

## **PART-ONE: INTRODUCTION**

In this chapter, I am going to discuss about Affirmative Action, Reverse Discrimination, Dalits and Non-Dalits of Nepal and the issue of Reverse Discrimination in Nepal. It also discusses about the statement of the problem, objective of research study, rationale of the study, some central concept used in the study and organization of the research results.

### **1.1 The Context**

Affirmative action seeks to correct historical disadvantages and unfair discrimination by enabling access to full opportunity and benefits to groups that have been excluded. Overcoming the legacy of past inequality involves more than allotting some reserved seats in elected, administrative government, or in University admissions, etc. (Unequal Citizens)

Born of the civil rights movement three decades ago, affirmative action calls for minorities and women to be given special consideration in employment, education and contracting decisions.

Affirmative action decisions are generally not supposed to be based on quotas, nor are they supposed to give any preference to unqualified candidates. And they are not supposed to harm anyone through "reverse discrimination."

In the United States, affirmative action refers to policies that take gender, race, ethnicity into account in an attempt to promote equal opportunity and increase ethnic diversity in workplaces and schools.

The caste system in our country conceives some communities as lower castes. They are treated as untouchables. Those who are considered untouchables are preferred to be identified as Dalits. (Dalits Right Under Nepalese Legal System, Tek Tamrakar)

The asocial practice of untouchability was codified into a law for the first time in modern Nepal with the introduction of the Muluki Ain (National Code) of 1854. State support for this practice continued for over a hundred years. And extreme discrimination against Dalits continued unabated during this period. It was only after the introduction to the Naya Muluki Ain (i.e., New National Code) of 1963 that the

legal basis for untouchability was finally abolished in Nepal. However, discrimination against Dalits in social interactions is still common in most areas of the country. (Still Forgotten Citizens: A situation analysis of Madhesi Dalits, Save the Children, 2007)

The system of touchability and untouchability in the basis of purity and pollution in the name of caste was not firstly introduced in Nepal. It is the diffusion of Indian system.

In case of Nepal, it seems different periods in which Varna system (i.e. touchability and untouchability) was developed. Firstly, the Varna system in Nepal was drawn by the Lichchhavis came from India's west Vaishali in Prachin kaal that is ancient period (till 935B.S.). Categorization of work, food and drinking, way of living was declared on the basis of caste in Malla/Madhy kaal that is Mid Period (from B.S.935 to B.S.1825). When King Prithwi Narayan Shah united Nepal and declared Nepali as the garden of 4 Varna and 36 castes (i.e. Jaat), the caste system was rooted in the society. King's this statement shows that the Varna system was already rooted in that society. In B.S. 1910, the then Prime Minister Mr. Jang Bahadur Rana, introduced the Legal code 1854 and declared the caste system within paper too. In this legal code, different castes were divided into water acceptable (pani chalne) and water not acceptable (pani nachalne). In this sense, the discrimination on the basis of caste was started from here and this discrimination was made by the state to its own people. Later after, in B.S. 2015, "Nepal Adhirajya ko Sambidhaan 2015" was introduced on the basis of multy party system, In 2019 " Nepal ko sambidhan 2019" was introduced on the basis of aristocracy of King Mahendra, and again in 2047, "Nepal Ahirajya ko sambidhan 2047" was introduced on the basis of multy party system introduced in 2046. All these amendments talked about the equal rights of all its citizens in paper but in social every day life it was just a paper versus practice issue. (Nepal ma Jatpat Ra Chuwachut, Narayan Prasad Chandara, 2061B.S.).

Even after the introduction of the Naya Muluki Ain, the state did not fully commit itself to combating the practice of untouchability in social settings. For example, the constitution of Nepal 1990 indirectly continued to legitimize this practice by making provisions for allowing different population groups to maintain their "cultural

practice”. More specifically, Article 19.1 of the 1990 constitution states that” .....each individual will have the right to follow and practice one’s ancient religion by maintaining the dignity of prevailing tradition.” Allowing people to maintain the dignity of prevailing traditions without addressing the exploitative and discriminatory nature of some of these traditions implied that discriminatory behavior against Dalits in people’s homes and in certain public places such as temples would not be against the spirit of the constitution. Thus, the Constitution of Nepal 1990 allowed the continuation of caste-based discrimination in the name of respecting religion and culture. (Still Forgotten Citizens: A situation analysis of Madhesi Dalits, Save the Children, 2007)

According to Dr. Babasaheb Ambedkar, the caste system has been legitimized through the shastras. It has religion sanction. It is spiritual, moral, and legal. There is no sphere of life which is not regulated by this principle of graded inequality. (Moon: 1987a: 107)

The priestly Brahmins were at the top of the caste hierarchy with the Kshatriya (Kings and Warriors) just beneath them; next came the Vaishya (merchants) and the Sudra (Peasants and laborers). Beneath everyone were occupational groups. Considered “impure” and “untouchables” or “Ahhuts”. They now call themselves the Dalits.

Especially during the rule of the Rana oligarchy (1847-1951), the caste system of the dominant group was reinforced by the state. Nepal abolished caste-based discrimination in 1963. But the new legal code traced none can hamper the social values, norms, traditions and this declaration kept the caste system remaining in society. It was the paper Vs practice declaration. The constitution of 1990 established Nepal as a more inclusive state but it also has left room for the continuation of caste-based discrimination that’s why in many hierarchical institutions, especially the powerful informal networks, behavioral norm and expectations remained unchanged.

Mahatma Gandhi, an ardent champion for removing untouchability within the Hindu chaturvarna framework, called the untouchable, ‘Harijan’-man of god. The denominator was used in 1931 aimed conflicts between Gandhi and Ambedkar on the issue of political representation to Dalits on the basis of a separate community-distinct from Hindus. Gandhi borrowed the name from a Bhakti saint of the 17<sup>th</sup> century,

Narsinh Mehta. The term Harijan has been widely used by caste Hindus as a substitute for *achhuta*, i.e., untouchable. But Dr. Ambedkar and his followers did not find any difference whether they were called *achhuta* or Harijan, as the new nomenclature did not change their status in the social order. According to Ambedkar, saints (like Narsinh Mehta) never carried on a campaign against caste and untouchability. The saints of the Bhakti sect 'were not concerned with the struggle between man and man. "They were concerned with the relation between man and God" (Kumar 1979). Later, a section of the SC leaders rejected the term Harijan, considering it an insult rather than an honor.

In fact, it is true that Dalits have their multiple identities in case of religion, language, castes and so on but what is important is that they use the term *Dalit* for two important purposes. One is to retain their traditional identity and another is to develop and claim a new social identity 'of their choice'.

In short, in Nepal today, Dalit is most deprived caste group and the cause factor of their deprivation is social discrimination and poverty. Therefore, if the Dalits claim for affirmative action, it's full of justice for them. (Nepal ma Aarakshan sambandhi samajsastriya dristikon; Dilliram Dahal and Krishna Bahadur Bhattachan, paper presented in public debate organized by state democracy in south Asia project, 2004)

By the late 70s, however, laws in the policy began to show up amid its good intentions: Reverse discrimination became an issue, epitomized by the famous Bakke case in 1978. Allan Bakke, a white male, had been rejected two years in a row by A Medical School that had accepted less qualified minority applicants-the school had a separate admissions policy for minorities and reserved 16 out of 100 places for minority students. The Supreme Court outlawed inflexible quota systems in affirmative action programs, which in this case had unfairly discriminated against a white applicant. In the same ruling, however, the Court upheld the legality of affirmative action per se (<http://www.infoplease.com/ce6/history/A0802658>).

Today, in Nepal, affirmative action is on discourse. There are two kinds of perspective on affirmative action- for and against. This pros and cons have created the ideological, political as well as academic debate between Dalits and Non-Dalits. Or we may say that between dominant and dominated groups.

## **1.2 Statement of the Problem**

Many studies have been done about the subject in whom some theoretical, methodological and practical problems can be seen. They are mentioned below;

### ***Theoretical Problem***

The previous studies done by many researchers were based not on a single theory. Though some of them were based on particular theories like Marxism, Gender and symbolic theories but I noticed one thing that the previous theories are merely based on World system theory. This made me curious to seek the solution of respective problem by the help of world system theory. Because world system theory assumes that the world is divided on three parts; core, semi-periphery and periphery where single world economy exists. There in single world economy core exploits semi-periphery and periphery. Core purchase raw materials in cheap price by semi-periphery and periphery and vend the finished goods to them with high price. Just like this, non-Dalits take the Dalit's vote, they use Dalit skilled person, use them according to their wish and their organization's wish, using Dalit's vote, skill of work, knowledge and education, non-Dalits make the state policy according to their own need and exploit Dalits in many dimensions like socio-cultural, educational, economical etc. On the other hand, some of Dalits who are able to grab some of equal opportunity is very few and they are unable to help the rest mass of their community. Opportunity and access are being trickled down to Dalits by non-Dalits. None of community should exploit or none of community should be predominant and if it happens, unequal treatment leads to backwardness to the dominated society. Dalits were treated unequally by the history by non-Dalits therefore they are now being backwarded in acquiring equal access and opportunities. Previous studies are unable to address this problem.

### ***Methodological Problem***

Previous studies are often based on questionnaire and interviews. Some studies are done by case study methods. Beside that I didn't find other methodologies used frequently in case of affirmative actions. While some PRA methods can be used in this topic, like this focus group discussion also can be used while searching for facts.

The main cause of the problem we discuss always lies in the grass root level, where real victims of problem are. Therefore if we go to them and try to find out the problem according to them, it becomes more effective. If we discuss the problem with its victims the solution will be more reliable and useful. Previous studies are unable to address the grass root level suffer and articulation by their methodology.

### ***Practical Problem***

Caste system is in worldwide sphere though it has been seen in various forms like black and white in Europe, Tusi Hutu and Fwol in Indonesia, Brahmin Kshatriya Vaisaya and Saudra in India and Nepal etc. The core element of caste system is based on the purity and pollution. The history shows that so called upper castes always dominated the so-called lower castes in terms of their purity and pollution. They always subordinated them socially, economically, culturally, and so on. The upper caste group made the laws, norms, values, and traditions in their own favor and discriminated the so-called lower caste people. This discrimination took them to unfair treatment. And in presence, this unfair treatment led them to unequal and unfair competition.

Especially, when I was on the field, I found people belonged to so-called upper caste were responding to Dalits unequally. Dalits who are educated, economically strong and politically burly, they were treated equally in public sphere but not in private orb. They are also not heartly welcomed in kitchen. But the Dalits who are poor, uneducated and politically feeble were treated unequally in both private and public vicinity. Caste based discrimination has taken the concealed form in these days which is more peril than in times of yore because if something is felt, someone can response toward it but if a problem is present but not felt, problem creates suffer but cannot be responded in its well manner. This creates another huge problem in future. On the other hand, leaders are being unable to make Dalits aware about their rights to be educated, socially commendable, politically equal partakers and other rights like right over land, human rights etc. Dalit people of grass root level are unknown about their rights that government is providing them atleast in papers. They are being the victim of caste-based discrimination in different dimensions of the society like, socio-cultural, political participation, hiring and firing in jobs etc.

Because the state is always handled by the elites or the dominant groups, that's why the state also favored non-Dalits and discriminated to the lower caste people. Many laws, policies and programs are still discriminatory which are slowly being reformed. In this situation, the state may provide them the affirmative action for certain time so that they can come to equal state and get fair chance to compete with their equal competitors. On the other hand, state now has given some affirmative action for Dalits but its being unfair itself due to Dalit elites themselves. There are two kind of practical problem; one is; though the government has declared some facilities in papers but the governmental working mechanism like schools, collages, hospitals, are neglecting those paper commands. And on the other hand, the Dalit leaders, Dalit activists shows the problems of deprived Dalits , get the chance and full fill the quota by their own relatives. In this sense, the main deprived remains deprived forever.

Now a days, it is creating another problem too, there is raising a new groups of non-Dalits who say that affirmative action for Dalit by the state is being reverse discrimination for them coz there is some kind of miss use of affirmative action coz caste is being merit to get opportunity in spite of talent.

Therefore, to find out the need of Affirmative action for Dalits, different types of Affirmative action that might be helpful to Dalits, its impact on them is most important in present context. Today, it is necessary to find out whether the Affirmative action for Dalits is reverse discrimination for non-Dalits or not because none of community should be treated unequally.

### **1.3 Objective of the Study: General and Specific**

The general objective of the study is to analyze; is Affirmative action for Dalits, positive discrimination or it's a reverse discrimination? And the specific objectives of the study are:

- 1) To identify the need of affirmative action for Dalits.
- 2) To identify the types of affirmative actions that can be provided for them.
- 3) To identify the impact of affirmative actions on Dalits.

#### **1.4 Theoretical or Conceptual Framework**

My objective in this research is to find out if the state or government provides affirmative action for Dalits, whether it seems reverse discrimination for non-Dalits or not. For this purpose I will use the World system theory.

I mainly looked for the need, types and impact of affirmative action for Dalits and saw how Dalits want or not the affirmative action by the help of World system theory.

Technically speaking, World-systems analysis is not a theory, but an approach to social analysis and social change. It is based in part on the works of Samir Amin, Giovanni Arrighi, Andre Gunder Frank, and Immanuel Wallerstein with major contributions by Christopher Chase-Dunn, Volker Bornschier, Peter Turchin, Andrey Korotayev, Janet Abu Lughod, Thomas D. Hall, Kunibert Raffer, David Wilkinson, and others.

It should be noted that World-systems analysis is not only derived from the neo-Marxist literature on development but also from the French Annales School tradition (especially Fernand Braudel).

World Systems theory parts from the proposition articulated by the Latin American economist Osvaldo Sunkel, a representative of dependency theory:

Dependency and world system theory propose that the poverty and backwardness of poor countries are caused by their peripheral position in the international division of labor. Since the capitalist world system evolved, the distinction among the central and the peripheral nations.

The most well-known version of the world-system approach has been developed by Immanuel Wallerstein. Wallerstein analyzes the World System as follows: "A system is defined as a unit with a single division of labour and multiple cultural systems."

In Wallerstein's view, there have been three kinds of societies across human history: mini-systems and two types of world-systems (single state world-empires and multiplicity world-economies). World-systems are larger, and ethnically diverse.



World-systems analysis argues that capitalism, as a historical social system, has always integrated a variety of labor forms within a functioning division of labor (world-economy). Countries do not have economies, but are part of the world-economy. Far from being separate societies or worlds, the world-economy manifests a tripartite division of labor with core, semi-peripheral, and peripheral zones. In core zones businesses, with the support of states they operate within, monopolize the most profitable activities of the division of labor. In recognizing a tripartite pattern, world-systems analysis criticized dependency theory with its bimodal system of only cores and peripheries. There are many ways to attribute a specific country to the core, semi-periphery, or periphery.

Throughout the history of the modern world-system there has been a group of core nations competing with one another for access to the world's resources, economic dominance and hegemony over periphery nations. There has been one core nation with clear dominance over others since the beginning of the world-system. According to Immanuel Wallerstein, a core nation is dominant over all the others when it has a lead in three forms of economic dominance over a period of time: Productivity dominance, trade dominance, and financial dominance. Military dominance is also likely after a nation reaches these three rankings.

Thus, being based on the World system theory, I will consider non-Dalits as core and Dalit deprived as periphery. On the other hand, I will consider elite Dalits and non-Dalits as core and core competing each other for the dominance and hegemony over their periphery that is deprived Dalits. Though, if we surfacely analyze, world system perspective may be unfit to my study but I want to make clear that it can be used in my study because according to world system theory, world is devided on three parts; core, semi-periphery and periphery within a single world economy. There in single world economy core exploits semi-periphery and periphery. Core purchase raw materials in cheap price by semi-periphery and periphery and vend the finished goods to them with high price. Just like this, by using Dalit's vote, skill of work, knowledge and education, non-Dalits make the state policy according to their own need and exploit Dalits in many dimensions like socio-cultural, educational, economical etc. On the other hand, some of Dalits who are able to grabb some of equal opportunity is very few and they are unable to help the rest mass of their community. On the other

hand they are deviding those facilities on the basis of nepotism and favourism. But this is lower in comparison to access and opportunity enjoying by non-Dalits. Opportunity and access are being trickled down to Dalits by non-Dalits. Non-Dalits as a core are never in favor of Affirmative action for Dalits because Affirmative action gives equal chance to Dalits who are as periphery which decreases the chance of exploitation and made non-Dalits share their single cake of access and opportunity to Dalits too.

### **1.5 Rational of the Study**

In India, the Dalit movement under the leadership of Dr. Ambedkar was actively involved in politics by the late 1920s. Political power, Dr. Ambedkar believed, could help Dalits solve their socio-economic problems. Dalits have followed two paths in the political arena for asserting their demands. One is an agitational politics or direct action through struggles and the other is a participation in parliamentary politics (Dalit identity and politics, page: 34).

In Nepal, caste system was drawn up from the neighbor country India, where firstly the caste system was developed thousands of years ago. In Nepal, the caste system was firstly legalized by the legal code of 1854 (1910 B.S.). This legal code has divided all the Nepalese in four castes, they are; tagadhari, matwali, pani nachalne choichito halnu napanne and pani nachalne, choichito halnuparne. Later on, amended new legal code of B.S. 2021 kept quite about the caste system, this made the caste based discrimination strong and gave regularity to it.

In B.S.2063, new Interim constitution was introduced which declared Nepal as caste free country. In this time a great political revolution took place and every caste, ethnic group seek their own identity for their betterment. In this case, on one hand the affirmative action for Dalit became an issue and on the other hand, non-Dalit made it as the issue of reverse discrimination.

If we analyze these trends, we can conclude that Dalit identity and politics is supplementary to each other and the society, the political leaders and the state are responsible for their downtrodden condition on one hand. On the other hand the world has changed so the ideas are. Today, if we take caste as a merit not talent while giving

the opportunities, it will be unfair. In this case, it's really rational to seek that do Dalits really need affirmative action? Does the affirmative action for Dalits may be reverse discrimination for non-Dalits?

This study has been found out whether the affirmative action for dalit will be reverse discrimination for others or not? Do really Dalits need some positive discrimination? Therefore, this study is more significant to seek the main problem of Dalits and to conclude that whether the affirmative action for Dalits is necessary or not.

## **1.6 Some Central Concepts Used in the Study**

### **1.6.1 Dalits**

Though, there are many views upon the definition of Dalits and it is still not defined in certain terms in case of Nepal. However, in my study Dalits mean the people of Nepal, who are historically discriminated on the basis of caste in its retaining old caste based system suffering from restriction on the use public amenities, deprivation of economic opportunities, and general neglect by the state and society.

The term 'Dalit' has etymological link with Nepali words 'Dalnu' which means to crush, exploit, oppress or suress. It is also derived from 'Daldal' or swamp, know whether it is difficult to extricate.

In accordance with the 1854 National Code, Achhut or Dalit is a member of the lowest caste family from whom sater is not accepted, and physical contact requires purification by sprinkling of water. It basically includes occupational caste groups, which were owe called "Achhut" under the Hindu caste system practiced during the medieval period (AD 1100-1500). The Nationale Code amended in 1963, however, made it illegal for anyone to claim inferiority or superiority on the basis of the caste system.

Dalits in Nepal face a powerful combination of social discrimination and violence that enforces their second-class status. Government inaction helps preserve this second-class citizenship: the Nepalese government often fails to prosecute those who engage in discrimination against Dalits and has yet to create a comprehensive plan for ensuring the rights of Dalits. In September 2001 the international community pledged

to redouble its efforts to end race and caste-based discrimination, calling for an end to all such practices at the close of the United Nations World Conference against Racism ([www.hrw.org/english/docs/2004](http://www.hrw.org/english/docs/2004)).

### **1.6.2 Non-Dalits**

Those groups of people, who fall in the upper category of the Hindu Varnashram who are generally known as upper caste and their food, water and social rituals are generally acceptable to all the categories from the particular Varnashram in Hindu religion, are considered as non-Dalits in my study.

In terms of Nepal, non-Dalits are predominant on education, politics, socio-cultural status and other aspects. They are leading the policy making level and are the persons in command.

### **1.6.3 Affirmative Action**

The term Affirmative action (a policy designed to redress past discrimination against women and minority groups through measures to improve their economic and educational opportunities) is defined with various definitions as;

The term affirmative action refers to policies that take race, ethnicity, physical disabilities, military career, gender, or a person's parents' social class into consideration. The focus of such policies ranges from employment and education to public contracting and health programs ([www.wikipedia.org](http://www.wikipedia.org)).

(Sociology) *US* a policy or program designed to counter discrimination against minority groups and women in areas such as employment and education Brit equivalent positive discrimination (<http://www.thefreedictionary.com>).

In my study, Affirmative action means a policy or a program that seeks to redress past discrimination through active measures to ensure equal opportunity, as in education and employment.

#### **1.6.4 Reverse Discrimination**

Discrimination against members of a dominant or majority group, especially when resulting from policies established to correct discrimination against members of a minority or disadvantaged group (<http://dictionary.reference.com>).

In my study, Reverse discrimination refers explicitly to laws and policies which deny certain opportunities, jobs, employment, contracts and educational admissions to "Non-Dalits" in favor of other, government-defined "disadvantaged" racial groups that is "Dalits". Sometimes these policies and laws are collectively, if historically inaccurately, referred to as "Affirmative Action".

#### **1.6.5 Households**

Though, various people define households in different way. Some define house hold as "A domestic unit consisting of the members of a family who live together along with non-relatives such as servants" ([www.thefreedictionary.com](http://www.thefreedictionary.com)).

Another definition is;

1. the person or persons who live in one house, apartment, etc.; variously, one person or a group, esp. a family
2. The home and its affairs ([www.yourdictionary.com](http://www.yourdictionary.com)).

But the definition which is most similar to my house holds is:

Individuals who comprise a family unit and who live together under the same roof; individuals who dwell in the same place and comprise a family, sometimes encompassing domestic help; all those who are under the control of one domestic head (<http://legal-dictionary.thefreedictionary.com/>).

#### **1.7 Organization of the Research Results**

The results of this research study are presented in five chapters. The introductory chapter describes affirmative action for Dalits and the issue of reverse discrimination, objective of the study, rational of the study, theoretical framework and the key concepts used in the research. The second chapter reviews previous literature related

to affirmative action and the issue of reverse discrimination. The third chapter illustrates about the methodologies used in this research. Similarly, the fourth chapter (analysis and interpretation) presents brief overview of the overall situation of Dalits in comparison to Non-Dalits and the need, types and the effects of affirmative action on Dalits. In the fifth section, I have pointed out major findings and have mentioned recommendations for further researchers. Two annexes have supported the research. At the end, references that were used in this research have been mentioned sequentially.

## **PART-TWO: LITERATURE REVIEW**

In this chapter, I am going to review some literatures concerned with Affirmative Action and Reverse Discrimination. Here, I am going to analyze whether Affirmative Action proves reverse discrimination or not? Are there any examples that prove Affirmative Action is helpful to uplift the marginalized groups like Dalits. Who are Dalits and Non-Dalits, how the situation of Dalits in Nepal is, why Dalits in Nepal need Affirmative action and what is the world's scenario about Affirmative action and Reverse discrimination.

### **2.1 Literature Review Results**

I reviewed various literatures related to my study and set them in different sections. This result shows that Dalits in Nepal are down trodden and are being discriminated by the history by society as well as the state. Affirmative action is all about the policies that help to overcome by all the discrimination and unequal treatments. Issue of Reverse Discrimination rose together with affirmative action firstly in USA and it is now in Nepal.

I have presented the literature review result about Affirmative action and the Reverse Discrimination in the section 2.1.1

#### **2.1.1 Affirmative Action and the Reverse Discrimination**

Affirmative action refers to a series of actions that constitute a strategy to secure equal opportunities, particularly in education and employment, for racial minorities and women. This strategy in turn, is designed to achieve parity for racial minorities and women in areas where they are underrepresented (International Encyclopedia, Vol-1, 1995, pp: 15).

Affirmative action has been the focus of spirited debate in scholarly circles, among government policy makers and legislators, and-perhaps more than other racial issue-among the public. Although many people have strong opinions on Affirmative action, the debate can become quite confusing, since the term "affirmative action" refers to a broad range of activities. In his 1992 publication *The Constitution and Race*, Donald Lively says that affirmative action can refer to examining recruitment and promotion

activities for obstacles to minorities, and to practices designed to assure a broader base of candidates for positions by race. It can also refer to policies and actions that give extra consideration, or preference, to racial minority and/or women candidates. Basically, as stated by Daniel Maguire in his *A Case for Affirmative Action* (1992), affirmative action is composed of two core elements: remedial affirmative action and preferential affirmative action. It is the latter that has sparked the debate, according to Maguire (*ibid*).

Affirmative action was developed in order to combat racial and sexual discrimination in the labor force, although debates over affirmative action are largely focused upon its racial dimension. The major targets for affirmative action policies have been professional schools and places of employment. The legal basis for affirmative action is found in the Fourteenth Amendment, which requires “equal protection under the law”; in several Executive Orders; and in the Civil Rights Act of 1964. Legal experts, however, notably those sitting on the Supreme Court, have been quite varied in their interpretations of legislation related to affirmative action (*ibid*: 16).

Generally, the debate over affirmative action policies concerns the issue of whether efforts to abolish race discrimination must include measures to overcome the ongoing effects of historical injustice. Furthermore, questions arise concerning whether governance should be “color-blind”, therefore rendering any race-specific policies questionable. Some say that people arguing for a color-blind approach ignore the historical dimensions of institutionalized racism (*ibid*).

James E. Jones argues in *Race in America: the Struggle for Equality* (Herbert and Jones, 1993), that a kind of affirmative action was first developed to assist African Americans following the abolition of slavery in the United States (*ibid*).

Opponents of affirmative action claim that any racially specific preference system is a form of “reverse discrimination”. Such a practice, they say, repeats the same behavior that civil rights enthusiasts condemn-discriminated by race.....they argue that rewards should be based on merit, not on group membership, and that race-specific strategies lead to quotas and/or to the placement of unqualified (undeserving) individuals into positions simply to meet those quotas (*ibid*).



There are three common myths about affirmative action: Affirmative action means that incompetent people are given jobs for which they are unqualified, affirmative action always involves preferential hiring or admissions for members of certain racial or gender groups and when affirmative action involves preferential hiring or admissions, as it sometimes does, this is always discrimination in the bad sense of the term. ([www.wku.edu](http://www.wku.edu)) but these are only the myths, when we realize that affirmative action includes “good faith” outreach efforts to recruit minorities and women; it seems itself that above understandings are false.

Reverse discrimination is discrimination against members of a dominant or majority group, or in favor of members of a minority or historically disadvantaged group. Groups may be defined in terms of race, gender, ethnicity, or other factors. This discrimination may seek to redress social inequalities where minority groups have been denied access to the same privileges of the majority group. In such cases it is intended to remove discrimination that minority groups may already face. "Reverse discrimination" may also be used to highlight the discrimination inherent in affirmative action programs ([www.wikipedia.org](http://www.wikipedia.org)).

Discrimination in hiring, college admissions, etc. directed against members of certain social or racial groups, as white males, thought of as being dominant or having benefited from past discrimination against minority groups who are now favored, often as a result of affirmative action ([www.yourdictionary.com](http://www.yourdictionary.com)).

Reverse discrimination describes policies or habits of social discrimination against members of a historically dominant group with an implication of unfairness. Sometimes reverse discrimination can result from affirmative action policies created to decrease discrimination in the workplace against minority employees. In many democratic societies, the dominant group is in the majority, and the disadvantaged is in the minority. It refers to any negative impact that affirmative action may have on whites, which is seen as equivalent to the illegal discrimination that has been faced by people of color and women for centuries. Reverse discrimination is sometimes considered synonymous with the term affirmative action. Critics of affirmative action claim that it decreases the proportion of opportunities within the society available to members of the traditionally dominant group in comparison with their historical level

of opportunities Most forms of reverse discrimination are now illegal in most countries, however in some countries, like the U.S, affirmative action assisting minorities is required by law (<http://definitions.uslegal.com>).

The issue of reverse discrimination first reached the nation's highest court in the 1970s, when a student with good grades named Allan Bakke accused a University of California medical school of twice denying him admission because he was white. Strict racial quotas were unconstitutional, the court said —affirmative action was not. But that ruling far from decided what many considered the big-picture issue: Does protecting minorities discriminate against the majority? By the late '70s, however, flaws in the policy began to show up amid its good intentions. Reverse discrimination became an issue, epitomized by the famous Bakke case in 1978. Allan Bakke, a white male, had been rejected two years in a row by a medical school that had accepted less qualified minority applicants—the school had a separate admissions policy for minorities and reserved 16 out of 100 places for minority students. The Supreme Court outlawed inflexible quota systems in affirmative action programs, which in this case had unfairly discriminated against a white applicant. In the same ruling, however, the Court upheld the legality of affirmative action per se. The history of Affirmative action shows that affirmative action for the first time was introduced in 1961 by instructing federal contractors to take "affirmative action to ensure that applicants are treated equally without regard to race, color, religion, sex, or national origin" in the presidency of John F. Kennedy.

Now, when the issue of elimination of affirmative action is in the peak, Jose J. Soto from Lincoln, Nebraska, offers certain conditions only under which the affirmative action can be eliminated: share of women and minorities in leadership, decision-making roles, education, business, industry and government; actively solicited, present, heard, and accorded the voices and views of minorities and women; supportive policies, practices, attitudes, and structures of institutions, organizations and workplaces for the development and success of qualified minorities and women; cultural, social, and interactional environments; inclusion, representation and participation of minorities and women. On the other hand, there are some Major criticisms of affirmative action too. They are; Many people argue that affirmative action has caused reverse discrimination against Whites, critics of affirmative action

usually believe that people should be selected for positions based on merit alone, opponents of affirmative action argue that these policies move America away from the goal of achieving a color-blind society, some critics state that young minorities joining the workforce expect that affirmative action will get them promotions, many people argue that affirmative action stigmatizes recipients. Thus, in one hand affirmative action is needed; on the other hand we cannot neglect the negative aspect of it.

According to Pratkanis and Turner (1995), affirmative action can be more effective in certain conditions like; establish unambiguous, explicit, and focused qualification criteria to be used in selection and promotion decisions, communicate these requisite criteria clearly, assure that selection procedures are perceived as fair by relevant audiences, emphasize the recipient's contributions to the organization and his or her specific competencies, improve effectiveness, decrease the level of stigmatization.

More than 30 years, and scores of lawsuits later, the question remains unanswered. Meanwhile, more Americans came to believe that affirmation action is no longer necessary, and that instead of leveling the playfield for minorities, it unfairly punishes whites ([www.msnbc.msn.com](http://www.msnbc.msn.com)).

### **2.1.2 Dalits and the Unequal Treatment**

In case of Nepal, Nepal retains its centuries-old caste system. Dalits, the discriminated people under this system, suffer from restriction on the use public amenities, deprivation of economic opportunities, and general neglect by the state and society (Dalits of Nepal: Story of Discrimination, Anita Shrestha, [www.hurights.or.jp/asia-pacific](http://www.hurights.or.jp/asia-pacific)).

In view of the still unsettled system of classifying Dalit caste groups, estimating the Dalit population is difficult. One estimate puts the number of Dalit people at 13.09 % out of the total population of 23,151,423. This means that the total Dalit population is 3,030,067, with *Kami* the largest group with 29.57% and *Halkhar* the smallest group with 0.12 %. Dalit women comprise 51% of the total Dalit population (ibid). Dalits are discriminated against on the basis of caste and “untouchability.” They are not only discriminated by the so-called higher caste people in the Hindu system, but also by

people within the same caste. Dalit women suffer much more than Dalit men (ibid). Various studies show that most Dalits suffer from discriminatory practices involving food and drink (38.9%) and prohibition of entry into houses, temples and other public places (28.3%). Both studies show that incidence of castebased discrimination is higher in the western region than in the eastern region of the country. It means that the form and extent of discrimination against Dalits are positively correlated with the extent of development of the area where they reside: Social and cultural discrimination, Traditional caste-based occupation and forced labor, Discrimination in education, Denial of entry, Low participation in activities of the government, non-governmental organizations and donors, Social boycott, Weak exercise of political rights, and various Atrocities against Dalits (ibid).

