for language documentation and research.

CONCLUSION

It is human right to acquire education in one's own mother tongue and not to be discriminated against on linguistic ground. During the autocratic regimes of Rana, Shah and Panchayati rulers, this right was suppressed. After the overthrow of the Rana regime, linguistic rights gradually surfaced but again after the introduction of the Panchayat system, the linguistic right of people was not only curtailed but its activists were severely punished. After the restoration of democracy in 1990 the language issue is gaining momentum. Though still some Hindu fundamentalist bureaucrats are disturbing the implementations of plans and policies for the preservation and development of indigenous and minority languages and at the same time indigenous hypocrite leaders are, by their behavior discouraging indigenous communities to send their children to mother tongue schools. People are more and more aware of their linguistic rights and governments formed after the re-establishment of democracy are quite positive in this regard. The present situation has, really encouraged and inspired language lovers to make every possible contribution in the promotion and development of their mother tongues.

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University Grant Commission Annual Report 2005-2006.