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## Homogenization of Social Movement Dynamics under a “Clever” Nepali State, 2007–2012

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Following the success of the 2006 popular movement (*Jana Andolan II*) in Nepal, there was a sudden upsurge in the number of “successful” protest movements. Successful in the sense that they were able to force the state to respond as well as agree to their principal demands. Starting with the *Janajati* movement in August 2007, the Nepali state reached agreements (or understandings) with eighteen agitating groups by May 2012.<sup>1</sup> This chapter focuses on those movements, the agreements/understandings that were reached, and the subsequent adherence or lack thereof to the agreements. Through this focus,

<sup>1</sup> While the Nepali state reached *sahamati* and *samajhdari* (an understanding) with the various groups, it did *samjhauta* with the Madhesis. Although both *sahamati* and *samjhauta* could be loosely translated as “agreement” in English, the Madhesi agitating groups consider the latter more important—that is, the contract between two “equal” forces. The list of agreements maintained on the website of the Ministry of Peace shows forty-five such agreements/understandings, which also includes talks and pacts reached with a number of armed outfits of the Tarai (see [www.peace.gov.np/content.php?id=167](http://www.peace.gov.np/content.php?id=167)). However, I do not discuss the pacts with the armed groups in this chapter. Annex 1 provides a brief summary of the agreements reached with the various protest groups, which I do address herein.

this chapter attempts to provide commentary on the particularities of both the protest movements and the Nepali state during those five years.

First, I very briefly describe the historico-political context under which the movements experienced an upsurge and the deals that were reached, as well as examine their contents by grouping them into three broad categories—the *Janajatis*, the Madhesis, and the “Others.” In the subsequent section, I endeavor to make sense of the protest movements and the agreements by linking them with the broader social movement literature. I argue that these protest movements should be viewed as new social movements (NSMs) and their sudden upsurge can be attributed to 1) the “volatility” of the state, owing to the political transition (political opportunity structure; see Tarrow 1989; Kriesi 1995) and 2) the discourse that was generated around the writing of the new constitution.

While describing the movements, I show that they have largely followed a similar trajectory before concluding with an agreement with the Nepali state. In so doing, I argue that they have entrenched a specific template of a “successful” movement (i.e., demonstration effect; cf. Kongkirati 2006), thus contributing to the homogenization of the social movement dynamics in Nepal.

Meanwhile, I will appraise the deals, the negotiation processes, and the “achievements” (or consequences; cf. Giugni 1999, 2008; Amenta *et al.* 2010) of the movements. I will also show that some points contained in these agreements were not clearly worded and were even mutually exclusive. That is to say, if the government of Nepal (GoN)<sup>2</sup> were to honor the agreement with one group in its entirety then it would definitely be obliged to renege on the deal it had reached with other groups. I argue that both parties (that of the state and those of the agitating groups) deliberately opted for vague

<sup>2</sup> While there is difference between a state and government, both the Nepali media and the public often use the two interchangeably. Throughout this chapter, I also use *Government of Nepal* or *GoN*, *government*, *Nepali state*, or *state* interchangeably.

wording to achieve a “win-win” situation, contrary to the charges of treachery leveled against the state by movement activists.

It would be tempting to show that by even agreeing to mutually exclusive demands, the Nepali state was particularly “weak” (cf. Migdal 1988; Kriesi 1995) during this period. Instead, I argue that the agreements into which it entered and the subsequent implementation of the deals show that, during these five years, the Nepali state was neither weak nor strong but was instead particularly “clever.”

The primary data for this study comprised the press clippings of the various protest movements during the period from 2007 to 2012. For the official versions of the “agreements,” the publications of the Ministry of Peace and Reconstruction (e.g., MoPR 2068 v.s., 2069 v.s.) and its website ([www.peace.gov.np](http://www.peace.gov.np)) were consulted. Many interviews were also conducted, particularly with the movement’s actors/signatories.

## THE HISTORICO-POLITICAL CONTEXT AND SOCIAL MOVEMENTS

After the political change in 1990 (the first *Jana Andolan*), Nepal experienced a plethora of campaigns and movements. Social groups that have been historically oppressed, marginalized, or excluded, organized themselves and launched movements using their newfound civil liberties. Some of these movements that gained momentum after 1990 were successful, in part because they were gradually able to persuade the state to address some of their concerns.

After the 2006 *Jana Andolan*, which eventually led to the abolition of the monarchy from Nepal, these, and additional movements—some of which were very nascent—came to the fore. During this period, various social groups—the *Janajatis*, the Madhesis, the Muslims, the Dalits, women, people with disabilities, and others launched movements that were sometimes solitary efforts and other times took the form of coalitions with other social groups. They managed to “extract” more concessions from the otherwise insular state in a very short span of time. In the period following 2006,

these social movements seem to have three principal agendas: 1) identity, 2) rights, and 3) participation in the governance system or access to the state that is proportionate to their population size. We could call these movements successful in that they forced the state (governments of various hues and colors) to listen to their demands, eventually reach an agreement or understanding, or sign pacts with them. The GoN is found to have honored some aspects of those deals while ignoring others.

The “rapid successes” of the movements following the 2006 *Jana Andolan* were achieved in a particular historico-political context: The post-2006 state was in flux—the “old regime” was in a state of decline but had not completely lost power and there was no single leader/party in the “new regime” that could call the shots. The elections held for the Constituent Assembly (CA) were intended to provide much-needed leadership, and it was hoped that a new direction would emerge from the state of flux, but the elections themselves were uncertain. On the one hand, they included the Maoist party (Communist Party of Nepal-Maoist or CPN-M), with a large contingent of armed combatants (now overground with one-third of the representation in the reinstated parliament via the peace accord) who threatened to take over the state. On the other hand, there were many groups (from bureaucrats, teachers, or so-called professional bodies, to traders or social groups) who sought to maximize their own gains by exploiting the volatile situation.