The Dalit problem cannot be resolved overnight. Its solution requires a combination of action on the part of the Dalit communities, the government, and the political parties. The Dalit issues should now be treated as political issues that deserve the attention of government bureaucrats and politicians. Laws against the discrimination of the Dalits should be properly enforced, and government programs for uplifting the economic and social status of the Dalits should be fully implemented (ibid).

In Nepal, During the Panchayat period, and the first ten years of multiparty democracy, Brahmins and Chhetris were able to maintain around 60 percent presence in the legislature, and Newars just below 10 percent. Janajati and Madhesi presence is limited, and does not accord with their proportion in the population. Dalits moreover were almost entirely absent from parliament and only had one representative during the entire multiparty period. 43 percent of Hill dalits and 76 percent of Terai Dalits have not been to school. Dalits have the lowest completion rates for primary education. For S.L.C. level education the completion rates are even lower for dalits while dlits have increased their share in the graduate or higher education level, they still account for less than one percent of the graduate population (census2001, CBS). On the other hand, in case of educational level of Dalits, total percentage of Dalit literacy is 14.6% where 11.4% are in primary level, 2.8% are in secondary level and 0.3% is in S.L.C. level. Percentage above primary certificate level and above is only 2.2% (central statistics bureau, 2058 B.S.) This shows Dalits are really in deprived condition and they need the affirmative action in the field of education too.

Affirmative action in education may be an appropriate medium for them (“Shaikshaik aarakshan: Karyanwayan ko prashna”, 2061 B.S.).

Dalits have also poor health outcomes. They have lower health indicators than other groups and have the shortest life expectancy (50.8) than other groups. Dalits also have the highest IMR (116.5) compared to the national average of 79/1000. A Dalit child is twice as likely to die in its first year as either a Brahmin or a Newar child. Under-5 mortality is also higher (171) (UNDP2001). This is probably at least partly because women from the Brahmins and Newar caste groups have the highest literacy rates and a strong linkage is found between mother’s education and child survival (NDHS2001) but it’s neglected in case of Dalits.

Policymaking is also important. The current international understanding of the human right to equal treatment does not allow discrimination based on caste. Unfortunately, cultural practices and even some laws in Nepal still discriminate on the basis of it. Other laws aimed at protecting people from discrimination have been weakly implemented. It is clear that even the best-designed legal provisions can’t be on their own end the exclusion some citizens face because of their caste. Deep rooted values and discriminatory attitudes often lead to poor implementation of laws. The challenges therefore are not only amending laws but also changing the mindset of people and formal and informal institutional mechanisms that perpetuate discrimination. According to the census 2001, Dalits comprised 13 percent of the population. Nepal’s Dalit population can broadly be categorized as either Hill Dalits (who make up 61 percent of Dalit population) or Terai Dalit (who made up the rest i.e. 39 percent).

Nepal has experienced a number of significant political changes recently as a result of the People’s Movement of 2006. With the signing of the Comprehensive Peace agreement in November 2006 between the Maoists and the seven political parties, Nepal has embarked on a journey to permanent peace. As a result of this process, the restored parliament has declared Nepal as “Discrimination Free State” for the elimination of untouchability, on June 4, 2006.

### **2.1.2.1 Interim Constitution (2007) and the Dalits**

Nepal now has an Interim Constitution (2007) that has declared Nepal as a multiethnic, multilingual, multi-religious, and multi-cultural secular state. It has also clearly stated that the State shall not discriminate among citizens and that there shall be no discrimination against any citizens in the application of general laws on grounds of religion, race, sex, caste, tribe, origin, language or ideological conviction. In addition to this general statement on non-discrimination, the Interim Constitution has a separate article on “Rights against Untouchability and Racial Discrimination” under which the following points are explicitly mentioned.

#### **Right against Untouchability and Racial Discrimination:**

- 1) No person shall, on the ground of caste, descent, community or occupation, be subject to racial discrimination and untouchability in any form. Such a discriminatory act shall be liable to punishment and the victim shall be entitled to compensation as provided by the law.
- 2) No person shall, on the ground of caste or tribe, be deprived of the use of services, conveniences or utilities available to the public, or be denied access to any public place or public religious places, or be prevented from performing any religious act.
- 3) No person belonging to any particular caste or tribe shall, in relation to the production or making available of any goods, services or conveniences, be prevented from purchasing or acquiring such goods, services or conveniences; and no such goods, services or convenience shall be sold or distributed only to members of a particular caste or tribe.
- 4) No one shall be allowed to purport to demonstrate superiority or inferiority of any person or a group of persons belonging to any caste, tribe or origin; or to justify social discrimination on the basis of caste and tribe or to disseminate ideas based on caste superiority or hatred; or to encourage caste discrimination in any forms.
- 5) Any act contrary to the provisions of clauses (2), (3) and (4) shall be punishable in accordance with law (Page: 64-66).

In part four of the Interim constitution of Nepal, 2063 (2007), in article 33, clause (d) as the responsibility of the state it is clearly declared that to carry out an inclusive, democratic and progressive restructuring of the state by eliminating its existing form of centralized and unitary structure in order to address the problems related to women, Dalits, indigenous tribes (Adivasi Janajati), Madhesis, oppressed and minority communities and other disadvantaged groups, by eliminating class, caste, language, gender, cultural, religious and regional discrimination (page:78). And in (d1) it is clearly said that **to enable Madhesi, Dalits, indigenous ethnic groups(Adivasi Janajati), women, laborers, farmers, the physically impaired, disadvantaged classes and disadvantaged regions to participate in all organs of the state structure on the basis of proportional inclusion.**(page:80)

In article 35, in clause (14) the main important declaration has been pointed out, in this clause it is clearly said that, **the state shall pursue a policy of making special provision on the basis of positive discrimination for the minorities, landless, squatters, bonded laborers, persons with disability, backward communities and sections, and the victims of conflict, including women, Dalits, indigenous tribes (Adivasi Janajati), Madhesis and Muslims.** (Page: 86) but in clause (18) the state policy is again seems conflicting because it is pointed out that, **the state shall pursue a policy of modernizing the traditional knowledge, skill and practices existing in the country by identifying and protecting them.** (Page: 88) this denotes that the state is still more or less biased in case of Dalits, Adivasi Janajati as well as Madhesis.

In part 18, the interim constitution talks about political parties. In article 142, in clause (3) under the sub-heading; it is said that, **there should be a provision for the inclusion of members from neglected and oppressed groups including women and Dalits in the executive committees at various levels.** (Page: 208) this shows the state is being conscious for its citizens in last some years, but the discrimination in ideas are still remaining because the political parties are shown to be just formal about this point as the article (3) pointed out. (The Interim constitution of Nepal 2063)

These declarations in the Interim Constitution have been backed an agreement among the eight political parties (including the Maoists) to ensure the proportional inclusion of different caste and ethnic groups in the Proportional Representation part of

Constituent. Assembly elections scheduled for November 2007. At the behest of these eight parties, the interim parliament has also declared Nepal a nation free of untouchability. Furthermore, the upcoming National Interim Plan is expected to have policies and strategies to promote inclusive development with a special focus on excluded communities like Dalits, Madhesis, Janajatis, people with disabilities, and the poorest of the poor while the demands of Dalits to the states are, states apology for discrimination and untouchability in the past, removing flaws and ambiguity from the existing laws, resolving the all problems associated with citizenships of Dalits, representation of Dalits in parliament, Elevate National Dalit Commission, Free all Dalit laborers, and rehabilitate them, Reserve compensatory 20% quotas and special seats for Dalits in education, public service, and other public appointments at all entry levels, Adopt a strong policy of affirmative action for Dalits in all high level appointments, Denounce and disband all expressions, proverbs, verbatim or written works, which promote hierarchical caste discrimination and untouchability in the society, Create courteous environment for all Dalits to enter and move around all public premises and provide adequate security support towards this end, as may be required ([www.dalitinfo.com](http://www.dalitinfo.com)).

Thus, the interim constitution of Nepal, 2063 (2007), as amended by the first, second and third amendments, shows that the state is trying to overcome its discriminations toward its citizens which it has made before in history but the policies are still weak and the positive discrimination toward it is loose in comparison to the social discrimination made by the state through the constitution or the legal codes in the history.

### **2.1.3 Dalits and the Affirmative Action**

According to Dalit activists, Dalits are facing many negative social problems, they are being deprived, they are taken as neglected and are dominated by the government in every sector. So as the excuse of the discrimination made by the state from a long time and to return their own rights and equality captured by the government as a equal citizen, the system of affirmative action should be introduced for Dalits (Shaikshaik aarakshan: Karyanwayan ko prashna, 29 Shrawan 2061B.S.).



“Unequal Citizens: Gender, Caste and Ethnic Exclusion in Nepal; Summary” has made a study about exclusion and inclusion including affirmative action but it’s only the summary which cannot justify the whole advocacy of the affirmative action for Dalits.

While talking about the Human Rights, the book “State, Society and Human Rights In South Asia” talks most about the different types of human rights including caste but its silent about providing the human rights to so called lower class through reservation. It has no solution for them; it’s just an analysis without any recommendation.

Many authors have done the study about the dalits by different perspective in the book “Dalit Identity and Politics” edited by Ghanshyam Shah published in 2007 as fourth printing. They all have questioned about the position of Dalits in the society and talked about the affirmative action for them by government but the way they talked is not clearer. The book as mentioned in its heading talks more about Dalit identity and the politics but it’s not sufficient to ask their problems though it advocates about the affirmative action for them by the government.

A case study of Uttar Pradesh shows that the state may intervene to protect individual rights, but that the state generally refrains from interfering in panchayat justice (State, Society and Human Rights in South Asia, page: 27).

According to the book “Nepal maa Jatiya BhedBhaaw” by Dr. Krishna Bhattachan, Tej Sunar and Yaso Kanti Bhattachan(Gauchan), Dalits are facing discrimination on various aspects like education, politics, state policies, social status, occupation, labor market and so on. And to overcome this discrimination, the state is still not seems to be responsible. Though Nepal has signed many international human rights treaties but it’s only on paper not in practice. Thus, Dalits are still needy of more facility than non-Dalits and the state should overcome the problem.

According to the “Naya Sambidhaan ma Dalit ka agenda haru 2065” by Dalit NGO Federation, In the new constitution of Nepal, affirmative action for Dalits in policy formation level, access of Dalits in land and natural resources, caste free state in practice, education, guaranty healthy life, legal facilities for caste free society, federal

system are to be the main agendas where they have focused on affirmative action mainly.

According to “Rajnaitik parti ka ghoshana-patra ma Dalit” a report by Dalit NGO Federation, all the political parties have talked about affirmative action for Dalits in their own way but they are being paper versus practice problem.

According to “Aarthik barsa 2065/2066, Nepal Sarkar ko niti tatha karyakram ra budget ma Dalit” by Hira Bishwakarma, the state policy and the budgeting for Dalit is so weak in the areas of land, education, local areas, credits, old pensions etc. and the state has to be responsible for it.

In the book “Dalit Assertion And The Unfinished Democratic Revolution” , Sudha Pai talks about the affirmative action and The Bahujan Samaj Parti as the product of affirmative action for Dalits. This is a book, which traces the rise, and growth of the BSP in Uttar Pradesh, and in the process dispels several myths and a historical interpretations. The BSP and its leaders are a result or three or four decades of a politics of ‘reservation’ (affirmative action) and a new generation of post-independence educated, upwardly mobile, socially aware and politically conscious Dalits (Dalti Assertion and The Unfinished Democratic Revolution, xi).

The issue of social justice for the Dalits is rooted in debates in the colonial period, over questions of reform and reservations for the depressed classes. By the end of the colonial period, there was broad consensus among all political and social groups that affirmative action for the Scheduled Caste should be incorporated into the Indian Constitution. In order to end all kinds of discriminatory practices, the Constitution provided justifiable rights of equality and equal protection under the law to all citizens, in order to create a society in which all individuals are equal and treated equally. This was in contrast to the traditional hierarchical society in India, in which untouchables were placed at the bottom. Second, in order to overcome the impact of historical divisions, which created segregation and subordination in society, the Constitution empowered the state to make special provision for the advancement of any socially and educationally backward class pf citizens. The provisions include reservations in the Legislature and bureaucracy, socio-cultural safeguards and programmes for economic upliftment. The Directive Principles of State Policy

promote the same principle in various ways. Though non-enforceable, they were to be regarded as fundamental principles for the governance of the country. In short, the state was expected to promote a 'social order in which justice-social, economic and political-shall inform all the institutions of national life'. The BSP leadership argues that the Indian State, controlled by the upper castes/classes, despite these provisions made in the Constitution, has failed to provide social justice to the oppressed sections. It believes that only a state ruled by the Dalit-Bahujans, i.e., the Dalits and the backwards is capable of providing social justice, by using the backwards in capable of providing social justice, by using the bower of the state from above, rather than by a social revolution; from below'. Hence, capture of power by the BSP is imperative.

BSP is exclusive, i.e., meant only for the Dalits, because they have been the most oppressed and exploited section of Indian society. It is also retributive because it seeks to rectify the 'historical wrongs' perpetuated upon them by the upper caste Hindus and establish a new social and political order. To achieve these goals, the leaders of the BSP argue that capture of state power is essential, because it will allow them to replace the 'manuvadi' forces that have ruled UP for a long time. The new social order can then be achieved by using state power for 'social engineering' from above, i.e., by introducing developmental and welfare programmes for Dalit upliftment, rather than a revolution based upon mobilization and destruction of the existing unequal social order 'from below'. Hence, the state is the instrument through which social justice can be attained (ibid: 22).

At Independence, a democratic Constitution and institutions were established in the country. The founding fathers of the new Republic believed that affirmative action granted to the Dalits, together with adult franchise, industrialization, land reform and social change over a period of time, would erode the caste system. Under the ambit of the Nehruvian agenda, the government launched an attack on the caste system through measures, such as abolition of untouchability, positive discrimination and welfarism. But, despite the establishment of a democratic system, equality before the law, freedom of expression and adult franchise, a hierarchical and unequal social order continued. Poverty and low rates of literacy among Dalits prevailed. Due to their superior economic and social position, and access to education, the upper castes/classes, in the post-independence period, continued to control all institutions of the

state and society. A procedural democracy with regular elections, but not a fully participatory democracy, operated, but civil society, based on equality and citizenship rights did not develop. Despite the establishment of a democratic framework, civil society in India, until recently, remained elitist, and was in Hegelian terms a 'bourgeoisie society', limited to a few 'proper citizens'.

A significant contributory factor was capitalist development, which heightened inequalities between the Dalits and non-Dalits, and between sub-castes of the former, as well. Agrarian capitalism, particularly in the countryside, increased existing inequalities between the landowning middle castes and the Dalits, leading to exploitation and caste atrocities. As a result, dalits living in the rural areas of UP remain poor, with low literacy levels and opportunities for advancement. They continue to be isolated and vulnerable to atrocities. Their social status is still determined by the 'Brahmanical hierarchies', constructed by traditional Hinduism, to much greater extent than the 'colonial and material hierarchies', constructed in more recent times. Therefore, the transition from 'caste' to 'class' continues to remain and unfinished and problematic agenda for Dalits. Although, in some cases, their class status has changed, their social experiences continue to be determined by their caste status (ibid). As our study shows, the Dalit movement in UP has been through phases of separatism and integration with upper and middle castes/classes, and of rise of lower-caste parties, such as the BSP, that the exclusion of Dalits from the fruits of post-independence development has been militantly questioned, thereby leading to some change.

Thus, in the book "Dalit Assertion and the Unfinished Democratic Revolution", Sudha Pai analyses that, BSP has succeeded in emerging as an important movement/party and even captured power, but it does not know where to go from there. There is strong assertion on the part of Dalita, but they seem to lack both a sense of direction and an agenda for change. The movement needs to develop a new ideological perspective based upon the needs of the disadvantaged sections to carry forwards its project of social transformation.

The book "Social Ideology of B.R. Ambedkar" edited by S.R. Bakashi talks about the Dr. B.R. Ambedkar and his contribution for Dalit movement in India. Book is more

focused on Ambedkar's life history more than movements and the findings. Though it has mentioned when and how Ambedkar asked for the Dalit's upliftment. The book is helpful to know the history of Dalit movement but not sufficient.

In case of Nepal, despite having mostly the same culture and religion as the dominant/majority group, Dalits are not allowed to profess and practice their ritual/religious practices freely. They are routinely refused entry into public temples, tea shops and schools, and denied the use of public wells and taps. They are also refused to enter and receive service in restaurants and hotels, and lack opportunities for employment. Likewise, they are denied the right to sell milk and open teashops. Most seriously, they are also refused right to marry with free consent. However with these continued atrocities on Dalit in the name of inter-caste marriage, temple entrance, and denying departures from the traditional occupations, the Government of Nepal has not thus far seriously attempted to introduce or enforce legal provisions to deal with such practices.

As mentioned above, although caste-based discrimination is illegal under the Constitution, the chances of Dalits getting restitution for injustices committed against them are remote. Despite the governmental recognition of 'untouchability' related castes, atrocities based on caste are not decreasing. The police administration and concerned authorities are not accountable. The government often fails to prosecute those who engage in discrimination against Dalits. Very often the victims do not even lodge complaints. Dalits have no faith towards the administrative and justice system. Impunity seems to prevail with regard to violations against Dalits.

The provision of reservations in India did not alleviate poverty and end oppression; it gave birth to a new elite class within the community. Experts on reservation social complexities must be understood before introducing reservation in a multi-cultural country. In Nepal, there are 100 ethnic, 92 linguistic groups and nine religions. The list might even increase with the rise of identity politics in the country.

One of the key issues is that there are sub-groups within groups (women, Janajatis, Madhesi, and Dalits, the disabled and underprivileged regions). For instance, within the Madhesi community there are Muslims, Dalits and Janajatis.

There are six Pahadi Dalits, 14 Madhesi Dalits and five Newar Dalits. There are 59 groups in the government classification of indigenous nationalities.

There is a 'poor class' within each linguistic, ethnic and regional community. Affirmative action is supposed to uplift them, but what may look workable in the beginning, may turn out to be infeasible as it has in India. Reservations for ethnic communities in India gave rise to an affluent class instead of alleviating poverty. The proponents of reservation consider this an achievement but it did not change the lives of the poor families.

In India, there are 403 seats in parliament of which 80 are allotted to Dalits. But it has taken India 50 years to understand that the poverty knows no caste. Chief Minister of Uttar Pradesh Mayawati is a Dalit and has been elected four times, but the condition of Dalits in her state has not improved. Lucknow may be thriving, but the nearby Dalit settlement of Ompur is no better than it was. Tamil Nadu fares no better. Out of 60.25 million people in that southern state, 20 per cent are Dalit. The Indian constitution has reservations for only Hindu Dalit but the poor non-Hindu Dalits are deprived of reservation even though Dalits remain Dalits no matter what religion they follow. In Chennai, Father Bhanu warns: "No one should make this mistake of allotting a quota on the basis of religion and caste."

The commercialization of the economy has decreased the opportunities in public service but it has increased poverty at the same time. In 1991, the Indian government had vacancies for 4.3 million positions, in two years that dropped to 3.8 million. In 1991 70 per cent of Dalits were landless, by 2000 that had leapt to 75 per cent. Reservation could actually be a political weapon for those who do not want change. It is easy to gather votes by bandying around the slogan of reservation (Dalit identity and politics: 35).

Dr. Ambedkar, in his final address to the constituent Assembly, emphasized in liberty, equality and fraternity which is still relevant after 50 years. The Indian Republic has completed half a century, but the contradictions mentioned by Dr Ambedkar have still not been resolved. Social and economic equality is a distant dream. Sincere commitment to equality and fraternity is lacking... (Ibid: 38). There is always a gap between moral values and practice. Age-old prejudices and habits do not die that

easily, ire so when they are intertwined with material vested interests (ibid: 39). Competitive politics within the parliamentary framework, with the provision of reservation of seats, has created political consciousness among Dalits on an unprecedented scale. Political leaders with a scale to bargain manipulate and pressurize the ruling elite have emerged at all levels-from village panchayat to parliament. However, these political leaders have so far failed to meet the expectations of the common Dalit. Parliamentary politics gives them a sense of personal power (ibid: 41). Marxian Approach traces the primacy of caste-based inequalities in the unequal distribution of property (ibid: 48). The survival of caste-based economic relations is often attributed to (or treated as) the remnants of the feudal or semi-feudal mode of production (ibid). Ambedkar's views on the caste system and untouchability, in fact, have evolved through interaction both with mainstream neo-classical economic theory and the Marxian approach (ibid: 49).

In Ambedkar's view, at a theoretical level, the Hindu social system involved a framework of a production organization and a scheme of distribution (Ambedkar 1987a and b). He emphasizes in five particular aspects: fixation of occupation by heredity, unequal distribution of economic rights related to ownership of property, employment, wage, education, etc., occupation treated as superior and inferior to maintain the hierarchy of based on social stigma, Hindu religious order recognized slavery which graded inequality, provision of social and economic penalties enforces the caste based economic order (ibid: 50). Untouchables in general depend more on the dominant caste of their locality, which controls land, economy and political power. The caste which is close to or has easy access to political and economic power (village administration) claims superior status in relation to the rest.

The present analysis strongly suggests that untouchables attempt to emulate the power structure and power relations of the dominant caste in the village and the territory. According to Moffatt, since the 'power' of high castes does not directly operate, the partial caste structure is a strong evidence of the cultural consensus. The power he conceptualizes is a brute force. This brute force may not be the direct cause for the hierarchy that we find among untouchables. But we cannot deny discursive functioning of power and low roles. Further, this power does exert ideological hegemony over the untouchable caste or sub-caste to imitate the dominant high castes.

From this perspective of political economic centrality, the whole spectrum of untouchable castes becomes intelligible (ibid: 95).

Dr Ambedkar in his fortnightly called *Bahishkrut Bharat*, he says, ‘.....Dalithood is a kind of life conditions which characterize the exploitation, suppression and marginalization of Dalits by the social, economic, cultural and political domination of the upper castes’ Brahminical ideology’. The untouchables were categorized as ‘Harijans’ children of God, first by Gandhi and later by his followers, particularly congressmen. Even the communists in Andhra Pradesh adopted this term. However, some leftists in recent times, unlike their counterparts of yesteryears in Andhra Pradesh, have used ‘Dalit’ as a revolutionary category (ibid: 77).

Studies of scheduled Castes, usually by sociologists, abound. The word ‘Dalit’, made popular by the Dalit Panthers and Dalit literature some 120 plus years ago, generally replaces Gandhi’s term ‘Harijan’ and indicates the acceptance of the concept of pride in place of the concept of pity among politically active Dalits. Dalit means ‘oppressed’ and carries no correlation of population or inferiority. It is a by-product of the Ambedkar movement (*Dalit identity and Politics*: 130). Sociological theories distinguish social movements along two axes, whether they seek radical or limited change, and whether they focus on the entire society or on specific individuals. Alternative asocial movements see limited change among specific individuals, largely through remodeling lifestyles and behavior (e.g., the hippie movement). Redemptive social movements a try to change certain spheres of society (e.g., religious conversions). Reformist social movements attempt change the entire society, but in limited ways, while revolutionary social movements, finally, attempt radical change in the entire society. In terms of this paradigm, the anti-caste movement, which began in the 19<sup>th</sup> century under the inspiration of Jyotiba Phule and was carried on in the 19120s by the non-Brahman movements in Maharashtra and Tamil Nadu and then developed under the leadership of Dr Ambedkar, had characteristics of all four types social movements though at its best it was revolutionary in terms of society and redemptive in terms of individuals. In partial context, the ‘post-Ambdekar Dalit movement’ has had revolutionary practice. It has provided alternative ways of living, at some points limited and at some points radical and all-encompassing, ranging from changes in behavior such as giving up beef-eating to religious conversion. It has



focused on changes in the entire society from radical revolutionary goals of abolishing caste oppression and economic exploitation to the limited goals of providing scope for members of Scheduled Castes to achieve social mobility.

But on the whole, looking at the 50 years since independence (though slightly over 40 years since the death of Ambedkar), this movement has been reformist. It has mobilized along caste lines but made only half-hearted efforts to destroy caste; it has attempted and achieved some real though limited societal changes, with gains especially for the educated sections among Dalits, but it has failed to transform the society sufficiently to raise the general mass to out of what is still among the most excruciating poverty in the world. Though this movement has carried forward the challenge of empowerment and brought anti-caste issues into the political agenda, it still seems unable to become a decisive political force, leaving Dalits and other suppressed caste groups forced to bargain for concessions with the dominant political parties it characterize as 'Manuwadi', dominated by upper castes and the ideologies of Brahmanic Hinduism. The day promised by 'new sun' seems still far away (ibid: 144).

"Dalit" was first used in the new context in Marathi by neo Buddhist activist, the followers of Babasaheb Ambedkar in the early 1970s. It refers to those who have been broken, ground down by those above them in a deliberate way. There is in the word itself, an inherent denial of pollution, karma and justified caste hierarchy. The Dalit movements of the last two decades-ever since the word became popular-have been mainly confined to ex-untouchables. Those who do not object to calling themselves Harijans also prefer to call themselves Dalits, though this does not work the other way around. Here, we will confine ourselves to Dalit movements of the ex-untouchables. In legal parlance, the ex-untouchables are called Scheduled Castes (SCs). But some of the ex-untouchables, especially those converted to Christianity or Islam, are not included in the category. In the past, these castes were called Ati-Shudras or Avarna, placed outside the Chaturvarna system. They were also called achchuta, i.e., untouchables. Their touch, voice and even their shadow was believed to pollute caste Hindus. Legally, they are no longer untouchables, though in practice many of them still bear that stigma and suffer discrimination.

Dalits are divided within themselves into several sub castes. Internal social hierarchy, economic differentiations and dispersed population have always influenced the strength and weakness of the different Dalit movements (Dalit movements and the search for identity, Ghanshyam Shah, page: 196, Dalit identity and Politics).

In India, atrocities against Dalits continued unabated since the 1960s. On the one hand, the appeal of Hindu militant groups, like Shiv Sena, was spreading like wildfire not only among upper caste Hindus but also among the working class, out of which the Backward Castes constituted a large number. On the other hand, the slogan “Garibi Hatao” was raising the expectations of the poor. By that time, the militant Buddhist movement and the Dalit literary movement took momentum in Maharashtra ..... Some of the literary persons from Maharashtra warned the government in the early 1970s ..... Two Dalit writer-activists, Namdev Dhasal and J.V. Pawar, took initiative in forming the Dalit Panthers in Bombay in 1972. Raja Dhale’s article ‘Kala Swatantriya Din’, i.e., Black Independence Day, published in August 1972, became controversial and created a sensation among the Dalits. With this, the term ‘Dalit’ came into vogue.

The Dalit movements in contemporary India follow more than one path under different banners. Each raises issues affecting the whole community, or its one stratum or another and a new Dalit identity is more important than economic issues. The new identity that they want to evolve is distinctively different from that of the caste Hindus. Others do not adhere to the dichotomy, neither between economic and social issues not of the traditional and new identity. Their new identity of being Dalit, i.e., oppressed and exploited, is in the making. For that they do not wish to erase the traditional identity and both can co-exist. Buddha and Ambedkar are their prophets and heroes, and at the same time they have reverence for Gandhi. They struggle for equality and eradication of untouchability irrespective of their religious persuasion. [This is a revised version of the paper published in Social Action 40(4) October-December 1990. (ibid: 213) Caste and Brahminic or Sanskritic Hinduism reinforce each other and discriminate against the Dalit segment of India’s population. ‘To the untouchables’ Said Ambedkar in 1946, ‘Hinduism is a veritable chamber of horrors’. The Vedas Smritis and Shastras were all instruments of torture which Hinduism used against the untouchables. Untouchables could not enter Hindu temples and caste-

Hindu houses or take water from common village wells. Most Dalits did the most degrading jobs, lived on the outskirts of villages and were variously known as outcastes, Panchamas (fifth colors), Ati-Shudras (extreme Shudras), Avarnas (outside the Varna scheme), and Antyajas (the last born). (Visions, Illusions and Dilemmas of Dalit Christians in India, Lancy Lobo, Page: 243, Dalit Identity and politics) The tyranny of Brahminical values and caste rigidity had given rise to recurring protests and reform movements among the untouchables. For instance, after the 10<sup>th</sup> century, the Bhakti movement spread all over India through charismatic personas like Ramanand, Raisdaas, Chaitanya, Eknath, Chokha Mela, Tukaram, Narasing Mehta, Ramanuja, Vasaava and Nimbark who preached equality which the untouchables longed for so intensely. The untouchables have adopted religious systems which have equality as their profession of faith. They include Islam, Sikhism Buddhism and Christianity. Also, some sects within Hinduism which proclaimed equality attracted a large number of untouchables. (ibid) There have been asocial movements among the untouchables in recent times...All these reflected a common theme: the untouchables were asserting their dignity and quest for equality either within Hinduism or outside it (Shah: 1990).

The Christian Dalit issues cannot be seen in an isolated manner from the rest of the Dalits. There are issues relating to religious change leading to socio-economic mobility, identity, differentiation, stratification, urge for self-determination and participation, movement towards viable and sustainable communities, reservation and discrimination as well as issues relating to Dalit women, official Church and its personnel. (ibid: 242)

Undoubtedly, what we observe today is a sharpening of political consciousness amongst Scheduled castes. Their participation in numerous movements suggests that their political vision is not restricted to electoral politics alone. In states like Bihar, Andhra Pradesh and parts of Maharashtra and at Manu places in other states, Ambedkarite organizations have become popular tools for Dalits to get organized. The left parties, like CP I(M), CPI, RSP FB and SICO, have succeeded in organizing them in their mass organizations, particularly in the states of West Bengal, Kerala and Tripura, and parts of Assam, Andhra Pradesh and Tamil Nadu. SCs working in the organized sector industries have been unionized by trade unions. Though a large

segment of them, particularly in rural areas, still remains unorganized and suffers from intense internal divisions, the process of organization, protest, mass movement, and as a result, politicization is spreading. Above all, during the 1996 parliamentary elections, Dalits were able to make remarkable electoral gains. This brings us to a situation where SCs seem to be trying to reconcile two different approaches to political struggles-the parliamentary politics through elections and the politics of active opposition through various non-parliamentary means. This evokes both hopes and apprehensions regarding the credibility of the political institutions of the Indian democracy. In this section, I examine the perception of SC voters regarding the legitimacy of the political movements of SCs tend to take the route of electoral politics and in the process reflect a justification for the political system. (Dalit Assertion through Electoral Politics, Puspendra, Page: 334-335, Dalit Identity and Politics) There is an effort on the part of SCs to carve out a distinctive political niche, indeed an identity, insofar as their voting behavior is concerned. The recent efforts of SCs to assert in the electoral politics show their concern to gain political strength in order to occupy political and economic space. To them, political power may also work as a source of enhancing social status. However, any effort by SCs to assert politically is bound to face stiff opposition-physical as well as political. SCs, in response to these hindrances, seem to have adopted multidimensional strategies which range from social measures like getting educated to getting organized for both electoral as well as non-electoral battles. The recent efforts by SCs to put their firm signature on the electoral outcomes emerge as a culmination of their consistent struggle and collective strength (ibid: 337-338).

In the present, caste system, a class of society dominates other classes by some immoral and illegal means. Each Caste tries itself to defend its own freedom and conveniences. Every community looks to its own interest, caste feeling pervades all the people and the Parliamentary supremacy can't be found in their conduct. The casteistic behavior and religious rules do not give the permission of the freedom of thought and expression life and property to many of the depressed class. Even after the extension of the scientific and socialist thoughts and secular democracy in people the casteism is still a method of life today and the politics based on religion has become a popular game. Casteistic behavior prohibits the opportunity of life of equality namely the arrangement of work opportunity equally. Casteism has entered

openly in educational institutions, administrative offices and politics, the rigid Hindu asocial organization is still present in the direction of prohibiting the life of equality for majority of our own country people. The caste-system has certainly stopped the people to give equality to their own companions “we have given the feeling of human pride and social equality not only on our efforts of getting asocial equality and the development of asocial enhancement. In addition to it there are mixture of aristocrats remnants and tendencies which has no place in a democratic state. There should only be a socialist society”. Really we have not created that situation where the rule of the people is a preparation for democratic socialism. In this way the caste system devalue ex-untouchables even how also it impacts their development breaks their self-honor and continues their asocial, economic, political and religious slavery (ibid: 190-191).

