

**Dalits, Human Rights and  
Development:  
A Case Study of Hill Dalits**



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**LETTER OF ACCEPTANCE**

The dissertation entitled “**Dalits, Human Rights and Development: A Case Study of Hill Dalits**” submitted by Ms Anjani Kumari Shrestha has been accepted as the partial fulfillment of the requirements for the Degree of Arts in Sociology.

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## **Abstract**

In many ways, Nepal is an example of multi-cultural country in which people from a wide range of different caste and ethnic groups have been lived. Dalits belongs to Shudra in Hindu caste system. They are considered as lower caste in Hindu caste hierarchy. They are assigned to certain occupation. Because of the lack of farmland their livelihood depends upon artisan occupation and wage work. Because of untouchability and caste discrimination they are prohibited in many social and cultural spheres. Their participation in any development programme and decision making process is very few. Their levels of literacy, income, and life expectancy are very low than other caste group people. They are not enjoying their basic human rights and are not getting benefits of development. Human rights are equal for all citizens. The rights to development focuses active and meaningful participation of people in any development programme and people should get equal benefits of development programme. State has also implemented many plans, policies and programmes regarding human rights and development.

So, the aim of this study is to explore the relationship between human rights and development indicator such as health, education, participation in decision making process with reference to the Dalits, accountability of the state for the protection of basic human rights of Dalits and also tries to get the information about the Dalit's perception towards human rights, development and social discrimination. For this purpose Dadangaun, Nayagaun and Sirjana Basti of Daman VDC of Makwanpur district was selected for study area. There are 57 households of Dalits. A census was carried out for this research. Both primary and secondary data were used for this research purpose. Primary data was collected through non-participant structured observation, household census, key informant interview and six focus group discussions which included the group of male, female, literate, illiterate, Dalits who work traditional occupation and who work other occupation. Both qualitative and quantitative methods were used to analyze the data. Quantitative data were analyzed through simple percentage analysis. Qualitative data was analyzed through interpretive method.

Caste based social discrimination is still alive in the study area. Because of prohibition in occupation most of the Dalits are doing their traditional occupation. Besides traditional occupation they are working as wage laborers. They have no access to any other services. Most of the Dalits have few lands. Because of their low

income source, it has affected their health and educational status. Only few Dalits have access to get secondary and higher education. It is the right of people to participate in any development programme but none of Dalits of study area are involved in any decision making process of any development programme which shapes their life. They hesitate to participate in decision making because of being Dalits, lack of education and lack of information of development activities. Dalits of the study area have not got any kind of training for their skill development. They are also not getting benefit of human and social development despite the government plans, policy and programme. They are not enjoying the basic human rights and fundamental rights. Because caste based social discrimination is still alive in society. It has affected their human and social development. The seminars are being organized regarding upliftment, empowerment and rights of backward communities but still they are struggling for their basic rights.

Nepal has already ratified more than eighteen international covenants and treaties on human rights. The constitution of Nepal has also secured the fundamental human rights in its constitution. It has also pay attention to the participation of backward groups in state mechanisms and to eliminate any kind of racial discrimination. National development plans have also focused to eliminate social discrimination and to empower Dalits and indigenous people through different development programmes such as scholarship in education, skill development training, credit facility, social awareness programme, reservation programme etc. But still it has been ineffective to the Dalits. Their participation in development mechanism, constitutional provisions relating to equality of opportunities has been still a mere rhetoric.

I hope this dissertation will play a role to get the information about the state's accountability of human rights and development programmes towards Dalits and also to understand the relationship between human rights and development.

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## **List of Acronyms**

DDC	District Development Committee
ESCR	Economic, Social and Cultural Rights
FGD	Focus Group discussion
ICCPR	International Convention on Civil and Political Rights
ICDR	International Convention for Dalits Rights
KII	Key Informant Interview
LSGA	Local Self Governance Act
NGO	Non-Government Organization
NHRD	National Human Development Report
NPC	National Planning Commission
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNDP	United Nations Development Programme
UUDUVS	Utpidit Upekshit Dalit Utthan Vikas Samiti
VDC	Village Development Committee
WHO	World Health Organization

## **Chapter One**

### **Introduction**

Dalits refer to the traditional occupational caste people who are most oppressed among the population in Nepal as a result of hierarchical caste discrimination, socio-economic and political exclusion and the practice of social evils, such as untouchability, rampant for centuries. Despite the constitutional (2047 and 2063 B.S.) prohibition and many government legislative provisions to prohibit discrimination against Dalits, caste and caste-based discrimination remains a central feature of life and social interaction in Nepal. Dalits in Nepal remain socially excluded, economically exploited and politically suppressed. Today they are among the poorest, and fare the worst in almost any social development indicator including the literacy rate, child mortality rate, life expectancy at birth and overall human development index in Nepal. Despite constituting nearly one-fifth of the population, they are virtually unrepresentative in the bureaucracy, legislature and even mainstream political parties. Dalits have not got the full fruits of the basic human rights and development yet. So the present study is designed to review state's accountability for the protection of basic human rights of the Dalits.

The present study is designed to study the relationship between human rights and development indicators such as education, health, participation in decision making with reference to the Dalits. Human rights are considered as a basic prerequisite condition for development. Human rights basically concerns people's social and economic well-being as well as their political freedom. Economic, social and cultural rights and civil and political rights are considered as basic human rights as illustrated in the following:

“The right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized (Art 1[1] 1986 Declaration on the right to development)”.

“All human rights are universal, indivisible and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis (Art 5, 1993 Vienna Declaration and Programme of Action)”

In Nepal, the human rights agenda has not received much emphasis. The concept of human rights was accepted after the restoration of democracy in the 1990's. The interim constitution of Nepal (2007) has secured the fundamental human rights in articles 12 to 32. This constitution has introduced right against Untouchability and Racial Discrimination in article 14. Articles 33 and 36 specifically directed the state to formulate development policies and strategies towards achieving the goals of the economic, social and cultural rights of the people of Nepal. Human rights are equal; however, in the scenario of Nepal, more emphasis is given to political rights than to economic, social and cultural rights even though these two sets of rights are interdependent and interrelated. It appears that despite these constitutional articles, government policies remain silent on the issue of economic, social and cultural rights. However, Nepal has nonetheless already ratified eighteen international covenants and treaties on human rights, including on ESCR.

The subsequent sections of this chapter provide a context for the background of the study. This is followed by a statement of the research problem, objectives, limitations and organization of the study. This background is important for the interpretation of results. This study, undertaken in 2007, was based on primary data collected at Daman VDC of Makwanpur district in Nepal.

## **1.1 Background**

### **1.1.1 Human Rights in Development**

The Universal Declaration of Human Rights (UDHR), 1948, states that human rights are “for all people”, a statement repeated in subsequent instruments. Human right aims to empower, to ensure the participation of all people in

development. These consensus are important for development activities. Human rights are the core factor for development. The past application of development theories shows that economic development alone cannot successfully bring about an improvement in the status of people. The government should ensure the education, health and housing, freedom and other minimum living standards of people who have the right to claim economic, social and cultural rights already contained in international documents ratified by the government in question. The Department of International Development (2002) stated that human right includes social, cultural and economic rights to the highest attainable standard of health and education as well as political rights of the people. Human rights are indivisible because the violation of one right will often affect the other rights of the person such as opportunity in employment and in education. All rights are equally important as a means of ensuring that all people can live a life of freedom and dignity.

Economic, social and cultural rights (ESCR) are essential to human survival and dignity. These rights are interdependent and indivisible. Civil and political rights have been given more focus than ESCR as human rights. ESCR apply to all individuals and groups on the basis of equality and non-discrimination. The rule of law and human rights are fundamental for disadvantaged groups such as Dalits, women and indigenous people to achieve the fruits of democracy and development. Human rights empower people to elevate their voices to improve the living conditions of the poor. The government is under an obligation to ensure these rights to citizens.

Amartya Sen (1999) argued that “political and civil rights give people the opportunity to draw attention forcefully to general needs and to demand appropriate public action”. Amartya Sen goes on to illustrate this point by reference to famines, noting that “no substantial famine has ever occurred in any independent and democratic country with a relatively free press”. These can only be protected where people are able to exercise their civil and political rights (ACFORD, 1993). In other words, a prerequisite to achieving the fruits

of development and full respect of human rights is a holistic and integrated approach in/to development and human rights.

Human rights and human development also share common vision and a common purpose-to secure, for every human being, freedom, well-being and dignity. The Vienna Declaration and Programme of Action stated that “democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing”. Human Development Report 2000 also states human rights as an intrinsic part of development - and at development as a means to realizing human rights. It shows how human rights bring principles of accountability and social justice to the process of human development.

The right to development which is fundamental human right rooted in the provisions of the Charter of the United Nations, the Universal Declaration of Human Rights, the international Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. The Declaration on the Right to Development made the right explicit, stating that the right to development is an inalienable right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development. Declaration on the Right to Development has emphasized global concern in active and meaningful participation of entire population in the development process. Human rights constitute one important area of focus in the present development era. However, in the present context of Nepal, people have not fully enjoyed these rights.

### **1.1.2 Human Rights in the Context of Dalits of Nepal**

In Nepal various human rights organizations have been established after the restoration of democracy in 1990. Nepal ratified more than eighteen international covenants and treaties and optional protocols of human rights. The international covenants that guarantee the rights of the people are however hardly respected. The interim constitution of 2007 has also made

provision of fundamental rights, which include right to freedom (Article 12), right to equality (Article 13), right against untouchability and racial discrimination (Article 14), publication, broadcasting, and press right (Article 15), right regarding environment and health (Article 16), cultural and educational right (Article 17), right regarding employment and social security (Article 18), right to property (Article 19), right to women (Article 20), right to social justice (Article 21), right to children (Article 22), right to religion (Article 23), right regarding justice (Article 24), right against preventive detention (Article 25), right against torture (Article 26), right to information (Article 27), right to privacy (Article 28), right against exploitation (Article 29), right regarding labour (Article 30), right against exile (Article 31), and right to constitutional remedy (Article 32). These fundamental rights complement development; however, these rights have not been fully realized by people.

The caste-system remains a social tragedy in the present context. Historically, the ruling class subjugated the untouchable people who were deprived of their fundamental rights and who were excluded from participating in development activities. The widespread discrimination based on 'untouchability' has resulted in the exclusion of Dalits groups from participation in various government services and government-constituted commissions/committees.

Due to their status as 'untouchables', Dalits are subjected to gross human right violation on a routine and systematic basis. Caste discrimination and untouchability affect every facet and dimension of Dalits life-economy, social, cultural, civil and political. Untouchability is the basis for frequent violence against Dalit, including murders, attacks, and rapes; also denial of basic needs such as water and entry into public places; encroachment and dispossession of land, wage discrimination; infringement of right to vote; discriminations in schools and high level of illiteracy and drop-out rates; dehumanizing living and working conditions; impoverishment and mal-nourishment.