Without reaching agreements with the protesting groups, the CA elections did not seem possible. The CA elections, however, were necessary for the political transition to reach a new stage. Therefore, the GoN held a series of talks with the agitating groups (including the *Janajatis*, the Madhesis, and the Chure Bhavar) and signed pacts. Subsequently, the Interim Constitution (IC) 2007 was promulgated, later amended, and other legal/policy changes were introduced. This created a kind of “demonstration effect” and similar sorts of

“movements” became the norm. The newer movements followed the same modality and similar trajectories.<sup>3</sup>

Only after reaching the agreements with the protest movements, the chances of holding the CA elections increased and the elections were eventually held. When the CA elections were held in April 2008, the Maoist party (CPN-M) became the largest with about 40 percent of the seats in the 601-member CA and its chief, Prachanda, became the prime minister of Nepal, leading a coalition government. However, there was no end to the movements, even after the transition moved to a new stage and had newly elected leadership. After the formation of the Maoist-led coalition government, the state signed further deals with other social groups (some of which were Maoist-affiliated fronts). Towards the end of the CA-I's tenure (in April/May 2012), Nepal witnessed a rise in the protest movements once again; all major groups held strikes or bandhs to emphasize the fulfillment of their demands. The GoN once again signed deals with these groups to restore peace and tranquility (see Annex 1 for details). The sudden demise of CA-I in May 2012, which occurred before the delivery of the constitution it promised to Nepali citizens, also seemed to have an impact on the aggressiveness of the social groups, perhaps due to the absence of the “political opportunity structure” (see the following discussion). Let me now describe the movements of these groups and the agreements they reached with the GoN by dividing them into three broad categories, namely, the *Janajatis*, the Madhesis, and the Others.

#### JANAJATI MOVEMENTS

Of all the social movements of Nepal, the *Janajati* movement is the most active, persistent, prominent and successful. This social group, which was initially called the *Janajatis* and later the *Adivasi/Janajatis*, has recently been fighting for the recognition of their identity (*pahichan* in Nepali), their rights (“special” as well), and for

<sup>3</sup> It is noteworthy here that the trajectories of these movements themselves are modeled after the successful popular movement of 2006.

access to resources, as well as representation in the state organs that is proportionate to their population strength. The movement has been largely successful, as the state has gradually fulfilled many of the group's demands.

In February 2005, when the then King Gyanendra took control by violating the 1990 Constitution, Nepali society saw an intense political polarization. Most of the political parties eventually resisted the royal takeover and the groups that were successful in expanding their activism in the open environment also became part of the political protest movement. When the political movement against the royal regime achieved success, the reinstated parliament/state fulfilled one major demand of the *Janajatis* by declaring Nepal a secular state rather than one espousing the Hindu religion. The IC 2007 further legitimized this change. Furthermore, it was avowed by the political parties and clearly stated in the constitution that the country was to be restructured and made inclusive. It was also allowed, in principle, for the local languages to be used in the respective local governments, which had previously been restricted after the Supreme Court interjection on June 1, 1999.

All these changes were also demands of the *Janajatis*. However, their demands were not limited to these changes alone. One of their main concerns has been to increase their access to the apex bodies of the state to achieve representation that is proportionate to their population strength. When the CA elections were to be held, per the provisions in the IC 2007, they sought to increase their level of participation in crafting the main law of the land. In the heretofore practiced electoral system (i.e., first-past-the-post or FPTP) their participation was limited; as such, they wanted to change the electoral system. The *Janajatis* launched their protest programs in various stages, demanding changes in the electoral system (from the FPTP to a system that was fully proportional to population strength) as well as other demands. The government at that time perceived that the possibility of holding CA elections without reaching a compromise was slim, so talks were held in various stages; eventually,

a twenty-point agreement was reached on August 7, 2007. The major points of the deal included the following aspects: elections held on a proportional basis, representation for all ethnic communities in the CA, the formation of a state restructuring commission, a commission for the *Adivasi/Janajatis*, language rights, education in mother tongues, inclusiveness in the state organs, implementation of the ILO-169, and others.

As the agreement between the GoN and the *Janajatis* was reached before the CA elections were held, therefore, some of the points of the deal were related to the elections themselves. Per the agreement, a third amendment was made to the IC 2007 and a mixed electoral system was adopted, thereby guaranteeing that a specific percentage of the CA members would hail from the *Janajati* groups. The other point of the agreement—to ensure the representation of almost all *Janajati* groups in the CA—did not reach the point of full adherence, as CA-I lacked sufficient representatives from smaller *Janajati* groups. However, bigger *Janajati* groups, such as the Newar, the Gurung, the Sherpa, the Thakali, the Limbu, and the Rai, had higher representation than that warranted by their respective population strength. The two biggest *Janajati* groups, the Tamang and the Tharu, had lower representation than warranted by their population strength. Per the agreement reached with the *Janajati* group, the GoN ratified the ILO-169 convention and also passed the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). The deal related to local and mother tongues in local governments was also addressed by the third amendment to the IC 2007, which permitted the use of local/mother tongues in the local governments. Likewise, the GoN reserved 45 percent of the seats in public services for various social groups. The agreement regarding the formation of a *Janajati* commission was not fulfilled until the demise of CA-I.<sup>4</sup>

<sup>4</sup> This point has been addressed in the new constitution, which was promulgated in November 2015.

Just three weeks prior to the holding of the elections for the CA, a pact with another ethnic group, the Federal Limbuwan Autonomous Council, was signed.

The five-point deal signed on March 19, 2008, by the representatives of the seven-party alliance (the ruling coalition) included the following main points: commitment to the federal governance system, along with a Limbuwan province, and representation of the council in the yet-to-be formed state restructuring commission. While one main point of the deal reached between the GoN and the Federal Limbuwan State Council before the CA elections was related to Limbuwan province, the GoN did not commit in clear terms to the Limbu province; the language used was vague and ambiguous. The deal related to the Limbus' demand to have their representative in the state restructuring commission was also eventually reneged on.

After the completion of the CA elections and the formation of a new government under the leadership of Maoist chair Prachanda, another *Janajati* group launched protest programs with the aim of persuading the state to fulfill their demands. The grand coalition of various Tamang organizations, the Tamsaling Joint Struggle Committee, which had made a number of political and socio-cultural demands, reached a nineteen-point understanding with the state on April 11, 2009, after following a similar trajectory to that of other "successful" movements.<sup>5</sup> Of the twenty-six-point demands, those falling under the jurisdictions of the CA were left undecided, but the remaining demands were settled via the signed agreement. Some of the points in the agreement overlapped (e.g., with the *Janajatis*) and had been agreed on or met, for example, related to ILO-169/UNDRIP or mother tongue.<sup>6</sup>

<sup>5</sup> The Tamang front and the leaders that spearheaded the movement were aligned with the Maoist party itself.