While talking about the human rights, after the Second World War, human rights have been institutionalized. The international human rights system now consists of an asset of legal codes, a distinct and evolving methodology, and various supporting structures, the most ambitious of which is the United Nations (State, Society and Human Rights in South Asia, Stig Toft Madsen 1996, page: x).

In Nepal, Janajatis have been demanding proportional representation. Of Nepal's population, 37.8 per cent are Janajatis, but 33.39 per cent of CA members are Janajati. On the other hand, Madhesis make up 31.2 per cent of the population but have 34.9 per cent representation in the CA. Dalits make up 13 per cent of the population but have only 8.17 per cent representation. Similarly, 51 per cent of Nepalese are women, but they have only 33.22 per cent representation in the CA.

But after 50 years of reservation, India doesn't even have the representation of marginalized communities that Nepal already has in its legislature. In Delhi, Jawaharhal Nehru University professor Sikha Deb Thorat says, "The world can learn a lesson from Nepal that the change is possible through political con It would be a grave error to not include the economic, social and cultural rights of marginalized communities as fundamental rights in the constitution. To recognize these rights only as 'directive principles' of the state like it is done in the Indian constitution does not go far enough. Thus far only the civil and political rights of Dalits have been enshrined

as fundamental rights. Their social, economic and cultural rights can only be recognized by law if they are enshrined as fundamental rights within the constitution.

Outlawing discrimination is not enough. Affirmative action with a certain number of seats guaranteed for the marginalized is one of the best ways of ensuring marginalized communities is fully represented. These seats should be decided by proportional representation. Such guarantees should extend beyond government to the private sector. It should also be mandatory that people from marginalized communities take part in implementing this law. They should seek executive roles in politics by lobbying political parties and submitting written suggestions to the CA. As far as is practicable, a separate constituency should be created for Dalits in the places where they form a majority. Ambedkar proposed this to ensure Dalit representation in the election. In such constituencies, the preliminary election is conducted among Dalit candidates and with Dalit voters only. In the final election voters from other communities can participate, consciousness and people movement."

#### **2.1.4 Affirmative Action and Experiences of Different States**

In book "Ethnic preference and public policy in developing states" edied by Neil Nevitte and Charles H Kennedy, there are many articles about the study of affirmative action and its positive effects in different countries.

In the article "The analysis of policies of Ethnic preferences in developing sates" by Neir Nevitte and Charles H Kennedy from page 1-12 in above same book, they state that in developing states ethnicity is frequently a principal axis of political conflict, just as the resources for allocation are scarce, so can the interethnic competition for those limited resources be expected to be intense. When the principal lines of political conflict revolve around ethnic divisions, the issues of which group control the state and , how state authority is exercised, particularly with regard to policies of preference, become crucial...policies are the tangible objects of exchange. Bureaucracies in developing states experience numerous tensions between demands, expectations and organizational capacities. The extension of bureaucratic involvement into planning, coordination and execution of strategies enhances bureaucratic power, often, at the expense of the development of executive, legislative and judicial institutional autonomy. Bureaucracies are an attractive target for contending groups

not simply because they are reservoirs of relatively limited resources, but because bureaucracies occupy a crucial place in the power structure and operate across an extended field of activity.

This study helps to study the context of Nepal in present context. Nepal is a developing country where political conflict and the identity politics are on pick. The issue of affirmative action is now seemed the fight for right. In this condition, bureaucracies in Nepalese state are experiencing numerous tensions between demands, expectations and organizational capacities. There is conflict between Dalits and Non-Dalits for relatively limited resources.

As stated in the article “State and Ethnicity in Africa: A Policy perspective” by Donald Rotchild in the same book, the question of Ethnic problem was also raised in Africa. Ethnic people of Africa raised the demand against identity crisis, social mobilization, negative remembrances and image, break down in stratification in recruitment, inequitable resource allocation, and constitutional protections and as the response of the redistribution programs. Which were fiscal distribution in Ghana, Zambia, Tanzania and Nigeria, informal and formal quotas on public service recruitment and scholarships in Nigeria, Malawi, Burundi and Kenya preferences in distributing contracts in Zambia, sitting of industries in the less advantaged areas and especial trainings and capital assistance programs in Kenya. In all such instances, administrative incentives and controls are instituted that effect a more even distribution of ethnic opportunities.

In the article Policies of Redistribution Preference in Pakistan” by Charles H. Kenneday in by the same book, he states that since 1949 Pakistan has instituted complex regional and special interest quotas for recruitment to federal provincial, and semi governmental posts. Similar quotas with myriad variations have also been applied to the admission policies of educational institutions. Currently, within Pakistan, recruitment to most public sector jobs and admission slots to educational institutions are subject to ethno regional quotas (page 64).

In the article “Ethnic Preference policies in Malaysia” by Gordon P. Means by the same book states that ethnic preference quotas not only within the government and in public sectors but also in the government and in public sectors but also in the private

sector of economy were established in Malaysia too. The ethnic preference is still in not only on recruitment but also in education, economy etc. The result of this is dramatic changes in Malay society. Progress is being made toward the goals enunciated by the government (page: 95-115).

In the article “Policies of Ethnic Preference in Shrilanka” by Rovert Oberst by the same book, Shrilanka is an ethnically diverse state. Significant ethnic divisions exist in the areas of religion and language. There are four large ethnic groups and four religions practiced by Shrilanka. There are three major languages spoken there. The linguistic societies tend to reinforce each other. Shrilanka faced two major periods of government policies two major ethnic minorities; Sinhalese restoration and the maintenance of the Sinhalese position in Shrilankan society. The country faced enomorous effects of conflict due to these variations and needed the establishment of new rules to guide the demands for governmental resources by the various ethnic groups, a very good input into policy making and the system needed to be restructured (pp:135-153).

Affirmative Action was implemented in South Africa in 1994. When the African National Congress over ruled the state. It was implemented to correct the mistakes made in Naxloit history and to make South Africa, a modern, equitable national and to transform the politics, economy and society. After ten years, South Africa go the positive result Samajik Samavesikaren ko madhyam ka rupma sakartmak bived: Bhram ra Yatharth: Aruna Rav ra Devid Kehler in Bishes adhikar ra Aarakshan ko rajniti, 2063).

According to the article “Politics of preference in the Caribbean; The case of Guyana” by Ralph R. Premdas from the same book, Guyana is a multiethnic state having six ethnic groups integrated as a part of Caribbean culture. The politics of cultural pluralism is Guyana has been marked by ethnic competition for scarce resources in an environment of underdevelopment and poverty. The governing regime pointed ethnic favoritism and preference in recruitment, education and economy (pp: 155-183).

In the article “Education, clientage and social mobility: caste and social change in the United States and Nigeria” by John U. OGBU from the book “Social Inequality: comparative and Developmental Approaches”, the social goods that make up the



content of the status system of modern societies includes political power, occupation, health, prestige and privilege. There is discrimination on the basis of caste on job ceiling, educational attainment, clientage etc.

In United States the status system of the different castes in a society became more nearly equal, through affirmative action. In previous days, blacks have to be over qualified educationally for their positions or need support of powerful white patrons. But affirmative action provided Blacks the chance to get opportunity and access on education, economy, recruitment and status to the same degree on whites.

According to the book “ Reservation and Affirmative Action: Models of social integration in India and the United States” by Arvind Sharma, The idea of group rights in a way is foundational for reservation policies in India and one is thus naturally led to a study of the history and theory of affirmative action.

Affirmative action in the USA is closely tied to the history of slavery in the USA, just as the affirmative action in India, in the form of reservations for untouchables, was closely tied to the long history of untouchability in India (ibid).

The government of India and the USA has, for over 50 years now, adopted a series of measures to overcome discrimination based on caste and race respectively, policies broadly described by the term “reservations” in India and “affirmative action” in the United States. It promotes them to by creating a special system. Indian constitution is especially focused on education, employment and political representation in case of affirmative action. South Africa, United States of America like countries have focused on affirmative action through legislative bodies but in India it is applied through executive bodies. Affirmative action in South Africa was implemented through Employment Equity Act, 1994, Labor Relation act (LReA),1995, Basic Conditions of Employment Act (BCEA), 1997, and through The Uttar Pradesh Public Services (Reservation for SC/ST and Other Backward Classes/ OBCs) Act,1994 in India (Dalit Samudayako Lagi Aarakshan: Ke, Kina, Kaha, Kasle, Kaslai, Kahile ra Kati? By Tek Tamrakar, pp: 25).

The book “Politics of Inclusion: Caste, Minorities, and Affirmative Action” by Zoya Hasan intend to examine to politics of inclusion in India, it examines the affirmative

action and its long term effect in India and concludes its good aspects for the upliftment of minorities as well as it makes aware about the politics of inclusion. In case of Nepal, it is not the appropriate time for examining the politics of inclusion, so we can say that Affirmative Action is going to be a great medium to uplift its minorities though lities disadvantage, and gender.

The writer suggests for promoting a new thinking on affirmative action that can grapple with increased economic inequalities, on the one hand, and entrenchment of social prejudices, on the other hand, and how both are implicated in a range of new social inequalities and hostility most, namely, structural inequalities and social exclusions.

### **To Sum up**

Thus, all these reviewed literatures talk about Dalits, their broken status particularly due to their caste, affirmative action for Dalits, its impacts on them and the reverse discrimination as the issue which helped me to sketch the result of my research.

## **PART-THREE: METHODOLOGY**

### **3.1 Theoretical Concept Used in the Research Design**

This study is based on World System theory, which was firstly developed by Emmanuel Wallerstein. He classified the countries of the world in three systems including core, semi-periphery and periphery. The analytical explanation of the system rests on the concept of inter-dependence of the states, in which highly developed countries are considered as core, developing countries as semi-periphery and least developed countries as periphery. According to Wallerstein, the world system theory is a perspective which deals with unequal economic and political relationships among the three different subgroups. He noted that the developed countries like US, Japan, Germany, Britain, Israel, etc. are at the core, countries with marginal economic status at the semi-periphery and the poor or developing countries of Asia, Africa and Latin America are at the periphery levels. The resources and economy of these periphery countries are controlled by the core nations. Here in my research design, I have considered non-Dalits as core, middle level elite group as semi-periphery and Dalits as periphery of the system. I have tried to incorporate this concept in exploring the underlying factors as to how non-Dalits in association with the middle level elite-groups are taking advantage of government opportunities, controlling resources and exploiting Dalits subgroups in the society.

### **3.2 Research Design**

This study has been carried out on the basis of exploratory research design because the study was designed to explore whether the affirmative action for Dalits by government is positive or reverse discrimination. This study has tried to find out the need, types and impacts of the affirmative action for Dalits. It has also tried to assess the need, types and effects of Affirmative action for Dalits. Data for this study were collected from the both primary and secondary sources using quantitative and qualitative methods.

### **3.3 Rational for Selection of the Research Site**

Palpa is known as a developed district, and it's headquarter is a traditional business oriented center. The 2001 population census showed that there were all three kinds of

Dalits: Pahade Dalits, Madhesi Dalits and the Newar Dalits in the district. We can find here caste system deeply rooted in the mind of the people.

In the process of identifying the study site I first of all I consulted with the district office of the Central Bureau of Statistics in district headquarter. From the discussion I came to know that Humin VDC had high concentration of Dalit households. The documents showed that the area had 3,057 people, of which 81 percent were non-Dalits and remaining 19 percent Dalits. The document also showed that though the area was predominantly inhabited by Magar, Newars and Brahmin ethnic group, it was a mixing-pot of the both non-Dalit and Dalit ethnic groups. I therefore decided that it would be easier for me to get voices of the both of the subgroups for the study. This clearly justified that selection of this area was appropriate for me to make an in-depth study about affirmative action taken for Dalits, in comparison with their non-Dalit counterparts. The study VDC lies in 30 km eastern side of the district headquarter, which can be reached by public bus in about 1.5 hours or on foot in 6 hours from the Tansen bazaar.

Table 3.1: Distribution of population by ethnicity in humin VDC

<b>Ethnicity</b>	<b>Numbers</b>	<b>Percentage</b>
Dalits	589	19.3
Non-Dalits	2468	80.7
<b>Total</b>	<b>3,057</b>	<b>100.0</b>

*Source: CBS, District Office, Tansen, Palpa*

Upon arrival at the study site I physically counted the number of households and categorized them into 9 subgroups according to the VDC's 9 wards (Table 3.2). Results showed that ward No. 3 had the largest number of households (17%) followed by ward No. 9 (17%), 8 (14%), 6 (14%), 4 (11%), and 2 (10%). More specifically, ward No 2 and 6 had high concentration of Dalit populations, who were heterogeneous in terms of their educational status and occupations. Some of them were highly educated, while some of them were illiterate. Similarly, some of them were busy in their traditional blacksmithing activities, while some had gone to gulf countries for their livelihoods. The facial appearance suggests that these Dalit people are from

Indo-Aryan or Caucasoid racial stock. Detail description of these people is presented in Appendix 3.1 and 3.2.

Table 3.2: Distribution of households according to the VDC's nine wards

<b>Ward No.</b>	<b>House Hold No.</b>	<b>Percentage</b>
1	30	5.2
2	56	9.7
3	99	17.1
4	65	11.2
5	58	10.0
6	79	13.6
7	15	2.6
8	80	13.8
9	97	16.9
<b>Total</b>	<b>579</b>	<b>100.0</b>

*Source: CBS, District Office, Tansen, Palpa*

### **3.4 Determination of Sample Size and Selection Process:**

Upon arrival at the study VDC, I visited all 9 wards and counted each and every households located within the area. The enumeration revealed that there were a total of 579 households located in the VDC. Coming up with this number, I determined that a sample size of 20 percent (116) households would be sufficient for me to analyze the data using simple statistical tools such as mean, ratio and percentage. More importantly, the determination of this sample size was also based on my limited time, energy and money.

For selecting the particular households, I split the total number of households (579) into two subgroups and listed them separately in a plain sheet under the heading of Dalits and non-Dalits. And from each lists 58 Dalits and another 58 non-Dalit households were selected adopting systematic random sampling method. Snowball sampling method was also used to select the beneficiary households for a comparative study.

### **3.5 Data Collection Methods and Tools**

Data for this study were collected conducting household surveys using structured questionnaires. Record reviews, field observation, Focused Group Discussion (FGD) and key informant interviews were also used to collect the data. Each of these methods have been briefly described in the following sections, while copies of these instruments are presented in Appendix 3.3.

#### **3.5.1 Household Survey**

In the household surveys, respondents were asked whether any of their family members had got employment opportunity in any the offices of the community schools, health posts, government public services and security forces like police and army. The candidates who had attended Inter, Bachelor or Master level degrees were asked if they got any employment opportunity in the government sectors. Dalit respondents were particularly asked as to why they need scholarship.

#### **3.5.2 Record Reviews in Schools**

In the schools of the sample VDC, student attendance registers and examination records were reviewed to count the number of Dalit and non-Dalit students enrolled in different classes, appeared in the examinations and dropped out of the schools. Information of Dalits and non-Dalit students were collected separately for boys and girls according to different grades.

#### **3.5.3 Key Informant Interview**

The key informants interviewed for this study included teachers, journalists, NGO/INGO activists, human rights activists, health workers, lecturers, administrators, lawyers, women's right worker and political leaders. They were 10 from among Dalit subgroup and another 10 from among non-Dalit subgroup of the area. Open-ended questions were asked to them because they were little bit more forward people than the other general people. I asked them the questions related to need, types and impacts of affirmative action taken in favor of Dalit people. I also asked them the questions about their perception and attitude towards the extra opportunities like Quota and reservation systems for Dalits in the government services. In order to triangulate the

data and to assess the extent of affirmative action taken in favor of the Dalit people, I reviewed the records from district education office, VDC office and hospitals of the district.

#### **3.5.4 Focus Group Discussion**

Altogether five Focus Group Discussion (FGD) sessions were conducted among villagers, teachers, lawyers, journalists and GO/NGO workers. The topics discussed in the FGD sessions were related to their perception and attitude towards the affirmative actions like quota and reservations for Dalits. In the discussion sessions the participants were also requested to suggest measures as to how a maximum number of Dalit people could be benefitted from the affirmative actions. The discussions were informal and it ran for 1 to 2 hours. There were 8 to 12 participants in each session, among which Dalits and non-Dalits participants were proportionately the same numbers. Among the participants 75 percent were males and 25 percent females. In each FGD session I participated as a facilitator to them.

#### **3.5.5 Observation for the Assessment of Impact**

The word "impact" always means long-term effects on the life or improvement in wellbeings of the people. During my study, I knew that affirmative action being used in Nepal has not taken time more than 5 years. This timeframe was not enough to bring about a long term effect on the life of the people. I, therefore, tried to assess only the short-term impact of the affirmative action from observing the surroundings of Dalit beneficiary households. It was designed to observe whether the action has brought about changes in the visible aspects of the beneficiary Dalit households, like whether they have relatively better dwelling systems, clean surroundings, good living conditions and appropriate sanitation practices. A semi-structure observation sheet was used in the data collection process.

### **3.6 Data Analysis**

The household data, since they were quantitative in nature, were entered into the computer and analyzed using Microsoft Excel software program. Simple statistical tools like percent, proportion and mean have been used in the analysis. But the qualitative data due to their descriptive nature were processed manually. The analysis results are presented in the forms of texts, tables, graphics and pictures.

### **3.7 Limitation of the Study**

Each and every study has its own limitation. No study can be free from shortcoming and drawbacks because of various constraints. And this study is also not an exceptional one. This study includes key informants interview, households' survey, observation, un-structured interviews and focus group discussion. Though, case study, content analysis, life history methods could be used but I did not use it in my research due to some practical problems like time limitation and lack of adequate financial resources. Present study is limited to a particular caste known as Dalits and more especially on pahade Dalits that is not sufficient to understand the whole Dalits as well as the whole system of affirmative action given by government to its citizens. On the other hand, the study presented in this report is limited to that of Human VDC of Palpa District, which cannot be generalized to other VDC of the district or other districts of the country.

### **3.8 Ethical Aspect of the Research**

Every research has its own ethics; in such a way I too have some research ethics upon which my whole research is based on. Talking about them, they are as follows:

- All the respondents have been kept secret for their physical, social and psychological well being. Their rights to privacy and confidentially respected so, name of respondents, key informants.
- As a researcher, I have not put forward my own view in any circumstances, staying outside the issue beside some special occasions to alienate my respondents or get side tracked.



- It was cared during research that no exploitation of respondent, as individuals or as a group should be occurred. And have tried to make the research as a fair return for their help.
- The privacy of family life about various economic and social issues has been considered. On the other hand, their time was also considered according to their convenience.
- The importance of respondents' participation has been emphasized throughout this research.
- Respondents have rights over data I produced. They can see transcripts of interviews and field notes, and to alter the content, withdraw statements, and can be provided by additional information if they so wish.
- Respondents are entitled to know the feedbacks and conclusion on my research that is what I am saying about them.
- Extra attention has been paid to good communication with respondents because it takes more time to gain valid consent, and to build trust among particularly disempowered people.

## **PART-FOUR: ANASYSIS RESULT**

### **4. Affirmative Actions for Dalits**

Affirmative action refers to a series of actions that constitute a strategy to secure equal opportunities, particularly in education and employment, for racial minorities and women. This strategy in turn, is designed to achieve parity for racial minorities and women in areas where they are underrepresented (International Encyclopedia, Vol-1, 1995, pp: 15). And Dalits generally mean the people of Nepal, who are historically discriminated on the basis of caste in its retaining old caste based system suffering from restriction on the use public amenities, deprivation of economic opportunities, and general neglect by the state and society. Therefore, here I treid to assess the need of Affirmative action for Dalits.

#### **4.1 Educational Differences between Dalits and Non-Dalits**

To assess the need of affirmative action for Dalits, I focused on need of scholarship and need of reservation in government services for Dalits. For this purpose, I visited seven different schools of Humin VDC, went through the VDC profile data, and implemented the household survey questionnaire.

##### **Need of Scholarship**

To assess the need of scholarship for Dalit students, I visited seven different schools of Humin VDC. I was intended to know the educational condition of Dalit students. I went through the school records, asked to teachers and interacted with students about the educational status of Dalit students studying at those schools. I found the school record with numbers of enrolled, participated in exam, numbers of dropout students, as well as Dalits and non-Dalit students. Because, I was intended to compare the status of education between Dalits and non-Dalits students, I collected the records up to five class from all the schools and further formed the data according to the need of my study. The numbers of students by sex and ethnicity for all schools have been presented in table 4.1, while its detail for each school is presented in Annex 3.

In the table 4.1, we can see the sampled schools there in Humin VDC and the total numbers of studying in those schools by their caste and ethnicity.

Table 4.1: Summary table of the sampled schools and number of students

Schools	Total No. of students in Schools by Gender		Total No. of Students by Ethnicity	
	Boys	Girls	Dalits	Non-Dalits
Shee Chandeshwari Primary School	23	18	0	41
Shree Nava Jyoti Primary School	63	47	0	110
Shree Nave Kiran Primary School	39	39	0	78
Shree Amar Lower Secondary School	38	37	2	73
Shree Janahit Bhagwati Lower Secondary School	109	70	65	114
Shree Shanti Primary School	56	35	11	80
Shree Janapriya Primary School	53	55	0	108
<b>Total</b>	<b>381</b>	<b>301</b>	<b>78</b>	<b>604 (88.6%)</b>
<b>Total Students =682 (100%)</b>			<b>Dalits=78 (11.43%)</b>	

Source: Field survey, 2010

Among 682 students studying in Humin VDC only 11.43 percent that is 78 students are Dalits where rests 88.6 percent are non-Dalits. Here, we can analyze that in every class, less percentage of Dalit students are studying in comparison to Non-Dalits. This shows the poor educational status of Dalits and the huge gap between Dalits and non-Dalits (Table 4.1). According to teachers, Dalits often don't send their children to school due to poverty. Dalit are not aware about education and they do not propel their children to school due to their poverty. They think better to have their children to help them in household works instead of going to school. According to Dalit parents, they don't send their children to school because they can't pay the fee for books as

well as school dresses. They don't have much economy to afford books and dresses. Not only this, but further also I converted the data into students enrolled, participated in exam and present status by grade. I analyzed the students by sex and ethnicity in different individual tables. This helped me to analyze the educational status of Dalit students more clearly.

Table 4.2: No. of students enrolled/ participated in exam and present status by grade

Class	Enrolled		Participated in Exam		Drop Out	
	Number	Percentage	Number	Percentage	Number	Percentage
1	18	43.9	17	94.4	1	5.6
2	8	19.51	8	100	-	-
3	8	19.51	8	100	-	-
4	4	9.75	0	0	4	100
5	3	7.31	0	0	2	100
<b>Total</b>	<b>41</b>	<b>99.98</b>	<b>38</b>		<b>7</b>	<b>17.07</b>

Source: Field Survey, 2010

Student's participation in exam is higher than their drop out figure though there are still 17.07 percent of students who are being dropped out in primary level and this is not the negligible percentage. (Table 4.2)

Data on enrollment, dropout and participated in exam of the students further analyzed according to Sex (Table 4.3). As the table shows, drop out percentage of boys is higher than girls where enrollment rate is also higher.

Table 4.3: No. of students by sex

Sex	Enrolled		Participated in Exam		Drop Out	
	Number	Percentage	Number	Percentage	Number	Percentage
Boys	23	56.1	21	91.30	4	10.52
Girls	18	43.9	17	94.44	3	7.89
<b>Total</b>	<b>41</b>	<b>99.999</b>	<b>38</b>	<b>92.68</b>	<b>7</b>	<b>18.42</b>

Source: Field Survey, 2010

Enrollment rate of boys is 56.1 percent where the girls have only 43 percent. It shows that boys enrolled higher than girls. While talking about the participation in exam by ratio girls' percentage is higher than boys. This denotes that though girls enroll less in comparison to boys but they go for examination but for boys though they enroll higher than girls they cannot take part in exam as their enrollment. This indicates that, boys later leave to study. If we see the drop out figure it is higher in boys. 10.52 percent of boys are dropped out while in girls it is 7.9. This means boys quit the exam in between and go away from their study. Here, we can analyze that boys further have to support economically to their parents therefore they go for employment instead of studying. But parents do not want the economic support by girls so they get the chance to study further (Table 4.3).

Table 4.4: No. of students by ethnicity

Ethnicity	Enrolled		Participated in Exam		Drop Out	
	Number	Percentage	Number	Percentage	Number	Percentage
Dalits	78	11.43	46	58.97	32	41.02
Non-Dalits	604	88.56	600	99.33	4	0.66
<b>Total</b>	<b>682</b>	<b>99.99</b>	<b>646</b>		<b>36</b>	

Source: Field Survey, 2010

Dalit students enrollment is lowest than that of non-Dalit students whereas students participated in exam is also lower. If we analyze, we can see that dropout rate among Dalits is highest whereas among non-Dalits it is only 0.66 percent. This shows the educational discrimination and the poorer access of Dalits in education than that of non-Dalits (Table 4.4).

Thus, by analyzing the records of all the seven schools of Humin VDC, we see that, Dalits access on education is lowest than that of non-Dalits upto.

**Far and Near:** In my observation, I found that the Dalit basti situated as ward no.2 has no school. Therefore all the students of Dalits go to Hatiya bazar to study which is the village of Newars and is near to Dalit village. This is also the part of educational discrimination; we can find one school per ward in Humin VDC except one Dalit

ward and one non-Dalit ward. One non-Dalit ward which had not school is now on the process to have a school, but there is no process for Dalit village. In my observation, I found that, there is still caste based discrimination in the concept of people which is pushing Dalits in the educational discrimination.

Thus, by analyzing all the data obtained from the entire schools of Humin VDC, through my observation, we can conclude that ward no.2 which is especially known as Dalit village as well as ward no7 have no school. Some Dalit students studying in other wards are on one hand very few that can be count on fingers and on the other hand they too are being persuaded to be dropped out due to their poor economic condition.

Thus, we can say that, Dalit students need scholarship, so that they can go for higher education.

In my observation I found that, Dalits of Humin VDC were isolated especially in ward No.2. They were historically isolated only due to their caste and its impact is still seemed in their present generation. They are still being the victim of untouchability, their water, foods are still not acceptable, and they still have to face restriction on marriage, birth-death rituals which show their poor social status. Dalits of Humin VDC are on one hand facing poverty; on the other hand they are afraid of their occupational safety. So they consider good to send their children for work instead of study. Their home made up of mud and rocks, their food as “dhido” and “sisno”, their living room full of old mats called “gundri”, their old clothing torn and sewn on many side, shows their poor economic condition; the way they argue, the way they talk and the way they express their planning, their imprudence toward their leaders denotes their poor educational as well as political status and their rashness toward their leaders shows their fear about occupational unsafe. Therefore, they want their children to work and earn some money instead of studying.

#### **Table 4.5 Level of Higher Education**

To analyze the level of education of Dalits and non-Dalits, I asked my 58 Dalits and 58 non-Dalits sampled households respondents about their highest level of education

that their family member have. I got the following numbers of households having different levels of education according to the table 4.5.

*Table 4.5: Level of higher education*

Educational Level	Dalits		Non-Dalits	
	Number	Percentage	Number	Percentage
Illiterate	1	1.7	1	1.7
Primary	7	12.7	3	5.2
Secondary	26	44.82	18	31.0
Certificat	13	22.41	21	36.2
Bachelor's	10	17.24	12	20.7
Master's	1	1.72	2	3.4
PHD	0	0	0	0
<b>Total</b>	<b>58</b>	<b>100.0</b>	<b>58</b>	<b>100.0</b>

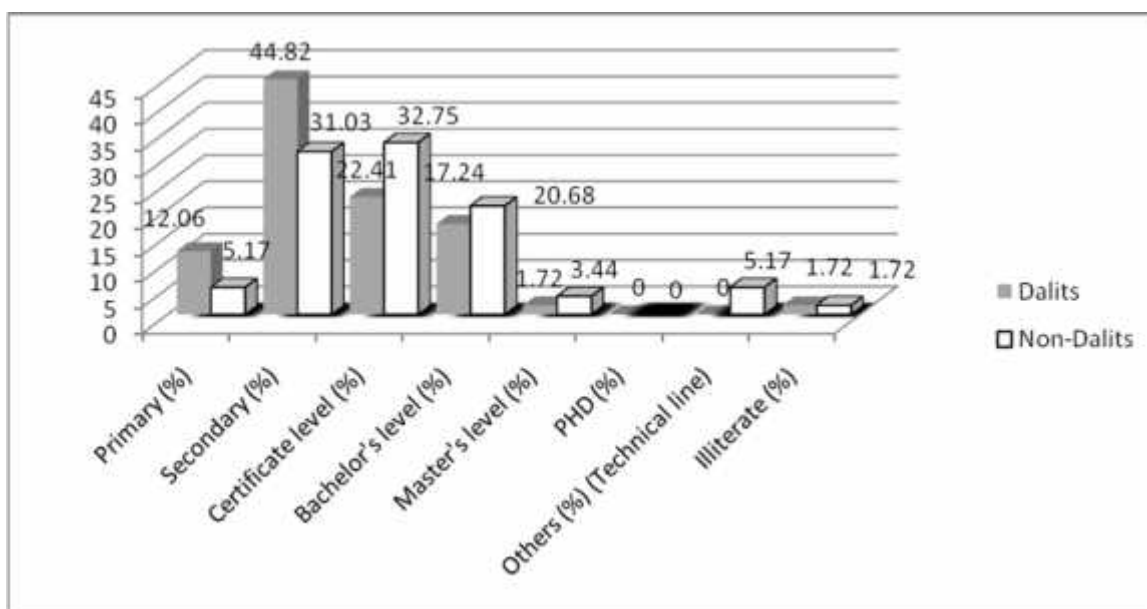
Source: Field Survey, 2010

Illiterate among Dalits households and non-Dalits households are same. They are fewer in percentage. Dalits are higher in percentage in primary level than that of non-Dalits. The percentage is 12.7 followed by 5.2 respectively. Going through the secondary level Dalit's households is still leading with 44.82 percent where non-Dalits are only 31 percent studying in secondary level. It shows that if Dalits get opportunity they can compete with non-Dalits and can move forward. But if we see the data above than secondary level, non-Dalits have acquired higher education in comparison to Dalits. In certificate level, 36.2 percent of households are of non-dalits while only 22.41 percent are of Dalit households. It is lower in bachelors and lowest in master's level. In bachelor's degree 20.7 percent of involvement of non-Dalits and only 17.24 percent of Dalit's household involvement occurs. In master's degree only 1.72 percent household has access while in case of non-Dalits the percentage is 3.4 that is comparatively higher. Most of the Dalits have access only up to secondary level education whereas they have least access on master's level. Though only few percent Dalits are illiterate but there are still 12.06 percent Dalits who have not got more than primary education. Their access to higher education is praiseworthy (Table 4.5). Though, Dalits have little bit access to higher education, it does not mean they

do not need affirmative action because there are other social, cultural and conceptual discriminations based on the caste which pushes them back from getting higher education, if they get affirmative action in education, they will get some safe-landings.

The same result is shown by the figure 4.1. The figure shows that Dalit's access in primary and secondary level is higher than that of non-Dalits but it is in descending order while going through the higher education. Non-Dalits have more access to higher education in comparison to Dalits.

Figure 4.1: Higher level of education



Source: Field survey, 2010

Dalit's highest level of education is up to secondary level where as Non-Dalit's is certificate level. Non-Dalits are more forwarded on higher education than Dalits. Dalits are still back in case of educational level. Though, both Dalits and Non-Dalits haven't access up to PHD level, near about equal percentage that is 1.72 percent illiterate they have but while comparing both level, Dalits seem much back in education (fig.4.1).

According to the 2001 population census of Nepal, the literacy rate for Dalits was 33.8%, about 20% less than that of the national average (53.7%). In the case of



Brahmans, the literacy rate is 67.5% and for the middle-caste of the Terai region, the figure is 41.7%. This shows Dalits are very poor educational attainment in comparison.

In this analysis, we can conclude that Dalit students really need scholarship to move upward for their higher education. If they are provided by scholarship, they won't have to be dropped out by being the victim of poverty as well as social discrimination.