Caste discrimination has marginalized Dalits from economic opportunities. It has led them further dependence and impoverishment. Various problems



have been developed due to the gender discrimination also such as preferences of son, discrimination in education between son and daughter, early marriage, etc. Women Dalits are double exploited being dalit and woman. Dalits are unable to compete economically, politically and socially. Mainstreaming of such issues and concerns of Dalits is most crucial for peace and sustainable development. The Dalits of Nepal remain socially excluded, economically exploited and politically suppressed and deprived from basic human rights.

In Nepal social exclusion of the Dalits and their lack of power with regard to insensitive local officers, corrupt institutions, and their lack of access to development decision makers, all point to need to create new mechanisms to ensure that their voices are heard, and that they have a right to participate in development. Human rights need to be guaranteed for all indigenous people and Dalits in the context of Nepal.

## **1.2 Statement of the Problem**

The central goal of human rights and development has and will be the promotion of human well-being. Human rights empower people to enjoy their rights to development. These two aspects, i.e., human rights and development, therefore, are complementary to each other.

The statement of the problem basically concerned with the human rights for the development. These include rights to development, rights to education, health, work, expression etc. The state is under an obligation to promote and protect human rights. In theory, it is to do so through the state machinery. However, this is not reflected in practice. By which also state's development programmes has been ineffective to the marginalized people. The State's obligation to protect minorities is fundamental. The state should ensure the equitable distribution of the benefits of development based on the principle of social justice and that it should prevent the resources and means from being concentrated in the hands of a few limited individuals belonging to particular class. People's economic, social and cultural rights are still not fully respected

by the state. It is the problem for social and human development of people. Therefore, a state obligation is needed to promote and protect the human rights through the state mechanism/machinery.

Caste based social discrimination has also been the problem for the human and social development of the people mostly for the Dalits in Nepal. It has also affected their human rights. Social discrimination has been the major cause of poverty of Dalits. Despite the constitutional (2047 B.S.) law and policies of government against caste based discrimination, it has been ineffective. Their participation in development activities is very few. They have low access to education, health, employment, etc., because of social discrimination. They are prohibited in public, private places such as in temples, schools and hotels. There is lack of Dalits participation in the decision-making processes which shape their lives but the real participation of people is an essential component of development. Dalits are deprived from basic human rights and development. Policy makers and planners are not giving more emphasis to human rights for development. It is also better to understand the perception of Dalits toward human rights, development and social discrimination to explore the real problem to formulate plan and policy.

So this study has concerned the state's accountability for the protection of basic human rights in the country for human and social development and the linkage between human rights and development with reference to Dalits.

### **1.3 Objectives of the Study**

It is expected that these objectives can be achieved by this study. The objectives are to:

- ) Review the state's accountability for the protection of basic human rights of the Dalits in the country.
- ) Explore the linkage between human rights and development in reference to the Dalits in the study area.
- ) To understand how Dalits themselves perceive basic human rights, development and social discrimination in the study area.

Secondary data from legislation, plans, journals, documents, etc, have been used to fulfill the first objective. The second objective tries to explore the linkage between human rights and development relating the basic indicators of human rights and development through key informant interviews and focus group discussion. And the final objective is expected to get the information about how Dalits themselves perceive human rights, development and social discrimination, how far they feel they are enjoying basic human rights, their participation in any development activities and any discrimination is such activities. For this objective household census and focus group discussion has been used to collect the data.

The present study is designed to seek answers to the following research questions to fulfill above objectives.

- ) To what extent is the state accountable for the basic human rights protection of the Dalits?
- ) What is the level/degree/extent of people's participation in terms of the decision-making process (in the field of healthcare and education) in the study area?
- ) How is the idea of human rights understood by the Dalits in the study area?
- ) How is the situation of human rights and its impact on human development of Dalits in the study area in local people's perception?
- ) How far Dalits are aware of the developmental efforts in their locality?
- ) How do they perceive the state's policy to eliminate social discrimination? Are they aware about this?

#### **1.4 Significance of the Study**

The proposed study is expected to contribute theoretically and substantively to the anthropological study of development. Anthropology and human rights basically focuses in people's participation in development. Therefore, it is expected to contribute toward a better understanding of these aspects. The significance of this study is following:

- ) This study, at first will help to understand the relationship between the human rights and development.
- ) This study also helps to understand the perception of Dalits toward human rights, development and social discrimination.
- ) The findings of the study may be useful for researcher, student, government planner, I/NGOs, policy maker, social worker and others who work about the Dalits, human rights and development.

## **Chapter Two**

### **Literature Review**

This chapter will cover literature on the Dalits, human rights and development discourses respectively and finally the conceptual framework of the study.

#### **2.1 Dalits**

Nepalese society holds deep roots in Hindu caste system, with hierarchy of different caste groups of people within the system. Dalits are one of the caste group people within this Hindu caste system whose social, economic, health and political status are lowest compared to other groups in Nepal.

In the book “Chapama Dalit” (2001) the authors have stated a certain group of people having a certain caste has been stated as Dalit. In other words they are the minority of people deprived of various basic human rights in the basis of their caste. In the ancient time period Dalits were being denied of various opportunities might be in the field of education, utilizing public resources and participating in the economical activities. Moreover their participation and representation in politics is very rare. They have no access towards government, NGO services sectors.

According to Bhattachan (2003), most of the Dalits people are poor and landless. Their traditional occupations are stigmatized by the society and even if some how they try to pursue it, they have to compete with the cheap products available in the market. Cheap products have displaced their means of livelihood. Thus; they are not only socially discriminated, but also economically backward.

Dahal (2003) argues that two clear “discordance” models are constantly operating in the life of Dalits in Nepal making them subordinate and dependent throughout the years: i) Dalits are struggling for an egalitarian future in recent years keeping intact the dominant Hindu caste values of social stratification within them. This “exclusion model” within them reform their

Hindu domination and ii) Dalit liberation model in Nepal operated more at the advocacy level than improving their economic condition. The overall approach to improve their fate moved towards the rights-based approach, giving minimal attention to economic independence. Thus their economic dependence on their patrons has remained virtually alive even today, despite their struggles for “social equity” over the Years.

Bhattachan (2001) describes the most shocking practice of untouchability in Nepal that prevails in the Dalit community some are classified as being higher caste Dalit and others as the lower caste. Thus they refuse to touch each other and the practice of untouchability goes on. Despite Dalit being exploited, they failed to make direct approach in this regard to the higher caste people. Corruptions too have been largely done in the name of Dalit. In the name of various Dalit program, large amount of budget were brought and the people from the minister levels to the officers were indulging lavishly into corruptions.

International Commission for Dalit Rights (ICDR) report states social exclusion, extreme poverty and conflict are closely associated with caste discrimination in South Asia. Gurung (2006:15) explains that state ideology has been the instrument that perpetuates high caste hegemony in politics. Such polity marginalizes low castes and ethnic groups in the economic sphere. And most of them remain poor; they have less access to education and are trapped in vicious circle of poverty.

Bhattachan, (2060:298-300) states, caste discrimination is still not eliminated from Nepal. Caste discrimination has been the main cause of poverty of Dalits. Dalits women have suffered from both caste discrimination and gender discrimination. Bishwakarma, (2060:291-297) states when Dalits get the equal rights of economic, political, social, cultural and linguistic, and when the untouchability will eliminate then only Dalits can live with full of dignity and the problem of Dalits will be solved.

Koirala (1996) has explored the relationship between a lower caste group and schools in Nepal. The way in which the relationship is influenced or shaped by

the caste system, and the way both the caste group and others understand and explain the relationship. He has also stated that the so called Dalits people had no access to schooling for countries because schooling was a prerogative of high caste people and Dalits were regarded untouchable people.

## **2.2 Human Rights and Development**

Human rights are considered to be the fundamental rights of the human being inalienable rights by virtue of being born a human. Throughout the last decades, various interpretations have emerged regarding the concept of human rights. These interpretations have led to the categorization of human rights under two broad headings, i.e. fundamental rights and core rights. The concept of human rights has evolved over time to become what we know today.

Stiftung (2057: 53-65) states the development of human rights has been in different stages. Every stage has different perspectives. The first stage has taken as generation of civil and political rights, second stage as generation of economic, social and cultural rights and the third stage as generation of right to development. The concept of third generation of human right is everyone has right to participate in development activities and has right to get equal fruit of development.

Baxi (1998: 99-116) writes a landmark in the enunciation of new human rights occurred on 4 December 1986, the General Assembly adopted the Declaration on the Right to Development. The leitmotiv of the Declaration is that the human person is the central subject of development and therefore and active participation and beneficiary of the right to development: state has the right and duty to formulate appropriate national development policies that aim at the constant improvement of the well-being of the entire population and of all individuals.

Donnelly (1990) explains at a minimum, people must live. This requires survival rights, such as the right to life and right to food and if this survival is to be more than brutish, it requires economic and social rights, such as the right to care and social insurance. It shows all rights are interdependent and a person needs these rights for survival.

Nepali (2006: 18-22) argues that the objective of human rights is human development. Human rights based development approaches pay attention to the participation, accountability, non discrimination, equality and attention to vulnerable groups, empowerment and linkage to human right standards. Human poverty (socio-psychological) includes lack of decision making capability, insufficient political will, less awareness towards own rights, inferiority etc. Mostly women, Dalit, Janajati, minorities, rural people are victims of human poverty. It can be addressed through sensitization of human development from human right perspectives.

Quizilbash (1996) explains the concept of “human development” used by the UNDP in the 1990 which emphasis on enlarging the choices of the people. These include access to income, a long healthy life, education, a decent standard of living, political freedom, guaranteed human rights and personal self-respect. The concern of this is not just with capabilities but also with their use. The environment in which capabilities are exercised matters. This shows the basic objective of development is to create an enabling environment for people to live long, healthy and creative lives. He also states human being must have a decisive voice in shaping their political frameworks: and the UNDP gives explicit importance to participation. It means there should be equal participation of all for development.

