

## Representation of the Resistance Modality of Madhes and Tharu Movement in Human Rights Organization's Reports

*This research attempts to explore the representation of resistance modality of Madhes and Tharu Movements in prominent human rights organization's reports from the perspective of theory of representation. It critically examines the reports on Gaur and Tikapur Riot by Human Rights Watch (HRW) and United Nations Human Rights, Office of the High Commissioner for Human Rights (OHCHR) as primary texts. But some evidence has been brought from the report no 199 and 276 of The International Crisis Group (ICG) and National English Newspaper with the reference to the articles and news published in The Himalayan Times, The Kathmandu Post and The Republica. It tries to seek how these organizations from Western Eurocentric Positionality reflect people of third world like Madhesi and Tharu and produce some sort of knowledge. The key concern of this study is to explore the underlying cause of their bias motives while covering the incidents of Gaur and Tikapur. The theory of representation by Stuart Hall, Michel Foucault and Ferdinand de Saussure have been brought to show the politics of representing Madhesi and Tharu Movement negatively by OHCHR and HRW.*

Key Words: representation, resistance, modality, carnage, riot, HRW, OHCHR and violence

Scholars on Nepalese Cultural Studies, Literary Studies and Media personalities, in their writings on Madhes and Tharu Movements seem to be conscious to explore the disadvantage, inequality and injustice that Madhesi and Tharu people have been facing. But this study attempts to explore the representation of resistance modality of the Madhes and Tharu Movements by prominent human rights organizations. It critically analyzes the report on Gaur Carnage by United Nations Human Rights, Office of the High Commissioner for Human Rights (OHCHR)

and the report on Tikapur Riot by Human Rights Watch (HRW). They represent resistance modality of Madhesi and Tharu Movements from the Western Eurocentric Positionality and their eyes to see Madhesi and Tharu protestors found biased. May be because, these organizations are established, funded, operated and guided by western ideology which find third world people like Madhesi and Tharu incapable for civilize refinement. So that, OHCHR and HRW can be taken as an agents to enforce western hegemony for the establishment of its universality within third world as they think themselves capable for the civilized refinement. These organizations represent Madhesi and Tharu protestors negatively by portraying their demonic and barbaric way of fighting. For instance, Madhesi and Tharu protestors have been shown as an extremist, aggressive, primitive, barbaric, monstrous, animalistic, violent, brutal, rapist, nonintellectual while resisting the opponents. Moreover, the reflection of negative images by these organizations have enabled to construct ethnic stereotype. Because, these reports show lack of reason, logic and civilized thought in Madhesi and Tharu protestors in choosing appropriate means of fighting which made them incapable for civilized refinement. On the other hand, opponents (Maoist cadres in gaur and Government security force in Tikapur) have been shown very intellectual, passionate who followed nonviolent peaceful means. Thus, the negative representation by OHCHR and HRW enabled to produce what Stuart Hall calls "Connotative Meaning" (Hall, 38) and Michael Foucault's "production of knowledge/truth through language" (Ibid, 44). Consequently, by showing barbaric defense modality of Madhesi and Tharu protestors, OHCHR and HRW enabled the opponents to shadow, justify and legalize their violence. Not only that, they also assisted people to polarize in communal line as the hatred towards Madhesi and Tharu protestors was found in national and social media.

This study does not take side of Madhesi and Tharu by analyzing their agendas in the

name of identity politics. But it exclusively focuses how OHCHR and HRW reflect Madhes and Tharu Movements in their reports. Are they biased or not while covering the incidents? And, it also analyzes what are the consequences of representing Madhes and Tharu Movement negatively by these organizations? The reports of OHCHR on Gaur Carnage and HRW's in Tikapur Riot have been taken as the primary texts. But some evidence shall be brought from the report no 199 and 276 of The International Crisis Group (ICG) and National English Newspapers; *The Himalayan Times*, *The Kathmandu Post* and *The Republica*. Then, in order to justify the argument, the theory of representation shall be applied. For instance, insights on theory of representation by the theorists like Stuart Hall, Michel Foucault and Ferdinand de Saussure will be brought. Because, all of them take representation as meaning making process by using representational systems and power. Similarly, to justify claim, relevant ideas from articles and news published in national and international journal/newspapers also shall be brought.

The straightforward meaning of the word 'representation' means "using language to say something meaningfully . . . it does involve the use of language, of signs and images which stands for" (Hall, 15). It means we use language, sign and images to express the ideas and feelings on something. But the meaning of representation cannot be well understood without understanding its three theoretical approaches; the reflective, intentional and constructionist approach. Because theorists of different approaches brought different meanings of representations. For instance, reflective approach is based on classical theory of representation by Plato and Aristotle. Aristotle in his study "Tragedy" states that that representation is "imitation of an action" (15). It means art imitates the action of the real world. Likewise, Plato assumed that what is real is imitated in representation. The meaning has been already existed on the objects and language helps to represent such truths. But today what is imitated has been

taken as what is real which includes politics. Likewise, the theorist of intentional approach like Longinus believes that meaning is not reflection of other things rather it is the reflection of author himself/ herself. "Art comes from conscious application of methodology and rules" (121) which later supported by the Mathew Arnold. They believed that author can create meaning by using some rules and methodology like noble diction, metaphor, and simile and so on.

Similarly, the most important approach of representation is constructionist approach. It includes Ferdinand de Saussure's study on "Nature of the Linguistic Sign" and Michel Foucault's Discursive approach. They believe that meaning is neither matter of reflection of real world nor author's intention rather it is social convention which constructs the meanings. It does not deny the existence of physical world but such physical world does not convey the meaning until it is represented by using representational system. "We construct meaning, using representational system – concept and sign" (Hall 25). And this representational system is made by sign system. In Saussure's study on "Nature of the Linguistic Sign", the word sign is "composed of concept (signified) and sound patterns (signifiers)" (39). But he argues that "the bond between signified and signifier is arbitrary" (41). Thus language cannot represent truth. Richard J. Lane while analyzing Saussure's nature of linguistic sign in *Global Literary Theory* also says that "language does not represent meanings, it creates and produces it" (39). Hence, the theorists of constructionist approach believe that meaning is constructed by using language.