### **Hindrances for Dalits getting in higher education**

To assess the economic level of Dalits, I asked my 58 Dalits sampled households respondents about the causes due to which they don't go for higher education. According to my field Survey 2010, 51 (87.93%) household respondents among 58 households pointed out that they do not go for higher education due to their poorness. None of any Dalit said that they don't need education. It means they want to go for higher education but 87.93 percent of them can't pay the fee. This on one hand shows their poor economic condition and on the other hand indicates their weak educational level. In table 4.5, we analyzed that most of Dalits have access only up to secondary level. Here, we can see, their economic level is also poor than that of Non-Dalits. They need more facilities to get access on education because they even can not pay their school fee. Only 1 (1.72%) household justified that their family member could not go for higher education due to her early marriage. Rest 6 (10.34%) of households are still sending their children in school because they are now in primary level.

Here, we can analyze that a huge mass of Dalit households (87.93%) are being out of educational access due to their poorness. That means they need some economic help to go for higher education and scholarship might be the good idea for supporting their access on higher education. We can analyze that the causes of poorness of Dalits is discrimination made by the state. Therefore it should provide them compensation as the affirmative action.

As I discussed before in methodology chapter that my key informants are from intellectual group and they know something more than the house hold respondents. So I again focused on need of affirmative action for Dalits with them. I asked my both

Dalit and Non-Dalit key informants about need of affirmative action for Dalits. Firstly, let's discuss about the responses of my Dalit respondents:

To assess the need of affirmative action for Dalits; I firstly asked to my Dalit key informants why Dalits actually need affirmative action? They responded as below:

NGO activists focused on affirmative action pointing out that Dalits's main problem is their water is not acceptable due to which they cannot go for any business concerned to kitchen or cooking. Besides that, their traditional occupations are being collapsed due to growing price of gold, silver, copper, iron etc. They are not in condition of investing much on one hand and on the other hand they don't have occupational safety.. They have lack of consciousness. Dalits don't have access in all three main mechanisms of government that is; executive, legislative and judiciary. There is still untouchability inside different parties, occupational organizations, schools etc. Dalits have poor economic condition and don't have any access up to resources or services in consumption level. There is no place for Dalits in any mechanism of state even they are capable and worthy due to prejudices. Some of Dalits who are capable and worthy are also non-noticeable in number in comparison to Non-Dalits. Therefore, in present context there is not a possible environment for free competition, Dalits need affirmative action yet.

Dalit political leaders pointed out that Dalits now can't go for direct electoral voting system. There is still a problem in concept of people that they like to go for any Non-Dalit instead of capable and worthy Dalit. They are still not ready to welcome a Dalit in a valuable post. Dalits are being discriminated by the history. They were excluded by all the facilities and services that really need some especial treatment to draw them up to equal level that that of Non-Dalits. Affirmative action is a way for it.

Dalit journalists point out that Dalits were excluded from economic, educational, political, religious and many other aspects by the history which is still in practice. Due to historical discrimination toward Dalits, they couldn't live freely in any aspect of life. Even they were socially discriminated only due to their caste which kicked them far from all the access and opportunities. Therefore, in coming days, they need to get access to their rights. Affirmative action can provide them this kind of environment so in present context, affirmative action is needed for Dalits.

Dalit teachers/ lecturers focus that Dalits have low access in education. They face social discrimination due to which their access to school collages and university is lower than Non-Dalits. Because of educational beek wardress they are also kicked back in political, economical status, employment etc. Therefore, to solve this problem Dalits definitely need affirmative action.

Dalit activists make the point to be noted that to include all the forward and back warded groups of a state in equal level, affirmative action is needed. Today, Dalit is in backwards condition. They have been excluded from “emotion” or the extreme”. Therefore, it is being handicapped. So, Dalits now need affirmative action. On the other hand, Dalits have to face caste/ social discrimination though they have/ have not worth and capacity. Dalit sill face caste based discrimination while getting access and opportunity though they are capable. If some safe seats will be reserved for them, they don’t have to face these problems and can easily get access and opportunity and their worth and capacity. It can be possible by providing them affirmative action.

Dalit lawyer advocates that affirmative action in present context is needed without any arguments. Dlits who are excluded from society, even from the state mechanisms should get affirmative action as compensation. Dalits should get equal rights and services that all other groups are consuming in a state. So, for this purpose, now, affirmative action is needed for Dalits.

**Table 4.6 Need of Affirmative Action in Government Service: Fact by Dalits and Non-Dalis households**

To analyse the need of Affirmative action for Dalits, I asked my both 58 smpled households of Dalit and 58 sampled households of non-Dalit respondents whether the Affirmative action is needed in government services for Dalits or not. They responded as below:

Table 4.6: *Need of affirmative action in government services: fact by Dalits and Non-Dalits households*

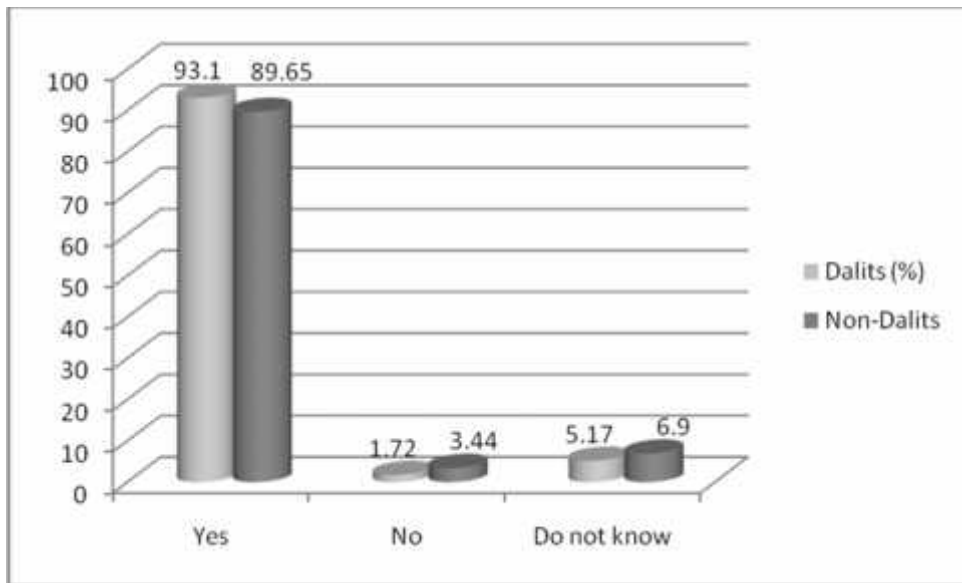
Need for Affirmative Action	Dalits		Non-Dalits	
	Number	Percentage	Number	Percentage
Yes	54	93.1	52	89.7
No	1	1.7	2	3.4
Do not know	3	5.2	4	6.9
<b>Total</b>	<b>58</b>	<b>100.0</b>	<b>58</b>	<b>100.0</b>

Source: Field Survey, 2010

93.1 percent of Dalits ask for affirmative action on governmental services for them while only 89.7 percent of non-Dalits are also supporting them. Out of 58 households of Dalits only one household that is 1.7% household denies for affirmative action for Dalits in governmental services. This percentage is higher in non-Dalits. 3.4% households of non-Dalits seem against of affirmative action for Dalits in governmental services. Those who want to keep quite in this matter are 5.2% households in Dalits while it is higher in non-Dalits, their percentage is 6.9 (Table 4.6). This shows that Dalits are aware to their rights and non-Dalits are also supporting them. This shows that Dalits need affirmative action in governmental jobs and most of non-Dalits also confess it. Though some of non-Dalits are still against of it but most of Dalits relies that Dalits need affirmative action on governmental jobs.

The figure 4.2 also shows that near about equal percentage of Dalit and non-Dalits households emphasizes that Dalits need affirmative action in governmental jobs. Though, the figure also shows that those who deny for affirmative action for Dalits in governmental services are more non-Dalits than Dalits and those who do not want to argue about this topic is also higher percentage of non-Dalits than that of Dalits, these percentage is lowest in comparison to them who support for the affirmative action in governmental services for Dalits.

Figure 4.2: *Need of affirmative action in government services*



Source: Field survey, 2010

Here, a huge percentage of both Dalits and Non-Dalits support for affirmative action for Dalits which indicates affirmative action is needed for Dalits in present condition.

Though, the book “Reservation and Affirmative Action: Models of social integration in India and the United States” by Arvind Sharma argues about “those who argue against affirmative action policies maintain that to claim on the one hand, that there should be no discrimination in any way what so ever based on sex, race, caste, class etc and then to turn back and ask for positive discrimination on those very grounds, amounts to trying to have it both ways: to have one’s cake and overeating it too. Treating equals as unequals in this way constitutes the greatest of injustices.

Those who argue for such policies maintain that to restrict policies to the enforcement of merely formal equality, in a society beset with structural inequalities, merely perpetuates inequality will never be able to catch up with those who benefit from it, so long as “equality to opportunity” alone is upheld.

Those who oppose affirmative action accuse their beneficiaries of wanting to have their cake and eat it too, while the victims of past inequalities complain that on account of not having had their fair share of the cake in the past, the victims can not

quite make it to the table on equal terms with the rest, so as to claim their fair share of the pie in the present, unless helped to do so.

The writer suggests at the end that if affirmative action is the solution, it is relatively easy to correct on injustice by creating another, but justice, in order to just, must be for all the parties concerned and not just for some.

My study shows that Dalits and Non-Dalits both ask that affirmative action for Dalits in present context is necessary for them, and it is not going to be reverse discrimination.

Here, causes that the persons argued about the need and no need of affirmative action is mentioned below:

**Table 4.7 Employment Status of Dalits and Non-Dalits in Government and NGO Sectors:**

To assess the job position, social status and access to power and authority, I asked my 58 Dalits households respondents and 58 Non-Dalits households respondents whether they have access on governmental job or not, If yes in what sector. Result was as follows:

*Table 4.7: Employment status of Dalits and Non-Dalits in government and NGO sectors*

Government Jobs	No. of Persons Who are Working			
	Dalits		Non-Dalits	
	Number	Percentage	Number	Percentage
Police	0	-	1	1.72
Army	0	-	1	1.17
School	2	3.4	16	29.6
Community Health	3	5.2	6	10.3
NGO/INGO	4	6.9	4	6.9
Total	9	15.5	28	48.3
<b>Total Households</b>	<b>58</b>	<b>100.0</b>	<b>58</b>	<b>100.0</b>

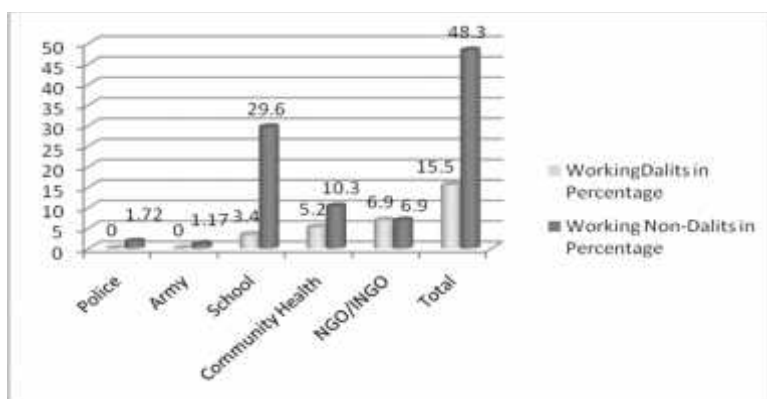
Source: Field Survey, 2010

48.3 percent Non-Dalits have access on governmental services where as only 15.51 percent Dalits have access on it. Though 51.72 percent of Non-Dalits haven't access in governmental jobs but this rate in Dalits is very high. 84.48 percent of Dalits are out of governmental job access. We can see Dalits haven't any access on police and Army jobs. This shows the state's discrimination based on caste. Some Dalits are working on school (3.4%), community health (5.2%) are very few in comparisons. Though, access on NGO/INGO (6.9%) of both Dalits and non-Dalit household is equal (Table 4.7). This proves that Dalits are able to work and compete with non-Dalits if they are provided by chance on one hand and on the other hand it shows the discrimination of state between its two different communities that is Dalits and non-Dalits. Thus, we see Dalits are being discriminated on many jobs like police and Army. They haven't equal access in governmental jobs and are still backward. They need some especial facilities to have equal access.

This is also supported by the same report of above that the report states it is interesting to note that the proportion of wage earners is higher among Dalits while proportion of those engaged in governmental services is higher among the so-called upper-caste population(pp:27).

Figure 4.3 also shows the same. Non-Dalits working in governmental jobs like school, community health are higher than Dalits. Dalits are discriminated in jobs like police and army. It shows the caste based discrimination of state while hiring for police and army. On the other hand, in governmental jobs, access of both Dalits and non-Dalits is same.

Figure 4.3: *Employment status of Dalits and Non-Dalits in government and NGO sectors*



Source: Field survey, 2010

This shows the discrimination made toward Dalits by the state in governmental services.

This indicates that affirmative action in government service is needed for them as we discussed in previous table 4.6

**Table 4.8 Family Focused on Occupation/ Profession:**

To assess the economical, social status of both Dalits and Non-Dalits, I asked my Dalit respondents of 58 households and 58 respondents of non-Dalit households about the occupation or profession they are included. They responded as follows:

Table 4.8: *Family focused on occupation/ profession*

Occupation/Profession	Dalits	Non-Dalits
Agriculture	22.41	65.51
Gold/Copper/Iron Smith	48.27	0
Tailor	3.44	0
Jajmani	0	3.44
Business	3.44	20.68
Going Overseas	46.55	18.96
Government Jobs	8.62	44.82



Private Jobs	6.89	3.44
Driver	1.72	1.72
<b>Total Number of H/H</b>	<b>58</b>	<b>58</b>

Source: Field Survey, 2010

Here, we can see that most of Dalits are based on their occupation as gold/copper/iron smith. 48.27 percent of the total sampled house hold is based on it. Second largest percentage 46.55 percent goes overseas for manual work and third large percent that is 22.41 percent is based on agriculture. On the other hand only 18.96 percent Non-Dalits go to overseas for manual work. 44.82 percent of them enjoy the government jobs. 65.51 percent are based on agriculture and 20.68 percent are based on business. Here, we also can see that, the profession of gold or iron or copper smith is not done by non-Dalits. It is only under the Dalits occupation. This shows the caste-based regularity of occupation and profession. In comparison to non-Dalits, Dalits are much deprived. They mostly based on their traditional occupation; go for manual work in gulf countries. They are more poor, low in education level and discriminated. Here, we can see Dalits have not any access on police and Army jobs. Some working on school, community health and some other sectors are very few in comparisons (Table 4.8). Thus, we see Dalits are being discriminated on many jobs like police and Army. They have not equal access in governmental jobs and are still back warded. They need some especial facilities to have equal access.

This is also supported y the “Forms and Patterns of Social Discrimination in Nepal.” That the proportion of sage earners is higher among Dalits while proportion of those engaged in governmental services in higher among the wo-called upper-caste population (pp: 27).

**Table 4.9 Why Affirmative action is needed?**

As we previously talked in table 4.6, 93.1% of Dalits ask for affirmative action and 89.7 Percent of non-Dalits support them. To know the reasons of asking for affirmative action I asked my both Dalit and non-Dalit respondents of total 116 sampled households of 58 Dalit and 58 non-Dalits households. There were only 1.72 that is one household of Dalits and 3.44 that is 2 households of non-Dalits who suggested that affirmative action is not needed. Therefore they did not suggest any cause. Here,

in table 4.9, I have mentioned the causes that my both Dalit and non-Dalit respondents suggested in case of need of affirmative action.

Table 4.9: *Why affirmative action is needed ?*

Arguments	Dalits (%)	Non-Dalits (%)
1) To uplift the marginalized group	25.86	27.58
2) As a compensation of discrimination made in history by the state.	63.8	63.8
3) To facilitate and uplift those groups who are socially, economically, politically back warded	29.31	29.31
4) To draw out marginalized groups to same level of others	15.51	15.51
5) State should be fair and equal to its all organs, deprives and marginalized people are also an organ of the state.	17.24	17.24
6) To provide equal opportunities to all	18.96	18.96
7) For some seats to those groups who cannot compete directly	37.93	60.34
8) To get the jobs easily	5.17	8.62
9) To overcome the gap between dominant and dominated.	41.37	46.55
10) To get occupational security	44.41	25.86
11) To uplift the lower castes	12.06	12.06
12) To make access to the policy making levels	24.13	65.51
13) To change the traditional understanding about scheduled castes	8.62	12.06
14) To provide the equal rights	23.07	31.03
15) To make aware and able to take the equal rights	23.07	29.31
16) To eradicate illiteracy and poorness.	6.9	15.51

Source: Field Survey, 2010

Dalits who are asking for affirmative action has given many reasons why they need affirmative action. On the other hand Non-Dalits also have supported them in the

same way. Non-Dalits also accept that Dalits really need affirmative action and they give above reasons for why Dalits need it. Though, there are few both Dalits and Non-Dalits who are against of affirmative action but they are very few in comparison to supporters. In this way, if we analyze the reasons for affirmative action and supporter of affirmative action, we find that Dalits and Non-Dalits both are in side of affirmative action for Dalits (Table4.9).

On the other hand, various literatures also provide many reasons for claiming that affirmative action is needed for Dalits. We know that, diversity is desirable and won't always occur if left to chance, without affirmative action, this diversity is much less likely to occur. Like this, students starting at a disadvantage need a boost, affirmative action draws people to areas of study and work they may never consider otherwise, some stereotypes may never be broken without affirmative action and affirmative action is needed to compensate minorities for centuries of slavery ([www.banalcedolitics.org](http://www.banalcedolitics.org)). On the other hand, state is fully responsible for the caste-based discrimination toward the Dalits; therefore it should provide the affirmative action for them as the compensation.

Table 4.10: *Groups that need affirmative action*

Groups that need Affirmative Action	Respondents			
	Dalits		Non-Dalits	
	Number	Percentage	Number	Percentage
Dalits	46	79.31	28	48.27
Non-Dalits	0	0	0	0
All	11	18.96	27	46.55
None	1	1.72	2	3.44
Do not know	0	0	0	0
<b>Total no. of H/H</b>	<b>58</b>	<b>100.0</b>	<b>58</b>	<b>100.0</b>

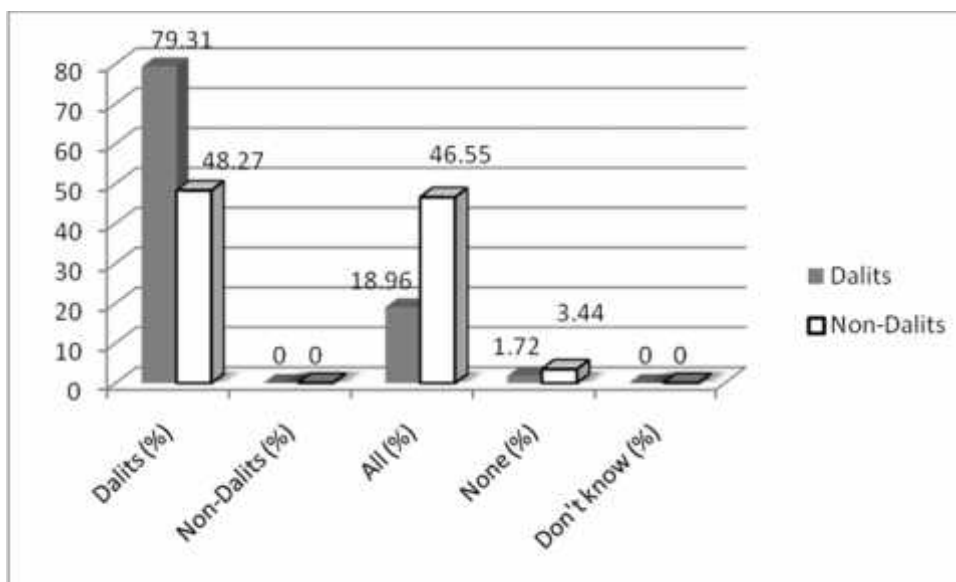
Source: Field Survey, 2010

79.31% Dalits focused that Dalits need affirmative action and 48.27% of Non-Dalits also supported them. On the other hand 18.96% of Dalits asked affirmative action for both Dalits and Non-Dalits. There are 46.55% of Non-Dalits who focused in

affirmative action for both Dalits and Non-Dalits. On the other hand 1.72% of Dalits and 3.44% of Non-Dalits said affirmative action should be given for none. There are none of Dalits or non-Dalits who do not know who needs affirmative action (Table 4.10). During my research, one household respondent of non-Dalit did not wish to talk in this topic. Here, we can notice that more of percentage focused on affirmative action only for Dalits. A huge percentage of Non-Dalits also accepts that now affirmative action is needed for Dalits now. Though persons who have not listen about affirmative action did not say anything but who have understand about it, advocated for affirmative action that it is needed for Dalits first.

The figure 4.4 also indicates that a huge mass of both Dalits and non-Dalits indicates that Dalit is that group that needs affirmative action. None of them are favor of non-Dalits. On the other hand, near about equal to those non-Dalits who advocates in support of affirmative action for Dalit, some non-Dalits advocate for affirmative action for both Dalits and non-Dalits but it is supported by very few percentages of Dalits. It denotes that this is on focus Dalits should get affirmative action.

Table 4.4: *Groups that need affirmative action*



Source: Field Survey, 2010

Here, an article by Dr. Harka Gurung called “Social Inclusion and Nation Building in Nepal” clarifies why Dalits need affirmative action. According to the article, the consequence of primacy given to Hindu ethos has been the entrenchment of the high

caste in the power structure. They constitute over 90 percent of the governing elite, of which 66.2% is of hill origin. Their dominance is reflected well in education, administration and economy. Among those with higher education, 73.8% is higher caste, 22.0% Janajati and 2.9% Dalit. Owing to their larger pool of the educated, high caste monopolies the bureaucracy. The number of candidates passing for gazetted post in recent years shows even increasing disparity. In 1984/85, the proportion of such successful ones was 69.3% high caste, 18.6% Newar, 8.5% Madhesi and 3% Janajati. By 2000/2001, high caste share increased to 87% while those of Newar, Madhesi and Janajati declined to 8.7%, 3.2% and 0.5% respectively.

According to the population census 2001, upper castes constitute 35.4% of total economically active population. By major occupation, they dominate in professional/technical (62.2%), legislative/administrative (58.3%), and clerical (53.6%). On the reverse, Dalit who constitute 11.9% of economically active population have only a nominal representation in such occupations: 1.6% in professional/technical, 1.3% in legislative/administrative, 3.9% in clerical. Among these engaged in elementary occupation 36.1% are Janajati, 22.6% are Dalit and 19.1% upper caste.

Nepal living Standard survey-II provides the latest data on per capita income by caste/ethnic groups. The Newar ranks highest with an average per capita income of Rs. 38,193. High castes come next with an average income of Rs. 15,630. Then follow the Dalit with an average income of Rs. 12,114.

Thus, we can see that affirmative action for Dalit is needed in the present context as my research shows.

#### **Table 4.11 Reason for asking Affirmative action by Dalits**

To assess whether Dalits are asking for affirmative action on their own need and awareness or they are being an “ideal toy” of the power game, I asked them why they ask for affirmative action. They pointed out following causes:

Table 4.11: Reason for asking affirmative action by Dalits

Reasons for asking Affirmative Action	Number	Percentage
For right	55	94.82
Leaders say	-	-
Others ( I don't know)	3	5.17
<b>Total</b>	<b>58</b>	<b>99.99</b>

Source: Field Survey, 2010

Here, we see 94.82 percent of Dalits ask for affirmative action because they know it is their right. Only 5.17 percent don't know about it. 5.17 percent haven't heard about affirmative action but most of Dalits Know about it and they ask for it as their right. This indicates that they are aware of their past which was discriminated by society and the state (Table 4.11).

**Table 4.12 Causes that Dalits/ Non-Dalit/ Others group need affirmative action:**

To assess why Dalits actually need need Affirmative Action, I asked my respondents of 58 Dalits and 58 non-Dalits sampled households about the causes that one need Affirmative Action, they responded as below:

Table 4.12: Causes that Dalits/ Non-Dalit/ Others group need affirmative action

<b>Dalits</b>	<b>Non-Dalits</b>	<b>All</b>	<b>None</b>
Dalits are scheduled castes who are socially, economically, politically back warded.	-	Affirmative action should be given on the basis of class not caste because there are many poor and deprives in Non-Dalits groups too.	It is conspire to keep the position of Dalit remaining constant. Actually, "Dalit" word itself should be dismissed.

They face and still facing the discrimination on the basis of caste.	-	Not only Dalits but also there are many Non-Dalits who can't go for direct competition.	It's going to be nothing. Who does what for whom? It's not needed.
Though Non-Dalits are poor and deprived but they are free from caste discrimination. Dalits pushed back due to their caste.	-	Everyone should get same environment to live.	Free competition should be encouraged.
If we compare, in any government mechanism, Non-Dalits are using the facility on top to bottom level but Dalits are excluded every where	-	State should be equal to its all citizens.	
Dalits don't have any access to policy making level. They don't have access to economic, political, educational, social and human resource power.	-	Today, poverty and nepotism are main problems. And, there are many Non-Dalits too who don't have any access in any aspects.	
They can't get access by direct competition.	-	A new strategy should be established which can promote those people who are poor in education as well as socially, economically, politically back warded. Only on the basis of caste is unfair.	
State made discrimination in the history and it is still	-	Dalits are already back warded. If they get affirmative action, one day	

<p>discriminatory toward Dalits. So, it should give affirmative action as a compensation though, here are other groups too which are made discriminated by the society but Dalits should be focused because they are historically discriminated.</p>		<p>will come when the worth and capacity of Non-Dalits would be excluded and they will be back warded. So, Non-Dalits also have to get affirmative action to prevent this situation.</p>	
<p>Dalits are not so aware about their rights. They must get their rights as others and must be made aware about it.</p>	-		
<p>Dalits are more back warded than others. So they should get especial facilities.</p>	-		
<p>To create a friendly environment where Dalits can live with their rights and freedom</p>	-		
<p>Dalits are in search of opportunities.</p>	-		
<p>Dalits haven't any one to advocate for their rights or none to response their demands. That's why they need some safe seats where they don't have to face discrimination.</p>	-		



To be on the same level than that of others. (Non-Dalits)	-		
To promote the worth and capacity of Dalits	-		
To remove the caste based discrimination	-		
Dalits are those groups who made persuade to be excluded from various opportunities.	-		
Dalits faced both state and social discrimination	-		
Dalits were discriminated even in nature gifted (land) things to man-made (laws and orders) things. It pushed them many years back.	-		
Dalits faced two types of discrimination together. On one hand social and on the other hand state's or law discrimination. This made them backward.	-		
To enjoy the power and opportunity equally.	-		

Source: Field Survey, 2010

Here, we can see that there are many causes for Dalits to get affirmative action. The social as well as states and law discrimination toward them is the main cause that today they are needy of affirmative action. Though, some people ask for affirmative action on the basis of class not caste. They argue that the main problem is poverty.

But Dalits argue that a poor Non-Dalit can earn money by a tea-shop too. The main problem is caste discrimination which makes them not only weak in laws but also socially backward. People who argue none of Dalits and Non-Dalits should get affirmative action have not any strong argument. Comparing all, we get, more causes that Dalits should be provided affirmative action in present condition (Table 4.12).

Beneficiaries of Affirmative action in schools of Humin VDC also suggested the needs affirmative action. Each individual case of beneficiaries advocate for the affirmative action. They are focused on affirmative action that is still needed to Dalits. As each case suggested, here are some causes on the basis of which, we can assess the need of affirmative action for Dalits:

- ) Dalits are poor in economic condition.
- ) They often cannot pay school fee due to which Dalit students may be dropped out.
- ) Dalits are suffering from occupation insecurity, so they are afraid of investing on their children's education.
- ) Dalits cannot have access to power and authority by direct competition due to impact of caste discrimination they faced by the history.
- ) Dalit parents are still not more educated so they need the change.

#### **4.2 Awareness of Affirmative Action**

Affirmative action generally means giving preferential treatment to minorities in admission to Universities or employment in government and businesses. The policies were originally developed to correct decades of discrimination and to give disadvantaged minorities a boost.

#### **Table 4.13 Heard of Affirmative Action**

To assess the awareness about Affirmative Action, I asked my both 58 households of Dalits respondents and 58 households of non-Dalit respondents whether they have heard about Affirmative Action or not, they responded as below:

Table 4.13: *Heard of affirmative action*

Heard of Affirmative Action	Dalits		Non-Dalits	
	Numbers	Percentage	Numbers	Percentage
Yes	52	89.6	52	89.6
No	6	10.3	8	10.3
<b>Total</b>	<b>58</b>	<b>99.9%</b>	<b>58</b>	<b>99.9%</b>

Source: Field Survey, 2010

89.6% Dalits have heard about affirmative action and less percent that only 10.3% Dalits haven't heard about it. On the other hand, again 89.6% Non-Dalits have heard about Affirmative action and 10.3% of them haven't heard about it. It means in present day, issue of affirmative action is a burning issue. It's the matter of concern for both Dalits and Non-Dalits (Table 4.13). This is also supported by the various literatures that I already reviewed and the seminars I took part, national dailies, and weeklies as well as various political magazines I reviewed. Talking through the book “Politics of Inclusion: Caste, Minorities, and Affirmative Action” by Zoya Hasan the proliferation of democracy in the last decade has led to the emergence of a consensus that within democratic systems on social group should not monopolize political power or governance. This has led to an awareness that crating political systems that address the needs of various groups, especially those that ate marginalized on the basis of race, religion and other ethnic background, is necessary for equity, fairness and political stability (pp:1-15).

#### **Table 4.14 Sources of Information about Affirmative Action**

Source of information determines how much reliable and clear information you get or it determines how much the respective issue is on discourse. It makes people aware about the existing problems and made them conscious. All the respondents of 116 households were asked about the sources of information by which they have heard about affirmative action they responded as below:

Table 4.14: *Sources of information about affirmative action*

Sources of Information	Dalits		Non-Dalits	
	Numbers	Percentage	Numbers	Percentage
Leaders	22	38	16	27.5
Media	48	82.2	50	84.5
Politicians	20	34.4	1	1.7
Activists	9	15.5	9	15.5
Others	1	1.7	1	1.7
<b>Total</b>	<b>58</b>	<b>100.0</b>	<b>58</b>	<b>100.0</b>

Source: Field Survey, 2010

Most of Dalits that is 82.2% Dalits heard about affirmative action through media. 38% Dalits heard it through leaders. 34.4% Dalits heard through politicians, 15.5% Dalits heard through activists. Least percentage that is 1.7% Dalits has heard through other sources. On the other hand 84.5% Non-Dalits has heard about affirmative action through media. 27.5% Non-Dalits heard about it through leaders. 15.5% Non-Dalits heard it through activists where as 1.7% Non-Dalits have heard through politicians and 1.7% Non-Dalits have heard through other media (Table 4.14).

This means most of the people go through media. It may be the global effect of communication that has made people aware about their right to be informed. Then, people go through leaders, this means people are politically aware and affirmative action is also a matter of politics. Role of activists is also important to make them know. It means affirmative action is slowly going on discourse. There are some other sources too which inform about it. We also cannot forget that 1.3% Dalits and 10.3% on Non-Dalits are still there who haven't heard about it. This means still some programs; some plantings and some home works are needed there.

**Table 4.15 Awareness on Dalits about the facilities that government has provides for them**

To assess the awareness on Dalits toward their rights, mass of Dalits using provided facilities and real need toward some more especial facilities, I asked my Dalit

respondents of 58 households about those facilities provided by government for them. Dalits responded as below:

Table 4.15: *Heard about the facilities*

<b>Heard About The Facilities</b>	<b>Number</b>	<b>Percentage</b>
Yes	47	81.03
No	11	18.96
<b>Total</b>	<b>58</b>	<b>99.99</b>

Source: Field Survey, 2010

81.03 percent of Dalits know that government has facilitated them in many aspects. Only 18.96 of them are unknown about it. This indicates that most of Dalits are aware about their rights (Tables 4.15).