### **2.3 Conceptual Framework**

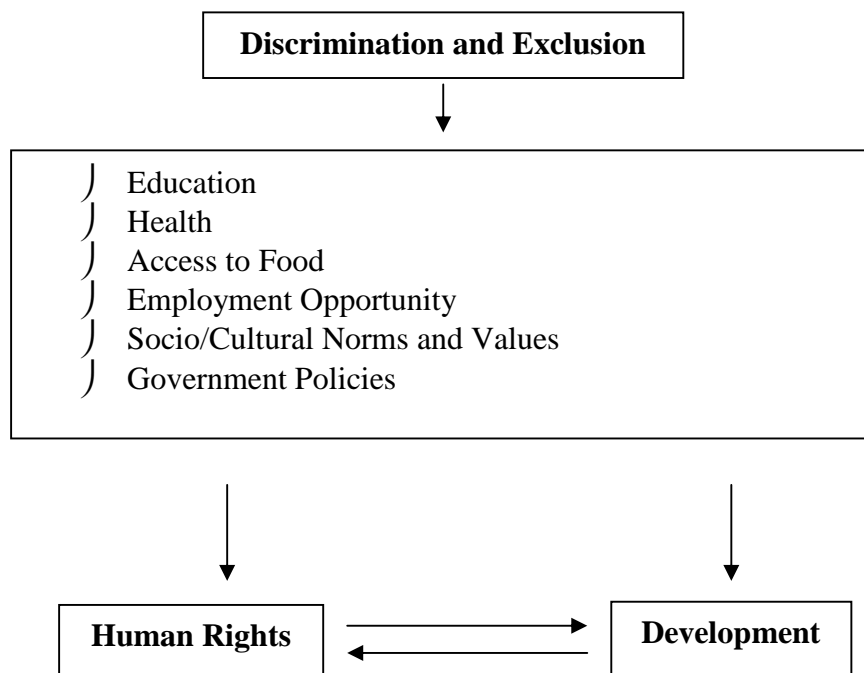
Because of Hindu caste system, Dalits are socially discriminated in different field. They are not fully enjoying their human rights which are indispensable for development. Therefore, this research explores the interrelationship



between these two concepts with reference to Dalits within the local context of Daman VDC.

For this research, the conceptual framework is logically developed, described, and explained as a network of relationships among various variables of development and human rights as explained Figure 1. This framework is derived on the basis of selected variables which are used in designing the framework for the purpose of analyzing the relationship between the human rights and development. These important variables of interest for this research are:

**Figure 1: Relationship between human rights and development**



In this Figure, Discrimination and exclusion refers to caste based social discrimination which includes discrimination in employment, in public places, in participating different development activities and in decision making process. It has affected education, health, access to food, employment opportunities of the people and also has affected government policies and socio-cultural norms. By which people are deprived from their basic human rights and it has affected human and social development also. In this Figure human rights means right to education, right to health, and right to food, right

to participation, right to work and civil and political rights. Without getting human rights people can't enjoy the fruits of development and human and social development empowers and makes aware people to get their rights.

## **Chapter Three**

### **Methodology**

This chapter describes the methodology applied in this study.

#### **3.1 Unit of the Study**

Amongst the various cluster, there is a cluster of 57 Dalits households in Dadagaun, Nayagaun and Sirjana Basti of Daman Village Development Committee. It is also known as Dalits basti of Daman VDC. A census was carried out in this cluster for this research purpose.

#### **3.2 Nature of the Data**

This study has included both primary and secondary sources of information. The primary data was collected through household census, observation, key informant interview and focus group discussion. Secondary data used in study was obtained from different offices of the VDC, district, region, central level, legislation, documents, journals, reports, books, magazines and newspapers.

Both qualitative and quantitative data has been used in the study. Qualitative data of the study are their lifestyle, activities, their perception about human rights and development, their attitude toward state's policy and programmes, etc. and quantitative data of the study are about education, income, health facilities, participation in public decision making, etc.

#### **3.3 Data Collection Instruments**

There are various tools and techniques for the collection of primary as well as secondary data. Among them household census, observation, key informant interview and focus group discussion was used for this study.

) **Observation:** Non-participant structured observation used to collect data. A checklist had been prepared to collect data about the lifestyle, activities of the people and discrimination toward Dalits, etc. Data was collected about how they enjoying their basic human rights, their access to

development programmes and any kind of discrimination toward them by non – Dalits.

- ) **Household Census:** The information was collected from household census during the study through schedule. Data was collected about the socio-economic profile of Dalits of the study area.
- ) **Key Informant Interview (KII):** It was conducted to understand the linkage between human rights and development. The Information was gathered from the selected people who were considered very reliable to get data in many aspects. They were member of VDC, teacher, social worker, elder Dalit and an educated Dalit.
- ) **Focus Group Discussion (FGD):** Six FGD was organized to get relevant information. These included the group of male, female, literate, illiterate, Dalits who works caste based occupation and who works non caste based occupation were the informants of the study. The information was qualitative such as understanding of human rights, development, social discrimination and people's perception toward state's development programmes such as in education, health or any kind of trainings etc. Questions were asked regarding the state's policies and views on them also.

### **3.4 Data Processing and Analysis**

The information was collected from different methods. Thus, it was edited with careful scrutiny. After editing it was classified according to their common characteristics. These data was tabulated and prepared in an appropriate form to analyze. Qualitative and quantitative methods were used to analyze the data. Quantitative data was analyzed through simple statistical tools like percentage. And qualitative data was analyzed through interpretive method.

### **3.5 Ethical Consideration**

This study has not contained any information or personal opinions which may adversely affect the Dalits community and their institutions. The cultural norms and values of Dalits communities have been respected. The study has not contained any gender biasness during the study.

### **3.6 Limitation of the Study:**

The following are some of the limitations of the study:

- ) As one of the objectives of this research is to fulfill the partial requirement of a Master's degree in Sociology/Anthropology.
- ) This study will be based on research carried out in some selected area of Makwanpur District.
- ) The study will assess the whole continuum of human rights but pertinent issues around health, education, employment and law, etc., will be explored.

### **3.7 Organization of the Study**

The scope of the study is defined in three major areas as follows:

Area 1: A review of state's obligation to protect Dalits;

Area 2: An assessment of the correlation between human rights and development with reference to the Dalits in the study area;

Area 3: An assessment of human rights, development and social discrimination of the Dalits in the study area.

The above areas are explained in the eight different chapters as follows:

Chapter one, deals with the background of the study and briefly described the background of Dalits, about human rights in the development. Chapter two presents the review of the literature on Dalits, human rights, development and anthropological study. Chapter three explains the methods and material which have been applied in the study. Chapter four describes a profile of the study area and the people under study. Chapter five gives an overview of the Dalits community's understanding of human rights, development and social discrimination. Chapter six describes the obligations of the state to protect minorities with reference to the Dalits and looks at its policies in protection and promoting the human rights of the Dalit community as well as of minority communities across Nepal/ and of minorities across Nepal more generally. Chapter seven describes the relationship between human rights and development in theory. It also looks at this relationship in practice, in the Dalit

community. Finally, chapter eight covers the summary and conclusion as well as recommendations for possible future research in the Dalits community.

## **Chapter Four**

### **A Profile of the Study Area and the People under Study**

This chapter presents a brief introduction of the study site. This includes the location of the study area and the socio-economic condition of the people of the Village Development Committee and the district.

#### **4.1 Makwanpur District**

Makwanpur district is situated in the mid hill region of Nepal, in the central development region of the Narayani zone. In its border lies Dhading, Kathmandu, Lalitpur, Sindhuli, Rautahat, Bara, Parsa, Chitwan and Kavrepalanchowk districts. It covers an area of 2,426sq.k.m. There are thirteen Ilakas, one municipality and forty-three village development committees. The district headquarter is situated in Hetauda.

Makwanpur district is one of the multi-lingual districts in Nepal. The total population of the Makwanpur district is 3,92,604. Out of them 1,93,460 are female and 1,99,144 are male. The majority of the population speaks Tamang. The main five castes and ethnic communities of this district are Tamang (47.3%), Brahmin (14.9%), Chhetri (10.8%), Newar (6.8%) and Magar (4.6%), (DDC, 2001).

The basis of the Makwanpur district economy is agriculture, followed by industry, as Makwanpur district is one of the most important industrial districts of Nepal. The majority of the population is engaged in agriculture (53.06%) and in non agriculture (46.94%).

#### **4.2 Daman Village Development Committee**

Daman VDC is one of the main villages of Makwanpur district which is at a distance of sixty five kilometers from district headquarter Hetauda and 70 kilometers from Kathmandu, capital city of Nepal. It has divided into nine ward committees. It is a well-known VDC of Makwanpur district because of its religious and cultural heritage and its natural beauty like Riksheshwor

Mahadev, Indrayani temple, Kala Bhairab temple, Seti Ganesh temple and Daman View Tower. In the east of this VDC lies Markhu VDC, in the west Gogane VDC, in the north Palung and Bajrabarahi VDC and in the south Namtar and Bhimpheedi VDC.

### **4.3 Socio-Economic Conditions**

#### **4.3.1 Composition of the Population**

Daman VDC has diverse group of population which are hill Brahmin, Chhetri, Tamang, Newar, Kami, Muslim, Unidentified Dalit, Tharu, Baniya, Thakuri, Sarki, Damai/Dholi, Gurung, Gharti/Bhujel, Magar, Sherpa, Kalwar, Rai, Yadav and unidentified caste. The total population is 8360.

#### **4.3.2 Education**

Education is one of the most important factors to disseminate knowledge of human rights and development at the village level. In 2001, the overall literacy rate of the Daman VDC was 47.69%, with a male literacy rate of 52% and a female literacy rate of 43.40%. In the sector of education, there are government schools as well as private schools and one campus in this VDC. Despite this, the literacy level of Dalits is very low.

#### **4.3.3 Occupation**

This VDC is situated in the hill region. Most of the people in this VDC are farmers. Most of the people work in the field of agriculture. However, some people also work in government and private service and few have their own business. Some people also work as agricultural and non-agricultural wage labourers.



## 4.4 Profile of the people under study

This chapter gives social, economic and cultural profile of the Dalits in the Study Area.

### 4.4.1 Composition of the Population of Respondent in the Study Area

The total universe of study was 57 households; therefore, a household census was carried out for research purpose. An attempt was made to involve a significant proportion of respondents during census. Thus census was carried out with men and women respondents.

Table 1: Distribution of household of Dalits by wards

Ward No.	Name of Village	Household no.	Percentage (%)
3	Dandagaun	20	35.09
4	Srijana Basti	22	38.60
5	Nayagaun	15	26.32
	<b>Total</b>	<b>57</b>	<b>100</b>

Source: Field Survey 2007

Table 1 shows the household number of Dalits which are situated in ward number 3, 4 and 5 of Daman VDC. Among them 20 respondents were from ward number 3, 22 respondents were from ward number 4 and 15 respondents were from ward number 5.

Table 2: Distribution of Dalits household according to category of Dalits

Dalit	No. of Household	Percentage (%)
Kami	31	54.39
Damai	26	45.61
<b>Total</b>	<b>57</b>	<b>100</b>

Source: Field Survey 2007

This study is about hill Dalits of Daman VDC. In Daman VDC ward number 3, 4 and 5, there was two types of hill Dalits. They are Kami and Damai. The total number of Kami household is 31 and Damai is 26.