<sup>6</sup> Some of the points included are as follows: making the army inclusive by abolishing discriminatory practices against the Tamangs, among others, as well as a number of cultural rights and recognition issues, for example, changing



Upon approaching the final deadline of CA-I (May 2012), the *Janajatis* once again took to the streets to force the state to fulfill their demands (some new and some old, as they felt that the pact they had reached had not been honored). This protest movement was also a reaction to the agreement that the GoN reached with the Bahun-Chhetris. The GoN had agreed to the Bahun-Chhetris' demands after two days of a nationwide strike (see the following discussion). This time around, racial slurs were also hurled, threatening the communal harmony. Afterwards, the GoN held talks with the *Janajatis* and signed another pact. Since many of the demands would fall under the ambit of the CA, the GoN agreed to "table" the *Janajatis*' demands, such as federal structure based on ethnicity, proportionate representation in every organ of the state, and granting full autonomy to the provinces with first rights (*agradhikar*, of *Janajatis*), among others. One point related to the GoN was the statement on the *Janajatis*' opposition to the GoN's agreement to grant an *Adivasi* status to the Khas-Arya group.

#### MADHESI MOVEMENTS

The people of Nepal's southern plain have long complained that the state has been discriminatory towards the Madhesis, treating them as second-class citizens and restricting their representation and access to the state organs. Grievances and agitations have been raised against what they perceived as unjust practices and polity since the 1950s, but the Madhes-centered movements of the past were not very successful. However, that began changing after the popular movement of 2006. After the promulgation of the IC 2007, the Madhes-based political party, Sadbhawana, called for a nationwide strike to protest the decision to keep the old electoral constituencies intact for the purpose of the CA elections. The strike turned violent and led to a communal riot in Nepalganj, dividing

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the national animal, education in the mother tongue, the ending of cultural discrimination, and so on.

the society in the Madhesi and Pahadi folds. The riot that began in Nepalganj subsequently spread to other areas of the southern plain.

After the promulgation of the IC 2007, the Madhesi Janadhikar Forum (MJF an NGO as well as a loose network also launched protest programs. Security forces arrested the MJF's chair, Upendra Yadav, as well as twenty-eight other members in Kathmandu when they were setting the IC 2007 alight. The police arrested them under the public security act. This led to further agitations, mainly in the Tarai, which included bandhs. As the movement was gaining momentum, the Maoists disregarded the strike called by the MJF, which led to scuffles and eventually killings. This further increased the polarization between the Pahadis and the Madhesis, and subsequently, the Madhes movement swelled enormously and engulfed the whole southern plain. The GoN was forced to hold talks with the agitating groups and finally reached an agreement (*samjhauta*, not understanding) with the MJF. After holding eight different stages of talks over the course of three months, both parties reached a twenty-two-point agreement on August 30, 2007. The agreed-on points included proportional representation, state restructuring commission, federal governance system, recognition of the dress, language, and culture of Madhes, trilingual policy (mother tongue, Nepali, and English), citizenship distribution teams in the villages, just distribution of the revenue generated from the Madhes, formation of an industrial security force, and the implementation of laws for inclusiveness, among others.

The first three points of the deal related to the victims of the protest movements; the release of arrested activists, treatment for those injured, compensation packages for victims and honoring the dead were all addressed, to a large extent. The state restructuring commission was also a concern for both the Madhesis and the *Janajatis*. Per the agreement, the state sent out citizenship distribution committees and distributed 2.6 million citizenship certificates. Likewise, in 2065 v.s. an ordinance was issued to make the civil

service inclusive by reserving 45 percent of seats to various social groups. The ordinance was later approved by the legislative body.

Ever since the agreement was reached with the MJF, some quarters of the Madhesis have been protesting against the constituency-boundaries delineating representation in the CA for the Madhes-based groups. Parliamentarians thought it unjust that the Madhes, which hosted about half the country's population, was sending a smaller number of legislators to the parliament. They wanted the constituencies to be redrawn based on the population distribution per the most recent census, which had been conducted in 2001. However, since the other political parties did not show much interest in addressing their demands, several Madhesi members of parliament, who were part of the inter-party Madhesi network, resigned from their respective parties to form new party(ies). They then formed the United Democratic Madhesi Front (UDMF) and organized various protest programs, including bandhs. Six weeks prior to the elections for the CA, the GoN and the agitating front of the Madhes-based parties, the UDMF, reached an eight-point agreement on February 28, 2008. Per the agreement, the constitution was amended to proclaim Nepal a federal country. Likewise, the electoral law, as well as the public service act, were amended to honor the agreement. Only after reaching agreements with the Madhes-based groups did the holding of the CA elections seem possible. The most important point of the agreement was related to Madhes province, but the wording of the agreement was vague. It spoke of honoring the "Madhesi people's wishes of autonomous Madhes province including the desire of the people of other regions to have autonomous provinces in the federal structure" and agreed that the "provinces would be fully autonomous with full rights."

The state was also required to make the state structures inclusive in proportion to the population strength of the major social groups, per the agreement. However, the provision of the electoral law that required that parties filing candidates for more than 20 percent of seats in the CA elections be inclusive themselves was changed and

the threshold was increased to 30 percent. This meant that only the bigger parties had to be “inclusive” and the requirement did not extend to the smaller parties that filed candidacies for less than one-third of the constituencies. This was somewhat paradoxical, in that the agitating Madhesi parties wanted the state and other so-called national parties to be inclusive, but they themselves did not want to meet this requirement. Another agreed-on point was to ensure the inclusiveness of the state organs, including the Nepali army. The deal on this issue, particularly as it related to the army, was also not worded clearly despite its inclusion of the term “*group entry*,” which the Madhesis demanded.

After the GoN signed deals with the two major groups/fronts of the Madhes, deals were also signed with other social groups and the armed outfits of the Tarai. The GoN and the federation of the Backward Society (Pichhada Varga Samaj) reached a five-point deal on March 24, 2009. Agreed-on points in the deal included the following: the backward community development board created through the ordinance was to become fully functional with appointments of all members, and to broadcast news in the Magahi language, among others.