#### **4.16 Media through which they heard about Affirmative action:**

Access on Media is also the symbol of status which denotes someone's economic status. To assess the economic status of Dalits I asked my 58 sampled households respondents that through which media they heard about Affirmative Action, they responded as below:

Table 4.16: *Media through which they heard about affirmative action*

<b>Media</b>	<b>Number</b>	<b>Percentage</b>
Radio	44	75.86
Television	21	36.20
Political Leaders	23	39.65
Activists	9	15.51
Others	1	1.72
<b>Total</b>	<b>58</b>	<b>100.0</b>

Source: Field Survey, 2010

Here, we see that 75.86 percent that is most of Dalits became aware through radio. Secondly, they listen to their political leaders. 39.65 percent of Dalits heard about their rights or the facilities provided by government to them by political leaders. Only

36.20 percent of Dalits have access to Television. It on the other hand shows their economic condition is still poor. Most Dalits have access in cheap means of communication that is Radio. They go for political leader's free suggestions but they have few accesses on expensive means of communication like televisions. Some that is 15.51 percent Dalits became aware by the activists and only 1.72 percent Dalits were awarded by government policies. It shows their poor educational level and lack of access to policy making level(Table 4.16).

**Table 4.17 Affirmative Action in People’s conception**

To assess the perception of people toward Affirmative Action, I asked my both Dalit and non-Dalit rspondents of 58 Dalits and 58 non-Dalit sampled households what they understand about Affirmative Action. They responded as below:

Table 4.17: *Affirmative action in people’s conception*

<b>Awareness of Affirmative action</b>	<b>Dalits (in percentage)</b>	<b>Non-Dalits (in percentage)</b>
1) An attempt to uplift the marginalized group	32.14	31.03
2) Isolating some especial seats for them who can't compete by direct competition	8.62	6.89
3) Some seats given by the government to lower caste people	15.51	5.17
4) An especial facility for the back warded castes to overcome the gaps between Dalits and Non-Dalits in many aspects.	5.17	3.44
5) A means to uplift social, economic, political status	1.72	6.89
6) A certain periodic especial facility provided y the state to the marginalized group which helps them to uplift their status in all the aspects like education, social , political	5.17	3.44
7) I'm not so clear but I have heard that it is a	8.62	8.62

process which uplifts the rights of Dalits. It's a means for talking g about Dalit rights.		
8) I am not so clear but heard that the government helps economically to students, provides jobs and provides facilities to old, poor and deprives.	13.79	13.79
9) I am not clear to it is better to say I actually don't know what it is.	13.79	1.72
10) It's an attempt to uplift those marginalized group which was made back warded by the state up to that level from where they can directly compete with other groups.	3.44	1.72
11) To make (somebody) safe in social , caste, economic, educational way	-	1.72
12) Some kind of help by any institution to the deprived or poor.	-	13.79
13) An attempt by the government to uplift the marginalized group	-	1.72
14) It's a way through which marginalized group/ people get access to policy making level.	-	1.72
15) Doing welcome to the worth and capacity of the marginalized people	-	1.72
16) None told us anything about it, so I don't know.	-	1.72
<b>Total numbers</b>	<b>58</b>	<b>58</b>

Source: Field Survey, 2010

Here, we see that many people understands affirmative action in various ways but they commonly understand that it is the way to overcome the discrimination made in past. According to them, it may be either by isolating some quota or reservation or by other reform planning (Table 4.17). The book “Politics of Inclusion: Caste, minorities and Affirmative Action” by Zoya Hasan also supports it. The book states that, it is important to note here that affirmative action does not necessarily mean reserving quotas in jobs for the disadvantaged sections like the lower castes or minorities, but

taking these identities as a factor for preferential treatments, for example; in college and University different vantage points, both are mechanism of preferential treatment to facilitate inclusion of disadvantaged groups. Both sets of measures address the recognition that certain patterns of disadvantage and exclusion require measures to promote equality of opportunity.

#### **4.18 Prevailing of Caste Based Discrimination in Society**

Emerson has said that consistency is a virtue of an ass. No thinking human being can be tied down to a view once expressed in the name of consistency. More important than consistency is responsibility. A responsible person must learn to unlearn what he has learned. A responsible person must have the courage to rethink and change his thoughts. Of course there must be good and sufficient reason for unlearning what he has learned and for recasting his thoughts. There can be no finality in rethinking. This is also related to caste based discrimination and its regularity within this changing world and the changing ideas. Untouchability in Hinduism is the root cause for kicking back Dalits in backwardness. Dr. B.R. Ambedkar has said “Law and religion are two forces which govern the conduct of men. At times they act as handmaids to each other. At other times they act as check and counter-check. Of the two forces, Law is personal while religion is impersonal. Law being personal it is capable of being unjust and iniquitous. But religion being impersonal, it can be impartial; it is capable of defeating the inequity committed by law. Religion is believed to ennoble man and not degrade him. Hinduism is an exception.” Therefore, to assess the social status of Dalits, I asked my Dalit respondents of 58 Dalit and 58 non-Dalit households whether they face any kind of caste based discrimination in their society or not. They responded as below.



Table 4.18: *Prevailing of caste based discrimination in society*

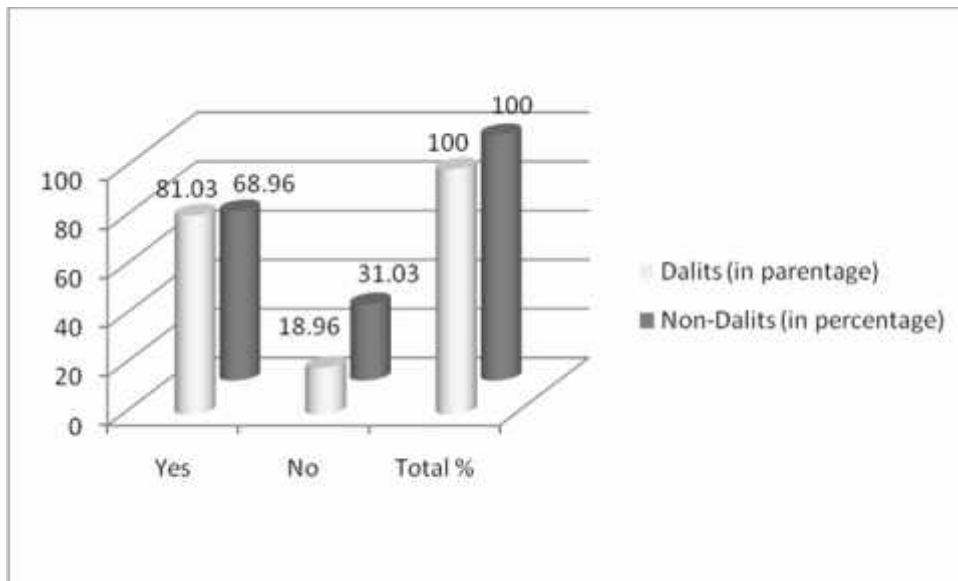
<b>Prevailing of caste based discrimination in society</b>	<b>Dalits</b>		<b>Non-Dalits</b>	
	<b>Number</b>	<b>Percentage</b>	<b>Number</b>	<b>Percentage</b>
Yes	47	81.03	40	68.96
No	11	18.96	18	31.03
<b>Total</b>	<b>58</b>	<b>100</b>	<b>58</b>	<b>100</b>

Source: Field Survey, 2010

We clearly see that, caste based discrimination is still rooted in society. 81.03% of Dalits still face social discrimination. It shows that though the world, the society has moved forward but position of Dalit, concept and behavior toward Dalits remained constant. Still Dalits have to face caste based discrimination and 68.96% of Non-Dalits also accept it (As table 4.18). It denotes that Dalits are still backward and unable to compete without any safe landings. They are still far from many opportunities and facing various social problems and discrimination which is pushing them still back.

This is also supported by the figure 4.5 the figure shows households that responded that caste-based discrimination is still prevailed in society are very high. Though, non-dalits are supporting it but they are few in comparison, it indicates that non-Dalits on one hand accept that Dalits are facing caste-based discrimination in society, on the other hand, they want to hide it. This tells us that caste-based discrimination is now in hidden form in the society. Though, it does not seem directly but it is still affecting negatively the socio-cultural status of Dalits.

Figure 4.5: Prevailing of caste based discrimination in society



Source: Field survey, 2010

This is also supported by a report called “Forms and Patterns of Social Discrimination in Nepal”. It states that untouchability rooted in the society by the old legal code 1854, is still occurs despite the law declaring it illegal in the New Civil Code 1963. In this form of discrimination, people of touchable castes perceive that they, or their objects, become polluted nif touched by members of Dalit castes. It is investigated that existing practice of caste-based untouchability and identified 205 areas in which Dalits are discriminated against by Non-Dlaits (pp: 18).

**Table 4.19 Reasons that proves caste based discrimination is still rooted in society**

To assess the fact on what basis people are arguing that caste based discrimination is rooted in society or it has been out dated, I asked my both 58 Dalits and 85 non-Dalits sampled household respondents about the reasons on what basis they are attesting that caste based discrimination is still rooted on society or it is now have faded up. They responded as below:

Table 4.19: *Reasons that proves caste based discrimination is still rooted in society*

<b>Causes</b>			
<b>Yes</b>		<b>No</b>	
<b>Dalits</b>	<b>Non-Dalits</b>	<b>Dalits</b>	<b>Non-Dalits</b>
Non-Dalits exclude us in food and water. They deny us to go inside their kitchen. They refuse to stay and eat with us. They never accept the water that we have touched.	Restriction on marriage	Society is changing.	It is not seen in public sphere. Private sphere is the matter of one's own decision.
It has taken a new form. People don't discriminate the rich and educated Dalit but for poor and uneducated one, the situation isn't changed.	Restriction on visiting kitchen	It is in decreasing level.	
Many laws are still discriminatory.	Water and food is not acceptable.		
Though, today Non-Dalits don't discriminate in public sphere but in private sphere nothing has been changed.	Laws are still discriminatory		
Traditional thinking and behavior is still the same.	Dalits become excluded even I picnics too.		

They deny us to ho inside4 their home.	They can't participate in various religious works like worships.		
There are many schools where our children have to face untouchability on the basis of water and food.			
Traditional domination, subordination and culture are sill rooted.			
They exclude us from birth-death rituals and marriage ceremonies.			
Still some cases be heard where caste based discrimination grabs the human rights.			
Many discussions based on caste discrimination still seem in society.			

Source: Field Survey, 2010

Here, main arguments that proves that caste based discrimination is sill based on society is; restriction on marriage, birth-death rituals, various religious occasions, water and food is still not acceptable. Though, they who advocate that caste based discrimination is now not in society are ignoring the present condition and comparing present with past. Though, the level of discrimination has decreased but it still remain which they want to ignore which is not fair. Many Dalits are still being excluded on the basis of case which is pushing them back (Table 4.19).

The report “Forms and Patterns of Social Discrimination in Nepal” also states that discrimination is intern in the denial of kinship and/or social relationships, denial of participation, forced labor, dominance, atrocities, social boycott, attitudinal untouchability, and discrimination to name but a few. Discrimination among Dalits

and Non-Dalits also appears in the form of language they use to address each other. Dalits address their Non-Dalit neighbors more politely and respectfully than by Non-Dalits to Dalits (ibid).

**Table 4.20 Responses of Dalits against caste based discrimination**

To assess the position of Dalits in laws and orders, I asked my Dalit respondents of 58 sampled households whether they have/ have not taken the help of law while responding against caste based discrimination. They responded as below:

Table 4.20: *Responses of Dalits against caste based discrimination*

<b>Dalits do response against Caste based Discrimination</b>	<b>Number</b>	<b>Percentage</b>
Yes	3	5.17
No	55	94.82
<b>Total</b>	<b>58</b>	<b>99.99</b>

Source: Field Survey, 2010

Here, we see 94.82 percent Dalits said they don't take the help of law while responding against caste based discrimination. Only 5.17 percent of Dalits take the help. It shows their poor access in law and order; it means their political status is very low (Table 4.20).

**Reason why they don't take the help of law and order**

- ) None listen our voice because we are poor and deprives. We become ignored.
- ) Non-Dalits discriminate us indirectly; we don't have any direct proof. They make many excuses in the name of tradition.
- ) We can't dare to be the enemy of the society.
- ) We fight at the tap, quarrel at home but don't go to police because Non-Dalits have their link there. The mechanism supports them not us.

) We haven't faced such serious condition, if we have to face, we will definitely go.

These reasons states that Dalits have poor access to law and order which is compelling us to stay in remaining condition. They need some more strong law and orders which support them. They need more access to administration. They need more access to defensive mechanism and they need some more facilities to get the equal social rights and levels as that of Non-Dalits. Those 22.42 percent who took the help of law have two kind of reality:

A) Caste based discrimination school, picnics

B) Caste based discrimination in hotels

They stated that they fought for their right in the court and they won. But in comparison, this amount of people is very low that shows the poor access of Dalits in law and order that is power and authority.

**Types of exclusion that Dalits face in their everyday life:**

To assess their social status, I have asked my Dalit respondents what type of exclusion they faced in their daily life. They responded as below:

) Restriction on marriage

) Food, water not acceptable

) Restriction on participation in religious occasions

) Restriction going inside the home

) Feel hesitate to stay and eat/ drink together

) Restriction on going inside the temple

) Treat as untouchables

) If we take food / water at their home (sometime still in hotels) we have to clean the pots ourselves.

These above responses show that Dalits have low social status which makes them unequal to Non-Dalits. Though, Dr. B.R. Ambedkar has stated that, there is nothing fixed, nothing eternal, nothing sanatan; everything is changing, change is the law of life for individuals as well as for society. In a changing society there must be constant revolution of old values but I found Dalits are still being treated as untouchables, which is affecting to their private and public life, their status and success. In this condition, Dalits need special treatment to get equal social status.

The report “Forms and Patterns of Social Discrimination in Nepal” support this finding and states that caste-based discrimination in practice is still present there in domestic domain, business domain, community life religious life of the community, community-based resources, land holding, educational attainment, employment, decision-making activities etc.

**Response of Dalits toward those discriminations:**

- ) We just ignore it
- ) Fight for our right in private sphere
- ) Just try to make us busy in our own work and not to participate in their functions.
- ) We faced it from child hood, so we just try to make them understand and feel easy.
- ) We ourselves become aware and don't keep in touch with them.
- ) Some time fight legally, but this situation occurs or we dare it rarely.

These responses shows on one hand poor access on laws and on the other hand Dalit's poor social status in comparison to Non-Dalits. So, it proves that if Dalits become treated especially it does not affect Non-Dalits but promotes Dalits to get equal level.

**Need of Affirmative action for Dalits and the views of Non-Dalits toward discrimination made by society to Dalits:**

- J Dalits were discriminated not only by society but also by the state; they became excluded in various aspects due to which they became excluded in various opportunities and accesses. So, today affirmative action can be a good solution by overcoming this problem.
- J Main cause of bad tradition in society is poverty, illiteracy, lack of political awareness and lack of access and opportunity. If we provide these things to Dalits by affirmative action, caste discrimination will itself fade off.
- J In past, Dalits were most discriminated and dominated but now it should be removed. Affirmative action can be a good idea for it.
- J In previous days, not only society but also state discriminated Dalits, but it should be stopped otherwise the gap between forward and backward will be grown up dangerously.
- J In previous days, Dalits were discriminated directly but today, it has taken indirect form and has become more dangerous.
- J They are still discriminated in profession like business. Viz: if they want to have a tea-shop or hotel, none will be there as a customer.
- J There is discrimination still rooted in society, individual's concept, behavior in private and public sphere. Affirmative action is needed to remove this discrimination.
- J Dalits are still persuaded to face some inhuman behavior. To get rid of all these, they need affirmative action.
- J Affirmative action is needed for Dalits to get the honor in society.
- J On one hand, Dalits have not access to law and order, few human resources, lack of opportunities; on the other hand Non-Dalits have dominated power and authority. So, discrimination toward Dalits is going higher. To come out from this situation, affirmative action is needed.



- J Up to when Dalits won't be educated, politically, economically, socially, religiously strong, discrimination will go continuously. So they should be firstly empowered through affirmative action in these various aspects.
- J It is the matter of power and politics. In previous days, state was ruled by Aryans and ethnic groups, so they discriminated Dalits and made the constitution supporting them. Now, it should be corrected.
- J In previous days, caste based discrimination was on the pick. Though it is going downward today but still has not eradicated. So, to remove caste system and all the caste based discrimination we need to make Dalits strong in education, politics, social, religious status and have to increase their access to power and authority as well as opportunity in various aspects. To do so, they should be provided affirmative action. And because Dalits are much backward in every aspect than that of Non-Dalits; affirmative action is going to be positive discrimination for them but not reverse discrimination for Non-Dalits.

Thus, we analyze that Dalits in present need the affirmative action because they are historically backward and discriminated. As Dr. Krishna Bahadur Bhattachan in his article "Peace and Good Governance in Nepal: The Socio-Cultural Context" states that positive discrimination or affirmative action have to be incorporated into the system. Positive discrimination and at present, positive discrimination is required in sectors like education, employment and scholarships.

These are the conclusions made upon the house hold respondents.

Here, when Non-Dalits are also advocating for affirmative action for Dalits, I tried to analyze by the past, so I asked them what they say/ think about those discriminations that the state made for Dalits in the past, my Non-Dalits key informants accepted that the state was discriminatory toward Dalits in the past and as the result Dalits new generation still is facing problems to adjust in equal level than that of Non-Dalits. They focused on Dalits for a certain time because not only in past but also today, Dalits are compelled to face caste discrimination in every aspect of the society and the state.

Non-Dalit NGO activists stressed that state discriminated Dalits directly in various aspects in the past and it is still discriminatory toward them though it has taken an indirect form. This discrimination are affecting the present generation of Dalits in various aspects like politics, psychology, education etc.

Non-Dalit journalists suggest the state that is should realize its mistakes and improve in various aspects. Many treaties signed with United Nations should be realized and state should correct its mistakes which made it by discriminating Dalits in the past.

Human rights activists advocates that the old generation made a great mistake which is still affecting badly. This generation is now responsible to solve caste based problems and gift a caste free society to next generation.

Non-Dalit teachers/ lecturers focus that state was and is till discriminatory toward Dalits. State ignored about the access of Dalits in decision making level, power enjoying and resource consuming levels and it is still ignoring in comparison to Non-Dalits. Many state-leaders, administrative officers still discriminates Dalits in various ways only because of their caste. In this condition, draw out Dalits up to equal level of Non-Dalits according to Non-Dalit teachers/ lecturers, affirmative action is needed yet.

Non-Dalit lawyers advocate that not only in past but also in present, state is discriminatory toward Dalits. Many articles and lines are sill have to be corrected. Many words as well as language used in laws are also to be rectified. This generation is facing the problems caused by the mistakes of older generation therefore, now the state has to be aware about the equal rights of its all citizens.

Not only them but also, health and administrative workers, women activists from Non-Dalit group support that due to state discrimination, Dalits are facing various problems like unequal access and inequality in various aspects. So in present context, state itself should be responsible, it has to make especial law and orders, facilitate its marginalized citizens, should provide some affirmative action for certain period of time and help them to reach up to policy making level. Only then equal access and opportunity is possible.

Here, if we analyze, we may conclude that state was and is still discriminatory toward Dalits. Past discriminations is still affecting in the bad sense and making Dalits weak, to get equal access and opportunity. Therefore, to empower them or to make them able to fight for their rights, they should be provided by affirmative action in present context because Non-Dalits are using more power, resources and opportunity than that of Dalits.

On one hand, where both Dalits and Non-Dalits are advocating for affirmative action for Dalits, we cannot ignore that now day's world and its ideas are changing, in this context focusing on affirmative action may neglect the talents and worth, so I asked my Dalit key informants about it, they refused it. They made clear that affirmative action doesn't mean to welcome marginalized person in any condition though they have talent/worth or not. Instead, affirmative action means to welcome the talent, the worth and capacity of marginalized people, to provide them equal chance and opportunity on the basis of their talent and worth. Therefore, it will never neglect the talent and worth of any one in any cost.

Dalit political leaders argue that though the world and its ideas have been changed, it actually has changed only in speeches and speaks. While talking about behaviors, concepts and laws, it is still remaining constant. Therefore, in present context, affirmative action for Dalits cannot avoid the talent and worth of Non-Dalits.

Dalit teachers/lecturers stress that though the world and its ideas been changed, but those changes couldn't affect up to village level. Social sight toward Dalits is still same on one hand while on the other hand, Dalit youth are being compelled to go overseas employments due to poverty, they do not have occupational safety. In this condition they really need affirmative action.

According to Dalit lawyers, if a state provides some especial treatments to its marginalized peoples, it never means state is grabbing all the opportunities from its other citizens who are already enjoying those facilities. Though the world and its ideas have been changed, according to them, concept and behavior toward Dalits are remaining same.

Dalit journalists support Dalit lawyers and add that if a state provides some safe seats for marginalized group, it also provides more seats for forwarded group. Dalits have not access up to policy making level; therefore, Dalits are still being back.

Here again Dalit activists stress that if state does not provide affirmative action talent and worth of Dalits may be neglected due to concepts of Non-Dalits. On the other hand, if Dalits get affirmative action, it never means all the opportunities and accesses are going to be grabbed by Non-Dalits.

Dalit NGO/INGO activists point out that due to poverty, negligence of the state, lack of awareness programs, nepotism, job opportunities are decreasing and youths are going overseas for employment. In this condition, Dalits cannot go for free competition. Therefore, they need affirmative action for a certain time which will not be the cause of neglecting any ones worth, talent or capacity.

Thus, if we analyze above reasons, first of all we get that though the world and its ideas are getting changed but concept, behavior and treatment of the society as well as state is still discriminatory in practice which makes them unable to go for free competition.

#### **4.1.5: Is Affirmative Action a Reverse Discrimination?**

While talking about Affirmative action, “reverse discrimination” is also on discourse on the other hand. Affirmative action generally means the Discrimination against members of a dominant or majority group, especially when resulting from policies established to correct discrimination against members of a minority or disadvantaged group (<http://dictionary.reference.com>).

So, I asked my Non-Dalit respondents that are affirmative action for Dalits is “reverse discrimination for Non-Dalits?” How it would be so? I found most of them refused it and focused on need of affirmative action for Dalits. They argued as below:

Non-Dalit NGO activists focused on affirmative action that is needed for Dalits. According to their arguments, untouchability is the negative result of our traditions. And to remove all these negative ideas and to come out to the equal level, they need affirmative action for certain time.

Non-Dalit lawyers pointed out that in present context; affirmative action for Dalits is not going to be the reverse discrimination. According to them, today affirmative action is really needed for Dalits to get social justice. They accept that affirmative action in real is to be provided for marginalized group and Dalits undoubtedly no is a marginalized group.

Non-Dalit journalists pointed out that Dalits are still much back warded and if they would be provided by affirmative action, it is not going to be reverse discrimination for Non-Dalits. They focus that now, Dalits and Non-Dalits are enjoying unequal access and opportunity. Non-Dalits are most forwarded than that of Dalits, so if Dalits get affirmative action, in present day, it is positive discrimination instead of reverse one.

Human right activists stress that in today's context, affirmative action for Dalits never can be reverse discrimination for Non-Dalits. Instead, Dalits need affirmative action now. They argue that Dalits are far from marginal line, they are back warded in politics, education and face social discrimination. So, to overcome these problems, they need affirmative action for sometime which is not going to be reverse discrimination for Non-Dalits.

Non-Dalit health workers and administrators have mixed arguments about it. Thought they focus on free competition on the basis of worth and capacity, they also accept that rural Dalits really need access and opportunity. They are still back warded and should be provided by affirmative action. According to their view, urban Dalits now can give free competition but in case of rural Dalits, affirmative action should be provided and it is not going to be reverse discrimination.

Non-Dalit teachers and lecturers support for affirmative action for Dalits and they deny that it may be reverse discrimination. They argue that, Dalits are historically socially, politically discriminated due to which they kicked back in education, economy and status. They are still being discriminated only due to their caste because concepts of people still have not been changed. So, according to their suggestion, Dalits in present context has to be provided by affirmative action for certain period of time and it is not going to be reverse discrimination for Non-Dalits.

Women rights activists pointed out that Dalits are weak in decision making level. Especially, the condition of Dalit women is too poor. Dalits are economically unable to support their will though they are worthy and capable. Therefore, in their sense, Dalits today, need affirmative action and it is not going to be reverse discrimination but definitely is a positive discrimination.

Thus, if we analyze both Dalits and non-Dalits arguments we can conclude that Dalits really need affirmative action and it is not going to be reverse discrimination for Non-Dalits. Here, we see Dalits are asking for affirmative action arguing that they were kicked back in all aspects of the society only due to their caste and the stat has also supported which was really unfair to them. On the other hand, we see Non-Dalits are also accepting their arguments and supporting them for getting access and opportunities by affirmative action. Though, some of Non-Dalits argue for free competition on the basis of talent and capacity but most of Non-Dalits focus that free competition is not possible yet. They accept that Dalits are so back warded than them. They are enjoying unequal access and opportunities. In this condition free competition will only be an unbalanced competition where winning will already be fixed for one that is Non-Dalits. So, Dalits should be provided affirmative action and it is not going to be reverse for Non-Dalits.

Here, those Non-Dalits who seem to be against of affirmative action were focused on free competition.

**Table 4.21 Effect on chances of Non-Dalits while providing affirmative action to Dalits**

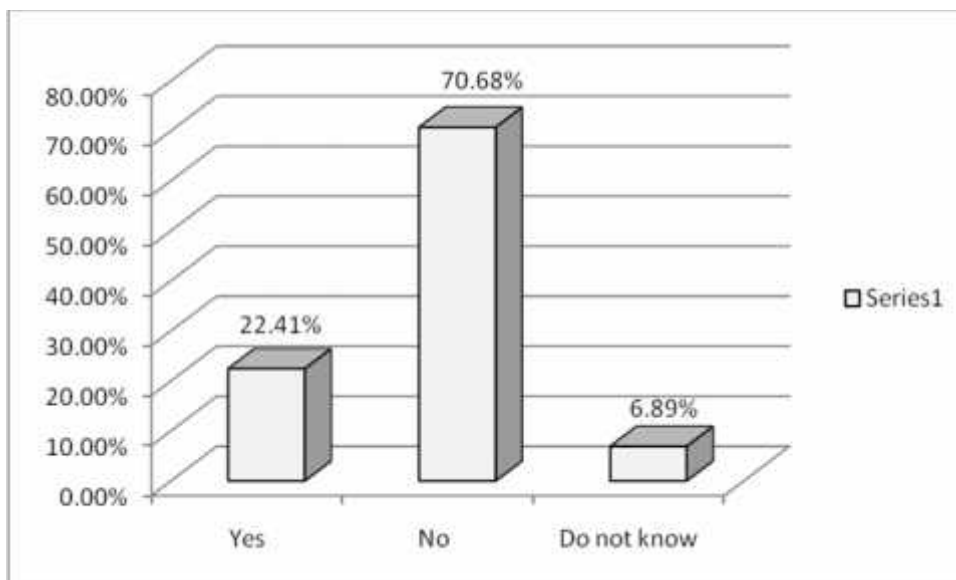
To assess the effect on chances of Non-Dalits if Dalits are provided affirmative action, I asked my respondents whether it decreases their chances or not. I was intended to know how they feel while competing with those Dalits competitors who have affirmative action or do they realize providing affirmative action for Dalits may decrease their chance and make them like a handicapped. By knowing this, I could be very much clear about providing affirmative action for Dalits may/may not be proved unfair to Non-Dalits. My Not-Dalits respondents of 58 sampled households responded as below:

Table 4.21: *Effect on chances of Non-Dalits while providing affirmative action to Dalits*

<b>Affirmative Action may affect on chances of Non-Dalits</b>	<b>Number</b>	<b>Percentage</b>
Yes	13	22.41
No	41	70.68
I do not know	4	6.89
<b>Total</b>	<b>58</b>	<b>99.98</b>

Source: Field Survey, 2010

Figure 4.6: *Effect on chances of Non-Dalits while providing affirmative action to Dalits*



Source: Field Survey, 2010

Here, we see that 70.68% of Non-Dalits refuse that their chances will be decreased if Dalits are provided affirmative action. Only 22.41% of them think in this way. It means a huge mass advocates that Dalits should be provided affirmative action and it is really needed to them. This huge acceptance proves that if Dalits are provided by affirmative action, this especial facility doesn't harm or doesn't affect negatively to Non-Dalits. Here, if we compare within table 4, 5, 6 and 24 we analyze that Non-Dalits also advocate the affirmative action for Dalits and they realize that it might not

be harmful to them. It means affirmative action for Dalits is a positive discrimination and it will not be proved a reverse discrimination (Table 4.21 and fig. 4.6).

This is supported by the article “Ethnic Stratification” in 8<sup>th</sup> chapter in the book, Inequalities: Class, Ethnicity, and Gender by Jonathan Turner (1994), Affirmative action does not mean that unqualified people must be given preference over others simply because of their minority-group status; not does it mean that specific numerical quotas are set. Essentially, the program sets goals and timetables for the hiring of minorities in government agencies and other large organizations that receive federal contracts or funds.

### **Arguments of non-Dalits why affirmative action for Dalits doesn't affect them**

Non-Dalits who refused that affirmative action for Dalits may decrease their chances or who accepted it were asked why and now it would be so? They responded as below:

Arguments of Non-Dalits about the need of affirmative action for Dalits:

- ) We cannot ignore that Dalits are more back than Non-Dalits, they should be given some especial facility to bring at same level.
- ) If we draw up some down trodden, it doesn't harm anyone.
- ) Though it is real that our little bit chances may be decreased but we can't forget that Dalits are more back warded. They really need chances.
- ) Dalits are making back warded from many decades, now they should be come out.
- ) Non-Dalits captured all the power and authority in all aspects and levels. That's why Dalits were excluded from those aspects and levels. Now they need some especial treatment.
- ) We have many chances in various fields. We have many human resources, access in law, power and authority but Dalits need some more effort to get all these in comparison to us.



- ) We got chances more but it's still difficult for Dalits to get those chances.
- ) Dalits were excluded in various aspects only due to their caste, not only by society but also by the state. So today, they should be provided affirmative action as compensation.
- ) Non-Dalits went most ahead in comparison to Dalits, so Dalits should be treated especially to fulfill the gaps between Dalits and Non-Dalits.
- ) If Dalits are provided affirmative action, they will get chance to overcome their missed opportunities. On the other hand, Non-Dalits are already playing with power and authority, so affirmative action for Dalits will not affect them.
- ) If Dalits get equal opportunities, many other doors will be opened for us too.
- ) It doesn't mean that opportunities giving to Dalits mean opportunities grabbing by us. It is really a miss concept or its really wrong thinking that to provide opportunities for Dalits means excluding Non-Dalits from all those opportunities that they are getting for.
- ) "To provide opportunity to back warded kicks forwarded back" is wrong concept. It never means so.
- ) Dalits became excluded by all the equal opportunities due to all those discrimination they faced in the past. They should get equal opportunity now.
- ) A free competition environment should be created by providing them affirmative action for a certain time.
- ) Dalits are much far from the access and opportunities. To provide opportunity to small brother does not mean opportunities grabbed by big brother.
- ) To provide access and opportunity to Dalits by affirmative action only means to make some seats safe for them. It doesn't mean it overtake our seats or place. Our seat and place will be safe as usual on the basis of our worth and capacity. And if a son can move forward, father never face to feel hesitate dividing his property.

- ) To provide equal access and opportunity for Dalits never means access and opportunities grabbed by others.

### **Arguments against the Affirmative action**

- ) There are already few seats. If some seats will be reserved by affirmative action, it will be unfair to us. One day, we may need affirmative action due to being excluded by particular affirmative action.
- ) If affirmative action will be provided on the basis of caste, there are also many deprived in Non-Dalits too? It will be unfair to them.
- ) Affirmative action provided on the basis of caste, neglects one's worth and capacity.
- ) In the present context, affirmative action should be provided on the basis of worth and capacity, poverty etc.
- ) Giving priority to Dalits decreases our priority.
- ) Affirmative action should be provided on the basis of class not caste.

In above arguments, we see that Non-Dalits have more points than those who are against of it. On the other hand those who argue that affirmative action should be provided on the basis of class not caste, table no. 7 answers them. In table 7m we already discussed a poor or deprived from non-Dalit group can earn money even from a tea-shop but a Dalit can not only due to his caste, so main problem is not class but caste. Thus, we can say that Non-Dalits who argue for the affirmative action for Dalits and they accept it might not hamper it, have stronger arguments. On that basis we can conclude that affirmative action for Dalits is positive discrimination not a reverses one.