On the other hand, Foucault believes that representation is "production of knowledge/truth through language" (Hall 44). The author produces knowledge and truth by using language. His theory of representation focuses on the "border issue of knowledge and power" (42). It means knowledge is produced by exercising power in representation. He argues that "in certain historical moments, some people had more power to speak about some subjects than

other" (42) so that they get privilege to do politics in representation according to their wish. Foucault does not believe in hierarchal notion of power rather he believes in the diffusion of power in the social structure of institutions. Power operates at institutional level "Institutional apparatus" (47). For instance, OHCHR and HRW are just an institution but hold power as they are supposed to be the provider of international legitimacy to Madhesi and Tharu's resistance modality through their reports. Consequently, they create effect consequence through representation by using power which is very important for Foucault though such effects may or may not be truth. "Effectiveness of power/ knowledge was more important, he thought than the question of its truth" (49). For example, no matter whether the way Madhesi and Tharu have been represented in OHCHR and HRW reports are true or not, but it definitely creates effects and produce some kind of discourse/ knowledge against them that can be taken as politics.

Moreover, the theory of representation cannot be well understood without understanding the insights delivered by the prominent cultural theorist Stuart Hall. Hall takes representation as the meaning making process which is political as it produces connotative meaning. Here, connotative meaning is not literal meaning rather it is cultural. Hall in his study "The Work of Representation" states that "at the second level – connotation . . . which connects to border themes and meanings, linking them with what, we may call the wider semantic field of our culture" (38). Thus, it is not just straight forward meaning rather it's meaning is linked with wider semantic field of our culture, ideology, discourse or culture of the producers, may be for their own favour that is politics.

Another very important aspect of Hall's idea on representation is stereotype. Although stereotype can be positive or negative, but most of the time, it has negative connotations. On the one hand, stereotype classifies people within certain group on the basis of their traits that helps

"to make sense of the world" (Hall 257). But, when it uses in negative sense, practicing stereotype "reduces people to a few, simple, essential characteristics, which are represented as fixed by nature" (257). Depending on very few characteristics and ignoring other traits associated to those people or culture while defining them. It also promotes racialized discourse through different strategies like binary opposition to construct the meaning. Hall says that "the racialized discourse is structured by a set of binary oppositions. There is a powerful opposition between civilizations and savageries" (243). For instance, the reports of OHCHR and HRW show the opposition between Madhesi, Tharu and the opponents in their resistance modality. Madhesi and Tharu have been shown irrational whereas opponent as intellectual in choosing defense modality. Finally, another way of stereotype as discussed by Hall is power-relation. "Stereotype tends to occur where there are gross inequalities of power" (258). Those people who are in the powerful position construct image of marginalized. Thus, "power is usually directed against subordinate and excluded groups" (258). For example, OHCHR and HRW show barbaric and non- intellectual image of Madhesi and Tharu while fighting with opponents (Maoist cadres in Gaur and government security force in Tikapur) may be because they are excluded and subordinated group in Nepal.

As Foucault believes that power operates in institutional level "Institutional apparatus" (Hall 47), OHCHR and HRW also hold power to construct meanings to the defense modality of Madhesi and Tharu Movements. Thus it is important to discuss the status of the reporter like 'who is reporting' along with 'what has been reported' while examining the politics of representation because, these organizations reported Gaur and Tikapur incidents from the Western Eurocentric Positionality, imposing orientalist perspective. They are established, funded, operated and guided by western superpowers so that they might have been working as a

medium to implement West's agendas. Because, Orientalists think themselves as the people who are capable for civilized refinement and view non-west barbaric. According to Diangelo Robin " when nonwhite go before the judge, "the cause of crime is more often attributed to something internal to the person – he is naturally more prone to crime, is more animalistic, he has less capacity for remorse" (160). But "whites continually receive the benefit of doubt . . .this is one of the credit card" (160). It shows how Orientalists are privilege by psychological support. One is being positioned as racially innocent and granted benefits of doubt where as racilized other are not. Veit Bachmann in his study "Participating and Observing: Positionality and Fieldwork Relations during Kenya's Post-election Crisis" argues that researchers from European Positionality want "Europeanization. . . functioning as a model" (362). The focus of the researcher may be to influence nonwestern people to make them using their model which is politics. Then, when the researcher is guided by such ideology, the "danger of seen, unseen and unforeseen can emerge" (388) according to H. Richard Milner. Because, those events which support researcher's motive while conducting research in the field can be made seen, and those which do not support can be made unseen. Consequently, "people of color historically have been misrepresented, exploited, silenced and taken for granted" (388) as Milner further argues. Thus, the politics of representation lies in the positionality of the reporters.

Similarly, the positionality of reporter determined the effects or consequences of representation as both organizations (OHCHR and HRW) are the prominent organizations working on human rights that earned the credibility globally. Then when these organizations provide negative meanings through representation, it plays vital role in shaping public opinion towards the things that has been represented. For instance, these organizations reflected demonic image like Madhesi and Tharu as extremist, primitive, barbaric, monstrous, brutal, rapist,

nonintellectual, morally shame and spiritually cruel in their resistance modality. In result, it brought hatred of people towards Madhesi and Tharu in media and social media which even divided people in communal line.

OHCHR is the principle body of UN which carries the commitment of the world on human rights and also enforces UN's efforts and agendas related to this field. Hence, the negative portrayal of Gaur carnage by OHCHR grasped attention of international community on Madhesi's violence. Dore Gold, in his book *Tower of Babble: How the United Nations has Fueled Global Chaos* says that "UN is supposed to set global standard of behavior – a moral code of conduct that defines the rules of the world order" (Gold 11). But the way OHCHR depicts Madhesi in Gaur incident is against the global standard of behaviors and the moral code of conduct related to the human rights set by UN. People who have credibility on OHCHR's reports may disfavor Madhesi and Tharu's struggle in the name of identity politics. Unlike OHCHR, HRW is not principle organ of the UN. It was founded in United States as an NGO but it defends human rights in ninety countries around the world and even rewarded by Nobel Peace Prize. So the influence of its report on Tikapur Carnage also cannot be underestimated. Because if OHCHR is supposed to enforce human rights policy of UN, HRW is believed to enforce policy of US government on human rights as some critics accuse it for having undue influence of US government policy. Thus, it played vital role in shaping opinions on Tharus' way of fighting in Tikapur.