#### *OTHER MOVEMENTS*

Apart from these two broad social groups, the GoN also held talks with various other social groups during the period between 2007 and 2012. The pattern, however, was similar—first, these groups organized various sorts of protest programs, and when they called strikes or bandhs, which brought daily life to a halt, the state invited these groups to talks. These groups included the Badis, the Haliyas, Muslim organizations, the Tharu resistance committee, the Chure Bhavar Rashtriya Ekata Samaj, the Bahun-Chhetris, and the like. Among these, the Badis and the Haliyas had demands that were more related to economic and social or social rehabilitation issues rather than “political” ones, whereas the others also had “political” demands. Three of these protest movements, namely, the Chure Bhavar, the Tharu, and the Bahun-Chhetri emerged in reaction to

the Madhes and *Janajati* movements to a large extent. The Muslim movement was also partially a reaction to the Madhes movement, although it was not in direct contradiction with the Madhes movement—the Muslims also wanted to carve a distinct identity of their own, and did not wish to be subsumed within the Madhesi fold.

The newest of these movements, that is, those of the Bahuns and the Chhetris, and especially the latter, was a reaction to both the *Janajatis* and the Madhesis, and especially to the former. In later stages, we also saw regional movements whose sole interest was to shape a federal unit based on certain region/ethnicity. Especially in western Nepal, the Tharus and particularly the Bahun-Chhetris launched protest programs which were specifically aimed against the claims of the other group.

The Tharus have been enlisted into the Tarai *Janajati* fold, in the “official” ethnic categorization. However, the Tharus were also an integral part of the revolt in the Tarai—which hardened the Madhesi identity—this was also a reaction against the hegemony of the Pahadis/state. Meanwhile, a group of the Tharus felt that their own identity had been subsumed by the newly recognized Madhes identity. In addition, the pan-Madhes single-autonomous province (the most contentious demand of the Madhes movement) also subsumed the territory that the Tharus had been claiming as their own. This made a group of Tharus angry. They not only protested the Madhes province but also claimed that although there were Madhesis in the country, there was no Madhes. They would call the southern plain Tarai instead of Madhes, the latter of which was the name championed by the Madhesis.

After the completion of the CA elections, the GoN issued an ordinance to amend the act related to public/state services on February 3, 2009, to honor the agreements reached with the Madhesis and the *Janajatis*. It reserved 45 percent of the seats for various underrepresented social groups. A schedule listing ninety-two caste/ethnic groups in the Madhesi category was prepared. In the scheme through which the distribution of the quotas was

provided, the Tharus were placed into the Madhesi category. On February 26, 2009, the *Kantipur* daily published a news article with the title “Who are Madhesis?” which made Tharu activists angry, particularly those who had been part of the *Janajati* movement. They thought that this would not only subsume their identity but also feared that most of these quotas would also be taken away by the high and medium caste groups of the Madhes.

Against this backdrop, the Tharus launched protest movements against, in their own words, Madhesization, and formed a resistance committee that was also supported by the federation of *Janajatis*.<sup>7</sup> Eventually, the government agreed to address the Tharus’ demands by signing a six-point pact on March 14, 2009, in which the representatives of the federation of the *Janajatis* were also signatories. In the first point of the deal, the following was stated: “Recognizing the fact that the Tharus, and the *Adivasi/Janajatis*, Madhesis, Dalits, Muslims, and the minority groups have their own distinct identities and any legal constitutional provisions that would cloud such identities would be amended.” This also led to the constitutional amendment, in which the word Madhes was replaced by Tarai Madhes, in an attempt to please both the groups. The GoN had also agreed to amend the act related to inclusion in public service.

The other group with which the state reached a deal is called the Chure Bhavar Rashtriya Ekata Samaj, which was basically a loose coalition of the Pahadis or people from what is usually referenced as the “hill origin.” The Madhes movement had witnessed increased polarization between the Madhesi and Pahadi populations. In some places in the Tarai, the Pahadis bore the brunt of the anger from Madhesi activists during the Madhes movement. Fearing the worst, many Pahadis even fled north, to the Pahadi-dominated areas along the Chure hills. When the Madhes movement gained momentum (and also turned violent), the Pahadis, who were mostly residing

<sup>7</sup> When the situation became tense and violence erupted in some places, the GoN claimed that it was simply a suggestion of the research committee and no decision has been taken.

along the Chure hills, formed an organization to counter the Madhesi agitation. This organization had a twenty-seven-point list of demands, such as the formation of the Chure Bhavar province. After two weeks of the agreement with the MJF, the GoN signed a nine-point pact with the Chure Bhavar group on September 13, 2007.<sup>8</sup>

Likewise, after similar protest movements from the Badis and the Haliyas, the GoN reached deals with the agitating groups. Most of their demands were related to economic and cultural rights, which the government agreed to fulfill to a large extent. The GoN also reached agreements with the Muslim groups (signed on March 16, 2009); however, some of their demands were already part of the agreement with the Madhesis.<sup>9</sup> Apart from these, the GoN had also signed pacts with a front called the Federal Republic National Front. This front thought of itself as more radical than the *Janajati* federation, with whom there was already an agreement. One important distinction was that this front also had members from the Dalits and Madhesi communities, who were participating in the leadership. This front signed a five-point deal on March 1, 2008, with a seven-party alliance, including the Maoists.<sup>10</sup>

Demands were made for ethnicity-based federal structures from the *Janajati* fold, whereas the Madhesis wanted a single Madhes province in the southern plain. Shaping a federal structure had

<sup>8</sup> The agreed-on points in the GoN–Chure Bhavar deal included the following: compensation for the victims, securing, safeguarding, and advancing national unity, indivisibility and sovereignty while shaping the federal structure; and consultation with local people while exporting resources from the Chure area.

<sup>9</sup> The following were major points: amendment of the legal constitutional provisions that affected their distinct identity, formation of a Madarsa board, a national Muslim commission, a public holiday during Muslim religious festivals, and so on.