I asked Non-Dalits that asking for rights, in one sense is a power game, so are Non-Dalits scared that one day power will be handed over on Dalits, that's why they seem against of affirmative action for Dalits? They refused it. They focused on that Dalits are most back warded than that of Non Dalits. They are excluded from equal access and opportunities and also facing social discrimination. The main point they raised to

be noted is that if they support for affirmative action for Dalits, other marginalized group like ethnic groups, women, handicaps etc will also demand for their rights. In this condition, access, opportunities and rights they are enjoying will be divided in many parts. One who is enjoying the whole bowl of rice-pudding will never want to enjoy only one tea-spoon. So Non-Dalits who ask for free competition is taking help of “reverse discrimination”. Otherwise in their views, every Non-Dalit knows and accepts that Dalits were discriminated and excluded and are still facing same problem. They in present context need affirmative action for certain period of time and it is not going to be reverse discrimination.

Here, when I found my all respondents (lawyer, journalists, human right activists, health worker and administrators, teachers and lecturers, women right activists, NGO activists) supporting for affirmative action for Dalits.

While everybody is focused on affirmative action, to assess the need of affirmative action, I asked my Dalit respondents that competition without affirmative action may be the better idea to get equality and equity. They responded as below:

NGO activists refused that a free competition may be the better idea to get equality and equity. They argued that focused group even doesn't know that there is some amount of economic help for them. There is leak somewhere in distribution of economy because of political agendas, power game of upper class etc. Because of all these causes, many Dalits are still unknown toward their rights. In this situation, according to NGO activists getting equality and equity by free competition is not possible yet.

Dalit lawyers advocate it is not possible yet. They argue that competition between two unequal groups cannot be fair. There is on one hand the Non-Dalit group which is enjoying all the facilities, opportunities and resources; on the other hand there is Dalits group who has been excluded by the society as well as the state as well as its laws and orders. So, free competition between these two unequal groups will be again discrimination instead of fair competition.

Dalit activists argue that Dalits are 156 years times backward than that of Non-Dalits, so free competition is not possible yet. Journalists argue, it was possible if

Dalits also would have accessed equal power and opportunities as Non-Dalits. But it hadn't possible. It is still discrimination for them on the basis of caste; their water is still not acceptable. Economically they are out of access of land, capital, labor and associations/ organizations. In this condition, free competition between Dalits and Non-Dalits is not possible yet.

Dalit political leaders' deny that it may be fair, instead they stress it will be a race between two individuals having one and both legs. They accuse that there is still problem in concept of people. They don't want to welcome Dalits in vital posts instead of Non-Dalits. On the other hand, few effects of feudalism and Brahminism are still discriminatory. Therefore according to their views, free competition in present context can not lead them to equality and equity instead of pushing on unfair competition.

Dalit teachers/ lecturers argue that many Dalit students are still unable to use even their free ship due to caste discrimination in School/ society. There is still struggle for those rights that they have got. In this condition, if they have to fight without any especial rights, the struggle will be most scary. The main problem of Dalit is social/ caste based discrimination and low educational rate. Therefore according to their view, free competition kicks them back instead of leading them to equality and equity.

Thus, we can analyze and conclude that Dalit is a group which excluded from all the opportunities and accesses for many years so can't go for free competition. On the other hand, Non-Dalits enjoyed all the opportunities and got access over various resources. So, they won't be affected if Dalits are provided by affirmative action.

To analyze the Non-Dalits position in society, cause for their deny to affirmative action for Dalits and estate of reverse discrimination, I asked my non-Dalit key informants whether they too need affirmative action or are just against of it and why so it is. They responded as below:

Non-Dalit journalists analyze that none want to share the rights, opportunities or access that is entirely being used. Non-Dalits are feeling such problem now but they don't need affirmative action.

Non-Dalit lawyers advocate that Non-Dalits don't need affirmative action but their talent and capacity should be welcomed too.

Human right activists argue, in present context, here is a condition where, sometime one may lose the opportunity because he/she is Non-Dalit. But it doesn't mean they need affirmative action. State has to lead its people in equal level.

NGO activists, teachers/ lecturers, health workers and administrators from Non-Dalit groups pointed out that Non-alit don't need affirmative action. They have to go from free competition but state should provide their all citizens, the equal opportunities. It should provide affirmative action for Dalits for a certain period of time, as well as it should be conscious for the rights, talent, and capacity of Non-Dalits too.

Thus, we can analyze that Non-Dalits are just scared of sharing their single opportunity with others which is not fair according to the view of Non-Dalits themselves. The term "reverse discrimination" is not appropriate to be used by Non-Dalits in present context because according to their own view, if Dalits are being provided by affirmative action it is not going to affect them for some period of times. Thus, we can conclude that affirmative action for Dalits is not going to be reverse discrimination for Non-Dalits.

Thus, by analyzing all the arguments of my Non-Dalit key informants I conclude that affirmative action for Dalits is really needed yet and it won't be reverse discrimination for Non-Dalits in present context.

While talking about the "effects of Affirmative action provided to Dalits" on Non-Dalits, each respondents of beneficiaries of Affirmative action there in Humin VDC pointed out that they will not be affected negatively. Dalit beneficiaries' argue that affirmative action on one hand will help them to have access on power and authority but on the other hand, it will not harm or affect negatively to Non-Dalits. They give some reasons why affirmative action will not be proven negative to non-Dalits or how it will not decrease the chances of Non-Dalits.

) Educated Non-Dalits is more in percentages. Non-Dalit parents are conscious about education. They know they have to educate their children anyhow and

they do whether they have to take loan, they take it but Dalit parents generally make their children drop out due to poor economic condition.

- ) Non-Dalits are rich, educated, have access to power and authority by the history in comparison to Dalits where as; Dalits are facing social discrimination which pushed them back in all aspects.
- ) Non-Dalits got chances ever but Dalits lost their chances in history so if now they are being provided by the chance, it never means Non-Dalits are losing chances.
- ) Non-Dalits already have access to policy making level, it doesn't matter if someone takes a single drop of water from the completely filled pot or ocean won't be dried by dropping out a drop of water.
- ) Non-Dalits are much forwarded than that of Dalits so now Dalits need chance to overcome the gap.

### **Concluding Remarks**

Here, we can analyze that though people are being politically aware for their rights, they are intending to overtaking access, opportunities, power and authority but everyone realize that Dalits are marginalized group and really need affirmative action. And affirmative action for Dalits is not going to be reverse discrimination for Non-Dalits. We got that the causes of poorness of Dalits is discrimination made by the state. Therefore it should provide them compensation as the affirmative action. Another point we got is giving affirmative action for a group doesn't mean grabbing access and opportunities from another group. Therefore we may conclude that providing affirmative action for Dalits neither reduce the chances and access nor neglects the worth, talent and capacity of Non-Dalits.

#### **4.1.6 Affirmative Action as a Solution**

The term Affirmative action is generally understand as a policy designed to redress past discrimination against women and minority groups through measures to improve their economic and educational opportunities. On the other hand, according to Dr.

B.R. Ambedkar, "Rights are real only if they are accompanied by remedies. It is no use giving rights if the aggrieved person has no legal remedy to which he can resort when his rights are invaded." Therefore, I tried to know whether Affirmative action may be a solution to overcome the problem of the caste based discrimination or not

**Table 4.22 Affirmative action as the solution to come out from present situation**

To know whether affirmative action can be a solution to come out from present situation or not, I asked my Dalit respondents of 58 sampled households, is it so? They responded as below.

Table 4.22: *Affirmative action as the solution to come out from present situation*

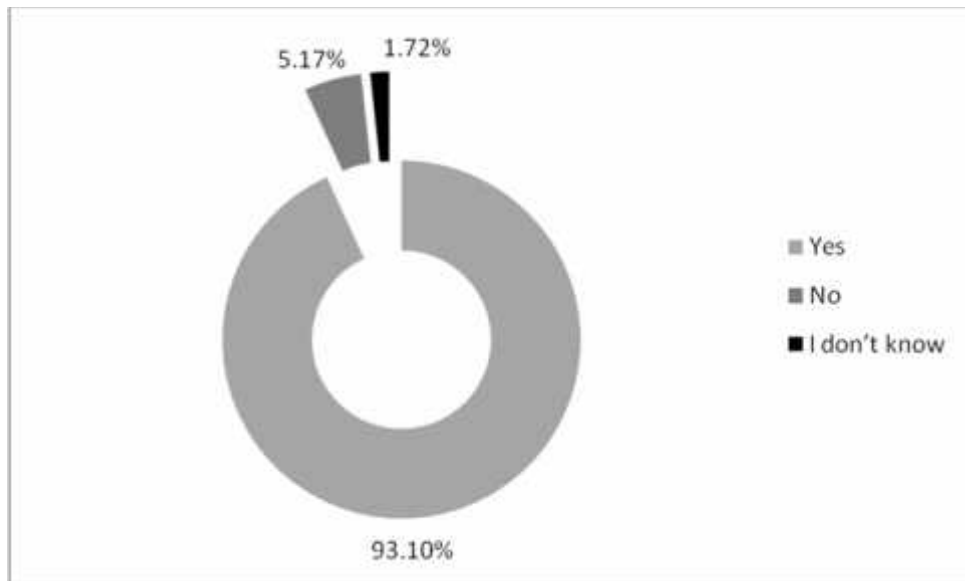
<b>Affirmative Action can be a solution to come out of present situation</b>	<b>Number</b>	<b>Percentage</b>
Yes	54	93.10
No	3	5.17
I do not know	1	1.72
<b>Total</b>	<b>58</b>	<b>99.99</b>

Source: Field Survey, 2010

Here, we see most of Dalits that is 93.10 percent accept that affirmative action can be the good solution to come out from the present situation. Only 5.17 percent that is very little in comparison does not accept it. While 1.72 percent are not able to suggest anything about it. As a whole, affirmative action may be a good solution that can promote Dalit's present situation and lead them to the equal level than that of Non-Dalits (Table 4.22).

It is also supported by the figure 4.7. The figure shows maximum Dalits accept that affirmative action can be a solution to come out of present situation. Only less percentage denies from it and negligible percentage is unknown to it.

Figure 4.7: *Affirmative action as the solution to come out from present situation*



Source: Field survey, 2010

Here, law professor Herman Schwartz in the article “is affirmative action reverse discrimination?” emphasizes on the affirmative action and argues that we must somehow undo the cruel consequences of racism that still plague our society and its victims. So, we can say that to promote Dalit’s present situation and lead them to up, affirmative action is the good idea.

**Reasons that Dalits pointed out which proves affirmative action as a good solution**

- ) Provides equal opportunity
- ) Poverty alleviation
- ) Equal access
- ) Get rid of discrimination
- ) Access to education, power and equal rights
- ) Job opportunities



- ) Change in concept and behavior
- ) Equally treating environment
- ) Equal opportunity
- ) Social, political, economical status will be grown up
- ) Deprived Dalits will get support from upper level Dalits
- ) Supportive established law and orders and defensive mechanisms
- ) Risen level of life living
- ) Makes aware about rights
- ) Reduced prejudices or no place for biasness

Thus, above reasons speak themselves that affirmative action can be a good solution to lead Dalits on equal level on Non-Dalits. It is a way to give the equal chance to come out from the problems. This analysis proves that Dalits should get affirmative action in present condition.

Here, according to Herman Schwartz, affirmative action is designed to compensate the disadvantaged for past racism, sexism, and other discrimination, many understandably believe that today's society should not have to pay for their ancestors' sins. But somehow we must undo the cruel consequences of the racism and sexism that still plague us, both for the sake of the victims and to end the enormous human waste that costs society so much.

Those 5.17 percent who refuse that it could be a good solution give not so noticeable point but they also seem little bit in side of it. They argued that if we only depend on affirmative action, nothing will be changed but if we give affirmative action for certain time and do monitoring and evaluation, it will surely be fruitful and it is hard to remove traditional thinking and behaviors.

But it is not so big problem. So to sum up, we can analyze that Dalit's social, political, educational, economical status as well as access in laws and orders is much

poorer than that of Non-Dalits. So, they need to be treated especially and affirmative action is a good idea to apply as solution to drop out them from their present problem and to lead them to equal access and opportunity.

To analyze the importance and real need of affirmative action, I again asked my Non-Dalit key informants whether affirmative action be a kind of way to overcome the past discrimination or not. They supported the affirmative action and accepted that it is a good idea to overcome the past discriminations and its negative effects.

Non-Dalit journalists argue that affirmative action is an appropriate solution to overcome past discrimination and its negative effects. Educated, worthy, talent and capable Dalits get opportunities and accesses due to affirmative action by which they can lead their community.

Human rights activists focus that it's a very good idea and it has to be applied in practice with appropriate mechanisms of supervision and evaluation.

Non-Dalit teachers/lecturers argue that though leaders, officers like persons talk about caste free society in public sphere in their speeches, caste based discrimination is still rooted in their concept and behavior. They are still not ready to welcome a Dalit in vital posts. Therefore, affirmative action of course is a very good solution to provide opportunities and accesses up to policy making level for Dalits.

Non-Dalit lawyers point out that affirmative action provided for a certain period of time surely and undoubtedly helps to remove the caste based discrimination. But the state should be careful that it discriminated a particular group in the past and another particular group won't be discriminated in future.

Likewise, NGO/INGO activists , women activists, health workers and administrators focus that affirmative action for a certain time is a good idea for moving Dalits up to equal level of Non-Dalits but the state should be careful that opportunity and access of Non-Dalits may not be endanger.

Thus, we can analyze that, affirmative action is of course a good solution to overcome and past discrimination and its negative effects on Dalits.

I again focus on need of affirmative action for Dalits and asked my Non-Dalit key informants that is really affirmative action a required system? They accepted it and focused on its requirement.

Non-Dalit teachers/lecturers pointed out that it's most required system in present context. It has to be provided till then change in concept, behaviors of Non-Dalits don't change, and equal opportunity and access is not provided by state and upper mechanisms. It is a most required system because by it, Dalits get opportunity to ask for their rights to speak for themselves. They get back support and caste based discrimination gets removed.

Non-dalit journalist stress that none can do anything without having rights. Therefore, there should be some safe seats and rights for Dalits. So, affirmative action is a needed system to provide them their rights.

Non-Dalit health worker and administrators focus that it's an important and required system because those who cannot go for free competition can get access to various aspects by affirmative action.

Women activists focus that to provide Dalits equal access to social, educational, political consciousness and make them aware about their rights; affirmative action is a required system.

Human rights activists advocates that it is a required system in present context and NGO/INGO activists support them by arguing that now Dalits cannot go for free competition.

Non-Dalit lawyers point out that affirmative action is a most required system in present context because it leads the marginalized group to upward direction providing them opportunities and accesses on the basis of their talent and capacities.

By analyzing the above arguments, we can conclude that, in present context affirmative action for Dalits is a necessary and really required system.

I again asked them whether affirmative action is a required system or not and is it benefited to them? All of them emphasized it positively and argued as below:

- ) They, who can't go to free competition can also get the achievements according to their worth and capacity.
- ) In present context, when nepotism, favoritism and concept of domination toward Dalits are being a problem, affirmative action provides opportunities and accesses.
- ) Dalits shouldn't face any interruption while getting their rights and they don't have to be victim of any conspire if they get affirmative action.
- ) Dalits can move forward by getting access in education, politics, social status, economy etc.
- ) Affirmative action is a great idea to provide access of Dalits from service consumer level to policy making level of all the mechanisms of the state.
- ) There are many reasons that prove affirmative action is benefited. For example, Dalits from far western region of Nepal have only 34 years as their average age, 80% of Dalits are land less, percentage of education and employment is less in comparison to Non-Dalits. In this condition, affirmative action obviously seems benefited.
- ) Through affirmative action, Dalits too get access up to policy making level, raise in way of life living and livelihood, they can play with power and economy, due to which level of Dalits and Non-Dalits will be equal.

Affirmative action is a needed system because:

- ) To make people aware, conscious about their rights, to draw out marginalized people up to equal level.
- ) To provide equal access and opportunity.
- ) To get enough access in all mechanisms of the state.
- ) To remove the gap between Dalits and Non-Dalits that is to remove gap between dominants and dominated.

- ) There is not any healthy environment to welcome the worth and capacity of Dalits therefore to welcome the worth, capacity and success of Dalits, affirmative action is a necessary system.
- ) To solve the problems related to Dalis, it is a needed system.
- ) To develop every aspect concerned with Dlits and to make sure the environment of equality and freedom, affirmative action is a needed system.
- ) Now Dlaits are being victim of power game, affirmative action is needed system to make sure of their rights.

Thus, my Dlait key informants emphasized on the affirmative action as a needed system, and it benefits them. To cross-check their emphasis, I indicate about the negative effects of affirmative action and asked them what do they think about it? They argued as below.

- ) Thought, it has some negative aspects like laziness, ignorance of worth and capacity etc. but positive aspects are more than negative one.
- ) When affirmative action is provided for a long time and system of monitoring and evaluation will be lacked, state will be unknown about its responsibilities, only in these conditions affirmative action can result negatively; Nepal should have to aware about it.
- ) Affirmative action provided for certain time never affects negatively.
- ) It helps to move forward, provides equal opportunity, increases access to leadership level more than affecting negatively. Therefore it's better to emphasizing on positive aspects and improves on negative aspects.
- ) System of monitoring and evaluation should be tight, it should be claimed for a certain time, and then we won't have to face negative aspects.

Thus, we can analyze that Dlits really need affirmative action in present condition. Though it may affect negatively too but it can be prevented through some especial cares. The main thing is affirmative action has most of positive effects in comparison

negative one. If Dalits are provided affirmative action, their status in every aspect will undoubtedly be raised.

### **Concluding Remarks**

There are no governmental records about Dalits in education, employment, bureaucracy etc. It shows that state is irresponsible toward its minorities, especially talking about Dalits. Affirmative action is new for people. Though educated people know something more about it, they too are not very much clear about it. Uneducated people are puzzled about it. Much more awareness programs are needed. Though people know clearly that Dalits are down trodden, back warded, historically discriminated and need some especial treatments. They couldn't suggest more types than "quota" and "aarakshan" but suggested the qualities that affirmative action should gave to have. It denotes that state is not responsible toward its Dalits. Though, it is providing some affirmative actions but those are not enough. Some more home works are still needed to be done. Some more studies are to be held and some more researches are required to be done.

Here, we can analyze that affirmative action for Dalits is needed system in Nepal for a certain time. Dalits of Humin VDC as the representative of Nepalese Dalits seem poor in educational, social, political status and they need some especial treatments to overcome these conditions. Not only Dalits but also Non-Dalits feel this critical condition of Dalits and support them for affirmative action. By analyzing above data, we too can say that Dalits need affirmative action and reservation in governmental services for a certain time.

### **4.2 Types of Affirmative Action**

To know the types of affirmative action provided by government, I visited district education office, VDC office, hospitals etc. The main motto behind it was to record the secondary data about the above mentioned objective but none of any governmental agency could provide the accurate date. The authentic persons from those agencies mentioned that government hasn't any especial programs for Dalits. They don't have any record about affirmative action. Because affirmative action is a new issue for Nepal government, it has not any especial facilities in its policies.

Though in recent 3 or 4 years, some Dalit students are studying in quota and aarakshan, some Dalits are being employed by quota and aarakshan but there are not any governmental records in those offices. Therefore, though, I informally got two types of affirmative action usually are in use “quota” and aarakshan” but I didn’t get any formal record about types of affirmative action provided by government to Dalits because government itself hasn’t any especial program for its Dalit minorities. It shows the negligence of state toward its minorities in one hand and unequal access and opportunity on the other hand.

Close-ended questions were asked to the sampled house hold respondents. They suggested only two types of affirmative action they have heard:

1) Quota

2) Aarakshan.

According to my house hold survey, out of 20.68 percent Dalits using government facilities, 17.24 percent are using quota system and rest 3.44 percent are using Aarakshan. These are mainly two types of facilities that government has provided to Dalits. My house hold respondents too couldn’t suggest more than these two kinds of affirmative action popular in Nepal.

On the other hand 18.96% of Dalits are still unknown about the term affirmative action. It means there are still many Dalits who have to know about their rights and facilities that government is providing for them. We cannot ignore this percentage which denotes there are still those who are back from the main stream.

#### **4.2.1 Benefits of Affirmative Action**

Asking for Affirmative action is not sufficient, it is really important to analyze whether it is benefitted or not. According to Dr. B.R. Ambedkar, “Rights are real only if they are accompanied by remedies. It is no use giving rights if the aggrieved person has no legal remedy to which he can resort when his rights are invaded”. Affirmative action and its effect on Dalits is the most significant part of my research. Therefore I tried to be acquainted with it.

**Table 4.23 Households which Family are benefited by those kinds of facilities**

I have asked my Dalit respondents of 58 sampled households whether their family members are using that kind of any facility provided by government to them or not. They responded as below:

Table 4.23: *Family benefited by those kinds of facilities*

<b>Households which Family are having access to those government facilities provided by government</b>	<b>Number</b>	<b>Percentage</b>
<b>Yes</b>	12	20.06
<b>No</b>	46	79.31
<b>Total</b>	<b>58</b>	<b>58</b>

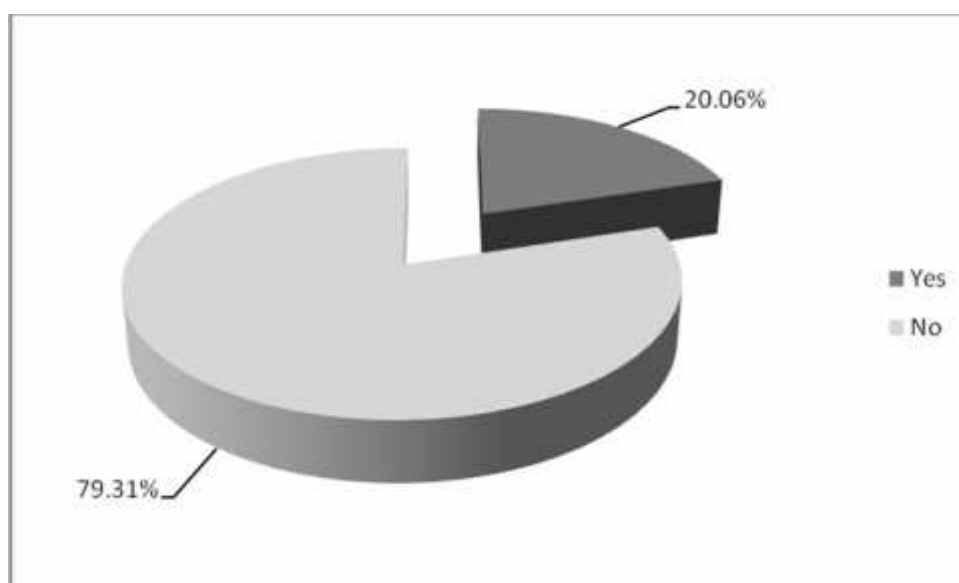
Source: Field Survey, 2010

Here, we see that most of Dalits are not being able to use the facilities provided by government for them. Only 20.68 percent Dalits are using those facilities. A huge mass of Dalits are being unable to use given facilities is directly concerned with the previously discussed problems like caste based discrimination, poor economic level, lower educational level, lack of access in policy making level and it proves that Dalits are still in search of opportunities (Table 4.23).

This is also supported by the figure 4.8 As the figure shows most of the Dalits households are out of the benefit of any kind of governmental facilities. Only few percentages of Dalits are being benefitted which is lowest in comparison. This is also supported by the key informants who argued that though it seems as the benefit of Affirmative Action is being trickled down but in fact they Dalits still have not their developed skilled manpower.



Figure 4.8: Households which family are benefited by those kinds of facilities



Source: Field Survey, 2010

**Table 4.24 Types of facilities that Dalits are using**

To know the types of Affirmative Action that people are familiar with, I asked my 12 beneficiaries Dalit households of Affirmative Action among 58 sampled Dalit households about the types of facilities that their family members are using, they responded as below:

Table 4.24: *Types of facilities that Dalits are using*

Types of facilities that Dalits are using	Dalits using those facilities	
	Number	Percentage
Quota	10	17.24
Aarakshan	2	3.44
Others	-	-
<b>Total</b>	<b>12</b>	<b>20.68</b>

Source: Field Survey, 2010

Here, out of 20.68 percent Dalits using government facilities, 17.24 percent are using quota system and rest 3.44 percent are using Aarakshan. These are mainly two types

of facilities that government has provided to Dalits. Remaining percentage that is 79.31 percent are unknown to these facilities (Table 4.24).

#### **4.25 Educational level of the person who is enjoying such kind of facilities:**

There is a myth about affirmative action that it often is given to caste basis not on the talent and worth. Therefore I asked my 12 beneficiaries Dalit households of Affirmative Action among 58 sampled Dalit households about the level of education that the person of their family who is enjoying the facilities. They responded as below:

*4.25: Educational level of the person who is enjoying such kind of facilities*

<b>Educational level of the person who is enjoying such kind of facilities</b>	<b>Number</b>	<b>Percentage</b>
Primary	2	3.44
Secondary	4	6.89
Certificate	1	1.72
Bachelor's	2	3.44
Master's	-	-
PHD	-	-
Others (old pensioners)	3	5.17
<b>Total</b>	<b>12</b>	<b>20.68</b>

Source: Field Survey, 2010

Here, we see that on hand students studying from primary to bachelor's degree are enjoying the facility while on the other hand senior citizens are getting support. However they who are enjoying the facilities are most few in comparison to whole (Table 4.25).

#### **Usefulness of the facility**

The respondents were asked whether those facilities they are using is useful for them or not? I was required to know how much fruitful is the facility they are using, is it really help their life or not. They responded as below:

- ) It really helps, we got the economic support.
- ) Raised social status/ educational level
- ) Welcomed out worth and capacity
- ) Lead to get access on higher level
- ) Made us self-dependent
- ) Raised the political status
- ) Promoted and encourages us to move ahead

These arguments show that one who gets some especial facility moves ahead and gets access on various aspects. His social, political, educational level goes higher and in the long run s/he can go for the free competition. So, for some certain times, Dalits still need some especial facilities to move ahead.

To assess the benefit of affirmative action or positive effect of it, I asked my Dalit key informants. People accuse that, Dalit leaders show the problems of deprived, have affirmative action and miss use them by using it in trickle down approach. What their argument is?

Dalit political leaders argued that in general people accuse like this but they are really far from reality. In real, there are only few Dalit candidates in parliament first. Dalit leaders themselves have not efficient access over power and resources. Those who have access are so few in number that none neither listen not react them. In this condition firstly, it is still have to get access over power and resources by political leaders themselves. On the other hand, Dalit manpower and human resource is not sufficient they to cover whole reservation quota seats. Secondly, Dalits still have to develop their human resources.

Dalit journalists support Dalit leaders. They also stress that in Dalit community there are few countable candidates who have access other resources and power while Non-Dalits have access all over the various aspects. Therefore, it seems, only some Dalits are enjoying the facilities but the reality is due to lack of human resources, access

over power and resources, equal opportunities Dalits are still being kicked back. In the same way Dalit activists supported them arguing that this marginalized group (Dalit) which lived without any voice (that is asking for equal rights) now have only few voices (that is access to power and resources.) It has to increase its voices for equal rights. Teachers supported the same way arguing that Dalit community have very few educated human resource and most of educated human resource is unbar centered, so it seems as such a problem but in real, Dalits need some especial treatment to come out from their problem.

Dalit lawyers also support the same arguments. On the other hand Dalit NGO activists stress that in present days, local mechanisms and agencies are built up. Dalit coordination committee has been formed in V.D.V. due to the proposal of donors, near about all parties and organizations to villages and villagers. So, this negative message is being decreased slowly.

I asked my non-Dalit key informants that if a person gets affirmative action, may his life be changed or not? The main motive behind this question was to assess the need of affirmative action for Dalits and my Non-Dalit key informants answered in one voice that affirmative action of course changes the life of one's. They all argued that the person who gets affirmative action gets chance to move ahead and a positive change comes into his/her life.

Lawyer, journalists, NGO/INGO activists, women activists, human rights activists, health workers and administrators, teachers/lecturers focus in one voice that change really occurs if one gets affirmative action and they gave following reasons which proves the changes of course occur:

- ) One's psychological, social, economical, and educational like various aspects get strong.
- ) Get access to policy making level and becomes strong with reference to law.
- ) Becomes aware about consuming rights provided by state and constitution.
- ) Gets freedom and self-decision right and develops the personality.

- ) Gets a new plan for future due to which change occurs in economic, social like various aspects.
- ) Changes occur in concept and behavior of Non-Dalits due to which social status of Dalits raises.
- ) Get equal access and opportunities.

Beneficiaries of Affirmative action there in Humin VDC illustrated some benefits they have got from the Affirmative action that they are using by their school through government:

- ) Students get free ship, free school dress, copy, pen, stationery which support their economic condition.
- ) Parents of Dalit students get encouragement for investing on children's education.
- ) In some condition, Dalit parents could not invest and student becomes persuade to be dropped out. In this condition, If a student gets affirmative action or some kind of economic help, then s/he can continue his/her formal education.
- ) There are some talent and worth Dalits but they are in lack of access and chances. Affirmative action provides them that opportunity to get those access and chances.
- ) Social status increases.

#### **4.2.2 Competition without Affirmative Action**

In present day, there are different two voices of Dalits and non-Dalits. Some of non-Dalits claim that competition between Dalits and non-Dalits without Affirmative action is possible in these days but some of non-Dalits and most of Dalits are against of it. Therefore, I tried to analyze is competition without Affirmative action is possible or not in present context.

#### **Table 4.26 Condition of Dalits without Affirmative action**

To conclude whether Dalits really need affirmative action or not, I asked my Dalit respondents of 12 beneficiaries households of Affirmative Action among 58 sampled Dalit households, that what would be their condition if they haven't facilitated by the government. They responded in this way:

Table 4.26: *Condition of Dalits without affirmative action*

<b>Condition of Dalits without Affirmative Action</b>	<b>Number</b>	<b>Percentage</b>
Can't compete with Non-Dalits	9	15.51
Nothing	-	-
Others (Yes but it will be very Hard)	3	5.17
<b>Total</b>	<b>12</b>	<b>20.68</b>

Source: Field Survey, 2010

15.51 percent out of 20.68 percent Dalits said they can't compete with Non-Dalits without those facilities. Only 5.17 percent Dalits are seemed to dare with this situation but they are also puzzled and accept that it would be very hard to find the position at that condition. Thus, we can conclude that Dalits are still more back than Non-Dalits and they really need some especial facilities (Table 4.26).

#### **Table 4.27 Competition with Non-Dalits without Affirmative action**

To identify the real situation of Dalits and to access the need of affirmative action I asked my Dalit respondents of 58 sampled Dalit households why they don't compete with Non-Dalits without affirmative action. They responded as below:

Table 4.27: *Competition with Non-Dalits without affirmative action*

<b>Competition without Affirmative Action</b>	<b>Dalit Respondents</b>	
	<b>Number</b>	<b>Percentage</b>
I do	2	3.44
I/We can not	52	89.65
It is my right	3	5.17
Other	1	1.72
<b>Total</b>	<b>58</b>	<b>99.98</b>

Source: Field Survey, 2010

Here, we see, only 3.44 percent of Dalits have confident for free competition but a huge mass that is 89.65 percent of Dalits deny because they focuses that they can't compete freely with Non-Dalits. Due to above problem we already discussed like caste based discrimination, low educational level, lack of access in power and authority, lack of human resources etc, Dalits generally argue that they needed affirmative action and competition with Non-Dalits without affirmative action is not possible yet. (5.17 percent Dalits focused on affirmative action as their right too while 1.72 percent are unknown about it.) (Table 4.27).