Likewise, another very important aspect while discussing the status of the reporter is that being principle human rights organization under UN, OHCHR is supposed to be the provider of international legitimacy to any activities which are related to human rights across the world. Dore Gold in his book *Tower of Babble: How the United Nations has Fueled Global Chaos* takes

"UN as sole source of international legitimacy" (237). Thus the point here is that although UN is not supposed to interfere internal affair of the state, in practice, not only the state, even when any minority group within such state decides to use violence as resistance modality for achieving their rights, "they need *unique legitimacy* provided by the United Nations" (267). In this sense, OHCHR's depiction of Madhesi protestors as extremist and brutal does not seem that it provides such unique legitimacy while representing Gaur incident. So that it produces negative image of Madhesi protestors in Gaur Carnage.

Although, the main concern of this paper is not to discuss the demands as well as the political alliance of Madhesi and Tharu Movement. But in order to have good insights on the resistance modality of Madhes and Tharu Movements, it is important to know who are fighting for what. According to the news of *Republica* that published in 3 October, 2015, the Major political alliance advocating for the Madhesi and Tharu's Agendas are:

- 1) Federal Socialist Forum Nepal`
- 2) Madhesi Janaadhikar Forum Democratic
- 3) Madhesi Janaadhikar Forum Republican
- 4) Tarai-Madhes Sadbhavana Party
- 5) Nepal Sadbhabana Party Aanandevi,
- 6) Tarai Madhes Democratic Party (Mahanta Thakur)
- 7) Madesi Rastriya Mukti Morcha
- 8) Federal Democratic National Front (Tharuhat)
- 9) Tharuhat Tarai Party Nepal
- 10) Tharuhat Joint Struggle Committee
- 11) Sanghiya Gathabandhan Tharuhat

Likewise, the demands of Madhes-based parties and Tharu are similar except the issue on federal province on Kailali and Kanchanpur district. Madhesi demands entire Tarai as one autonomous province where as Tharu wants Tharuhat province separately that includes Dang, Kailali and Kanchanpur. Dhurba Kumar in his research "Politics of Contempt, Causality and Culpability" states that "Madhesi want cultural and territorial claim to get greater autonomy, or even succession from larger nation-state"(5). Other similar demands are "right of representation and the participation based on the principle of proportional representation, identity –based quotas in electoral system" (276 ICG 4), and "right to citizenship without discrimination" (28). Moreover, they want end of internal colonization, "Hindi as administrative language and more jobs in government for the people of Tarai origin" (4). Similarly, they struggle for regional autonomous governance system that includes right to self-determination, right on local natural resources, end of racial and regional discrimination, and so on. However, whatever agendas they have that will not be focused in this paper but the way they are fighting to institutionalize such agendas have been featured negatively by prominent human rights organizations will be focused deeply.

Foucault's concept of power which is exercised in institutional level has been applied by OHCHR to construct the negative image of Madhesi protestors on its report on Gaur incident. For instance, its report represents Madhesi protestors very aggressive, guilty minded, morally shame, spiritually cruel, violent, rapist, and nonintellectual in their resistance modality. But it shadows the violence of CPN-Maoist which shows that OHCHR is biased towards Madhesi protestors. Foucault says that "in certain historical moments, some people had more power to speak about some subjects than other" (Hall 42). In contemporary time, OHCHR is principle body of UN working on human rights. Thus, though OHCHR is just an institution but it held power to construct the negative images of Madhesi protestors which reflects its biasness.

Because it shadowed the CPN- Maoist's involvement in violence on its report which will be discussed in the following paragraphs. It covered Gaur Carnage, occurred on 21 March, 2007, protested by Madhesi Janaadhikar Forum (MJF) and Madesi Rastriya Mukti Morcha (MRMM). Through this incident, Madhesi resister wanted to give pressure to the government for the strong commitment in federalism but, the irony is that the modality they used against government ultimately brought result against them as they were featured immoral and cruel by OHCHR.

Firstly, OHCHR's report highlights Madhes's violence rather than the violence of CPN Maoist in Gaur carnage which represents that it is bias towards Madhesi protestors. Because it clearly indicates that the circumstance of violence was created by Madhesi protestors though CPN- Maoist is also equally responsible to bring the clash. Because when MJF and MRMM organized rallies in Gaur Rautahat at the field of rice mill with domestic arms, on the other hand, CPN- Maoist also "intent on going ahead with their rallies at the same location and on the same date" (199 ICG 8). But OHCHR highlights that "Madhesi Rastriya Mukti Morcha made no attempt to reach a compromise that would avoid the expected clash" (4). Here the word 'no attempt' shows its biasness. Because, Madhesi's decision for not going in compromise to avoid the clash has been taken as the main cause of carnage. The violent confrontation between both was expected by both not Madhesi alone as they already publicized the program. And, if Maoist wanted to avoid potential clash, they could think for not organizing the program in the same place and in the same date. But OHCHR shows Madhesi protestors responsible for the clash by reflecting their desperate mentality for the carnage, shadowing Maoist act of aggression as they tried to incite Madhesi protestors for the violent conflict.

Then, not only Madhesi protestors but also the cadres of CPN-Maoist were presented with arms before the incident actually happened. But OHCHR tries to make sure that the carnage

was preplanned, intentional and not coincidentally happened by showing how Madhesi protestors were occupied with domestic arms. It denotes OHCHR's reflection of own stand to prove Madhesi's guilty or criminal mind. Sander Gilman in his writing "The Deep Structure of Stereotype" states that stereotypes "in fact only a reflection of an internal process, which draw up on repressed mental representations for its structure. Stereotype arises when self- integration is threatened" (Hall 284). The self integration may be threatened by the Madhes's activities in Gaur as OHCHR is supposed to be advocating for nonviolence or human rights so that it expressed its repressed thought through reports. "Estimates range from 1500-4000 arrived in Gaur from the surrounding villages during the morning of the rally, many of them in procession, armed with *bhaatas* raised aloft. . . were preparing themselves and their supporters for an armed confrontation with the CPN-Maoist cadres" (OHCHR 4). This is how OHCHR features Madhesi protestors to prove their guilty/criminal mind by showing their preparation for clash. This can be taken as its reflection of own stand as Gilman in his writing "The Deep Structure of Stereotype believes.