<sup>10</sup> The agreement that was reached contained the following points: the proclamation of Nepal as a federal country, federal provinces, and proportional representation in the state organs, among others.

become one of the most contentious issues in the drafting of the constitution. Every group wanted a province of its own. The GoN had failed to form a state restructuring commission, which was also mentioned in the IC 2007,<sup>11</sup> and the CA committee had also failed to come up with an agreeable proposal regarding the issue of proposing a federal structure. Following the draft concept paper of the CA regarding the state restructuring and especially following the report on the state restructuring commission, Nepali society became divided into two broad camps—those who supported ethnicity/identity-based federalism and those who opposed it.

The proposals of the draft concept paper and the commission, as well as the mentioning of special privileges, irked the Bahuns and the Chhetris, as they felt insecure. The proposal to reserve the apex post of the province for the “ethnic” majority group of the province made by one of the eleven committees formed by CA-I added insult to injury. Moreover, the demand of the *Janajatis* (being *Adivasis*) to have privileged access to natural resources in their areas was equally problematic for the Bahun-Chhetri collective. The Bahuns and the Chhetris (individually and collectively, had also built coalitions with the Sanyasis and the Dalits) then took to the streets and resorted to strikes/*bandhs* to ensure their demands would be fulfilled, which were in opposition to those of the *Janajatis* and the Madhesis. One of the demands of the Chhetri group was to recognize the Chhetris as *Adivasis*. The GoN and the Chhetris agreed to form a task force to undertake a study regarding this demand, that is, the *Adivasi*-ness of the collective. Interestingly, the GoN formed the task force under the leadership of Dil Bahadur Kshetry, an organizer of the Chhetri struggle committee; the task force submitted its report, which has not yet been made public. The deal the GoN reached with the Bahun-Chhetri-Dalit-Sanyasi-Thakuri joint struggle committee had no specific points—except the statement that the GoN would

<sup>11</sup> The commission was eventually formed in the final months of the fourth year (on November 22, 2011) of CA-I, but it failed to produce a unanimous report.



address “justifiable” demands within one month. Likewise, while restructuring the state, it was agreed to recommend and request that the CA also consider the “national indivisibility, communal harmony, geographical proximity, administrative feasibility (*anukulata*), availability of resources, economic viability, and lingual and cultural similarity.”<sup>12</sup> Later, upon approaching the final deadline of CA-I’s tenure (May 2012), the same group called on strikes to ensure that its demands would be fulfilled. One point within the pact that was reached was the removal of the “other” category from the constitution and its subsequent renaming in legal documents as the Khas-Arya group. The second point of the deal was to grant them the *Adivasi* status. The GoN also agreed to give the final authority of naming the provinces to the provincial legislature.

The other movement—the counter-movement, if you will—that temporarily paralyzed the country was the movement of the Akhanda Sudur Pashchim (Undivided Far West) group. When the GoN agreed, in principle, to the demands of the Tharu movement for a Tharuhat province, people from the existing Far-West region, but mostly those from the hilly areas, demanded that their region be kept intact in the federal structure. They called for strikes, which continued for twenty-one days, and finally, the GoN (the three main ruling parties, namely, the Nepali Congress, the Communist Party of Nepal-Unified Marxist Leninist [CPN-UML], and the CPN-M) held dialogues with them. The three-party leaders agreed not to divide the Far-West, and if required, a referendum was to be conducted to make a final decision on the issue. This then irked the Tharus, who had been demanding the formation of Tharuhat, which included the two southern districts in the far west, namely, Kailali and Kanchanpur. After a series of bandhs, the GoN agreed to accept

<sup>12</sup> The other points was to also consider “economic-class” in the reservation system.

the proposal to make three provinces in the Tarai including one Tharuhat in west Nepal, which included the two disputed districts.<sup>13</sup>

#### MAKING SENSE OF THE MOVEMENTS AND THE AGREEMENTS

How do we then understand this sudden upsurge in various social formations launching *andolans*, their “successes” in extracting various concessions from the state, and the state’s agreement to even mutually exclusive demands? To make sense of these *movements* with which the GoN reached deals, we must examine them holistically. There are at least three phenomena that seem to be occurring, and they are as follows.

First, several social formations, both new and old, became organized at a particular historical juncture (quite suddenly, in a few cases) and launched protest movements. One way to approach these contentious collective actions (see Tilly 1978) is to view them as (new) social movements. Social movements broadly consist of “collective challenges by people with common purposes and solidarity in sustained interaction with elites, opponents, and authorities” (Tarrow 1994: 3–4).

The contemporary social movements are also often called new social movements (NSMs) given their emphasis on being different from those which preceded them (see Buechler 1995). The NSMs are said to emphasize quality of life, lifestyle concerns, and call into question, for example, the representative democracy, and the like (Pichardo 1997). Identity claims are said to be the most distinctive feature of NSMs (Kauffman 1990). According to Tarrow (1994), NSMs prefer to remain outside of normal political channels, employ

<sup>13</sup> Some of the demands that the various social movements had put forth were essentially to be decided by the CA. When the constitution was finally prepared and promulgated by the second CA (or CA-II) in 2015, the demands of the dominating group, that is, the Bahun-Chhetris, seemed to have more or less fulfilled. The demands of the other social groups, particularly those related to federal units, were not met, which led to violent protests in the eastern and western plains, mainly by the Madhesis and the Tharus, respectively.

disruptive tactics, and mobilize public opinion to gain political leverage.<sup>14</sup> Furthermore, some NSMs are also said to have become integrated into the party system (Pichardo 1997)—this is the case in Nepal (see the following discussion).

Particularly when their political significance is higher, the NSMs usually also become a precursor to what some scholars call “counter movements” (see, e.g., Mottl 1980; Meyer and Staggenborg 1996; Kongkirati 2006). According to Meyer and Staggenborg (1996: 1642), “[w]hen a movement succeeds in posing a real threat to a powerful interest, some elites may conclude that the social movement form is a highly effective political tool and so they try to foster a counter movement.”<sup>15</sup> In our case, too, it is tempting to brand a number of social movements post-2006 as “counter-movements,” for they follow earlier movement(s) and make direct or indirect references to those which preceded them. For example, the movement of the Bahun-Chhetris or that of the Tharus, the Chure Bhavar, or the Akhanda Sudur Pashchim can be categorized as such, in a sense. However, other movements have taken place that were not “counter” but were what I would call “parallel” movements, as they borrowed largely from the playbooks of the earlier movements but are not necessarily in conflict with the gains the other movements had made. Therefore, rather than branding certain movements at the outset as “counter,” it would be much more useful to examine the process, the actions they take, and how they are implemented.