Table3: Distribution of population of Dalits according to sex

<b>Sex</b>	<b>No. of population</b>	<b>Percentage (%)</b>
Women	159	51.62
Men	149	48.38
<b>Total</b>	<b>308</b>	<b>100</b>

Source: Field Survey 2007

Table 3 shows the total population of Dalits in ward no.3, 4 and 5 is 308. Among them women's population is higher than the men's population. In total 51.62 percent are women and 48.38 percent are men.

Table 4: Distribution of respondent according to sex

<b>Sex</b>	<b>No of Respondents</b>	<b>Percentage (%)</b>
Men	26	45.61
Women	31	54.39
<b>Total</b>	<b>57</b>	<b>100</b>

Source: Field Survey 2007

The field census was carried out in 2007 in the Dalits community of the Daman VDC of Makwanpur District. There were more women respondents than men respondent.

#### **4.4.2 Education**

Education, in this report, is to be understood as the process of informing people about their human rights and facilitation the process of development in the community level. Many community and society issues relate to economic, social and cultural rights.

International documents also focus on the right to education. These are the following documents: the Universal Declaration of Human Rights (article 26), the International Covenant on Economic, Social and Cultural rights (article 13), the Convention on the Rights of the Child (article 28 and 29), the Convention on the Elimination of all forms of Racial Discrimination (article 8)

and the Convention on the Elimination of all forms of Discrimination Against Women (article 11).

Above are the major human rights documents that highlight perspectives on education. Nepal is a signatory to international conventions that stipulate that education is a basic right. Because of economic backwardness and discrimination toward Dalits their literacy rate is less than other community in Nepal. Therefore, it is fundamental to ensure that education is made accessible to all and to ensure that existing quality standards for the educational system are implemented.

Table 5: Distribution of educational status of respondent

<b>Level of Education</b>	<b>No. of Respondents</b>	<b>Percentage (%)</b>
Illiterate	29	50.88
Literate	8	14.04
Primary	9	15.79
Secondary	10	17.54
Above secondary	1	1.75
<b>Total</b>	<b>57</b>	<b>100</b>

Source: Field Survey 2007

Among the 57 respondents, it appears that 50.88 percent respondents are illiterate. Among them only one respondent has above secondary level education. 14.04 percent respondents are just literate. 15.79 percent respondent has got primary level education and 17.54 percent Dalits has got secondary level education. It shows only few Dalits has access to secondary and higher education.

In general, the educational level determines their overall quality of life in present and future. Therefore, this research has explored the educational level of Dalits above the age of five.

Table 6: Distribution of educational status of Dalits above 5 years old

Level of Education	Male	Percentage (%)	Female	Percentage (%)	Total	Percentage (%)
Illiterate	25	18.52	61	42.66	86	30.94
Literate	10	7.41	14	9.79	24	8.63
Primary	67	49.63	47	32.87	114	41.01
Secondary	30	22.22	21	14.69	51	18.35
Above secondary	3	2.22	0	0	3	1.08
<b>Total</b>	<b>135</b>	<b>100</b>	<b>143</b>	<b>100</b>	<b>278</b>	<b>100</b>

Source: Field Survey 2007

The total populations of Dalits who are above 5 years old are 278. Female population is higher than male but the ratio of schooling varies according to gender. Among them 18.52 percent male and 42.66 percent females are illiterate. Female illiteracy is higher than male illiteracy level. Literate populations of male are less than female population but primary, secondary and higher secondary education level of male is higher than female. Above secondary level of female education is zero percent. Thus females have less access to formal education than male. The proportion of Dalits continuing their schooling declines with the increase in the level of education from primary to secondary level.

The major underlying factors that affect the education are rampant poverty and lack of access to educational support programmes. The gender gap in schooling is explained by the sub-ordinate status of girl children within the family. Social custom dictates that boys are the bread-winners of the family. Special attention is therefore paid to building their capacity for the future, rather than to that of girls.

#### 4.4.3 Economic and Social Indicators

Economic and social indicators are very important for the full realization of development. It is noted in the NHRD (1998) that work and employment are

highly salient components of human development. Human deprivation like malnutrition, illiteracy and ill health are closely related to the level and structure of income and consumption. Economic and social indicators reveal information on living standards and on deprivation from modern technology and services provided by the state. To study the economic and social characteristics of the Dalits community, indicators of occupational status, land holding size, source of annual livelihood were taken into consideration.

#### 4.4.3.a Occupational Status of Respondents and Population

The occupational status encompasses access to employment, working conditions, better pay and career development prospects. The occupational status thus describes what sort of occupations people have access to how far they are rewarded, whether they are skilled or unskilled and their working environment. It is an indicator of economic and social development and of human rights.

Table 7: Distribution of the respondents by occupation

<b>Occupation</b>	<b>No. of Respondents</b>	<b>Percentage (%)</b>
Agriculture	14	24.56
Traditional occupation	27	47.37
Agricultural wage labour	15	26.32
Other wage labour (outside)	1	1.75
<b>Total</b>	<b>57</b>	<b>100</b>

Source: Field Survey 2007

The data shows that the majority of the respondents are doing their traditional occupation. Others of them are doing agriculture and working as agricultural wage laborer and one respondent is working outside of VDC which is also in wage labour.

Table 8: Distribution of the working population according to their occupation

<b>Occupations</b>	<b>No of population</b>	<b>Percentage (%)</b>
Agricultural	21	13.13
Traditional occupation	64	40.00
Agricultural wage labour	52	32.50
Other wage labour(locally)	8	5.00
Other wage labour(outside))	14	8.75
Services	1	0.63
<b>Total</b>	<b>160</b>	<b>100</b>

Source: Field Survey 2007

In overall working population of Dalits community most of them are doing their traditional occupation. Besides that they are involved in agriculture. They are just working as wage labourer. Only one Dalit is involved in government service. It shows that they have no access to any other services. Because of the lack of education and caste based discrimination they have no access to other occupation.

#### **4.4.3.b Distribution of Respondents by Land-Holding Size**

Agriculture is the main occupation in Nepal. Land-holding size determines social and economic prosperity of the people.

Table 9: Land holding size

<b>Land size</b>	<b>No. of Respondents</b>	<b>Percentage (%)</b>
Landless	20	35.09
1-5 kattha	15	26.32
5-10 kattha	8	14.04
10-15 kattha	5	8.77
15-20 kattha	4	7.02
20+	5	8.77
<b>Total</b>	<b>57</b>	<b>100</b>

Source: Field Survey 2007

The above table shows the land-holding size of members of the community. The majority of the people (35.09%) are landless. 26.2 percent people have less than 5 Kattha land.

#### **4.4.4 Health**

Health is not merely a disease free condition, but a state of mental, physical and social well-being (WHO). Good health, in itself, is an end of all human endeavors. In addition, access to all other human development opportunities and the use and enhancement of all other human capabilities are fundamentally contingent on the continued survival and maintenance of good health. Ill health inhibits access to opportunities in education, work, employment, political and cultural participation, and other salient and valued dimensions of human life (NHRD, 1998). An attempt has been made in this study to analyze the health situation of the Dalit community in line with the above concepts. Thus, health is an integration of many components. However, the treatment point, sources of water, toilet facilities indicates their access to healthy life. Therefore, these factors have been taken into consideration to assess the health situation of the study area.

The first treatment point, i.e. the first contact point where health services are sought serves as a good indicator of the type and scope of the health services available to people. In the context of Nepal, traditional healers, sub-health posts, health posts, and district hospitals are some of the health services. Access to such health services providers and health service seeking trends determine quality of services to some extent. During the study period, attention was drawn to the fact that respondents intermittently encounter illness. It was reported on the FGD that most of them visit health posts as their first priority point. Likewise some of them, mostly elderly aged people visit traditional healers when they seek treatment. It is noteworthy that they also visit both sub-health posts and traditional healers for minor ailments.

It is found that Dalits in the study area access health services at the local health post even though a large number of them depend on traditional

healers. They have no access to hospital facilities and can't afford medicines. This situation has negative consequences on the health condition of Dalits.

All households have access to drinking water from taps distributed by **Jaldhara**. From this observation it is concluded that Dalits uses safe sources of drinking water. But they have separate tap which non-Dalits does not use.

The existence of toilet is an indicator of basic hygiene, but also of resources. Most of the Dalits do not have toilets due to lack of awareness. Also, many Dalits have no resources to construct a toilet. Only few Dalits have toilet. This situation is seen as having negative impacts upon the health condition of the Dalits.



## **Chapter Five**

### **Human Rights, Development and Social Discrimination**

The purpose of this chapter is three-fold:

- To analyze the Dalits' understanding of development and how affordable development is for the Dalit.
- To analyze the Dalits' understanding of human rights and how they enjoy it.
- To analyze the Dalits' understanding of social discrimination and state's policy toward it.

#### **5.1 Understanding Development and how Affordable it is for the Dalits**

The concept of development has changed over time. There are numerous well developed theories that define development from different perspectives. However, as the human rights-based approach has emerged as a successful approach of development/combines both human rights and development considerations, an attempt has been made to study whether Dalits are aware of this approach and to what extent they are accessing the fruits of development.

The human rights-based approach to development can help to understand the framework of participation of Dalits in Nepal. Participation should be ensured in the political, economic and social sphere as that can improve the opportunities of Dalits to overcome barriers to participation. However, development plans frequently overlook the particular needs and rights of indigenous peoples and Dalits, and can thus actually harm minority, Dalits community.

The human right-based approach gives due attention to issues of accessibility, including access to development processes, institution, information and redress or complaints mechanisms. This also means situation development project mechanisms in proximity to partners. Such approaches necessarily opt for process-based development methodologies and

techniques, rather than externally conceived imported technical models, which is quick to fix in the society.

Dalits of the study area referred development as an easy way of accessing general/basic infrastructure like roads, electricity, drinking water, communication, health facilities. According to educated Dalits, beside that development is also freedom and equality to the all people. Additionally, according to some young people, development implies increased access to means of recreation like cinema and television.

According to them, some of the development efforts of their area are distribution of water tap by Jaldhara, facility of road, electricity, schools and hospital. According to them having these facilities also they can't afford this because of low income source. They states their income depends upon wage labour and caste based occupation which is insufficient to them. It has affected their education and health status. According to the illiterate Dalits, because of the lack of education and being dalit they hesitate to participate in decision making process. So they can't say their perception in any development programme.

According to the Dalits who works traditional occupation, modern developed technology has affected their income source. People use modern goods by which Dalits do not get work; they have no other alternative source of livelihood. Now a day, people do not give work in Bali (Bali means instead of money people gives certain amount of crop as wage). It has affected their income. It affects education and health. According to them state should provide certain training for their skill development and to get employment.

It shows Dalits perceive development to the physical infrastructure and human development. Modern developed technology has affected their economic and social development. They do not participate in decision making process because of being Dalits and lack of education. It has affected their basic human rights and they are not getting the benefit of state development programmes.