Hall believes that creating 'difference' in representation is "both necessary and dangerous" (Hall 234). Necessary because Saussure believes that "it is essential to meanings; without it meanings could not exist" (234). For example, the meaning of 'Womanhood' can be well understood when we contrast it with its opposite that is 'Manhood'. Then, it is dangerous because, it is "crude and reductionist way of establishing meaning" (235). Because, creating difference can be an approach of author to study people by reducing them that is politics. And the report by OHCHR too very clearly presents the difference between Madhesi and CPN-Maoist in their resistance modality. The first attack was held "around 1.45 pm a group of 10 to 15 young males attacked the unattended CPN-Maoist stage. An appeal to stop the destruction of

the stage made over the microphone was ignored" (OHCHR 4). Then, cadres of CPN- Maoist reached in the stage where MJF and MRMM's rally had been held by firing in air as a defense.

But, at that point, mass belongs to MJF and MRMM very cruelly attacked CPN-Maoist's cadres:

27 individuals linked to CPN-Maoist were killed over the following two hours in the ensuing violence including four women and a 17-year-old girl. Many more were injured on the head . One female and five male of CPN-Maoist were killed immediately on the rice mill field itself. Others were killed as they were fled away from the field. One women who, whom it is believed sustained injuries in an alley way adjacent to the field, died in hospital in the Gaur short time later. Another six male of CPN-Maoist cadres were also fatally attacked in Gaur itself: one was killed directly in front of APFHQ where between 30 and 35 personnel were on guard duty and must have seen what was happening there; three sustained injuries outside Chandra Guest House and died after being taken to hospital; two died later on their way to Chitwan for medical treatment. (5-6)

Here the difference is that OHCHR presents CPN-Maoist very flexible and nonviolent, very calm and passionate in this case to resolve the conflict peacefully so that they appeal through microphone at first and when it was not listened then only, it used defensive fire in air. Whereas Madhesi resisters seem aggressive for the peaceful solution of the conflict as they attacked Maoist aggressively. Moreover OHCHR shows that Madhesi protestors who first initiated violence not in response of the opponent but to incite them for violent battle. In this way the negative image of Madhesi protestors has been created by OHCHR.

The theorist of constructionist approach in representation emphasizes on the arbitrary nature of language. For example Saussure in his study "The Nature of Linguistic Sign" argues

that "linguistic sign is arbitrary" (41). It means language is human made. There is no natural connection between what he calls "sound image (signifier) and the concept (signified)" (39). Then, if language does not have its natural meanings, author or reporter gets privilege to create its meaning according to their wish which may include politics. For instance, the language used by the reporter of OHCHR to describe Madhesi protestor seems political. Because they have created negative image like Madhesi protestors brutal by using the negative connotation. "Eleven cadres were captured by a crowd and, after about 30 minutes in captivity, were brutally executed at the site of a temple by lethal blows to the head from bhaatas, sticks and heavy stone slabs according to witnesses "(OHCHR 7). Here the selection of the word 'brutally executed' shows politics of representation. Because, the reporter could use some other words or only execution in order to describe the killing of Madhesi. The two words; 'executed' and 'brutally executed' shows two different meanings. If 'executed' denotes just killing whereas 'brutally executed' refers extremely ruthless and harsh and killing by Madhesi protestors. So that the protestor's image have been created as people having no sorrow, no pity for the mercy of the people. And the politics of using such word here may be to produce more hatred of people towards Madhesi protestors.

OHCHR represents worst brutality of Madhesi protestors not only by using negative words but also through the detailed description of the incidents. This, to some extent justifies stereotyping marginalized culture people "by nature savage brutes" (Hall 242). For instance, it says that weapons they used while killing were heavy wooden and bamboo sticks and stones mostly attacked on head as it is the most sensitive organ. "Forensic reports carried out on 25 of the victims in Kathmandu, the cause of death of 24 was one or more fatal blows to the head with an instrument consistent with the weight and contours of a bhaatas. . . all the victims sustained

multiple injuries to the head and other parts of the body " (OHCHR 7). Through this description it tries to visualize savage brutality that men can have. James F. Childress in his study "Nonviolent Resistance and Direct Action: A Bibliographical Essay" defines violence into two terms: "harm by physical force . . . inflicting mental harm. We can have violence without violence, but perhaps not violence" (377). Inflicting mental harm to enemy is more appropriate modality to defeat him/her than harming by physical force. Because once a resister harms his/her enemy by reason and logic, his/her enemy lose courage to fight physically. Consequently, there will be violence without violence in Childress's word. It means ensuring victory without violence or physical harm. But unfortunately, the detail of OHCHR shows MJF and MRMM had chosen first form which indicates their defective resistance modality.

In Foucault's concept of representation, creating the effects or meaning is very important rather than its truthfulness. "Effectiveness of power/ knowledge was more important, he thought than the question of its truth" (Hall 49). No matter whether incident was really happened or not but it will definitely creates some sort of meanings when it has been represented by using power. Likewise, in Gaur too, it was not sure that whether the women victims were raped by MJF and MRMM's cadres or not before being killed. But allegation on rape, covered in OHCHR's report had surely produced Madhesi's rapist image. It also made Madhesi morally shame that may be huge loss for them. Because, in order to gain people's favored, Thomas R. Frazier in this article in *Phylon* argues thta "there is an immediate need of building up self-respect in the resisters" (31). But such image will destroy their self respect and also spreads negative favor to them. OHCHR in its report states that "five female victims were raped and/or were sexually mutilated before being killed. . . but OHCHR did not receive any eye-witness account of rape or sexual mutilation" (7). Thus, victim may or may not be raped, but when it has been covered by

OHCHR, it helped to lose people's credibility on Madhesi resisters. On the other hand, such reports of allegations on rape also provided the intolerable pain and suffering to the victim's family.