<sup>14</sup> “Actors and organizations seeking to alter power deficits and to effect social transformations through the state by mobilizing regular citizens for sustained political action” are also called political social movements (see Amenta *et al.* 2010: 288).

<sup>15</sup> There seem to be three conditions that promote the rise of counter-movements: first, a social movement shows signs of success; second, the interests of some people are threatened by the movement’s goals; and third, political allies opposing the social movement are available to aid in oppositional mobilization (Meyer and Staggenborg 1996). However, these are, according to Kongkirati (2006), necessary but not sufficient conditions. Furthermore, a counter-movement might not necessarily be a “reactionary” one.

While a number of theories attempt to explain the emergence of social movements, for example, political crisis (Skocpol 1979)<sup>16</sup> political opportunity structure (Tilly 1978; Tarrow 1983, 1989; Kriesi 1995; Goldstone 2004),<sup>17</sup> resource mobilization (McCarthy and Zald 1977),<sup>18</sup> or relative deprivation (Gurney and Tierney 1982), our case is slightly different here; we are mostly discussing the “sudden upsurge” and are focused less on the emergence of the movements themselves. Two factors are particularly important for understanding the “upsurge” (i.e., of the movements): 1) the “volatility” of the state owing to the political transition and 2) the discourse that was generated around the writing of the constitution.

If we examine history as well, we see that political transitions usually provide certain types of traction or “opportunity structures” (cf. Meyer and Staggenborg 1996; Goldstone 2004) during which a plethora of organized interest groups try to apply pressure on the state, and even extract resources/concessions. Whether the focus is placed on the political movement of 1951, 1990, or, most recently, 2006, this trend is clearly observable; various unions—those of teachers or civil servants, doctors, and even traders—have all seized the moment. In addition, the distinctive element this time around

<sup>16</sup> According to Skocpol, social revolutions are typically triggered by a political crisis that weakens the control exercised by the political system over the population.

<sup>17</sup> According to Tilly (1978, see also Tilly 2004), the rhythm of the collective violence was directly linked to shifts in the struggle for political power rather than to the structural transformations of society. Per Tarrow (1983, 1989), the concept has the following dimensions: the degree of openness of formal political access; the degree of stability or instability of political alignments; the availability and strategic posture of potential alliance partners; and political conflicts within and among the elites.

<sup>18</sup> According to McCarthy and Zald (1977: 1213), “[T]he resource mobilization approach emphasizes both societal support and constraint of social movement phenomena. It examines the variety of resources that must be mobilized, the linkages of social movements to other groups, the dependence of movements upon external support for success, and the tactics used by authorities to control or incorporate movements.”

was the context in which the writing of the constitution took place.<sup>19</sup> It is not that the same context was not present in the previous political transitions, but the discourse generated was different. During the 2006 transition, the constitution writing through the CA was presented as a lifetime opportunity, particularly for the historically marginalized communities to “settle the scores” of centuries of oppression/exploitation and the injustices that had been meted out by the ruling groups. This opportunity was first seized by the *Janajati* movement, which was no surprise, given its position as the foremost social movement with a long protest/mobilization history and powerful intellectual backing. The Madhesis, who were also no less resourceful, also jumped into the fray and made their mark. Subsequently, other social groups also joined in to safeguard the interests of their respective groups in the new, yet-to-be written main law of the land.

The second fact that becomes apparent is the following: Almost all these agreements or understandings have protest movements in their background. These agreements suggest that the Nepali state does not simply listen to people’s demands, concerns raised through memorandums or petitions, or even peaceful unobtrusive protest programs; it wakes up and agrees only when the movements bring aspects of the public life to a halt or turn violent. Furthermore, the movements have all followed a particular trajectory; regardless of whether they have been initiated by the Madhesis, the *Janajatis*, the Chure Bhavar group, or the Bahun-Chhetris, all went on strike or threatened to strikes or call for bandhs—some may have called for strikes in particular regions, whereas others may have pursued a nation-wide strike. Regarding the movement modalities and the deal-making processes, one could hardly observe any distinction between, for example, the *Janajati* and the Bahun-Chhetri movements, or the

<sup>19</sup> Even before the GoN reached agreements with the *Janajatis* or the Madhesis, it had signed pacts with the agitating civil servants (trade unions of all hues and colors) and drivers’ association and agreed to increase their pay and benefits.

Madhes movement, despite the fact that their demands were very different. In some instances, they were outright contradictory. In fact, the political movements (of 1990, 2005–2006) seem to have had “demonstration effects” (cf. Kongkirati 2006) on these social movements. These protest movements have subsequently entrenched a particular template of a “successful” movement, contributing to the homogenization of movement dynamics in Nepal. Here, “success” may be “debatable,” as a number of movement activists were unhappy with the “achievements” despite some tangible impacts that one could observe in the form of immediate relief packages, constitutional/legal provisions, and policy documents (see Giugni 1999, 2008; Amenta *et al.* 2010).<sup>20</sup>

One aspect of these movements, which made deals with the GoN, is that many built intra-group coalitions or united fronts and launched various protest programs, which increased their strength and collective bargaining power. For example, the *Janajati* activists united under the banner of the Adivasi/Janajati Struggle Committee; the Madhesis came together and formed their own united front, that is, the UDMF; the Tharus created the Tharuhath Struggle Committee; the Muslims had the United National Muslim Front; the Tamangs had the Tamsaling United Struggle Committee; and so on. Despite these fronts/coalitions of various social groups, serious inter-social group coalitions were not formed.<sup>21</sup>

However, the coalitions, or fronts, that were formed during the study period did not last long. Within five to seven years, most of the coalitions—from that of the Madhesis to those of the Tharus,

<sup>20</sup> There is disagreement among scholars on the issue of whether social movements are generally effective and can account for important political changes (see Amenta *et al.* 2010).

<sup>21</sup> However, there were a few exceptions: The United Federal Democratic Republic front had representatives from among the Dalits, the *Janajatis*, the Madhesis, and the Tharus; meanwhile, the Bahun-Chhetris had the Thakuris, the Dashnamis, and even the Dalits on board. While building alliances, the partners seem to have accommodated each other’s (also sometimes contradictory) demands, but they do not seem to have fully owned them.