### 5.1.1 Affordability

The component of development should be affordable also for those who are unable to pay, therefore, a state has the obligation to provide minimum living standards to all sections of society, and in particular of course to the marginalized. Therefore, access to the services of basic institutions like schools, health facilities, communication, electricity and transportation is to be considered a primary need.

The state's policy on education is 'education for all', which means that primary education should be completely free of cost (this conforms to international legal requirements). In focus group discussion of educated respondents stated that primary education is free for all but they are facing problems to afford the costs of stationeries. Many of them dropped out in the past due to this limitation. This process is still going on. Most of them leave school to support their family financially also. Uneducated respondent also stated same problem. According to them, their income depends upon wage labour and their traditional occupation. Their occupation is affected by modern goods and *Bali pratha* is also slowly eliminating. They have little land which is insufficient to sustain their livelihood (see table no. 8 and 9). So they can't afford the school stationeries.

Similarly, the government's policy on health is 'Health for all'. The Daman VDC has own public health post, which gives general health services. Dalits women stated most of the child-delivery cases take place at home. The rare health services which are provided remain unaffordable to members of the Dalits community. Communication is the basic parameter of development. The Dalits do not have access to modern electronic means of communication like TV and telephone; however, most of them have own radios.

In conclusion, the Dalits community has little access to basic development infrastructure like roads, schools, health posts and drinking water. However, their proximity to development rights like right to work, right to health, right to education and right to food, cultural life and cultural development are not

addressed at all. Likewise, complaint mechanisms which are the bottom for guaranteeing human rights and development are non-existent.

### **5.1.2 Participation in Public Activities**

Human rights are an integral part of the development agenda which recognizes the need to ensure the full free active and meaningful participation of peoples. Participatory development stands for partnership. This partnership is built on the basis of dialogue among the various actors during which the agenda is jointly set, and local views and indigenous and traditional knowledge are deliberately sought and respected. This implies negotiation rather than the dominance of an externally set project agenda. Thus people become actors instead of being beneficiaries' (OCED, 1994). Human rights approaches require a high degree of participation, including from communities, from civil society, from minorities, from indigenous people, from women and from others.

Human rights approaches give due attention to issues of accessibility, including access to development processes, institutions, information and redress or complaints mechanisms. This also includes reasonable proximity to the beneficiaries of the project. Such approaches necessarily opt for process-based development methodologies and techniques, rather than externally conceived 'quick fixes' and imported technical models.

The UN Declaration on the Right to Development emphasized that participation must be "active, free and meaningful". Thus, merely formal or "ceremonial" contact with beneficiaries is not sufficient. What is required is that two indicators are taken into account: participation in development activities and involved capacity towards the various activities taken to see the participation of Dalits in development activities.

The participation of beneficiaries is the bottom line in development activities. Without meaningful participation, i.e., decision-making role from the planning to the implementation level, development activities will rarely be successful. In

FGD, it was reported that Dalits have not participated in any decision making process of development activities. But they have participated while labour contribution and donation in development activities like for road, water tap.

## **5.2 Understanding of Human Rights**

Human Rights are the rights of the people without any discrimination of origin, religion, race, caste, class, gender, colour. It includes right to live, right to education, right to work, right to vote, right to express, right to participate etc.

In the study area, Dalits understands Human rights means education, non discrimination, to give vote. According to educated respondent, human rights means rights which are provided by the state as a citizen of that country. According to them social discrimination is slowly eliminating from society. But still Dalits are doing their traditional occupation because of the lack of education and lack of alternative income source. It is affecting their right to education, health, food and work. They also perceive their participation in societal work and decision making as their right but in the study area respondent said there is no participation of Dalits in any public decision making. Their participation is only in monetary and labour contribution.

According to them, because of the lack of education, and being Dalit they hesitate to participate in any decision making process and if they give decision people ignores their decision. A female Dalit respondent said, "Our husbands do not participate and they do not let us to participate, because no one listen our voice". In the question how do you perceive Dalits participation in decision-making in societal works, illiterate Dalits of FGD stated "we do not get any information about any programme, how to participate? *mathi aaucha mathi nai sakincha*". It shows Dalits of the study area has not participated in any decision making process which shapes their life.

They perceive discrimination in participation in decision making affects their socio-economic status. They states due to their active participation in decision making process they can say about their needs and problem in any

development activities which affects their access to education, health, source of income, awareness about development programmes. According to them they would prefer for some training for employment, loan for agriculture and foreign employment, which would affect to their education, health and employment. So, Dalits perceives participation in decision making is their rights to development.

This shows Dalits perceives meaningful participation in decision making is their rights but they are not enjoying these rights because of the social discrimination of being Dalits and lack of education. They are also not enjoying the rights to education, health, work and expression which affect their social development.

### **5.3 Enjoying Human Rights by the Dalits**

It was observed that Dalits are struggling to enjoy human rights as compared to the over all national situation. Therefore, attempts were made to explore how much they know about human rights and how far they are capable of enjoying them. The findings are divided into five parts.

#### **5.3.1 Economic, Social and Cultural Rights**

Economic, social and cultural rights give rise to rights such as the right to an adequate standard of living, the right to food, the right to work, the right to education and the right to health. It is in this light that these rights are analyzed in the context of the study area.

Dalits belongs to Shudra caste. Dalits of the study area are discriminated in public places. They stated they are living under subsistence of their traditional occupation. Because of their marginalized economic condition and competition with modern technology and cheap products of market it has affected the whole economic system. Dalits of the study area are now struggling for survival. Now a day they are also involved in wage labour and some young Dalits are going city for work. In city also they work in wage labour. Most of the families from these communities are landless (see table

no.9). Because of their deteriorating conditions and their lack of awareness of the right to land, the future of these people is at bleak.

### **5.3.2 Right to Housing**

People are living in very difficult circumstances, in a situation of abject poverty. They live in small house made of mud, stone and roofed with straw and stone. There is no concept of privacy within the house. All the family members share a narrow house without partition. Within one house two or three families are living after separation from one hearth. They are interested in building houses where they can maintain privacy and live a comfortable life, but because of their poor economic conditions, they cannot afford to do so. Although they have access to electricity and radio, they can afford it but they can't afford television.

### **5.3.3 Right to Food**

Access to a minimum of 2100 Kilo calories intake of food per day per person and the income necessary to consume this requirement of calories on a daily basis is defined as the right to food in the Nepalese context.

Most of them have not their own land (see table no. 9). Most of them depend on wage labour and their caste based occupation. Those who work on the daily wage system are paid less than the government's standard wage; therefore, they are unable to afford this minimum food intake.

### **5.3.4 Right to Work**

An individual's access to work or employment in line with national standards is a fundamental human right. Work is fundamentally connected to the twin notions of capability and of deprivation-the points of departure of human development,

The situation of the Daman VDC's study area is different from the national level. Members of the Dalits do not have alternative work opportunities. According to them they are mostly dependent on their caste based occupation

and agriculture. It is insufficient for them so they also work as agricultural wage labour. They are also involved in small businesses like selling agricultural products that they produce in their land, but this is only for a limited number of people and for a limited amount of production. There is no vocational training provided by the government nor are non-governmental organizations involved in helping this community through technical skills transfer.

The young members of the Dalits have migrated outside the VDC. Most of these emigrants live in cities and are involved in a manual but non-rewarding jobs. Most of the Dalits are unskilled and working in the informal sector. It was informed that Damai Dalits are working in garment and Kami Dalits are working as silversmith in wage labour in city. Because of the lack of the education they do not get non-manual job.

### **5.3.5 Civil and Political Rights**

The constitution of Nepal has guaranteed fundamental human rights for all the citizens irrespective of their race, religion, colour or sex. The civil and political rights being enjoyed by the Dalits in the study area do not match those promised in the constitution and thus theoretically enjoyed nation-wide. Although the Dalits community formally has the right to vote and to participate in the electoral system, their participation in the political system practice is insignificant because they have no political representative who can influence the decision-making process in high places. In Daman VDC, there is not any member of Dalits in ward committee.

### **5.4 Understanding Social Discrimination**

Dalits of the study area perceives caste based social discrimination is originated by rulers and society. They are prohibited to go public places and to do the work they like. It has affected economically. According to them, because of such discrimination they are behaved as second class people. They have to depend upon their caste based occupation and they are dominated by both upper caste and upper class people. According to an



educated male dalit, “it is difficult to higher study because of financial problem, it is also difficult to get job without education”. Their education status is very low than other community. According to them, they do not participate in decision making process because of the lack of education and domination of higher caste people. Social discrimination has affected their right to work, expression, visit and education. Such kind of discrimination has made negative impact to them socially and economically.

According to them such kind of discrimination should eliminate from the society for their human development. If social discrimination eliminates from society, they perceives that people do not dominate them and they do not hesitate to go anywhere. By which they can participate in decision making process also. They can do work as they like which impacts their income. It affects their education, health. According to them, state’s policy plays vital role to eliminate social discrimination and people also have to aware about it.

Dalits of the study area are aware about the state’s policies to eliminate any kind of discrimination. But according to them it is inadequate and yet not properly implemented in their society because lack of awareness about the human rights to the Dalits and also state do not punish who discriminate them. They also perceive because of the low participation in decision making at high level committee, they are still discriminated.

## Chapter Six

### **State's Accountability for the Protection of Basic Human Rights of the Minorities and Dalits**

The purpose of this chapter is to review the rights of minorities in Nepal, i.e. the rights of Janajati/Adibasi (nationalities/indigenous, henceforth janjatis), Madhesi (people living in southern plains), Dalits (traditionally considered 'untouchable Hindus'), and women in the Nepalese context.

The basis for defining a group as a minority is the socio-economically disadvantaged and politically excluded groups. Broadly, these groups face discrimination in two realms: in the cultural sphere and in accessing resources. The term 'resource' refers to material well-being, to political access and access to positions, and to the influence of resources in society (Lawoti, 2002).

The human rights-based approach to development helps to understand the framework of participation of indigenous groups and Dalits. Participation in decision-making is a bottom line; therefore, participation should be ensured in the political, economic and social spheres. This can help to improve the opportunities of minorities to overcome barriers. However, development plans frequently overlook the particular needs and rights of Indigenous people and Dalits.

There already exists a strong push for the examination of gender discrimination in development policy ("gender mainstreaming"). This should be expanded to include the examination of discrimination against minorities. Poverty reduction is the main emphasis of the current five year development plan; however, it cannot be achieved if the impact of discrimination of minorities on their right to access health care, education, housing, employment, and other social services is not addressed.