Moreover, OHCHR's representation of another very serious allegation enables to spread negative message which brought hatred towards Madhesi resisters in Gaur. MJF and MRMM leaders had "hired armed men as security personnel, possibly from India . . . and armed criminal elements were present in or near the rally. But OHCHR's investigations did not enable it to determine the individual identities of those responsible for the incidents in Gaur" (8). Covering this allegation by OHCHR also raised the serious suspicion on resister's criminal link with India which may not be digestible even to the people in Tarai. In this way, many allegations were brought after the incidents being occurred that ultimately assisted to spread the negative image of MJF and MRMM in people's mind. Thomas R. Frazier in this article in *Phylon* again stresses that in order to win the credibility of people on their agendas, they should "hold up their heads with justifiable pride" (31). But, such reflections by OHCHR on their reports assisted to lose justifiable pride and self-respect of Madhesi resisters in Gaur. It not only harms MJF and MRMM's image but also loss people's credibility on them. Consequently, the modality that MJF and MRMM used to gain redemption ultimately defected themselves when it was portrayed in OHCHR report.

Similarly, the second case that has been taken to justify the representation of inappropriate resistance modality of Tharu Movement by HRW is Tikapur Riot. Like OHCHR in Gaur incident, HRW in Tikapur Riot reflects its bias position towards Tharu protestors through binary oppositions and biased use of language. It demonizes Tharu protestors by representing them as an extremist, lust for blood and animalistic. Tikapur Riot was occurred on 24 August,

2015 after the promulgation of new constitution 2072 B. S. in which Tharuhat Joint Struggle Committee and Sanghiya Gathabandhan Tharuhat protested against government. The Riot was brought as the result of Thru's objection to the new federal boundaries prescribed in the new constitution. They claimed that the constitution had terminated the earlier commitments and agreements to Tharu. They felt even the new constitution could not create equality among high-hill upper caste Hindus and their community as the inequality remained in the distribution of parliamentary constituencies, Tharu women's right to citizenship, Tharus' underrepresentation in government, government job and other influential institutions. The reports number 276 by Asia Division International Crisis Group states that "the delineation of provinces in both the proposed and adopted versions of the constitution divides their community and thus violates previous agreements promising a Tharuwat State, which Tharu hoped would help to end their political and economic marginalization"(13). And the most importantly they demanded "Kailali district, which has a large Tharu population, be included in this province" (14). But the government does not show the interest to fulfill such demands of Tharu.

Unlike Tharu, other people who have hill origin were advocated for the United Far West (Akhanda Sudur Paschim). "Many leading members of the Akhanda movement are landlords, one of whom told Human Rights Watch that they are motivated by the fear that they may lose their property in Kailali if it is made part of a Tharu state" (13). On the other hand, Akhanda Movement also got support from the leaders of three major political parties from far west as they did not accept dividing plain from the hill. Likewise, another cause of Tikapur Riot was "the concerns of hill districts have been addressed relatively quickly, their own protests were ignored" (12). Here, the major points of disagreement that brought riot were centered on the favor that major political parties given to hill's concern as well as on the issue whether to divide Kailali

from United Far West and include it within Tharu autonomous state or not. Here the reason for what Tharu fought seems justifiable. Walter Benjamin in his book *The Critique of Violence* also argues that "just ends can be attained by justified means, justified means used for just ends" (278). So Tharu may fight for just cause by using violence as justified means. But, it is very difficult to say whether one engage in violence for just cause or not, the outsiders cannot say "who was right and who was wrong" (1033) as Alice Ristroph argues in his research "Just Violence" states. Because what Madhesi and Tharu think right may not be right for other and other's perspective on right also may not be digestible to them. Ristroph further argues "each maintained that they fought for the just cause" (1033). Then, even if they fought for just cause, they did not gain support after they represented in HRW negatively.

Hall while analyzing the representation of black and white race in his study "The Spectacle of Others" states that:

white 'race' an intellectual development- refinement, learning and knowledge, a belief in reason, the presence of developed institution, formal government and law and the civilized restrain in their emotion . . . black race and whatever is instinctual. . .lack of civilized refinement in sexual and social life (243)

It shows the construction of binary opposition between White and Black race which delivers meanings. In the report on Tikapur Riot, HRW constructs binary opposition between Tharu protesters and government security force. It has shown some attributes of black race by projecting Tharu protestors very nonintellectual and extremist who lacks civilized attributes or civilized refinement while handling the opponent. And the government security force has been reflected very calm and intellectual who followed nonviolent intellectual means that is negotiation to resolve the conflict which resembles white race. It states that when Senior

Superintendent of Police (SSP) Laxman Neupane tried to negotiate with Tharu protestors to avoid violent confrontation, Thru protestors totally reject this peaceful solution. "The police attempted to negotiate with the crowd. . . relatively small group of police officers became almost surrounded by the much larger crowd. Some members of the crowd were armed with stones, catapults, and sticks" (HRW 12). Here, what is opposition between Tharu and their opponent is that the opponent has been reflected very intellectual who emphasized on the peaceful nonviolent intellectual means to avoid the violent conflict that is negotiation. Whereas Tharu protestors are portrayed very extremist, nonintellectual and lack of civilized thought to choose the means for the peaceful solution as they reject negotiation and proceeded for the violent bloodshed. And this kind of meanings delivered by HRW through binary opposition.