Muslims, and Chure Bhavar—were all divided. While the *Janajati* front, particularly the Federation, still seems intact, its stability was undermined when another *Janajati* front was formed in which a significant number of leaders from the Federation’s early days participated. The split caused a weakening in the movements’ collective bargaining power.<sup>22</sup> Another important feature of these movements is that prior to the division of the movements, a majority had joined the political process by converting the movements into political parties—another feature of the NSMs, as discussed earlier.<sup>23</sup> Furthermore, some of the leaders of the movements also found other ways to participate in the political spectrum—through their nomination by one or the other political parties in the CA.<sup>24</sup> This

<sup>22</sup> A number of these movements have since then disbanded. Those involved in these movements, that is, activists, say that the root causes for the split among the group are both internal and external. On the external side, they blame the state’s divide and rule policy. The internal cause is the “suspicious” roles played by members of the “talk teams.” They blame the team members for the sellout (for “posts” and money). Not only in the coalitions, but also within a single group, group members are suspicious. Each one would desire to take credit for the good deals and blame the others for bad ones. After the deal was made, some members of the movement called it an act of deception and then either distanced themselves from the group or even took action against their team members by dismissing them from the movement/talk team.

<sup>23</sup> The chief protagonist of the Madhes movement, MJF, became a political party and eventually became the fourth largest force in CA-I. All members of the UDMF were also in CA-I, through either MJF or another political outfit, the Tarai Madhes Democratic Party (TMDP). The group that called itself a non-political entity, Chure Bhavar, converted itself into a political party and was also represented in the CA. Likewise, the United Federal National Front was also in the CA.

<sup>24</sup> Apart from these movement-turned parties, the *Janajati* activists, who were involved in the *Janajati* movement, were also part of CA-I: Pasang Sherpa, chair of the *Janajati* federation; Suryaman Dong of Tamsaling; and others. The movements’ or leadership’s participation in the political process have important consequences. Earlier, those in civil society or who were outside of the political spectrum became part of political society and part of the state (cf. Chatterjee 2004). This provided them with the opportunity to: first, directly engage

also begs a serious study of not only the consequences or impacts of the movements but also the transformations that take place within the movements themselves, or their life cycle.

The third important phenomenon is related to the “deals” themselves—their lack of mutual compatibility and the issue of the type of language used. If we examine the wordings of the deals, the parties seem to prefer cryptic language in the sense that more than one interpretation could be made from the same text. This preference is particularly evident in some of the more contentious issues. While the agitating groups usually level blame at the state (represented by seasoned politicians and backed by bureaucrats) for such unclear sentences, this unclear language is typically consciously selected to create a “win-win” situation and “save face” for both groups. Let us, for example, examine the issue of one autonomous Madhes province—one of the most contentious points of the deals made in the post-2006 period. The controversial point speaks of honoring the “Madhesi people’s wishes for an autonomous Madhes province, *including* the desire of the people of other regions to have autonomous provinces in the federal structure.” According to the Madhesi participants/signatories, the agreement was to establish a single autonomous Madhes province covering the entire southern plain, but those who represented the GoN in the talk disagree with this interpretation. The opponents of the movement argue that a “single province” was not mentioned anywhere in the deal and refer to the addendum “including” in the same sentence.

Apart from the language used in the deals, the other striking observation is that some of the points that were agreed upon with the movements were “not compatible,” if not out-right contradictory. This was so because the two protest movements had diverging aims/objectives and were sometimes fighting for the same constituencies—or were in a sense, “counter-movements”—and the state reached an agreement with both groups and agreed to fulfill even the apparently

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in producing the constitution, and second, resolve the conflicts within the constitutional framework.



contradictory demands. For example, the GoN agreed to the demands of the *Janajatis* and to those of the Khas Aryas; it also agreed to the demands Madhesis and those of the Tharus and the Chure Bhavars. Likewise, the GoN agreed to the demands of the Tharus and those of the Akhanda Sudur Pashchim. These groups' demands, however, contradicted each other; therefore, the state could not honor one group's demands without dishonoring those of the other.

The state's signing of the mutually exclusive pacts with two or more social movements may be seen as a characteristic of a "weak state," succumbing to the pressure applied by "strong" society/ies or organized groups. In the strong/weak state and strong/weak society matrix (Migdal 1988; cf. Kriesi 1995), Nepal may seem to be a textbook example of a weak state that is forced to agree to all demands made by an organized, strong society. Nepal's portrayal of a "fragile" or "failing/failed" state or a crisis-ridden, doomed state from various quarters also gives this impression (see, e.g., Riaz and Basu 2007; Blaikie, Cameron and Seddon 1980; cf. Tamang 2012). While the Nepali state may seem to have been overwhelmed by societal forces and protest movements at particular junctures, it was never "very weak," not even during this period of uncertainty. According to Kriesi (1995), a weak state may be forced to give in to a movement's demands, but it is not likely to have the capacity to implement the required policy changes. If the Nepali state was very weak, as has been claimed, it would not have had the capacity to introduce all the constitutional/legal and policy changes mentioned herein.

While the Nepali state has acted upon certain points of the agreements, it has also not followed through in many cases. Its "cleverness" becomes apparent when we examine the way it reached deals, particularly with the so-called "counter"-movements. While it is true that it signed pacts with these "counter"-movements only after they mobilized a large section of the masses and brought public life to a halt (as did other previous social movements), it also is true that the state gave in relatively easily (some even blame the state

for instigating the “counter”-movements). With clear knowledge of the demands and agreements of certain protest movements, and not because of “historical amnesia,” as some would argue, the state agreed to the “counter”-movements’ demands. These contradictory pacts should therefore be viewed as an attempt on the part of the Nepali state to pit one movement against the other, and nullify and redress the pacts that had been made previously when it “unwillingly” signed under “duress.” Therefore, rather than perceiving the Nepali state as weak, it is more appropriate for us to view it as “clever,” performing its job in accordance with current demands.