The international mechanism to protect minorities and the existence of national mechanisms to protect minorities are the two strands of human rights as explained in the following sections:

### **6.1 International Mechanism for the Protection of Minorities: UN System**

The rights of minorities have been internationally recognized, most prominently in the International Convention on the Elimination of all Forms of Racial Discrimination which was passed by the UN General Assembly 2016 A (XX) on 21 December 1995. This convention broadly speaks about racial discrimination, exclusion, restriction or preference based on race, colour, descent or national origin, fundamental freedom, economic, social, cultural or and any other fields in public life. The states that are party to this convention are responsible for the protection and promotion of minorities at all levels i.e. in the domestic and international level as well.

The UN General Assembly is very much concerned with the protection of minority rights as witnessed by its Declaration on the Rights of Person Belonging to National or Ethnic, Religious and Linguistic Minorities. This Declaration includes protection of the language and of cultural and religious identity of minorities in their respective country. The state party is obliged to fulfill this obligation. For example, the National Commission for Minorities in India is a mechanism to safeguard minorities. The Commission can evaluate the progress of development/progressive development/progress in the development of minorities, monitor and safeguard the rights of minorities as provided by national legislation, look into specific complaints regarding the deprivation of the rights of minorities, analyze case studies, research and document information on minorities and their rights. Likewise, Nepal, as a State Party to the International Convention on Racial Discrimination, is also responsible for the protection of minority groups. The government of Nepal has also formed two institutions, the National Foundation for the Upliftment of Nationalities, and the Dalits' Commission for the protection of minorities in Nepal. Those institutions play a lead-role in the protection and promotion of minority rights.

The International Convention on Civil and Political Rights (ICCPR) and the International Convention on Economic, Social and Cultural Rights (ICESCR) have also common aspiration on the issue of the protection and promotion of the rights of Dalits. Common Article 1 emphasizes the right to self-determination by stating that “All the people have the right of self-determination”. Thus, by virtue of this right, an individual is free to determine his/her political affiliation and to pursue economic, social and cultural development. Likewise, Article 26 of the ICCPR says that, “All persons are equal before the law and are entitled without any discrimination to the equal protection of the law”. In this respect, the law prohibits any discrimination and guarantees to all persons equal and effective protection discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, Article 27 of the ICCPR explains that in states where ethnic, religious or linguistic minorities’ exist, persons belonging to such minorities shall not be denied the rights in community with other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.

Child rights which are considered as integral, alienable and indispensable human rights, also advocate the protection of minority rights. The Convention on the Rights of the Child (1989) is a widely accepted Convention that spells out the rights of minority children. Article 2 relates to the development of respect for the child’s parents, for his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own; and the preparation of the child for responsible life in a free society, in a spirit of understanding, peace, tolerance, equality of sexes, and friendship among all people, ethnic, national and religious groups and persons of indigenous origin also put emphasis on minorities rights.

The International Covenant on Economic, Social and Cultural Rights (1966), Article 2(2), states that the States Parties to the Covenant undertake to guarantee that the rights enunciated in the it will be exercised without

discrimination of any kind as to race colour, sex, language, political or other opinion, national or social origin, property, birth or other status.

## **6.2 National Mechanism to Protect Minorities and Dalits**

### **6.2.1 Constitutional Provisions**

The interim Constitution 2007 defines Nepal is an independent, indivisible, sovereign, secular, inclusive and a fully democratic state. This Interim Constitution determines for progressive restructure of the state in order to resolve the existing problems of the country based on class, caste, region and gender. The Constitution of Nepal guarantees some of the fundamental human rights and maintains that nobody is discriminated against on the basis of caste, colour and sex.

Article 13 describes right to equality. Article 13 (2) and (3) provide a right to equality to all citizens and include special provisions for the protection and advancement of the interest of the weaker sections of the society. This provision is equally relevant to Dalits who are being marginalized economically, socially and culturally. This section provides the necessary ground for policies of affirmative action and positive discrimination.

Because of racial discrimination many people are deprived from their basic human rights. This constitution has introduced the right against Untouchability and Racial Discrimination in its article 14. It has also made provision of punishment against untouchability and racial discrimination in its article 14(5). So, it helps to wipe any kind of racial discrimination from the country.

Most of the economically, socially or educationally backward groups have rare participation in the state mechanism. In the article 21 of this constitution has secured the right to the women, Dalits, indigenous tribes, Madhesi community, and oppressed group, the poor peasant and labourers to participate on the state mechanism on basis of proportional inclusive principles. It has given attention to the right to participation of backward groups.

The normative, legal framework for the enjoyment of social and economic rights is at a formative stage in Nepal. In part four of the Constitution, which concerns Directive Principles and Policies of the State, a number of policy objectives has been set forth. It is specifically stated under article 33(d) that the state's responsibilities is 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, Madhesis, oppressed and minority community and other disadvantaged groups, by eliminating class, caste, language, sex, culture, religion and regional discriminations. State has taken the responsibility to pursue a policy of establishing the rights of all citizens to education, health, housing, employment and food sovereignty under the article 33(h). The responsibility of the state in article 33(n) is to terminate all discriminatory laws.

Constitution outline the directive principles and state policies for eliminating all types of inequalities, preserving cultural diversity and establishing harmonious relationships between various tribes, religions, languages, race and communities. The Constitution has provisions relating to state policies which protect and promote Dalits by making reservation for a certain period of time with regard to education, health, housing, food sovereignty and employment. And constitution has also made policy to modernize the traditional knowledge, skills and practices existing in the country by identifying and protecting them.

So, this constitution has number of article which protects the human rights of Dalits. It has made policy of reservation in different section for backward people. But also it has not been fully implemented in the country. Dalits are still discriminated and deprived from fundamental rights.

### **6.2.2 Legal Provisions**

Despite the numerous legal provisions in the Constitution, minority rights are not safeguarded in Nepal because of insufficient enforcement. Various laws

have been enacted and policies developed to protect minorities and Dalits in Nepal, but there is little practical effect. Minority groups, Dalits and civil society are making efforts to review discriminatory policies and laws.

The Local Self-Governance Act (LSGA), 2055 (1999) contains some of the provisions relating to village development committees and in part two, to development and to the protection of minorities. The village development committee has the following functions, duties and powers relating to Education and Sports VDC arranges scholarships to the students of oppressed ethnic communities and who are extremely backward on economic point of view. It also makes programmes on adult education and informal education. Through this programme, it contributes to the Dalit's education, which is economically backward and uneducated.

### **6.2.3 National Development Plans and Legal Provisions**

The tenth five year development plan endorsed some provisions for the protection of envisaged by the constitution.

#### **National Development Plans and Dalits Rights**

The eighth development plan made some commitment to address Dalits rights. Likewise, the ninth and tenth development plans have also followed the same trends. Following is an account of the Dalits rights as addressed in these development plans.

Amongst development plans, the eighth Five Year National Development Plan (1992-1997) conceived the essence of Dalits reformative programs such as social security, scholarship schemes, grassroots-based projects, skill-oriented training, self-employment programs and social awareness campaigns. (Janachetana, 2000:50).

Discrimination has lead to a sort of deprivation, which has political, social, cultural and economic dimensions. Because of their caste, Dalits are deprived from political power, economic prosperity and equitable policies in terms of regional development, access to education, employment, land and other

resources. Moreover, there was lacking on the part of Dalits themselves that they did not feel as equal partners of development process. Finally, the plan document reviewed with an acknowledgement of the essence for the institutional sufficiency for successful implementation (NPC, 1997:708).

The Ninth Plan (1997-2001) seems to be slightly heading more than earlier plans towards discrimination-mitigated society that focused some downtrodden and oppressed communities in Nepal. The Ninth Plan aimed to achieve elimination of all forms of social discriminations and disparities, eradication of unemployment and poverty from the downtrodden communities within two decades. Therefore, the objectives of the Plan included fighting against social superstitions, modernizing the traditional occupational practices, and empowering this sub-population to contribute to national development enhancing social justice and preserving the cultural heritage. In brief, the Ninth Plan not only outlined five major objectives for the Dalits upliftment per se but also put forward a vision of twenty years program for elimination of all forms of discrimination (NPC, 1997:708).

No doubt, the objectives of the Ninth Plan were the elimination of social disparity and superstitious tradition prevailing in the society. However, the modes of integration of Dalits and non-Dalits people were not identified in the implementation strategy. The traditional occupations of Dalits are at the threshold of extinction by the availability of well-finished products. The policies and implementation strategies of Ninth Plan included empowerment of downtrodden community by decentralized institutional arrangements, supports to communities to reform structurally and institutionally and fostering the enhancement of traditional skills of occupational castes. Their skills require modernization and collective efforts for mass products to substitute imports, but an insignificant amount of resource was made available for those Dalits seeking assistance through Dalits projects by *Utpidit, Upekshit Dalit Utthan Vikas Samiti (UUDUVS)* in fiscal year 2056/57 B.S. The other strategies were related to credit facilities through social mobilization savings, and priority to income-generating programs with education, health and hygiene. Additionally, the scholarship provided for technical education and the institutional base for



formulation, implementation, and evaluation of programs for their well-being with an integrated approach (1997:709).

The program of Ninth Plan was segregated into two major headings as: i) Institutional arrangements and program implementation procedures, and ii) Human resource development program and education. The human resource development program and education are further divided into education, health and sanitation, and training and capability enhancement. Educational programs are more focused on the need of reservation of the scholarships and management of a higher education fund. It also focused on the informal education, compulsory primary education, and provision of at least one teacher in schools from the downtrodden community. Health and sanitation provisions included mobile health clinics, integrated approach of population education, family planning and child health provisions. Women from these communities utilized as health volunteers as well (NPC, 1997:711).

The training and capability enhancement program completely focused on the need of modernizing the traditional skills of Dalits. The institutional infrastructures are supposed to assist them in their enhancement endeavors. Admission in the training in technical schools, credit facilities, social awareness, and minimum wage fixation attempts are spelled out in the Plan document (NPC, 1997:711). However, the implementation aspect of the formulated policies and strategies is relatively poor. Until the date the Dalit Vikas Samitee and any other Dalits non-governmental organizations have not come forward with consolidated suggestions for a minimum wage rate for the services of Shoemakers (*Sarki* and *Chamars*, Blacksmiths (*Kami* and *Lohars*) and Tailors (*Damai*, *Suchikar* and *Pariyars*). Neither the institutional attempts have been made to improve the traditional skills of Dalits nor the marketing for their goods nor have services been promoted.

A special provision has been made in Ninth Plan that certain portion of grant received in the DDC and the VDC must be used for the Dalits or downtrodden or oppressed communities. The respective ministries and government agencies have no information regarding how much money and in what

proportion they spent annually for the Dalits related program. Monitoring and evaluation with review of the program launched for the Dalits. It is the responsibility of Ministry of Local Development, but the ministry mechanism does not support to Dalits-based information channel and well functioning system of evaluation and monitoring. An alternative and effective mechanism that routinely monitors the Dalits (down-trodden and oppressed) development program has to be brought under the ministerial system. Also the generalized program outlines for all conditions are the limitation of plan document and it fails to spell out the requirement of the people at grassroots in different district and social settings.