The close observation of the details on Tikapur incident by HRW shows its omniscient point of view. Because, it seems that it has got great deal of freedom to describe the incident. Kirszner and Mandell in *Literature; Reading, Reacting, Writing* say that "writer choose the point of view that best enables them to achieve their objectives . . . if they want to have great deal of freedom in telling their story, they will use an omniscient point of view" (177). For instance, HRW states that Tharu protestors brought the mass forcefully for the protest. "Large crowds of Tharu began approaching Tikapur from outlying villages in several directions. Tharu leaders, including *bargars* (Tharu village headmen), made a strong effort to encourage many people to join . . . people had been coerced to join with the threat of fines" (12). Here, the reporter has allowed representing the incident from his/her perspective very freely. And it seems that the reporter knows everything which included politics. Because, through these lines, the reporter accused Tharu protestors for coercing people to join the protest. Stephen Zunes in *Political Science and Politics* states that "it is easier to mobilize people to demonstrate

nonviolently than it is to ask them to pick up a gun or a hand grenade" (182). And HRW states that Tharu asked people to pick up the domestic weapons forcefully that delivers extremist nature of fighting by Tharu.

Lesely Jeffries in her book *Critical Stylistics; The Power of English Language* argues that "much of our experience of the world is mediated by the language . . . no language is ideology-free" (51). In the report of HRW, the reporter uses language very tactfully to describe Madhesi's involvement in violence which is also not ideologically free. It involves some motives. Because it creates pathos to bring people's sympathy for security force. For example, HRW describes that Tharu protestors not only killed Non-Tharu cruelly but also burn alive to the people of their own community who were serving the government. "APF Constable Bihari Chaudhary, was beaten and then burned, probably while still alive, a few meters away. He pleaded for his life, pointing out that he was a member of the Tharu community" (13). Here, the tone and the words can touché heart of the readers and bring sympathy towards APF members. The words like 'pleaded for his life' or 'beaten and then burned, probably while still alive' can arouse emotion of the readers. Lunsford and Ruskiewicz in the book *Everything is an Argument* argues that "emotional appeals are powerful tools for influencing what people think and believe" (46). Because the main aim of using pathos is to persuade readers which HRW has utilized in its report to persuade people against Tharu protestors.

On the other hand, the use of pathos enabled HRW to show inappropriate, barbaric and primitive way of fighting by Tharu protestors who even lost common sense, reason or logic to recognize people while killing. Lunsford and Ruskiewicz further argue that "when writer and speaker can find the words and images to evoke certain emotions in people, they might also move their audience to sympathize with idea they connect to those feelings and even to act on

them" (49). May be HRW also wanted to evoke emotion of people to move them with its idea to show inappropriate resistance modality of Tharu protestors. Likewise, HRW also describes that other police officers who had killed were attacked like by animals as they were extremely wounded by sharp weapons. "According to officials at Tikapur Hospital those who died had wounds from sharp implements such as spears, as well signs of severe beating including fractures; one had burn injuries. None had bullet wounds" (13). Here also HRW tried to persuade readers by describing animalistic instinct own by Tharu protestors while killing opponent.

In Saussure's notion of representation meaning is socially constructed. In his study, "Nature of Linguistic Sign", he says "even the link between signified and signifier is not natural or organic; it is socially constructed" (39). For example, he further clarifies that "there is no reason why the signifier "sister" should be connected with the concept of being a sister" (39). If the society taught us to call sister by any other words, it will provide the concept of sister. So the important thing is that the prime source to construct meaning in the representation is not nature rather than it is society. Here authors or reporters represent society who constructs meaning in representation. For instance, HRW shows Tharu protestors as lust for blood through description of how they killed the APF members. It states that they chased the victims then captured and killed by giving very cruel physical torture:

The police fled in several directions, but those who were killed, including SSP Neupane, fled down a narrow footpath which led behind a group of houses. Neupane attempted to lock himself inside a house approximately 100 meters from the spot from where the altercation took place, but a group of protestors was able to remove him. According to a witness, up to 100 people were present at this stage. Approximately five people were directly involved in killing Neupane as he

lay on the ground. The killers had covered their faces with masks or were wearing motorcycle helmets. According to a witness, "They had spears and bamboo sticks.

The sticks had nails. (12-13)

Here, what HRW tries to show is painful killing by Tharu protestors. More than that it made to realize its readers that killing can be both; painful and less painful. When a person is shot with bullet, it seems less painful than being burning, beheading or piercing severally. But Tharu protestors have chosen second form to kill APF's members. In this way, HRW portrayed Tharu not only cruel but also the people who are lust for blood on its details.

Likewise, the meaning produced by HRW against Tharu protestors justifies the subordinated people's "wild frenzy of revenge, and savage lust for blood" (Hall 243). Because, it shows the attractors even did not leave SSP who is begging the life by locking himself inside the house. And it also describes that the killer had already planned to kill as they were appeared with masks, motorcycle helmets on face, spears and bamboo sticks with nails and attacked very cruelly. Moreover, it states that Tharu protestors tried to take revenge with the government by physical torture like killing APF's members very cruelly as they think that government is partial to provide the rights to Tharu. Gandhi says that " strength does not come from physical capacity. It comes from indomitable will" (Rolland 40). But the way HRW describes the defense modality of Tharu protestors show they use physical strength rather than reason and logic to get victory over the opponent. This is how the inappropriate resistance modality of Tharu Movement has been represented by HRW.

After the discussion of how the human rights organizations represented the defective resistance modality of Madhes and Tharu Movement, it is necessary to understand what are the effects or consequences. So the focus here is to discuss the consequences or effects. Firstly, the

representation of defense modality of Madhesi and Tharu's struggle in the name of identity politics got international disfavor when it was represented by prominent human rights organizations negatively. Because, the way both; OHCHR and HRW featured Madhesi and Tharu seems bias, showing them very barbaric while fighting with opponent. Secondly, being principle human rights organization under UN, OHCHR has provided no legitimacy to Madhesi's defense modality rather its representation enabled to bring hatred towards Madhesi protestors.

Then, the most startling consequence of showing negative representation by OHCHR and HRW is that it brought hatred against Tharu Movement in national media and social media. Not only that, it even made people to polarize on the favour of opponent or even in communal line. Like Tharu's killing to members of Armed Police Force gained sympathy by APF everywhere like in Media or in Social Media. But, Tharu did not gain sympathy willingly on their loss. The horror and terror created by government security officers along with local hill origin communities was ignored by the Media. And the hatred towards Tharu was highlighted. For instance, a news in national English newspaper, *The Kathmandu Post* accuses that "Tharu protestors were paid to commit violence" (3). Likewise, another English news paper which also considers very reliable in Nepal, *The Himalayan Times* also featured that "there was political motives behind Tikapur carnage" (5) rather it was fought for their rights. These are just representative examples of how Tharu were highlighted negatively in National Media. Such coverage of the event by National Media even brought the impression which made people to "polarize along communal lines" (276 ICG 4). Then, even in the Social Media, such negative impression on Tharu was clearly seen. "There has been worrying eruption in crude, prejudice commentary on social media" (HRW 4). In this sense, the negative reflection of Tharu Movement was brought in Media and Social Media which even made people to polarize in

communal line after it has been represented in HRW.