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### Annex 1: Summary of Agreements between Government of Nepal (GoN) and Various Movements (2007–2012)

#	Agreement between	Date	Main Points of the Agreements	Remarks
1	GoN and Adivasi Janajati Mahasangh and Janajati Samyukta Sangharsha Samiti	August 7, 2007	Fully proportional electoral system, representation of all ethnic groups, state restructuring commission, <i>Adivasi Janajati</i> commission, language rights, mother tongue, inclusion in all the state organs, ILO-169, Harka Gurung honour	20-point deal; after series of talks held in April–July 2006; Om Gurung, KB Gurung and Ramchandra Paudel
2	GoN and Madhesi Janadhikar Forum	August 30, 2007	Proportional representation, state restructuring commission, federal system of governance, recognizing Madhesi dress, language and culture, state holidays during Muslim festivals, tri-lingual policy, citizenship certificate distribution groups, laws for inclusiveness	22-point pact; dialogues in six phases that began on June 1, 2007; Upendra Yadav and Ramchandra Paudel
3	GoN and Chure Bhavar Pradesh Ekata Samaj	September 13, 2007	Autonomous federal system of governance, development works and export of local goods with permission only from the local bodies	9-point pact; after dialogues held on October 2 and 14; Keshav Mainali and Ramchandra Paudel
4	GoN and Badi Adhikar Sangharsha Samiti	October 15, 2007	Prohibition in the use of words such as Bhand, Badini, Patar etc., providing citizenship certificates, formation of task force, agreement fulfillment after the completion of the study within 6 months	2-point pact; Umadevi Badi and Ramchandra Paudel

#	Agreement between	Date	Main Points of the Agreements	Remarks
5	GoN and Samyukta Loktantrik Madhesi Morcha	February 28, 2008	Autonomous Madhes province, federal democratic republic, proportional representation in state organs including security forces, making army inclusive and group entry	8-point pact (samjhauta); Rajendra Mahato, Upendra Yadav, Mahanta Thakur, and Girija Prasad Koirala
6	GoN task team comprising 7 parties and Sanghiya Ganatantrik Rashtriya Morcha	March 1, 2008	Declaring Nepal a federal state, proportional representation in the state organs	5-point pact; DK Buddhist, Laxman Tharu, Biswendra Paswan, et al.
7	GoN task team comprising 7 parties and Sanghiya Limbuwan	March 19, 2008	Federal system of governance, including Limbuwan, representation in state restructuring commission	5-point pact; Sanjuhang Palungwa and Ramchandra Paudel
8	GoN and Rashtriya Haliya Mukti Samaj Mahasangh	September 5, 2008	Scrapping of loans, emancipation of haliyas, formation of taskforce regarding implementation of 11-point demands	5-point pact; Rajuram Bhoal, Hari Shripaili, Chakra BK, Bhakta BK and Janardan Sharma
9	GoN and Kirat Janavadi Workers Party	January 18, 2009	Mainly related to peaceful participation in politics; adherence of the constitution; and consideration of the party's demands as well as release of the workers	4 understandings at different point; last one 5-point pact; Suman Bantawa and Satya Pahadi

#	Agreement between	Date	Main Points of the Agreements	Remarks
10	GoN and Tharu Sangharsha Samiti and Janajati Mahasangh	March 14, 2009	Amendment of constitutional and legal provisions that hinder distinct identity, amendment of special service act in accordance with the principle of inclusiveness	6-point pact, in presence of PM; Janardan Sharma, Rajkumar Lekhi, Laxman Tharu, et al.
11	GoN and Samyukta Muslim Rashtriya Sangharsha Samiti	March 16, 2009	Amendment of constitutional and legal provisions that hinder distinct identity, formation of Madarsa board and national Muslim commission, census, and public holidays in Muslim festivals	Janardan Sharma, Atahar Husain Faruki, Taj Mohammad Miya
12	GoN and Nepal Pichada Varga Mahasangh	March 24, 2009	Ensuring full membership in the committee to empower the backward society, recommendation committee to recommend the special committee, news in Magahi language	5-point pact; Janardan Sharma, Bharat Mahato; follow-up meetings later
13	GoN and Tamsaling Samyukta Sangharsha Samiti	April 11, 2009	Common cultural policy to end cultural discrimination, issue related to Pipas in army, naming of ethnic historically important places in local ethnic languages, ownership in natural resources, representation in state restructuring commission, etc.	19-point pact; Janardan Sharma, Suryaman Dong, Dilman Pakhrin, Parashuram Tamang, and others
14	GoN and Chhetri Rashtriya Andolan Samiti	May 22, 2011	Timely promulgation of acceptable constitution; also taking nation's indivisibility, geographical proximity, and communal harmony into consideration in the constitution; also taking "class" into consideration in the reservation system; formation of task team to look into the "adivasi-ness" of the Chhetris; etc.	6-point pact; Dil Bahadur Kshetry, and Vishwanath Shah

#	Agreement between	Date	Main Points of the Agreements	Remarks
15	GoN and Brahman, Khas Chhetri, Dashnami, Thakuri and Dalits' Sangharsha Samiti	November 25, 2011	Result-oriented focus on the Samiti's demands within a month; demands related to legal/ constitutional issues to be referred to the respective institutions	3-point pact; Narayan Prasad Adhikari, Kumar Thapa, and Satya Pahadi
16	GoN and Samyukta Rajnitik Dalit Sangharsha Samiti and Dalit Sabhasad Manch	December 29, 2011	Punishing the culprits involved in the killings of Manbir Sunuwar; compensating Sunuwar's family; effective implementation of acts related to caste discrimination; etc.	5-point pact; representatives from 8 Dalit orgs and 4 Dalit MPs and Satya Pahadi
17	GoN and Brahman, Khas Chhetri, etc. Sangharsha Samiti	May 17, 2012	Listing Khas-Arya as indigenous group; right to name the provinces given to provincial parliaments, etc.	3-point pact; Kumar Thapa <i>et al.</i> and Krishna Sitaula
18	GoN and Janajatis	May 22, 2012	Writing constitution based on the provisions of IC 2007, reports of thematic committees and agreement with <i>Adivasi /Janajatis</i> ; proportionate representation in every organ of the state, and granting full autonomy to the provinces with first rights; mixed electoral system with 60% PR seats and 40% FPTP seats, etc.	9-point pact; with Janajati organizations

Source: Prepared by the author based on the agreements reached between GoN and various social movements.