The tenth Plan has separated two different chapter for Dalits and Human Rights as “Dalits and neglected communities” in chapter twenty-eight and “Good Governance, Development Administration and Human Right” in chapter thirty-one.

In the title “Dalits and Neglected Community”, the long term vision of the plan is to raise the living standard of Dalits and neglected communities by empowering them on the basis of equality, and mainstream them into the development efforts while enhancing them their self respect. To fulfill this long term vision the objective has been taken to empower Dalits on the basis of equality and their access to the development efforts will be enhanced.

Four different policies have been included to fulfill its strategy; they are policy related to socio-economic development, related to empowerment, related to modernization of traditional skills and to increase their social prestige. The programmes of tenth plan has separated in six major topics. i) Social program has been taken to discourage the religious and social conservatism prevalent in the non-Dalits community and to wipe out the century old inferiority complex Dalits community. ii) Educational program has focused the scholarships programmes, free education up to secondary level, and preparation of curriculum to develop and promote skills of Dalits communities. iii) Health program has given priority to the basic health services and maternal health of Dalits. For that access of Dalits will be increased for basic and primary health

services. Provision of safe and pure drinking water, special health care services for pregnant women and women of maternity stage has been made. Priorities have given to Dalits health on health services which is launched by health institutions. Provision of mobile health camps and training and seminars for public awareness has been made. Dalits community has been made as the target group of health and family planning programs. Priority has been given to Dalits women for health workers or female volunteers. iv) Economic program has given priority to the land distribution for homeless and Dalit. Modernization of traditional skills and training will be given for Dalits for foreign job. Loan has been provided for their traditional business and certificate by skill testing. Priority has given to Dalits in government and non-government employment. In order to make professional skills of Dalits prestigious and to merge them into the mainstreaming, the interest will be created in their occupational skill in the schools. v) Study and research program, for this government and non-government sector, people will be encouraged to conduct studies and research work about the different aspects of Dalits, vi) Institutional Arrangement, for this different programmes, plans, policies will be formulated and conducted to the Dalits community.

In tenth plan by different programmes state has given focus to the basic human rights of the Dalits. But it has not properly implemented in the Dalits community.

In the title “Good Governance, Development Administration and Human Right”, it has written the objectives of the human right is to support the poverty alleviation task by linking the national development program with the human rights development and by using the limited resources available for ensuring fundamental human rights of Nepalese people as provided in the constitution of Nepal of 1990, and pursuant to the commitment made in various international forums, and various international conventions endorsed by Nepal.

One of the strategies is to develop the culture of respecting human rights effectively preserving, promoting, and honoring fundamental human rights

provided in various international conventions endorsed by Nepal. For this policy has formulated to link the human right program with the national development program based on the available resources for implementing commitments made to human rights in various international forums, and for effectively protecting and promoting human rights mentioned in various international conventions and ratified by Nepal of 1990. For that different programs will be implemented. Different programs will be conducted on the institutional strengthening of national Human Rights Commission, Women's Commission, Dalit Commission, Nationality Academy and other institutions concerning human rights. And human rights course will be include in the curriculum of educational institutions, and governmental training centers and training academies for developing culture of respecting human rights.

In over all tenth plan has focused human rights issues in development programmes and plans. It has also focused human rights education. It also helps to eliminate social discrimination and about different issues of Dalits community.

### **6.3 Conclusion**

In line with above mentioned international mechanism as ratified by the government of Nepal, the Constitution of Nepal, legal instruments and National Development Plans, the protection of minority rights is the prime responsibility of the state. However, in the current situation these groups, including the Dalits, are not fully enjoying their rights.

## **Chapter Seven**

### **Relationship between Human Rights and Development**

Human rights are indispensable to the realization of the core aspects of development. However, development and rights are in some circumstances considered to be contrary to each other since development sometimes leads to a curtailment in peoples' fundamental rights. For instance, it is the local people who should be the prime stakeholders of a development project, but the state challenges their right to decide and erects mammoth structures despite their willingness.

The human rights component should be at the forefront of the concept of development in order to realize participatory development, sustainable development and to develop a participatory democracy. These are the bottom lines of real development in a community.

#### **7.1 Relationship of Human Rights to Development:**

##### **7.1.1 Human Rights and Human Development**

Societal and cultural practices play a significant role in the development process. These factors have a strong bearing on social harmony, and on developing people's capacity to realize the fruits of development and to enjoy human rights.

In the study area, there are a number of societal and cultural practices that exclude Dalits from participating in the development process. Social discrimination is so attached with the local community that the Dalits can hardly ignore it. During the focused group discussion respondent said that they cannot sell milk in hotels. As a consequence, none of the Dalits had milking cows or buffalos - the only good source of income in the community. They cannot open the hotels or food shops. Because of prohibition in occupation most of the Dalits are doing their traditional occupation (see table no.8). Respondent who do their traditional occupation stated that their traditional occupation has not been modernized so they are unable to

compete with new technology and cheap products available in the nearby market. This has made them economically backward.

Education is one of the fundamental rights of all people. According to the Dalits, now a day, discrimination in school and college is slowly eliminating. State has made provisions of free education up to secondary level to the Dalits. And also has made provision of scholarship. Still the educational status of Dalits is very low and many drop out from school. Respondent of male focus group discussion stated that they dropped out from school to support their family financially.

A male Dalit said, “We drop out daughter from school because we have to spent money to their marriage also. After marriage she will go in husband’s house. We have to spent money both in education and marriage also, which we can’t afford. So, we drop out daughter from schooling.” We can conclude that the education of Dalits depends upon their income. And also the literacy rate of female is less than male (see table no. 6).

According to them, due to low level of education, they are unaware of many development activities. Because of limited skills and lack of education they have limited employment opportunity and they can’t use their human resource for the development activities.

They stated that they have poor health due to their poor living condition, unhygienic food habits and poor sanitation in their communities. Lack of knowledge on nutritious food and balanced diet has resulted malnutrition among children and women.

### **7.1.2 The Participatory Approach to Development**

An essential principle of the international human rights framework is that every individual and group is entitled to participate in, contribute to, and enjoy civil and political rights, economic rights and fundamental freedoms. This means that participation is not only something desirable from the point of view

of ownership and sustainability, but also from the point of view of accessibility and affordability.

The Constitution of Nepal (2007) contained provisions designed to bring all people into the mainstream of development. In the history of Nepal's development plans, participatory development approach has not been advocated in Nepal yet. However, Nepal did enact a new law for local development through a decentralization process, which is called Local Self Governance Act 1999. This allows autonomy in the utilization of resources at local levels and also fosters participatory approaches in local governance. It gives marginalized groups as well as women greater participation in development.

As discussed above, greater participation by the people leads to sustainable development in society. In particular, as mentioned above, the participation of the Dalits in the wider society is insignificant. It was reported that there is no participation of Dalits in the decision-making. All key positions from the VDC chairpersons to members of the school management committee are filled by people of other class.

Right to expression which gives right to express problems, attitude and comments of the people toward anything. For that there should be equal participation of the all people in the decision making process of any activities. But in the study area, there is no participation of Dalits in any development activities. According to them they do not get any information about development programme. Such type of marginalization has made negative effect on social and economic development of Dalits.

### **7.1.3 Inclusion**

Inclusion of individuals and of the community as a whole in the democratic process is fundamental to the development of a society as it facilitates a harmonized and cohesive relationship among community members for a common purpose. Participation in community and social life ensures a fair

distribution of rights and responsibilities in the society. Inclusion is the only instrument to ensure people's participation and to safeguard their decision-making role. Therefore, this study tried to reveal how far Dalits are included in the local level democratic process as this is the key to realizing every fundamental right.

According to the key informant, in Daman VDC none of Dalits are represented in the village development committee. There is no participation of Dalits in any development programs and decision making process. Still, meaningful participation that emphasizes a fair proportion of representation and therefore influence in decision-making processes is not fulfilled.

## **7.2 Relationship of Development to Human Rights**

Human rights and development are prerequisite to each other. Without Human Rights people do not enjoy the fruits of the development. Development should be participatory, and it should be holistic i.e. social, cultural, economical and political. Such Development makes people aware about their rights and duties.

In the study area, there is no meaningful participation of Dalits in any development activities from planning to implementation. It has affected their basic human rights. There are schools, hospital but also Dalits rights to education, food, participation, expression and employment opportunity has not been secured. There is still discrimination towards Dalits in many aspects.

## **7.3 Utilizing Local Resources**

The main resources available in the VDC are revenues generated through agricultural tax, market tax, sand tax, road tax and grants from the government. Also, some of the revenue is generated through the sale of community forestry products. As per the present local self governance act, the VDC can utilize sixty percent of its revenue for local development. During this study , it explored that the VDC's main concern was to develop infrastructure by using resources; however, there is no evidence that the VDC used these



resources specifically to improve the lifestyle of the Dalits, as it is required to do under the Local Self Governance Act.

The study informed that the VDC has not provided any training to the Dalits for their skill development. The VDC has taken initiatives to impart secondary level education to Dalits; however, they drop out within a few months as they were not able to afford schools stationeries.

#### **7.4 Conclusion**

Human rights should be at the forefront of development as it promotes inclusion. Inclusion is a positive process of including everyone, especially vulnerable groups, in the development process. Others see it as an unwanted imposition of uniformity or external ideals and values, and as disrespectful of socio-cultural differences among people. Social inclusion is understood as the processes addressing the social disparities and the exclusion of people who are denied equal access to the services, benefits and rights enjoyed by others in society. Such services, benefits and rights include access to education and health care, decent work, participation in economic, social, political and civic life, and strong ties to the family, local community and voluntary associations, among other affiliations.

Human rights and development influence each other positively. It was observed in the study area that neither of them plays a prominent role in the life of the Dalits. They do not enjoy economic, social, and cultural rights or civil and political rights. In addition, and as described above, they do not share in the benefits of development efforts carried out at the local level.

It is concluded from the FGD that Dalits are living without proper housing facilities, adequate food, or access to decent employment. When they fall sick, they do not have access to proper medical services. They have little or no access to government services (see table no. 8) and often have no voice in decision-making processes. They live with day-to-day uncertainties and anxieties about their future. The realities surrounding the Dalits must be the

first consideration. They rarely participate in the process of inclusive democracy. They are used as a vote bank by the upper class and the ruling elite.

## **Chapter Eight**

### **Summary and Conclusions**

The purpose of this chapter is to summarize the key findings of the research and to draw some conclusion based on these findings.