Another very important effect or consequence is that the representation of defective resistance modality of Madhesi and Tharu by HRW and OHCHR's reports have been enabled to shadow, even justify or legalize the violence of opponent. For instance, in Gaur, as discussed earlier Maoist incited Madhesi protestors for the potential clash by organizing their program in same date and place in which Madhesi protestors were supposed to have rally. Then, not only Madhesi protestors but Maoist cadres also occupied with arms as "some of the CPN- Cadres present were armed with slingshot, at least one firearm and socket bomb" (276 ICG 10). Later on, they even threw a socket bomb into a room occupied by four persons who has refused to entry them" (11). It shows that along with Madhesi protestors, Maoist also had the ego to bring carnage that denotes Maoist's guilty mind. Otherwise, they could have thought to avoid clash knowing the potential risk. But such act of aggression Maoist has been given less priority in media and social media.

On the other hand, the government security force which had high responsibility to provide protection from potential violence played no role to avoid it. At the time of clash, "NP and APF remained inside their station and post" (11) although the violence was expected several days before when Maoist and Madhesi publicized their program. Here, the important thing is that violence does not involve merely killing along with other physical force against the victim that is called commissive act, it also includes not doing anything by the person who is obliged to do something to prevent the violence that is called omissive acts. Guliano Pontra in his book *Nonviolent Personality* talks about "commissive and omissive acts, on the one hand, killing and inflicting suffering, and on the other hand, omitting to save lives and prevent or diminish suffering" (Pontra 19) both denotes violence. In this sense, the security force too committed

violence by omissive act to save lives of people in Gaur carnage though they had huge responsibility to provide protection to the people on the status of being official body of law enforcement. However, such recklessness of security force and Maoist's act of aggression has been shadowed in front of the violence brought by Madhesi protestors and even the Media and human rights organizations like OHCHR raised very little attention on it.

Likewise, the striking consequence of representing Tikapur incident negatively is that it assisted the government to legalize its violent intervention to protestors and innocent people after incident actually happened. Because, considering potential clash between security force and ethnic minorities who were dissatisfied with new constitution, government had issued Armed Police Force Regulation 2015 which had given enhanced power to APF to intervene protestors. According to Alice Ristroph "contemporary laws of war is the combatant's privileges- a license to kill" (Ristroph 1048). And such license of killing by security force was guaranteed by APF Regulation 2015. For instance, section 8, article 58 (3) of this regulation states that "if an APF personnel is obstructed from discharging his duties or is physically attacked, he may use necessary or final force in order to defend self, maintain law and order and to arrest the attacker" (47). So, APF can kill the attacker in the name of self defense or maintaining law and order while discharging his/her duties. An editorial in *Republica* argues that this regulation "comes as the relief for the APF top brass that had over the last few years been lobbying for more discretionary power in use of force. APF can now legally use lethal force as a last resort" (6). And when HRW represented the incident by showing inappropriate resistance modality of Tharu protestors in Tikapur, it to some extent provided cause to practice such provision. Likewise, article 58(4) of same section further says that "in the course of using force while discharging his duties, if a person is injured or killed, no case will be filed against the APF personnel without the consent of

Government of Nepal" (47). This provision made almost impossible to take legal action against any APF members who involve in violence at the time of clash. In this sense, law provided enhanced authority and license to APF to kill protestors in Restroph's word by APF through the final use of force and immunity from legal action in court.

Then, although the regulation had issued before Tikapur Riot, but APF had not enforced its immunity provided by this regulation before. But after Tikapur Riot, APF started to kill protestors and innocent people even in very minor cause during Madhes struggle. For example, the data by HRW shows that during August and September approximately forty-five people were killed in Tharu and Madhes struggle after the promulgation of new constitution in 2015. Among them only nine were from security force including eighteen - month child of police officer, remaining others were protestors and innocent people.

Approximately 45 people were killed in the violent protests . . . killings of 25 people, including 9 police officers and 16 members of the public. . . the remaining 15 victims were all shot dead by the police. They include six people who witnesses described as bystanders not participating in any protest. Two victims, Ram Bibek Yadav in Jaleswar and Hifajat Miya in Kalaiya, had already been injured when numerous witnesses state that they saw police deliberately kill them as they lay on the ground. In another disturbing case, 12-year-old Bikas Yadav was allegedly shot and wounded in Janakpur while he attempted to give water to an injured man. (2)

Killing protestors by security force while defending them may be justifiable but they also killed innocent people that show their misuse of power provided by law. Restroph further argues that the modern laws of war, with their grand humanitarian principles, actually license war far more

destructive than eighteenth century pitched battle waged by European Monarch" (1048).

Because security force shown cruelty in the name of maintaining law and order by killing even to innocent people which is very irrational. And such irrational violence committed by security force was shadowed and even justified in the name of self defense.

Moreover, when OHCHR and HRW highlighted the violence of Madhesi and Tharu, it shadowed the horror and terror created by security force. Security force made people to sign the document forcefully, beating and threatening them by using very abusive language. "At the home of each prisoner the police made family members sign a document . . . police did not allow them to read the document" (276 ICG 16). They also threat people by using very abusive language. For instance, they said that "we'll come back at night and get your daughter-in-law . . . We were so scared that we locked the door and went to the toilet indoors all night" (16). This shows the terror that security force made Tikapur with Tharu people. They even beat people like "they beat my mother-in-law," said the wife of another one of the arrested men . . . the police came and beat my husband. They were shouting, "We feel like shooting all of you. You bloody illiterate Tharus" (16). It seems that they were taking revenge with the family of prisoners. And it was not disclosed as Tharu's violence. Tikapur Riot also results "first army deployment since the end of Maoist conflict" (12) in Nepal. Not only this, there was systemic attack by local hill origin communities on Tharu homes and business in and around Tikapur. . . , over 4000 were fled to India" (12). Because, the way Tharu killed APF members like burning alive and slaughtering, it brought huge hatred even towards innocent people who belongs to Tharu community. So that along with police, other non-Tharu community also involve in such act of aggression which remained unseen, tried to justify and legalized.