**Table 4.28 Perception of Non-Dalits toward Affirmative Action for Dalits**

To know how Non-Dalits feel while competing with Dalits having affirmative action, I asked my non-Dalit respondents of 58 sampled households how they feel to compete with them. I just wanted to know whether they feel it's unfair to Non-Dalits or not. My Non-Dalit respondents responded as below:

Table 4.28: *Perception of Non-Dalits toward affirmative action for Dalits*

<b>Perception of Non-Dalits toward Affirmative Action for Dalits</b>	<b>Number</b>	<b>Percentag</b>
They really need	39	67.24
It's unfair to N on-Dalits	7	12.06
Jealousy	-	-
Others (it should be provided to all)	7	12.06
No concern	5	8.62
<b>Total</b>	<b>58</b>	<b>99.98</b>

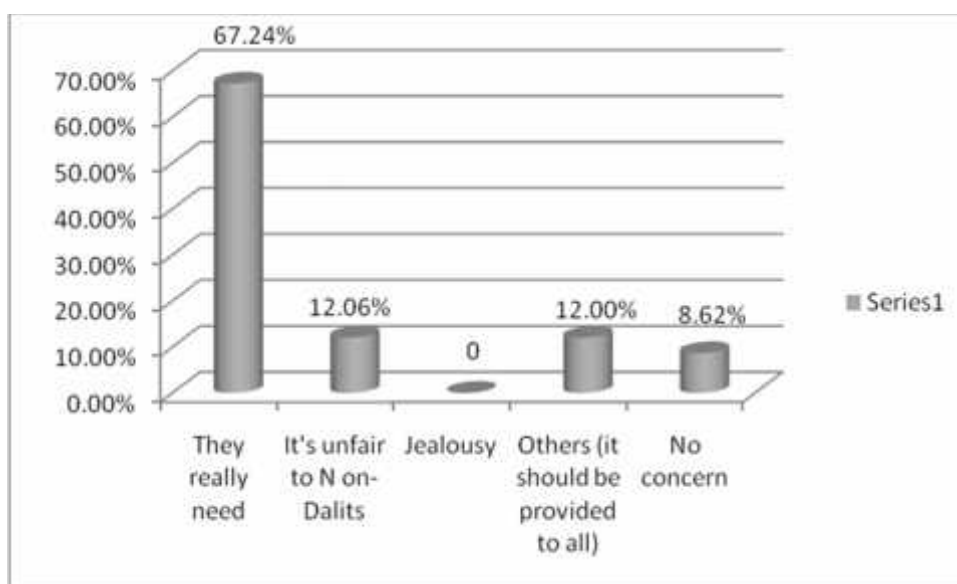
Source: Field Survey, 2010

Here, we see that only 12.06% of Non-Dalits said that providing affirmative action for Dalits is unfair to Non-Dalits but a huge mass that is 67.24% of Non-Dalits advocate for the affirmative action for Dalits arguing that they really need it. Beside 8.62% who don't know or think that they don't have any concern about it, 12.06 of Non-Dalits ask affirmative action for both Non-Dalits and Dalits too. They also don't refuse that it would be unfair to them or needless to Dalits. In table 6, we analyzed that 48.27% of Dalits supported that affirmative action is needed for Dalits. No one supported only

for Non-Dalits. Here, we got the result that 67.24% of Non-Dalits advocate that Dalits really need affirmative action (Table 4.28). This proves that, in present context, Dalits really need affirmative action and Non-Dalits also realize it.

This is also supported by figure 4.9 which shows that most of non-Dalits accept that Dalits need Affirmative Action. Though there are some people who think it unfair and some think not only Dalits but also all communities should be provided by Affirmative Action but these people are very few in comparison. Figure also show some people have no concern about Affirmative Action this shows some are still to be awared about it. Most of people support Affirmative Action for Dalits.

Figure 4.9: Perception of Non-Dalits toward affirmative action for Dalits



Source: Field survey, 2010

**Table 4.29 Possibility of fair competition without affirmative action**

To assess the need of affirmative action for Dalits, I asked my Non-Dalit respondents of 58 sampled non-Dalit households that can Dalit compete with them without having affirmative action? They responded as below:



Table 4.29: *Possibility of fair competition without affirmative action*

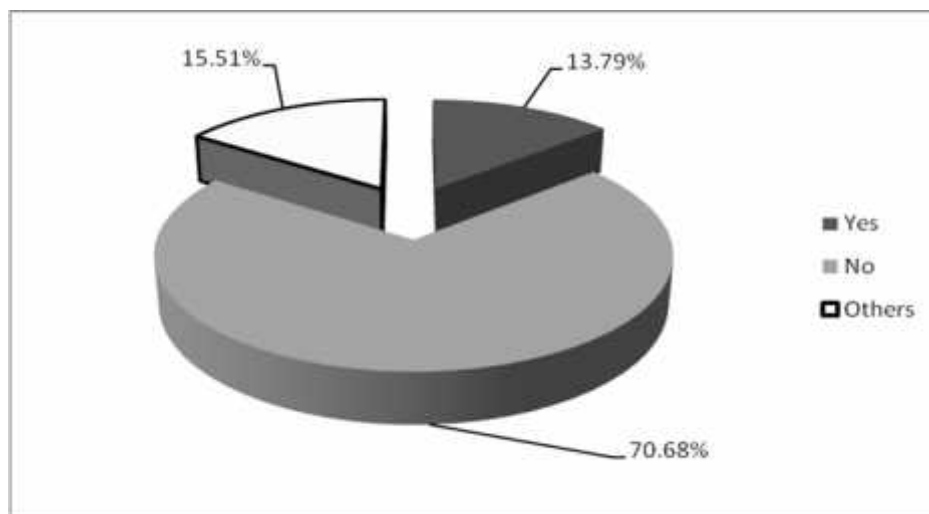
Possibility for fair Competition	Dalit Respondents	
	Numbers	Percentage
Yes	8	13.79
No	41	70.68
Others	9	15.51
<b>Total</b>	<b>58</b>	<b>99.98</b>

Source: Field Survey, 2010

Here, only few percentage of Non-Dalits see the possibility of fair competition without affirmative action but a huge mass that is 70.68% of Non-Dalits accepts that Dalits cannot compete with them without having affirmative action. As we already analyzed in table 15, 89.65% of Dalits also focused that they cannot compete with Non-Dalits without affirmative action (Table 4.29). Thus, we can analyze that Dalits really need affirmative action for having fair competition.

This is also supported by the figure 4.10 The figure shows maximum people deny for the possibility of fair competition without Affirmative Action. Few people think it is possible but they are very few in comparison. Most of people emphasize that fair competition without Affirmative Action is not possible at.

Figure 4.10: *Possibility of fair competition without affirmative action*



Source: Field survey, 2010

### **Non-Dalit's reasons why Dalits cannot compete without affirmative action**

- J They are still deprived, back warded and poor.
- J They are poor in education, economical, political, and religious and other various aspects as well as psychologically weak too.
- J They are not enjoying equal access and opportunity. And fair competition is not possible between two unequal groups.
- J They are already excluded by various aspects; they in present context cannot go for free competition.
- J Even today, there is discrimination in concept, behavior and mentality of Non-Dalits, so, its discrimination and those seats that Dalits should be provided. In this condition, free competition is not possible yet.
- J I think every one should get equal rights. So first of all Dalits should get free in fooding/ drinking/ sitting together as well as to speak for their rights.
- J They didn't know the importance of moving ahead and none made them know. So, in present condition free competition is not possible yet.
- J They are more back warded in comparison to Non-Dalits.
- J Dalits are being discriminated on the basis of caste to they should be treated especially.
- J Firstly, fair environment is needed to be created by drawing out Dalits ahead.
- J Even the imagination is not possible yet because Dalits are more back warded in case of access, opportunity and division of power and authority.
- J On one hand accessed group (Non-Dalits) and on the other hand having no opportunity group (Dalits) is present context, competition between these two groups will be as the running competition between person giving only one leg and the person having his both legs.

- ) Though, some urban Dalits are educated and rich but they are very few in comparison to Non-Dalits. On the other hand, rural Dalits are not having access and opportunities. So today, free competition is not possible.
- ) They are weak in case of worth and capacity. Firstly it has to be promoted. Only few Dalits are strong in these aspects.
- ) In present context, Dalits are the needy of access and opportunities; they cannot go for fair competition.

### **Arguments why Dalits can compete without affirmative action**

Today, Dalits are also educated, rich and capable. They can go for fair competition.

Here, if we analyze, above arguments, there are many arguments which prove that Dalits now need affirmative action to go for free competition and in present context fair competition between Non-Dalits and Dalits without having affirmative actions is not possible yet. Those who argue that today Dalits are also educated, rich and capable for free competition, table no 8, 10, 11, 12, and 20 answer them. In which tables we already have analyzed that social, educational, political, economical etc aspects are still very poor that that of Non-Dalits. Thus, we can conclude that Dalits need affirmative action and it will not be the reverse discrimination for Non-Dalits but it will be positive discrimination for Dalits.

Beneficiaries of Affirmative action there in Humin VDC also suggested about competition without Affirmative action. Each of the individual case argued that competition between Dalits and Non-Dalits without affirmative action is not possible yet. They pointed out some problems due to which competition without affirmative action is not possible in present time:

- ) Dalits are still suffering from social and caste discrimination by the history.
- ) There is still problem in a person's way of thinking. Simply a person can't heartily welcome the success, talent, worth and progress for Dalits. That's why tries to establish the barriers on the way of his/her success.

- ) Dalits became excluded from many government services and facilities in the past and they are still in discrimination. So, in present condition, they can't grab the opportunities from direct competition.
- ) Dalits haven't access to policy making level. On the other hand, how much access they have to top to bottom level of government service is comparatively very low.
- ) Their (Dalit's) social, economic, educational, level is poorer than thaty of Non-Dalits.

Thus, in present condition, Dalits cannot go for direct competition. A competition without affirmative action between Dalits and Non-Dalits is not possible yet. So now they need affirmative action. This is also supported by the book “Politics of Inclusion: Caste, Minorities and Affirmative Action” by Zoa Hasan. She states that affirmative action policies that seek to promote inclusion of marginalized groups must concern themselves with the multiple dimensions of disadvantage so as to able to address the conspicuous disadvantages and deprivation of a wider range of groups. She has stressed that policies have worked more effectively than their critics are prepared to concede (In India). Without some positive discrimination in SCs, STs and OBCs favor, these marginalized groups would have remained outside power structure.

#### **4.2.3 Affirmative Action and the Government**

Government of a state is should always be responsible to its citizens but in my literature review I found that Nepalese state was discriminatory to its Dalits in history and it is still discriminatory. Though, it recently has provided some affirmative action for Dalits but it is just being on one hand a paper work and on the other hand only to show as it is doing something but in fact it is not sufficient. Therefore, I here tried to assess the government and its responsibility toward Dalits.

#### **Table 4.30 Access of Non-Dalits to Law/ Administration**

To assess the access to power and authority of non-Dalits, I asked my non-Dalits respondents of 58 sampled non-Dalit households whether they have any kind of

access to law/ administration, my motive behind it was to assess their political power. My Non-Dalit respondents responded as blow.

Table 4.30: *Access of Non-Dalits to law/ administration*

<b>Access of Non-Dalits to La/Administration</b>				
<b>Yes</b>			<b>No</b>	
<b>Accessed Person</b>	<b>Percentage</b>	<b>Number</b>	<b>Number</b>	<b>Percentage</b>
Myself	0	0	31	53.44
Relative	26	44.82		
Family Member	0	0		
Other	1	1.72		
Total	27	46.54		
<b>Total (No. of H/H)</b>	<b>58</b>	<b>100.0</b>	<b>58</b>	<b>100.0</b>

Source: Field Survey, 2010

Here, we see that 46.54% have access to law/ administration. Though 53.44% of Non-Dalits don't have any access law/ administration, we can't ignore 46.54% that is a percentage to be noted. 53.44% Non-Dalits don't have access law/ administration shows that power is divided into only the educated, clever, rich and urban oriented areas and people. Access and opportunities are dropping in trickle down approach and Dalits are being victim of it. When Non-Dalits are not having access in law and administration, then we can imagine how poor the condition of Dalits is. So, we can conclude they must need affirmative action (Table 4.30).

This is supported by the book "Yojanagat Bikas ra Dalit" by Baburam Vishwokarma, where the book states that if we analyze the Dalit participation in local as well as national level election from B.S. 2.48 to now, dalit representation is not so noticeable. On the other hand, according to the report "Forms and Patterns of Social discrimination in Nepal", representation of Dalits in elections as well as in administrative sectors is very low in comparison.

According to the beneficiary students of Affirmative action in Humin VDC the process of getting affirmative action in school is as below:

### **Process of getting affirmative action**

- ) A person should be Dalit.
- ) Government provides certain amounts of money (per student Rs. 500) up to class 10.
- ) A person who is Dalit and secures top three positions in class gets economic support from different NGOs/ INGOs.
- ) NGOs/ INGOs also provide school dress, copy, pen and some stationery for Dalit students.
- ) There are some quotas in different political parties, they provide opportunity to Dalits for getting seats in education, employment etc.
- ) There are some medical collages which have to give certain quota to the government instead of running ty9ose collages. Government provides those quotas for Dalit, Janajatis, and women like deprived groups in its own term and conditions.
- ) This is all about the school only, but the government is silent about other sectors.

Further to assess the types of affirmative action and their satisfaction toward the Affirmative actions that the government is providing to them I asked some questions to my Dlait key informants.

Firstly I asked them what do they think, what type of affirmative action may be appropriate? They suggested as below.

- ) Able to make capable to enables.
- ) Effectively functioning.
- ) Inclusive in nature.
- ) Investing more in education.

- ) Strongly stated in laws especially with punishments.
- ) Without discriminating on the basis of caste but it should be on the basis of experience, work responsibilities in different political parties etc.
- ) Focusing on the balanced access on power and authority of both Dalits and Non-Dalits.

Thus, we can say that affirmative action that state is providing now to Dalits are in fact not enough and some more types are still has to be added according to above suggestions.

By analyzing this scenario, I asked them whether quota system and reservation that Nepal government is providing them, is enough for them or not, they answered at once “having something is better than having nothing.”

They argued as below.

- ) It is not enough on one hand. On the other hand, it is not well defined as well as well mentioned.
- ) It is not enough in comparison to percentage of Dalits. Many home works are still needed to be done.
- ) It is not enough, misunderstanding between Dalits and Non-Dalits should e removed and consciousness level of Dalits should be raised.
- ) Strong laws with punishment are also needed.
- ) It is just being a medium to deceive and dominate deprives. It is not enough in present context.
- ) It is not enough. The state should be aware for making strong laws, system of punishments increasing awareness and has to do lots of improvements in these aspects.
- ) Its percentage should be according to population and strong punishment system should be established.

- ) It is not enough yet because Dalits are just struggling for labor, they still have to fight for land, capital and modes of production, till then it is not enough.
- ) It is just being the tooth of elephant which is only used for showing; it is not enough in present context.
- ) Not enough, as well as needed to make systematic and effective.

Thus, by analyzing above arguments, we can conclude that, government is still not aware about the rights, opportunities, and accesses of Dalits in equal level that of Non-Dalits. It is still neglecting Dalits indirectly. Dalits need affirmative action in an effective and fruitful way and the state has to be aware about it.

So, to conclude the views of Dalits toward the affirmative action provided by government, I again talked to them. My Dalit key informants responded as below:

My all respondents emphasize that it is not enough to overcome all the impacts of discriminations by present affirmative action provided by government, they argued as below.

- ) It is not enough and needed to increase according to population percentage. Many of Dalits are ignorant about it; still many advertisements are needed about it.
- ) Though, being something is better than being nothing. But saying in fact, it is still very little. It's just being the teeth of elephant just used for showing.
- ) It is needed to be accessed from leadership level to service consumption level but now, it is not.
- ) In present context, affirmative action has been centralized. It is divided in top down approach which is really wrong. It has to be decentralized and power and resources should be divided to the downward level.
- ) There is corruption in division of economic support provided for Dalits. Non-Dalits working on decision making level use those like road, water supply, electricity as well as picnics too. Dalits are also persuaded to keep quiet



because if they prohibit, they should face the domination in their own village. There is lack of consciousness, 50% and above still don't know about the facilities of affirmative action. There is leak between access and opportunity. There is lack of opportunity monitoring and evaluation.

- ) Still more home works are needed.
- ) Affirmative action as a compensation is needed.
- ) Though it is very good idea to promote status of Dalits.
- ) It is very little in comparison to total population percentage of Dalits.

#### 4.2.4 Affirmative Action and the Leaders

Leaders are the path-showers for a community. They always direct a community toward its rights. Leaders are one of the media who make their community aware about the state policies and get opportunities. I also tried to assess whether leaders are responsible toward Dalits or not.

**Table 4.31 Awareness about the rights and the Dalit/ Political leaders**

To assess the activeness of Dalit/ political leaders toward their people, to assess the awareness of people toward their rights and to analyze the trend of enjoying facilities that government provides for Dalits, I asked my Dalit respondents of 58 sampled households of Dalits about their leaders and their interaction with them. My respondents answered as follows:

Table 4.31: *People's response toward leader's help to make aware about affirmative action*

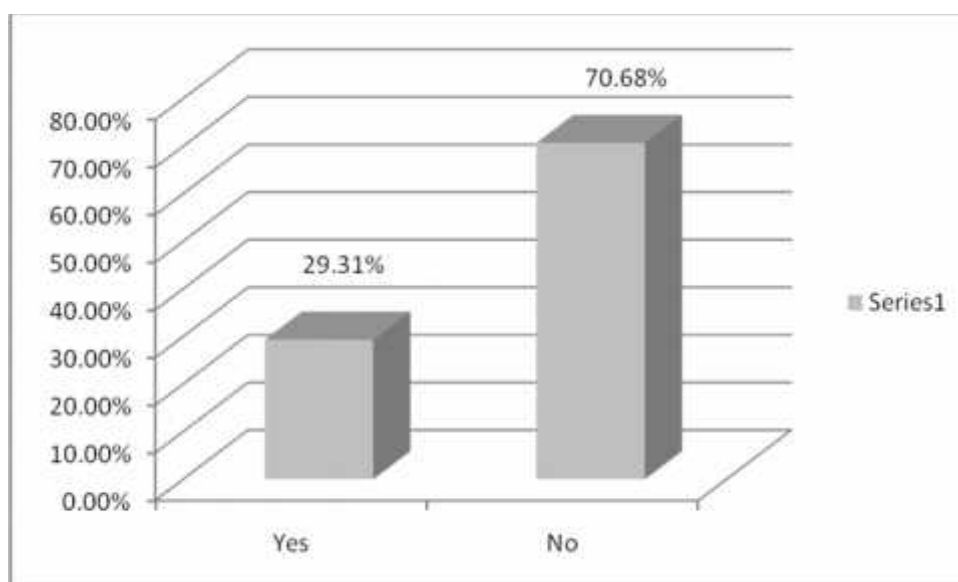
<b>Awareness toward Affirmative Action by Leaders</b>	<i>Number</i>	<i>Percentage</i>
Yes	17	29.31%
No	41	70.68%
<b>Total</b>	<b>58</b>	<b>99.99</b>

Source: Field Survey, 2010

Here, we see that 70.68 percent of Dalits deny that their leader make them aware about their rights. Only 29.31 percent of them accept that political leader make them aware. This proves that Dalit/ political leaders are not able to make aware in bottom level. Dalits, who are already aware, are only being aware by the leaders but those who really don't know are still ignorant. They are still in search of opportunity and awareness.

This is also supported by the figure 4.11. The figure shows most of people say their political leaders do not make them aware their rights (Table 4.31).

Figure 4.11: *People's response toward leader's help to make aware about affirmative action*



Source: Field survey, 2010

#### **4.32 Help of leader to get opportunities Dalits have in policies**

To assess the leader's involvement in making aware their people toward Affirmative Action and to know whether they are active for their role or not, I asked my Dalit respondents of 58 sampled households of Dalits, whether their leaders help them to get opportunities that Dalits have in policies or not, they responded as below:

Table 4.32: *Help of leader to get opportunities Dalits have in policies*

<b>Responses about Leaders help</b>	<b>Number</b>	<b>Percentage</b>
Yes	15	25.86
No	43	74.13
<b>Total</b>	<b>58</b>	<b>99.99</b>

Source: Field Survey, 2010

Here, we see only 28.86 percent of Dalits accept that their political leader help them to get the opportunity that Dalits have in policies. While 74.13 percent of Dalits refuse it. It means nepotism and corruption is still there in division of opportunities. Though, on the other hand, a huge mass of Dalits are being excluded by those opportunities that are also needed. And political leaders have to be more active and fair toward all Dalits. It should not be in trickle down approach (Table 4.32).

**Table 4.33 People interacting with their leaders for their rights**

Those who responded negatively about the leaders help, I asked my Dalits respondents of 43 households among total 58 sampled households of Dalits who said their leaders does not help them for getting opportunities that there in policies for Dalits, don't they ever asked their leaders about it. They responded as below:

Table 4.33: *People interacting with their leaders for their rights*

<b>People's interaction to leaders</b>	<b>Numbers</b>	<b>Percent</b>
Yes	13	22.41
No	30	51.72
<b>Total (Who interact with leaders)</b>	<b>43</b>	<b>74.13</b>

Source: Field Survey, 2010

Here, we see out of 74.13 percent Dalits who deny that their leaders help them, 51.72 percent tell they also don't ask with their leaders about it. Only 22.41 percent interacts with their leaders and get known about their rights (Table 4.33).

## **Causes of not asking with leaders**

- ) Leaders often talk indirectly. They make a house of glass in the sky. Never talk clearly.
- ) We women become busy mostly in house hold works. If we sometime ask, they discourage us by saying women have their own place in private sphere. It's not good if women want to participate in public sphere.
- ) Leaders are selfish. They do anything only for their benefit. We asked before but now days we are not interested.
- ) We don't have much time to go out of home, leaders don't come to our home, how to ask?
- ) We don't know anything about this subject, what to ask?
- ) Leaders talk politically. They go with their parties. We deprived don't know any party. They talk indirectly showing that as if they are doing something for us but in fact they do only for themselves.
- ) They make us foolish in the name of many excuses.
- ) They say "just wait and watch..., change never comes within a second."
- ) We the upper class Dalits, If we are needed, we have access to upper level. So not interested to ask for others.
- ) Leaders provide facilities to their own relatives, we never ever get known about it.
- ) Leaders ignore our voice.
- ) Leaders come from centre, meet the VIPs of villages and divide benefits among themselves. They don't listen to us, why do we ask? There is no price of our voice.

- ) We don't know what to ask and whom to ask; we illiterate are unable to ask and they don't make us aware.

### **Leaders response toward their aware people who ask them about their rights**

- ) Invite people in various meetings.
- ) Just shows big dreams which never be fulfilled.
- ) They make them foolish psychologically playing with their brain.
- ) They just tell us to wait and watch.

These comments indicate that leaders are not responsible toward their people. Affirmative action and its benefits are divided in trickle down approach. Though, some of rich and educated Dalits have been access to power and authority abut a huge mass is still remained same. So, they are still needed to be treated especially. This is also proved by the Dr. B. R. Ambedkar's statement. He states that "The monopoly has not merely deprived them of their chance of betterment; it has sapped them of what may be called the significance of life. Those downtrodden classes are tired of being governed. They are impatient to govern themselves. This urge of self-realization in the downtrodden must not be allowed to devolve into class struggle or class war. It would lead to the division of the House. That would indeed be a day of disaster. For, as has been well-said by Abraham Lincoln: "A house divided against cannot stand very long". Therefore the sooner room is made for realization of their aspiration, the better for the few, the better for the country, the better for the independence and the better for the continuance of its democratic structure. This can only be done by the establishment of equality and fraternity in all walks of life."

### **4.3 Impacts of Affirmative Action**

Every policy or act has its own impact. In such a way, Affirmative actions also have its own impact. To assess the impact of Affirmative is one of my vital concerns. To assess the impacts of Affirmative Action on Dalits I asked my Dalits respondents, Beneficiaries of Affirmative Action and Key informants about the impacts of Affirmative Action. Here, I want to make you notice that impact always means the

long term effect but Affirmative Action in Nepal is newly imported issue. It may not have impacts. Therefore, here if I use the word impact, it is mainly going to mean the effects of Affirmative Action.

#### 4.34 Changes occurred in life by getting especial facilities

To assess the effects of Affirmative Action on life of Dalits, I asked my Dalit respondents about do those especial facilities changed their life. They responded as below:

4.34: *Changes occurred in life by getting especial facilities*

Yes	No
Made me self dependent	-
Helped economically	-
Social, political, educational level raised up	-
Concept of behavior upon Dalits has been changed.	-
Encouraged me to lead my children for higher education.	-

Source: Field Survey, 2010

We can see that those who got some especial facilities got their life changed. These changes lead them to the positive change on their every aspect of life (Table 4.34).

Affirmative action for Nepal is a recent issue; therefore we can now only analyze the effects but can not assess the impacts. So, to assess the effects of affirmative action, I asked question to my Dalit key informants whether their life can be changed by affirmative action or not? They responded positively and argued as below:

- ) Access on economic, social, educational, political aspects will be increased, personality will be developed.
- ) Way of life living, family status will be raised.

- ) There will be employment opportunity and well evaluation of skill, worth, capacity and talent.
- ) Access upon modes of production will be equal and difference between haves and have nots will be equal.
- ) Affirmative action is just like a person getting warm clothes for winter, it really brings changes in one's life.
- ) It helps to move forward and get opportunity in equal level as well as to be in leadership level, thus, it can definitely change the life.
- ) It makes me independent.
- ) Social discrimination will be removed and one's social status will be increased.
- ) It makes one aware, conscious toward his/her rights. It assures one's place according to worth and capacity and makes the position strong.
- ) Behavior, style of treating and use of language toward him/her will be changed which means a person will socially be moved upward.

Here, we can analyze that Dalits key informants undoubtedly emphasized that affirmative action can change one's life positively. Various literatures also support it. The question of ethnic problem when was raised in Africa, quotas and scholarships were provided by government, likewise in Pakistan, Malaysia, Shrilanka, Guyana, China and even in USA when the minorities asked their rights respective government provided affirmative action and it worked positively. Today, these countries are moving forward in development.

Thus, we can conclude by the key informants' interview that affirmative action for Dalits in Nepal is a needed system in present context and it is not going to be reverse for Non-Dalits. Though, now Nepal government has provided only two types of affirmative action called "quota" and "aaraakshan", more types are to be provided. Affirmative action in any name if will be provided, it should contain, equal access and opportunity, strong system of monitoring and evaluation, power to welcome worth, capacity and talent, based on bottom-up approach increasing equality and equity,

decreasing discrimination and domination, without any leak or biases, able to create a healthy social environment. Such types of affirmative action can help to draw out Dalits up to equal level of Non-Dalits.

Beneficiaries of Affirmative action there in Humin VDC also suggested some effects of getting Affirmative action. Beneficiaries I contacted are very few in numbers so; here are no meaning of analyzing them in quantitative form. These data are described in qualitative form.

Each of individual cases emphasized that it's really positive to get affirmative action. Here, some effects can be mentioned on the basis of experiences the shared.

- ) Due to poor economic condition, Subina Gahatraj was not allow to go to school by her parents but when she got half scholarship , her parents allow her to go. This indicates that affirmative action for Dalit students' effects positively on their education.
- ) Aashis Lohani is able to go for higher education only due to support of scholarship provided b school (Government). He said if school hadn't provided him scholarship, he would have to drop out and go to India for employment. This indicates Dalits are not only in poor condition but also in search for employment. Affirmative action provides them support in different aspects.
- ) Manjula B.K. got the job as a teacher by Dalit aarakshan. She not only became independent but also is able to support her parents. She is supporting her villagers to be literate. This shows if a Dalit gets affirmative action in employment s/he can not only get economic support but also his/her family status, social, educational status, way of life living gets higher.
- ) Vijaya Pariyar got the chance to study i9n MBBS. He is going to be the first doctor in whole Eastern Palpa. It's a golden chance to his family, society and the next generation.
- ) Though Manisha Gahatraj, Bibek G.R.and Asmita Lohani haven't any especial experiences but they emphasized that it has supported their economic condition which has positive effect on their education.



Beneficiaries of the affirmative action there in Humin VDC were also asked about the effect of affirmative action on Dalits. They responded it positively and asked for it with emphasis. They gave following reasons and focused that the affirmative action has positively affected on them.

- ) Affirmative action has changed their life by providing them chance to go for higher education.
- ) It has supported them economically.
- ) It has encouraged them to move ahead.
- ) It has made them independent.
- ) It has grown up they confidence that if they do well and grow up their efficiency and worth, there are some secure positions for them too which may lead them to the access of power and authority.

In the same topic, they also mentioned that their Non-Dalits fellow/colleague/neighbors never dominate their talent. They respect their access for respective positions by the help of affirmative action. They point out that their Non-Dalit fellows too know that they really need affirmative action.

Thus, all the seven beneficiaries of affirmative action emphasize that in present condition, Dalits need affirmative action. They were focused on; affirmative action arguing that Dalits are those people or group of people who are historically discriminated, economically poor, socially backward and politically marginalized.

While talking about the effects my observation and interviews also speaks something more which I have illustrated below:

### **Effects on Economy**

Dalits are poor in economic condition, in my observation I observed that Dalits have their home made by mud and rocks, most of Dalits have no facility of pure drinking water supply, toilets and health related awareness. They usually eat Bhaat and Tihun

(a kind of liquid made from some spice and water with salt). The cloth they wear usually is torn from many sides. Their children usually go for work instead of school.

This is also supported by various literatures. Dalits are poor and deprived in comparison to so-called upper castes. According to National Dalit Survey report 2002, Dalit as a whole is the poorest community in the Nepalese society. The size of land holding of Dalit is small. Landlessness is acute among the various Dalits around and this is more so among the Terai Dalits. Almost half of populations of Dalits have food deficiency and a significant portion of these around of people produce food grains sufficient only for less than three months in a year. They live in substandard and far below the marginal conditioned houses and less than 2 percent of Dalits family have owned the concrete house in 1998. The mean annual income of Dalit is lowest, their expenditure in clothing, education and medicine are found to be lowest. A large majority of Dalits depend upon Agriculture. Non-agriculture activity is limited. Caste-based traditional and occupational works have been simultaneously substituted by the availability of modern ready-made materials. There are no efforts to explore market to support their traditional skills (<http://apps.yomari.net>). But in recent days, by getting affirmative action in education and employment in some ways, they are getting supported in economy.

According to “Dalit Samudayako Samajik Aayam: Ek Bishleshan” by Man Bahadur B.K., survey shows that 47% of Dalits are still under poverty. Improvement of poverty line shows that Non-Dalit’s poverty has decreased by 46% where in case of Dalits it has decreased only with 21%. According to living standard survey-II, Brahman/Kshetri purchases 19,105 rs. Per year per family, janajati purchase 12,331 rs per year per family where in case of Dalits it is only 10,206 per year per family. The book states that, according to team consult (1998), 49.6% Dalits are suffering from food insecurity where Tagadhari 31.6%, Matwali 13.8% and others 5.1% are only facing the problem of food insecurity. According to Nepal Living Standard Survey 2003/04, Dalits have only 12,144 rs as per capita income where it is 38,193rs for Newars, 24,399 for so-called upper caste Brahman/Kshetri, 15,630 for ethnic groups except newars. In sum, Dalit’s average Income is lowest than the Average National Income of Nepal (i.e. 20,689).

These all studies show that, Dalits are poor in economic condition and in recent days they are trying to overcome with this situation by affirmative action.

### **Effects on Social status**

Dalits are socially back warded. There is still discrimination in the concept and behavior of people. Dalits are more dominated and backwarded due to caste-based discrimination than that of Non-Dalits. A good example of this discrimination is the case of a house wife I interviewed who told that, she is still not welcomed by her parents because she got married to a so-called lower caste male. Because she is a so-called high caste female and had to follow the rules of untouchability according to varnashram but she did not do so and got married with a low caste male.

The another example of the discrimination is a political leader I interviewed who told that onec his brother was denied to be promoted by his positon in government service instead of his ability and qualification only due to his caste. This shows that Dalits are socially deprives.

Another example is of a head-teacher who opened a tea-shop and opened for both Dalits and Non-Dalits. He was kicked out from village.

Another example is of a Dalit gold smith shows their poor social status, he stated that he still have to earn with Balighare Pratha (taking some foods instead of preparing ornaments for high-caste people), when he goes to his owners and take some food or tea, he himself has to clean the pots, he always has to respect them though they are the youngest member of the family and younger than him. He is denied to take water from public tap water, speak in public sphere and take any vital decision.

Another example of a villager of Sarki caste stated that he is out of the village because of his caste only. He has to live far from the community and just has to follow the rules and regulations whatever the so called upper caste orders.

These, interviews and my observations show that Dalits have very poor social status.