#### **8.1 Summary**

The study seeks to explore the relationship between human rights and development with particular reference to the Dalits. Human rights and development are interrelated as human rights aims to empower people to participate in all phases and aspects of the development process. This in turn, helps people to reach consensus on the human rights and responsibilities that are important for development activities. Human rights are basically concerned with people's socio-economic well-being and political freedom.

The research attempts to answer some important questions regarding how Dalits understand human rights, development and social discrimination, their level of participation in terms of decision-making processes and socio-cultural features, state responsibility for the protection of basic human rights of the Dalits in the study area, etc. To explore the answers to these questions, three objectives were set: to find out the level of understanding of the Dalits on human rights, development and social discrimination, to consider the state's obligations and responsibility in protecting the basic human rights of Dalits, and to find out the linkages between human rights and development in the study area.

The research was based on descriptive as well as exploratory approaches. Research tools like household census, observation, key informant interview and focused group discussion were applied. Household census explored the economic status, educational status of the respondents. Information about life-styles was collected through direct observation. FGDs and KII helped to find out the level of knowledge surrounding human rights, development and social discrimination and to find out linkage between human rights and

development. Quantitative data was analyzed through simple percentage analysis, but logical relationships were also used while analyzing qualitative data. The universe of the study was **57** households; therefore, a census was carried out.

## **8.2 Major findings**

### **Education:**

The educational level reached depends very much on gender. The literacy rate of women is below than of men. The proportion of children continuing schooling declines with the increase in the level of education from primary to secondary level because they cannot afford school stationeries. Proportionately, more boys attend school than girls at every level of schooling, from primary to secondary level. They are not getting benefit of the state's educational programmes and they are not enjoying their right to education.

### **Employment Opportunity:**

Employment opportunities are very limited. A fairly high proportion of Dalits do their traditional occupation and agricultural wage earners. In terms of gender, men are better paid than their women counterparts. Only one Dalit is involved in government service. Because of social discrimination no one of them have their own business. The size of the landholdings of the Dalits who do own land is mostly less than two ropani; therefore, hardly enough to grow sufficient food for just a few months. They are also not enjoying their right to work.

**Holistic Understanding about Development Needs** to be reinforced. The respondents understand development as a means of creating physical infrastructure rather than as a holistic concept for individual and collective development. In addition; they are marginalized. Even if they do sometimes see the benefits of development, they cannot share in these benefits because they cannot afford to pay to share these benefits. Basically, as the VDC used revenue mostly for infrastructure which people then have to pay to use, for example electricity, road, the Dalits remain marginalized. As a result, most of the Dalits still lead a miserable life, without proper housing, food and other

basic needs. They are not enjoying their right to development which includes their right to participate in development programme from planning to implementation and to get its benefit. Lack of people's participation in development programmes it has also not been effective to the social and human development of Dalits.

**Social Discrimination:** Caste-based social discrimination is very much alive in the study area. It has affected Dalits' social and human development and also their basic human rights.

**The State's Obligation** to 'protect', 'ensure' and 'fulfill' human rights needs to be readdressed. Nepal is a state party to eighteen international human rights instruments; however, it is hardly reflected in practice. It is apparent that Dalits belong to minority groups, but their rights are hardly protected, let alone ensured or fulfilled by the state.

The Dalits of the study area live in absolute poverty: most of them are unemployed because of low educational level. They do only their traditional occupation. They do not have proper housing facilities, adequate food, and are unemployed. They have not got any training for their skill development. Despite the state's law against any kind of racial discrimination and fundamental rights Dalits of the study area are still discriminated.

### **8.3 Conclusion**

Majority of Dalit people live below the subsistence level. Most of the Dalits are dependent on the traditional occupation. They have very few lands. Due to lack of government support, encouragement and employment they have not been able to cope with the time in the field of development. Thus in the study area, there is the existence of problem of employment, literacy, nutrition, youth mobilization and so on.

Because of caste based discrimination also Dalits are deprived from basic human rights. However, human rights and development are complementary.

Development, especially sustainable human development, is key strategy for achieving the progressive realization of human rights, notably the right to an adequate standard of living. Development processes and activities that do not respect human rights (e.g. by inflicting environmental harm or causing forced resettlement) are indeed perverse. The goals of peace, development and human rights are interrelated. Without peace of course, there can be no development, and systematic violation of human rights inevitably leads to conflicts and breach of peace (Dias, 2002). Respect for the rights of minorities and Dalits can lead to sustainable development by enabling them to realize their land rights, housing rights, and voting rights, which are essential to enjoy the fruits of development and which contribute to realizing the right to an adequate standard of living. The existence of such rights was hardly visible in the study area.

The Dalits are recognized as untouchable by the upper caste (Brahmin and Chettri and other indigenous people) and are discriminated against, whether in relation to cultural, religious or other practices. The majority of the Dalits have not recognized their contribution toward development activities. The active participation of all in the public sphere will help to integrate the Dalits. As far as the government is concerned, the protection and promotion of Dalits rights is hardly observed in the study area. However, the rights of the Dalits are neglected. It is absolutely essential to give due and fair opportunities to all peoples belonging to various caste/ethnic groups like Dalits. This can be made possible by the State recognizing and respecting their human rights and giving them access to local level development.

Human rights and development should go hand in hand. However, in the Dalits community, neither of them is visible. Dalits are still discriminated in many sphere of society, which hinders them to develop. Thus, development is merely a dream. And the realization of human rights a distant hope.

#### **8.4 Recommendations for Future Research**

Further research is required to derive some valid strategies to lift the Dalits out of poverty, social discrimination and to improve their living standards.

Such research should be conducted within the framework of the rights-based approach.

- ) For development programs to be prepared and clear objectives identified, more information is needed on the socio-economic condition of Dalits as well as on the cultural characteristics which distinguish it from other communities in Nepal.
- ) As revealed by this study, the states' obligation to protection and promotion of Dalits has not been fulfilled in the study area. Therefore, studies to explore to make the state accountable and how these rights can be realized are crucially important.
- ) It is well accepted that human rights and development have a positive co-relation. The effects of this, however, are not reflected in the study area, and therefore, further studies are important to study how this relationship can be established in the study area.

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## **Annexure - B Checklist for FGD**

### **1. To understand how Dalits themselves perceive basic human rights, development and social discrimination in the study area.**

#### **How Dalits perceive development in their own contexts?**

- What is development?
  - What do you think about the development efforts in your area?
  - What are these efforts? Please name some of them.
- (Probe for Economic, Socio-cultural, human centered development and so on)

#### **How far they are aware of the developmental efforts in their locality? Also assess their participation in development.**

- Who the development efforts are directed to? (Probe for the mechanism how it could be transformed into their favor?)
- How far you feel Dalits participation in the development works? Also probe for ownership.

#### **How do Dalits perceive human rights?**

- What are the human rights in your perspective? (education, health, equality, voting, others)
- How do they perceive their participation in decision-making in their societal works?
- Do they think their participation in societal works and decision making as their rights?
- What kind of participation? (monetary, labour, decision making process, others)
- To probe to what extent their participation in decision making as accepted by their society?
- Do they feel any discrimination in such works taking into account their status?
- Do they think that such discrimination is against human rights?

#### **How do Dalits enjoy core human rights?**

Among a set of human rights, consider health, education, economic status and legal aspects)

- Major problems around core human rights (education, health, economic well-being, an legal aspects)
- Service seeking behaviors of the people,
- Availability, Accessibility and affordability to services,
- Quality of available services

#### **How do they perceive social discrimination in their own contexts?**

- What is your attitude toward the origin of social discrimination that who created it?  
(by god, by rulers, by society, or others)
- What kind of impact does it make in development?  
(Probe social, economic, political, and so on)
- Should social discrimination eliminate from society? If yes, why?

- Who should be responsible to eliminate social discrimination?  
(People themselves, state's policy, others)

**How do they perceive the state's policy to eliminate social discrimination?**

- Are they aware about this or not?
- If yes, is it adequate or not?
- Do they feel it has been implemented in their society? If yes, how? If no, why?

**2. Linkage between human rights and development with reference to the Dalits in the study area**

1. What is the linkage between human rights and development?  
(social discrimination in public, private places, decision making process, development activities and its impact in their human development, community development)
2. Do they think that development and human rights are correlated?  
(rights to education, participation, work etc. affects your community or human development and does development need social inclusion)
  - ) If yes, how?
  - ) If no, how/why?
3. Does the state's policy to safeguard human rights affect the development?  
(constitutional provision, legal provision against social discrimination and its impact in development like in education, income, participation, health etc. and state's programmes of health, education, food etc)
  - ) If yes, how?
  - ) If no, how?
4. How is the situation of human rights and its impact on human development of Dalits of study area in local people's perception?  
(education, health, food, employment, participation in development and public activities)
5. Probe for the degree of relations in local context? Also, probe how the human rights are facilitating the local development initiatives?
6. Probe if lack of human rights is hindering the development initiatives?

**3. Review of the state's accountability for the Protection of Basic Human Rights of the Dalits in the Country**

1. International mechanism for the protection of minorities: UN system
2. National mechanism to protect minorities and Dalits
  - ) Constitutional provisions
  - ) Legal provisions
    - The Local self Governance Act (education, health)
  - ) National Development Plans and minorities rights
    - Provision of equal participation and distribution
    - Women's participation in public, private action
    - Programs and policies for Dalits in education, employment, land, health etc.

**Annexure-A**  
**Dalits, Human Rights and Development**  
**Household Survey**

Respondent—Male .....Caste/Ethnic group/Clan.....Natal village/VDC-Ward/District.....

Respondent—Female .....Caste/Ethnic group/Clan.....Natal village/VDC-Ward/District.....

Current Address (Village/VDC/Ward).....Household No (001 to 999).....

Name of Data Collector(s).....Dates: First/Second visit..(1).....(2).....

Please provide some information on individuals who belong to this household (begin with the oldest person).

Individual ID (Full Name)	Relation to Respondent	Sex	Age	Marital Status	Occupations			Education*	Res
					I	II	III	See Note	Full Time

Relation: R= Respondent, Hu= Husband, Wi= Wife, Br= Brother, Si= Sister, Fa= Father, Mo= Mother, So= Son, Da= Daughter (Use Combinations of these for other relations). Marital Status: NM= Never Married, CM= Currently Married, Wid= Widowed, Sep= Separated, Div= Divorced  
Education\*: Specify as Illiterate, Literate (for those who can read and write only) and Class/Level/Degree (if applicable).

Which of the following are the sources of Livelihood for this household? (Circle the applicable categories and Highlight the Primary Source with a marker)

- a) Agriculture    b) Caste Based Occupation    c) Livestock Raising    d) Traditional Craft Services    e) Wage Labour (agri)    f) Wage Labour (other—locally)  
g) Wage Labour (other—elsewhere)    h) Business (hotels/lodges)    i) Business (other)    j) Service—Govt/ Pvt    k) Other (Specify)

1. How much land do you have?