Although, OHCHR and HRW represented Madhes and Tharu Movements from orientalist's positionality and produced knowledge by featuring them negatively, but on the other hand, the way Madhesi and Tharu protestors were fighting with the government to ensure their rights were not effective. Because, they used violence as the means to acquire their redemption which left space for criticism by the reports of human rights organizations, national media and social media. While analyzing the culture of Islam, Ziauddin Sardar, in his article "Surviving in Postmodernism" suggests that people of Islamic culture should not be traditional rather they should adopt tradition. "Tradition is not only necessary for resisting postmodernism. It is also essential for creation of genuinely pluralistic world" (228). Here, 'Traditional' is associated with the stereotyping/fundamentalist and violent kind of image whereas 'Tradition' denotes the preservation of the culture, values and identity by accepting change. Likewise, rather than resisting with violence, if Madhesi and Tharu protestors followed nonviolence means like media, dialogue, Satyagraha, negotiation, symbolic protest, strong welfare agendas, attractive slogans and other tactful means, they would not give space for criticism by OHCHR, HRW, national media and social medias. But, they might create sense of shame on the government's violence by winning people's heart. So, here adopting tradition can be associated with adopting nonviolent way of fighting as did by Mohandas Karamchand Gandhi, Martin Luther King Jr and other successful nonviolent resisters in contemporary time. Erica Chenoweth and Maria Stephen in their book *Why Civil Resistance Works: The Strategic Logic of Nonviolent Conflict* state that "we analyze violent and nonviolent resistance campaigns between 1900 and 2006. Among them, over one hundred major nonviolent campaigns since 1900, whose frequency has increased over the time" (313). It shows today people believe in "justice in war to achieve justice of war" (1020) as Alice Ristroph in his study "Just Violence" believes. If we analyze, success rate of nonviolent

campaign, they further state that "the most striking finding is that between 1900 and 2006 nonviolent campaigns were nearly twice to achieve full or partial success. . . the success rates of violent insurgencies have declined" (Chenoweth and Stephen 313). It reflects that the resisters have been losing faith on violent insurgencies to achieve success today. To name some successful nonviolent campaigns; the "systematic nonviolent sanctions have removed autocratic regimes from power in Serbia (2000), Madagascar (2002), Georgia (2003), and Ukraine (2004-2005) . . . and forced Nepal's Monarch to make major constitutional concession (2006)" (300). Madhesi and Tharu too could fight through pen to institutionalize their agendas. Before winning their opponent with violence, they could win them spiritually, morally by using nonviolent intellectual means. In doing so they might not left space for their criticism. However, the way OHCHR and HRW featured them cannot be made unseen which shadows Madhesi and Tharu peoples' justifiable agendas and even overstates their violence.

To sum up, OHCHR and HRW have represented the resistance modality of Madhes and Tharu Movements from the western positionality, featuring them negatively. It shows their biased eyes to see the people of third world like Tharu and Madhesi as the people who are not capable for civilize refinement by highlighting their violence. Then, the underlying cause of representing defense modality of Madhes and Tharu Movement negatively is their orientalist positionality. Because, they are established, funded, operated and guided by western superpower who never seen non west people positively. Thus, through the means of representation, these organizations highlighted the violence of Madhes and Tharu Movements but shadowed their justifiable agendas.

Holding the status to exercise power as Foucault believe, they have been used biased words like 'brutally executed' to refer the killing of Madhesi protestors. Not only that through the

detailed description of the incident, both organizations construct negative images by referring Madhesi and Tharu protestors as extremist, aggressive, rapist who are lust for blood and lack civilized thought like intellectuality in choosing means of fighting. The politics of representing Madhes and Tharus' Movements can be seen in OHCHR and HRW's the use of techniques. For example, they created binary opposition and fixed difference between opponent and Madhesi and Tharu in their resistance modality, showing opponent very intellectual who followed nonviolence means to resolve the dispute like negotiation. Whereas, Madhesi and Tharu have been featured extremist as they did no compromise to avoid the violent clash. Similarly, by using omniscient point of view and pathos, OHCHR and HRW tried to bring hatred towards Madhesi and Tharu protestors and sympathy towards security force.

The representation of Madhes and Tharu Movement by OHCHR and HRW raise an ethical question of inclusiveness like whether the reporter is able to give enough space for both; Madhesi, Tharu and opponent or not? Are they biased in picturing incidents, in their use of language, point of view or tone? Because, the reporter's attachment to any group determines his/her position. And unfortunately, in both case, the reporter have given enough space to Madhesi and Tharu but negatively by showing their uncivilized attributes. Then, though it has provided less space to opponent's activities, it has featured positively by showing their civilized attributes. This even appropriates the discourse that ruling culture people fight intellectually whereas ruled fight barbarically. The reporter's detachment with Madhesi and Tharu protestors has been clearly reflected as they tried to create pathos against Madhesi and Tharu to bring people's sympathy towards opponents. Then, most importantly, they are biased as they highlight the violence of Madhesi and Tharu and tried to shadow opponent's violent intervention to the protestors. They have been used biased language which reflects negative attributes of Madhesi

and Tharu protestors and construct the negative meanings. Finally, the biased representation of Madhes and Tharu's resistance modality by OHCHR and HRW not only enabled to express hatred of people against Madhesi and Tharu in national and social media, but also assisted to polarized them into communal lines. Likewise, the disfavour that these organizations brought against Madhes and Tharu's resistance modality ultimately benefited opponent to justify and legalize their act of aggression and violence in the name of self defense and maintaining law and order in the society.

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