This is also supported by the book “Dalit Samudaya kjo Samajik Aayaam: Ek Bishleshan” by Man Bahadur B.K. In this book the writer argues that in Nepal, Dalit’s social status is also affected by the caste system. They are being the victim of social

discrimination and are out of access human rights. They are persuaded to live as the second level citizen due to social discrimination, domination and governmental negligence. The book states that according to Nepali Sociologist Dr. Krishna Bahadur Bhattachan, there are still 205 kinds of social discrimination within which 54 are about prohibition, 9 are about labor compulsion, 20 are about supremacy and domination, 20 are about power domination, 3 about social exclusion, 18 about conceptual discrimination and 81 about other domains of discrimination.

In recent days, Dalits have affirmative action in some extent, because of it they do not have to face the conceptual discrimination as well as social discrimination. They can achieve their goal as their qualification and ability.

### **Effects on Life Style**

Affirmative action has uplifted the life style of the Dalits. If we analyse the educational, political level, we can analyze the impact of affirmative action on their life style.

Affirmative Action for Dalits have helped them to get more access in comparison to past. Students are going to school, colleges in comparison to past. If we analyze the National Dalit survey report 2002, literacy rate of Dalits (22.8%) was far below than the national average (39.6%) in 1991. It might have increased in 2001, but the gap between national average and Dalits has no evidence of narrowed down. The literacy rate of Dalit women (12.0%) was found to be poorest compared to the same of Dalits men (33.9%). On the other hand, the educational attainment of Dalits is also a wretched example with almost one person having School Leaving Certificate (SLC) education among seven literate Dalits (<http://apps.yomari.net>). Though, the literacy rate of Dalit is still very low but affirmative action in field of education may be fruitful to them to get access over education. In this case, we can see that, some affirmative actions in field of education have helped to uplift Dalit's educational status.

Affirmative action for Dalits will definitely help them to get the access over political representation. Though, Dalits are aware about their rights and the discrimination made toward them in the past, most of them are still weak in the access of law and

constitutions. This is also supported by the National Dalit survey report 2002, where it is stated that “the Dalit population on the whole is least aware of the new legal code 1963, the constitution of 1993 and the international laws protection the rights and empowerment of downtrodden and oppressed people. These documents ensure the equality and rights to access the opportunity and resources. The national political parties have no specific schemes to uplift political participation of Dalits. The political participation of the Dalit population as a whole is low. Their representation in the village, district and the national level government is rather insignificant compared to their population size (<http://apps.yomari.net>). Therefore, we can say that affirmative action in politics is necessary in this context of Nepal. Though, some parties have declared some seats for Dalits, but it is just in the form of “having something is better than nothing”, it is not practical. On the other hand, state though has facilitated its marginalized groups like Dalits but it is also indirectly discriminatory. It still has to work more on it.

### **Concluding Remarks**

My study shows that, though, Dalits are still very poor in their social, economical, educational, political status. But in recent years, by getting affirmative action in education as well as in employment to some extent, they are getting access to uplift their status.

#### **4.3.2 Indian Experience toward Affirmative Action and Its Possibility in Nepal**

India is the country which has direct cultural, political, social influencing Nepal. It is the country having many of same experiences as Nepal. It vitally influences the events of Nepal. Therefore, to study about the Indian experience toward Affirmative action and its possibility in Nepal is inevitable in my opinion. So, to analyze the possibility of success of Affirmative action for Dalits in Nepal I asked my Dalit key informants that the impact of affirmative action in India gone wrong, it failed, in this condition, how do they aspect affirmative action in Nepal can be helpful. They all focus on success of affirmative action in Nepal arguing differently.

Dalit sawyers argue that, in India, Dr. B.R. Ambedkar applied affirmative action only in three aspects of constitution; executive, legislative, and judiciary aspects but this

was not applied in semi-governmental organizations. This should be applied in Nepal, then, affirmative action in Nepal will be effective.

Dalit political leaders point out that, though affirmative action as asked by Ambedkar applied in India but it was not defined as “effective” and “for a certain time period”. Nepal has to define it as “effective with reference to law” and “for a certain time period”. Then, it will be surely effective in Nepal. They argue that India is a big; most populated country having federalism, but Nepal is a small country with little population than that of India and it has not federalism. So its success is possible in Nepal. They stress that, if Nepal does not repeat the mistakes made by evaluation, affirmative action in Nepal is definitely going to be successful.

Dalit teachers/lecturers argue that India applied affirmative action for a long period of time which affected negatively. So, Nepal has to learn from India’s feedback and focus on positive aspects. These cares will definitely lead Nepal to success. And according to them, it is unfair to predict the result of affirmative action in Nepal with reference to India.

Dalit activists take it as conspire of discouraging Dalits by showing negative aspects only. They focus on positive aspects and stress that affirmative action in India provided the leaders like SitaRam Yachuri and Maya Devi. On the other hand, according to them, untouchability system of Nepal and India is also different. So, Nepal has to focus on positive aspects only. Then, affirmative action in Nepal is definitely going to be successful.

Dalit journalists and NGO/INGO activists focus that Nepal has to take feed back from India and focus on positive aspects. It has to prepare effective mechanisms and limited on certain time period. In these conditions, Nepal is going to have good result by affirmative action.

Thus, by analyzing above arguments, we can conclude that if we go for certain time period with effective mechanisms of supervision and evaluation, affirmative action for Dalits is going to be effective and not going to be reverse discrimination for Non-Dalits.

### **4.3.3 Ways of Making Affirmative Action Effective, Fruitful but not a Reverse Discrimination**

In my study, I found that Affirmative actions for Dalits are not enough and they are on discourse too. Therefore, I tried to assess some solutions to make the affirmative action effective, fruitful for Dalits but not a Reverse Discrimination. For this purpose When Dalit key informants argued the facilities that is Nepalese government providing now as the Affirmative action is not enough, I asked them how they can get appropriate affirmative action, they responded as below.

- ) By creating a social environment where they are welcomed without any discrimination and domination.
- ) By getting access in all mechanisms of state and guarantee of safety.
- ) Getting access to policy making level.
- ) By developing the strong laws, rules and system of punishment.
- ) Dalits should be involved in development work, in responsible or vital posts and guarantee of Dalit involvement and safety should be provided in all mechanism of executive, legislative and judiciary mechanisms of government.
- ) Increasing access in education.
- ) Free education, opportunity and access to leadership level in politics, occupational and professional safety and importance in social life, efficiency development trainings should be provided.
- ) On one hand Dalits should be provided by quota and aarakshan, on the other hand, Non-Dalits should understand the condition of Dalits and should behave and treat according.

This shows that Dalits are not satisfied with those affirmative action provided by government in present conditions. Various literatures also prove it. They suggest above solutions which indicates some more ways to make the Affirmative action effective, fruitful and non-reverse discriminatory.

I did a focused group discussion, the out put of this FGD are as follows;

- ) Free education, opportunity and access to headship level in politics, occupational and professional safety as well as importance in social life, efficiency development trainings; these qualities has to be included in provided affirmative action, whether it would be recognized by any name.
- ) Affirmative action should be powerful which can provide access over all forces of production that is land, labor, capital and power.
- ) Affirmative action will be provided on education, employment, judiciary employments, and bureaucratic employments on the basis of population percentage.
- ) Affirmative action should be under control of government. Government should provide free education/ equal access to minorities. “Saman Pahunch” (equal access) like good words should be used instead of “quota”, “aarakshan” because language also discriminates in some ways.

Thus, we got some advices about some more types of affirmative action by FGD.

Here, according to “Dalit adhikar Bahaliko lagi Aarakshan Ra Yasko Swarup” a report by Regional Dalit Network (RDN), reservation for Dalits should be in following aspects.

Reservation on politics: from local to state level

Reservation on employment

Reservation on production and marketing

Reservation on land and housing (pp: 3)

Proportional reservation and participation proportional representation should be applied in affirmative action so that it would not affect negatively as it did in India (pp: 4).



## **Concluding Remarks**

By analyzing all the primary as well as secondary data, we can undoubtedly say that Dalis of Nepal in present context definitely need affirmative action for a certain time period. And this is not going to be reverse discrimination for Non-Dalits because in present context, Dalits and Non-Dalits are enjoying unequal access and opportunity and it's not possible yet for Dalits to go for a free competition. Non-Dalits themselves know this truth but they are afraid of sharing the whole rights with other many minorities but they realise themselves that Dalits really need affirmative action for a certain time and its not going to be reverse one for them. Various literatures show that Bureaucracies in developing states experience numerous tensions between demands, expectations and organizational capacities that Nepal is facing in present but there are different causes that prove Nepalese Dalits really need affirmative action in present context:

## **PART-FIVE: SUMMARY, CONCLUSION AND RECOMMENDATION**

In this chapter I am going to conclude the whole delineate through my major findings. I will make some conclusions and provide recommendation for the academic purposes.

### **5.1 Summary**

“Affirmative Action for Dalits” is on demand in Nepal near about from three decades, though its types and dimensions are still not defined clearly. My study during research shows that, the tension between Dalits and Non-Dalits seems same as the Blacks and White in Western sociological literatures. It seems that the tension on one hand is in the form of asking for rights and on the other hand capturing the power, resources and authority for the domination. I would like to clear any misunderstanding at this point. When I argue that tension is for capturing the power, resources and authority for domination, I am not denying that neither dominated group is in favor of affirmative action for all the deprives of Dalits and Non-Dalits not dominant group refuse Dalits need affirmative action in present context. Both ask affirmative action for dominated and back warded. Here, the analysis indicates Dalits are more dominated and back warded due to caste-based discrimination than that of Non-Dalits. Therefore, what I mean is that, Dalits are still suffering from caste-based discrimination though they are capable and worthy than that of Non-Dalits. That’s why they need some safe seats for their safe landings till the concept and behavior toward them does not get changed.

Though, in overview, it seems non-Dalits are never in favor of Affirmative action for Dalits because Affirmative action gives equal chance to Dalits because affirmative action decreases the chance of exploitation and made non-Dalits share their single cake of access and opportunity to Dalits. Though, this is accepted by few numbers of non-Dalits but on the other hand most of non-Dalits confess that Dalits are being backward because of the caste-based discrimination made by the state as well as the society in history and they need some Affirmative actions in present time to come out of this situation.

The first affect that occurs by affirmative action is upward social mobility. On the other hand, this appears to them as mainly economic emancipation.

The importance of success in school and University also works as an efficient means to reduce the tension. Many people argued that they suffered from the difference between themselves and their peers at society due to education and when they went to higher education, they were highly respected and the difference went on vain. Most of the persons supported the affirmative action on the fact that it changes the attitude toward untouchability and provides equal access and opportunity.

Grass root level people do not know the various types of affirmative action. They are unknown to the facilities that are provided by government. Dalit leaders are unable to make their people aware about it and the benefits of affirmative action are being trickled down. Cause behind it is Dalit's poor educational status that is unable to meet the criteria for certain affirmative action in sufficient way as well as the effect of historical caste-based discrimination.

Though people are being politically aware for their rights, they are intending to overtaking access, opportunities, power and authority but everyone realize that Dalits are marginalized group and really need affirmative action. And affirmative action for Dalits is not going to be reverse discrimination for Non-Dalits.

Another point we got is giving affirmative action for a group doesn't mean grabbing access and opportunities from another group. Therefore we may conclude that providing affirmative action for Dalits neither reduce the chances and access nor neglects the worth, talent and capacity of Non-Dalits.

Dalits of Nepal in present context definitely need affirmative action for a certain time period. And this is not going to be reverse discrimination for Non-Dalits because in present context, Dalits and Non-Dalits are enjoying unequal access and opportunity and it's not possible yet for Dalits to go for a free competition. Non-Dalits themselves know this truth but they are afraid of sharing the whole rights with other many minorities but they realise themselves that Dalits really need affirmative action for a certain time and its not going to be reverse one for them. Various literatures show that Bureaucracies in developing states experience numerous tensions between demands, expectations and organizational capacities that Nepal is facing in present but there are different causes that prove Nepalese Dalits really need affirmative action in present context:

In recent years, due to some affirmative action made by public service commission, school, collage, and various educational institutes, like institutions, status of Dalits are slowly growing up. The effect of affirmative action on Dalits seems positive and seems still needed in the well defined manner with its types and dimensions.

In present context, though it seems like some Dalits who are being able to grab equal access and opportunities are dividing those facilities on the basis of nepotism and favourism. But the fact is reverse, the percent of Dalits grabbing equal access and opportunities in one hand are lower in comparison to access and opportunity enjoying by non-Dalits. On the other hand Dalits who can go for free competition with non-Dalits are very few therefore there is the lack of Dalit human resources which can hold the respective positions.

## **5.2 Major Findings**

- ) Research finding indicates Dalits are more dominated and backward due to caste-based discrimination than that of Non-Dalits. Therefore, what I mean is that, Dalits are still suffering from caste-based discrimination though some of them are capable and worthy than that of Non-Dalits. That's why they need some safe seats for their safe landings till the concept and behavior toward them does not get changed.
- ) Grass root level people do not know the various types of affirmative action. They are unknown to the facilities that are provided by the government. Dalit leaders are unable to make their people aware about it and the benefits of affirmative action are being trickled down.
- ) Dalits of Nepal in present context definitely need affirmative action for a certain time period. And this is not going to be reverse discrimination for Non-Dalits because in present context, Dalits and Non-Dalits are enjoying unequal access and opportunity and it's not possible yet for Dalits to go for a free competition.
- ) Non-Dalits in fact accept and emphasize that Dalits in present really need Affirmative action but they seem as they are against of it because this community is afraid of sharing the single cake of opportunity and access.

) In recent years, due to some affirmative action made by public service commission, school, collage, and various educational institutes, status of Dalits are slowly growing up. The effect of affirmative action on Dalits seems positive and seems still needed in the well defined manner with its types and dimensions.

### **5.3 Conclusion**

Dalits are socially, economically, educationally, politically back warded in comparison to Non-Dalits. This is also supported by National Dalit Survey Report 2002. The report states that the discrimination and exclusion is the major obstacle for the socio-economic development of Dalits in Nepal (National Dalit Survey Report 2002).

Dalits need affirmative action in present context because affirmative action helps them to overcome from their problems caused by historical discrimination. We know that, Affirmative action seeks to correct historical disadvantages and unfair discrimination by enabling access to full opportunity and benefits to groups that have been excluded. Overcoming the legacy of past inequality involves more than allotting some reserved seats in elected, administrative government, or in University admissions, etc. (Unequal Citizens).

Affirmative action for dalits is taking as the reverse discrimination for Non-Dalits in present context. So, now it is on discourse. This is also supported “Dalit Adhikar Bahaliko lagi Aarakshan ra Yasko Swarup “, a report by Regional Dalit Network (RDN). The report states that, Affirmative action for Dalits particularly on the basis of caste is on peak since B.S.2029. Initially, it was just asked by Dalits only but later it became the matter of concern for women and ethnic minorities too. Now affirmative action is on discourse.

Though, the affirmative action is on discourse. It is taking the issue as the Reverse discrimination but the study shows that affirmative action for Dalits is not going to be reverse discrimination but it is positive one for them because we know that Affirmative action does not mean that unqualified people must be given preference over others simply because of their minority-group status; not does it mean that

specific numerical quotas are set. Essentially, the program sets goals and timetables for the hiring of minorities in government agencies and other large organizations that receive federal contracts or funds.

Arvind Sharm in “Reservation and Affirmative Action: Models of Social integrating in India” also states that those who argue for such policies enforcement of merely formal equality, in a so society beset with structural inequalities, merely perpetuates inequality will never be able to catch up with those who benefit from it, so long as “equality to opportunity” alone is upheld.

Affirmative action is now seems as being trickled down. It is because of their low access to education, decision-making and policy-formation level. More homework is to be done and affirmative action has to be applied for a certain time period in the well defined manner with its types and dimensions.

Thus, we can conclude that, in present context, Affirmative Action is the needed system for Dalits. It is positive discrimination in case of them and not going to be the reverse discrimination for Non-Dalits.

#### **5.4 Recommendation**

The main objective of this study in on one hand was to fulfill the academic requirement and on the other hand to find out the need, types and impact of affirmative action on Dalits. The main recommendations of this study are for the academic purpose.

- a) It is advisable to carry out further research in the field of affirmative action with different perspectives like symbolic interaction, dependency theory.
- b) Affirmative action as reverse discrimination is a broder issue, I just have researched on need, types and impacts of Affirmative Action on Dalits, further researchers can research on Affirmative Action and its negative impacts on Dalits themselves.

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Annexes:

Annex I

**Distribution of Population by Caste/Ethnicity in Humin VDC**

<i>SN</i>	<b>Cast/Ethnic Group</b>	<b>Population</b>
1	Magar	1943
2	Kami	520
3	Hill-Brahman	272
4	Newar	128
5	Chhetri	123
6	Damai/Dholi	43
7	Sarki	18
8	Unidentified Dalit	8
9	Others	2
<b><i>Total</i></b>		<b>3057</b>

*Source: District Statistics Office, 2058*

**Annex II****Description of the population of Humin VDC by Household and per ward population:**

<b>Ward No.</b>	<b>Household No.</b>	<b>Ward No.</b>	<b>Population</b>
1	30	1	175
2	56	2	270
3	99	3	578
4	65	4	380
5	58	5	221
6	79	6	386
7	15	7	75
8	80	8	412
9	97	9	560
Total	579	Total	3057

*Source: District Statistics Office, 2058*

**Annex III**

**Dalit Students in different seven schools and their educational status in the year 2064/65:**

**Humin-1, Gaabudanda:**

Class		Tota		Dalits	
		Girls	Boys	Girls	Boys
1	Enrolled	9	9	-	-
	Participated in exam	8	9	-	-
	Dropped out	1	-	-	-
2	Enrolled	3	5	-	-
	Participated in exam	3	5	-	-
	Dropped out	-	-	-	-
3	Enrolled	5	3	-	-
	Participated in exam	5	3	-	-
	Dropped out	-	-	-	-
4	Enrolled	-	4	-	-
	Participated in exam	-	4	-	-
	Dropped out	-	4	-	-
5	Enrolled	1	2	-	-
	Participated in exam	1		-	-
	Dropped out	2		-	-

Source: Mr. Mahendra Acharya  
 Head teacher  
 Shree Chandeshwari Primary  
 Humin-1, Gaabudanda, Palpa

School

**Humin-3, Loreng:**

Class		Total		Dalits	
		Girls	Boys	Girls	Boys
1	Enrolled	12	12	-	-
	Participated in exam	12	12	-	-
	Dropped out	-	-	-	-
2	Enrolled	8	17	-	-
	Participated in exam	8	17	-	-
	Dropped out	-	-	-	-
3	Enrolled	6	15	-	-
	Participated in exam	6	15	-	-
	Dropped out	-	-	-	-
4	Enrolled	11	10		-
	Participated in exam	11	10	-	-
	Dropped out	-	-	-	-
5	Enrolled	10	9	-	-
	Participated in exam	10	9	-	-
	Dropped out	-	-	-	-

Source: Mr. Chop Bahadur Disha

Teacher

Shree Nava Jyoti Primary School

Humin-3, Loreng, Palpa

**Humin-4, GhyangsingPokhara:**

Class		Total		Dalits	
		Girls	Boys	Girls	Boys
1	Enrolled	8	10	-	-
	Participated in exam	7	10	-	-
	Dropped out	-	-	-	-
2	Enrolled	10	9	-	-
	Participated in exam	10	9	-	-
	Dropped out	-	-	-	-
3	Enrolled	9	4	-	-
	Participated in exam	9	3	-	-
	Dropped out	-	-	-	-
4	Enrolled	4	9	-	-
	Participated in exam	4	9	-	-
	Dropped out	-	-	-	-
5	Enrolled	8	7	-	-
	Participated in exam	8	7	-	-
	Dropped out	-	-	-	-

Source: Mr. Krishna Prasad Panthi

Head Teacher

Shree Nava Kiran Primary School

Humin-4, GhyangsingPokhara, Palpa



**Humin-5, Baghchaur:**

Class		Total		Dalits	
		Girls	Boys	Girls	Boys
1	Enrolled	4	10	1	
	Participated in exam	4	10		
	Dropped out	-	-		-
2	Enrolled	5	13	1	
	Participated in exam	5	13		
	Dropped out	-	-		-
3	Enrolled	11	4		-
	Participated in exam	11	4		
	Dropped out	-	-		-
4	Enrolled	10	4		-
	Participated in exam	10	4		
	Dropped out	-	-		-
5	Enrolled	7	7		-
	Participated in exam	7	7		-
	Dropped out	-	-		
6	Enrolled	14	4		1
	Participated in exam	14	4		
	Dropped out	-	-		
7	Enrolled	23	10		2
	Participated in exam	23	10		
	Dropped out	-	-		-

Source: Mr. Shalik Ram Khanal

Head Teacher

Shree Amar Lower Secondary School Humin-5, Baghchaur, Palpa

**Humin-6, Hatiya:**

Class		Total		Dalits	
		Girls	Boys	Girls	Boys
1	Enrolled	11	33	4	17
	Participated in exam	11	33	4	17
	Dropped out	-	-	-	-
2	Enrolled	17	36	6	6
	Participated in exam	17	36	6	6
	Dropped out	-	-	-	-
3	enrolled	21	19	9	8
	Participated in exam	21	19	9	8
	Dropped out	-	-	-	-
4	Enrolled	10	9	2	6
	Participated in exam	10	9	2	6
	Dropped out	-	-	-	-
5	Enrolled	11	12	3	4
	Participated in exam	11	12	3	4
	Dropped out	-	-	-	-
6	Enrolled	10	13	5	3
	Participated in exam	10	13	5	3
	Dropped out	-	-	-	-
7	Enrolled	28	33	11	10
	Participated in exam	28	33	11	10
	Dropped out	-	-	-	-
8	Enrolled	18	26	4	9
	Participated in exam	18	26	4	9
	Dropped out	-	-	-	-

Source: Mr. Kausal Raj Neupane  
Head Teacher  
Shree Janahit Bhagwati Lowar  
Secondary School  
Humin-6, Hatiya, Palpa

**Humin-8, Maarsidanda:**

Class		Total		Dalits	
		Girls	Boys	Girls	Boys
1	Enrolled	8	14	1	1
	Participated in exam	7	13		
	Dropped out	1	1	1	1
2	Enrolled	7	9	-	1
	Participated in exam	7	9		
	Dropped out	-	-	-	-
3	Enrolled	6	9	1	-
	Participated in exam	6	9		
	Dropped out	-	-	-	-
4	enrolled	9	8	-	2
	Participated in exam	9	8		
	Dropped out	-	-	-	-
5	Enrolled	5	16	3	2
	Participated in exam	5	15	2	2
	Dropped out	-	1	1	-

Source: Dand Prasad Sharma  
Assistant Head Teacher  
Shree Shanti Primary School  
Humin-8, Marsidanda, Palpa

**Humin-9, Dhaam:**

Class		Tota		Dalits	
		Girls	Boys	Girls	Boys
1	Enrolled	24	20	-	-
	Participated in exam	24	20	-	-
	Dropped out	-	-	-	-
2	enrolled	9	7	-	-
	Participated in exam	9	7	-	-
	Dropped out	-	-	-	-
3	enrolled	7	8	-	-
	Participated in exam	7	8	-	-
	Dropped out	-	-	-	-
4	Enrolled	8	10		-
	Participated in exam	8	10	-	-
	Dropped out	-	-	-	-
5	Enrolled	7	8	-	-
	Participated in exam	7	8	-	-
	Dropped out	-	-	-	-

Source: Mr. Hira Raj Acharya

Teacher

Shree Jana Priya Primary School

Humin-9, Dhaam, Palpa

Household Survey Questionnaires  
FOR DALITS:

General Introduction:

Name of the respondent: -.....

Age: - ..... Yrs..... Sex: - male (.....) Female (.....)

Religion (.....) Caste (.....)

Occupation: - .....

Educational Status:

Formal (.....): Primary (.....) Secondary (.....)

Higher (.....), Informal (.....) Illiterate (.....)

1 Have you ever heard about Affirmative action?

Yes (.....) No (.....)

2 Through which media you heard about it?

Leaders (.....) media (.....) Politicians (.....) Activists  
(.....) others (.....)

3 What do you know about affirmative action?

.....

4 Do you think Affirmative action is needed?

Yes (.....) No (.....)

5 Why do you think so?

.....

6 For whom do you think affirmative action is needed?

Dalits (.....) Non-Dalits (.....) Others (.....)

7 Why do you think so?

.....

Do you think caste based discrimination is still rooted in your society?

Yes (.....) No (.....)

9 Why do you think so?

.....

10 At what level, any of your family members is studying or have studied most than

other members?

Primary (.....) Secondary (.....) PCL (.....) Bachelor's (.....)

Master's (.....) PHD (.....)

11 Is your any family member working on government service?

12 Police (.....) Army (.....) School (.....)community health (.....)  
others (.....)

13 Do you/ your family member focused on your occupation or included in other profession?

In our traditional occupation (.....) Occupation:.....

In a profession (.....) Profession: .....

14 Do you know the facilities that government has been provided in its policies?

Yes (.....) No (.....)

How did you know about it?

15 By Radio (.....) Television (.....) Political leaders (.....)  
Activists (.....)

16 Are you or your any family member using this facility?

Yes (.....) No (.....)

17 What type of facility are you using?

Quota system (.....) Aarakshan (.....) others (.....)

18 Up to what level in school/collage has he/she completed?

Primary (.....) Secondary (.....) PCL (.....) Bachelor's (.....)

Master's (.....) PHD (.....)

19 Why do you think the facility is useful for you?

Because.....

20 Did your life changed by getting affirmative action?

Yes (.....) No (.....)

21 How?

.....

22 If the government didn't facilitate you, what would be?

You can't compete with non-dalits (.....) Nothing (.....)

Others (.....)

23 Why do you ask for Affirmative action?

For your right (.....) Your leader says to do so (.....)  
others (.....)

24 Why don't you compete with non-dalits without affirmative action?

You do (.....) you can't (.....) it's your right (.....) Others  
(.....)

25 Do your leaders help you to get affirmative action?

Yes (.....) No (.....)

26 Does your leader provide you by the opportunities you have in the policies?

Yes (.....) No (.....)

27 If no, do you ever ask him for your right?

Yes (.....) No (.....)

28 When you ask what does he say?

He says.....

29 Why don't you ask? Does he compel you to keep quite?

.....

30 What kind of completion you face?

Threatens (.....) taking your voice as a jock (.....)

Neglects you (.....) other (.....)

31 Have you ever taken the help of law while responding any kind of cased based  
discrimination?

Yes (.....) No (.....)

32 Why ? .....

You know about it (.....) you don't know about it (.....)

others (.....)

33 What type of exclusion do you face in your every day life?

.....

34 How do you response them?

.....

35 Do you think affirmative action helps you to come out from that situation?

Yes (.....) No (.....)

36 Why?

.....

37 Why didn't you or your family member go for higher education?

You didn't need (.....) can't pay the fee (.....) You have to face the social discrimination (.....)other (.....)

**For Non-Dalits:**

General Introduction:

**Name of the respondent:** -.....

**Age:** - ..... **Yrs.....** **Sex:** - male (.....) Female (.....)

**Religion** (.....) **Caste** (.....)

**Occupation:** - .....

**Educational Status:**

**Formal** (.....): **Primary** (.....) **Secondary** (.....)

**Higher** (.....), **Informal** (.....) **Illiterate** (.....)

1 Have you ever heard about Affirmative action?

Yes (.....) No (.....)

3 Through which media you heard about it?

Leaders (.....) media (.....) Politicians (.....) Activists (.....) others (.....)

4 What do you know about affirmative action?

.....

Do you think Affirmative action is needed?

Yes (.....) No (.....)

6 Why do you think so?

.....F

or whom do you think affirmative action is needed?

Dalits (.....) Non-Dalits (.....) Others (.....)

8 Why do you think so?

.....

Do you think caste based discrimination is still rooted in your society?



Yes (.....) No (.....)

Why do you think so?

.....

10 At what level, any of your family members is studying or have studied most than other members?

Primary (.....) Secondary (.....) PCL (.....) Bachelor's (.....)  
Master's (.....) PHD (.....)

11 Is your any family member working on government service?

Police (.....) Army (.....) School (.....)community health (.....) others (.....)

12 Do you/ your family member focused on your occupation or included in other profession?

In our traditional occupation (.....) Occupation: .....

In a profession (.....) Profession: .....

13 How do you feel while competing with a Dalit having affirmative action?

They really need (.....) it's unfair (.....) Jealousy (.....) Others (.....)

14 Do you think, Affirmative action really decreases your chances and makes you handicapped?

Yes (.....) No (.....)

15 Why and how?

Because.....

16 What do you say about the discrimination made by society to Dalits?

.....

17 Can they compete fairly without affirmative action? Why?

.....

18 Do you have any kind of access to law/administration?

Myself (.....) Relative (.....) Family member (.....) others (.....)

**For beneficiaries of affirmative action:**

**Name:**                      **Age:**                      **Sex:**                      **caste:**  
**Occupation:**              **Educational status:**              **Type of affirmative action**  
**she/he got:**

1. How do you get the respective affirmative action?

.....I

Is this benefited you?

Yes (.....)      No (.....)

3. Why?

.....

What do you think, is affirmative action still needed to Dalits?

Yes (.....)      No (.....)

5. Why?

.....

How do you feel after getting affirmative action?

It's positive (.....)      Shy (.....)      Laziness (.....)      Others  
(.....)

7. Do you have any especial experience that can explain about  
negative/positive impact of affirmative action?

8. Wasn't it easy to compete you for the same thing/ post without affirmative  
action?

Yes (.....)      No (.....)

9. If yes, then why dalits ask for affirmative action?

.....

If No, why?

.....

Can you suggest some more types of affirmative action that government can  
still provide?

1)..... 2)..... 3)..... 4).....

A competition without affirmative action for Dalits is fairer. Do you agree?

Yes (.....)      No (.....)

12. Why?

.....

14. Do you think, reservation for Dalits decreases the chances for Brahmin/  
kshetries?

.....

15. Why do Dalits need affirmative action?

.....

16. Did the affirmative action change your life?

Yes (.....) No (.....)

17. How?

.....

Do you feel relief when you don't have to pay school fee?

Yes (.....) No (.....) it's ok (.....) Others (.....)

19. Did you get support from your earning?

Yes (.....) No (.....) it's ok (.....) Others (.....)

20. What kind of economic change did you get in your life?

.....

How do your fellow/ colleague/ neighbors think/ feel about you?

Respect (.....) Jealousy (.....) Others (.....)

22. Do they dominate your talent saying that you have got that position by  
affirmative action?

Yes (.....) No (.....)

23. How do you feel in that condition?

.....

Did affirmative action change your life style?

Yes (.....) No (.....)

25. How?

.....

### Key Informant Interview Schedules

#### For Dalit Key Informants:

1. Why the Dalits actually need affirmative action?
2. People accuse that, dalit leaders show the problems of deprived, have affirmative action and miss use them by using it in trickle down approach, what do you say?
3. Don't you think, competition without affirmative action may lead to equality and equity?
4. The world has changed and so the ideas are, don't you think the affirmative action may neglect the talents and worth?
5. We saw, the impact of affirmative action in India gone wrong, it failed, in this context, how do you think affirmative action in Nepal can be helpful?
6. What kind of affirmative action do you suggest? Why?
7. What do you think about the affirmative action policy of government?
8. Does one's life can change by getting affirmative action?
9. Can your life be changed by getting affirmative action?
10. Is affirmative action fruitful for you? How?
11. What do you think, how you can get the appropriate affirmative action?
12. Do you think quota system or aarakshan is enough for you?
13. Is only the positive impact of it or do you think it has some negative impacts too? Like, passiveness, unfair competition, and decrease in ability or others.

#### For Non-Dalit Key Informants:

1. How the affirmative action for Dalits is reverse discrimination for Non-Dalits?
  2. Are non-Dalits scared that one day power will be handed over on Dalits? That's why they are seemed against of affirmative action for Dalits?
3. Do non-Dalits want affirmative action or they are against of it? Why?
  4. What do you say about those discriminations that the state made for Dalits in the past?
5. Don't you think, affirmative action is a kind of way to overcome the past discrimination?
  6. Do you think affirmative action is a needed system?
7. Does one's life can change by getting affirmative action?