

Bases of Cultural and Social Solidarity

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The Committee for Determining Base of Cultural and Social Solidarity has divided its concept paper into three sections: language, culture and social solidarity. At a time when issues about cultural identity are cropping up, an issue such as linguistic recognition naturally draws greater attention. The concept paper of the Committee reveals that ethnicity and caste have become very prominent issues in the mountain and hill regions whereas issues about linguistic and regional identities have occupied the minds of the people and politicians in the Tarai region of Nepal. This has made policy makers and politicians to take into consideration the statistics of languages, spoken and written in Nepal, to address the cultural and political changes that the nation is going through. It is a common observation that language is generally used in one or all of these forms: mother tongue, international language, lingua franca, and language for official use.

The official recording of languages in Nepal began with the first ever census that was conducted in 1952/53. The 2001 Census shows that Nepal has 92 languages. This testifies that Nepal is a multilingual country. And, languages spoken in Nepal belong mainly to four families:

- (a) Indo Aryan (79.1%)
- (b) Tibeto-Burman (18.4%)
- (c) Anglo Asian (0.2%)
- (d) Dravidian (0.1%)

It is criticised that Nepal as a modern state has failed to preserve and develop languages of the minorities. In course of time, Nepali language with *Devanagari* script has come to function as an official language, but the policy makers have failed to protect and promote languages other than Nepali. That is why cultural activists and politicians have accused the polity for embracing an undemocratic language policy. And, there is some truth in this accusation. Therefore, this is probably the best time or opportunity for Nepal to formulate liberal policies to protect and promote its local languages. The political parties have strongly spoken for multiple language policy and have vehemently criticised the single language policy that the state practiced in the past.

How many languages are there in Nepal? First, there needs to be an exact data on this. The 1952/53 Census showed that Nepal had had 44 languages whereas the one conducted in 1971 revealed that Nepal had only 14 languages. However, the 2001 Census has shown us that there are 92 spoken languages in Nepal. Every census that the government conducted in the past came up with different language statistics. This means the state needs to be serious while conducting researches and maintaining records on languages. Moreover, it is a very sad thing to know that some of the

languages are on the verge of extinction. It is also believed that some languages have already disappeared. Therefore, the proposal of forming a separate committee on National Language Commission to study and research about linguistic status of the nation is very necessary and worth appreciating.

It is very necessary that primary education is imparted in mother tongues so that all languages get protected and promoted as language is directly linked with culture and social lives and identities. This is the main reason why the Constituent Assembly decided to form a body to document languages, cultures and social fraternity as well as to prepare a preliminary draft report and concept papers for the CA to address in the constitution. This body is called the Committee for Determining Base of Cultural and Social Solidarity.

But what are the bases for maintaining and measuring cultural and social solidarity? It is very difficult to point out. It is an open fact that Nepali society inhabits great many languages, cultures, traditions, religions and castes. Nepalis have lived with such diversities since time immemorial. Moreover, no single caste makes any majority in Nepal though one cannot deny the fact that caste discrimination still exists here. But a “nation of minorities” must function as the driving force for the Nepali state to launch her new language and cultural policies. A “nation of minorities” also demands upon the policy makers and politicians to develop policies to maintain solidarity among people belonging to various castes, religions and cultures in this country. Barring some exceptional communal disturbances, Nepal has not experienced any serious event that could bring disruption in its social, cultural and religious tolerance. And to consolidate this harmony, the Committee for Determining Base of Cultural and Social Solidarity has proposed to address some fundamental principles in its statutes.

The Committee submitted its concept paper and preliminary draft report to the CA Speaker Subash Chandra Nemwang on 22 June 2009. The Committee on the Protection of the Rights of Minorities and Marginalised Communities and the National Interest Preservation Committee too submitted their reports.

The main duty of the Committee is to identify factors which could guarantee political, social, economic and linguistic rights of the people. It also aims to form various constitutional bodies under the federal model to ensure mutual fraternity, trust and respect among the people belonging to different linguistic and cultural backgrounds. To achieve such objectives, the Committee has made some recommendations for the CA to follow.

The Committee strongly urges the CA to realise that children belonging to every ethnic committee have rights to take education in their mother language, and this right should be put under the section of fundamental rights in the constitution. Every community has right to protect and promote its cultures. Similarly, every community can outlaw outdated traditions and wrong practices. The Committee further states that indigenous and ethnic communities need to bring all forms of caste discriminations and untouchability to an end. The Committee makes strong appeal to

the CA to take necessary measures to guarantee linguistic and other cultural rights and interests of the Madhesi People, people living in the Tarai area.

Language Movements in Nepal

Nepali was declared as the national language in the constitution at a time when autocracy was ruling over this nation. Though some politicians and cultural rights activists dared to speak against the singular language policy of the nation, during the Panchayat rule, not a single language movement became effective until the democracy was restored in Nepal in 1990. Every radical movement was often taken as a part of anti-Panchayat ideology during 1961-1990.

When Nepal endorsed multiparty parliamentary system in 1990, non-Nepali speaking communities started to launch language movements demanding for multi-lingual policies. They, for the first time, put a strong agenda that the mother language must be the medium of instruction in primary education in schools at local levels. Consequently, Janakpur Municipality and Kathmandu Metropolitan started to use Maithili and Newari respectively at local bodies. A writ was registered in the Supreme Court against this move. As the Supreme Court ruled in favour of Nepali language, this new language movement became a nonstarter. The 29 May 1992 Court verdict is still taken as a “black day” by non-Nepali-speaking people. Therefore, on this particular day, various organisations protest against this historic blunder committed by the Supreme Court. However, these language activists hold an opinion that Sanskrit is a dead language, and therefore, it should not be included in the school curriculum.

The language movements in Nepal kept on gaining momentum especially after the Vice-president Parmanand Jha elected from the Constituent Assembly took the oath of office in Hindi language on 23 July 2008. This act of the Vice-president met with several protests across the country, and a writ was registered in the Supreme Court. The Court ordered the Vice-president to retake the oath according to the regulation of the Interim Constitution within seven days. Since the Vice-president disobeyed the court order, the position of the Vice-President remained “inactive” for about six months.

In the second week of February 2010, Jha retook oath both in Nepali and Maithili clad in *Daura Suruwal*, hitherto regarded as the national dress. Then only he was reinstated as the Vice-president. Even the Maithili-speaking people were sadly dissatisfied with Jha for taking the oath in the Hindi, clad in dhoti and kurtha, the national dress of India. Such a move by such a person elected to the top position of the state going through a politically volatile and sensitive situation, and someone who was supposed to set a role model for others to follow was naturally taken as an insult by the people. This move to establish the Hindi language as an official language in Nepal thus failed. It is believed that had the Indians succeeded to establish Hindi as one of the national languages in Nepal, the Public Service Commission would have been adversely affected.

Jha had worked as a judge in the Supreme Court for years. Therefore, his “oath” taking was taken not as a mere mistake committed by a novice but a deliberate action made to legalise the language policy that the party which nominated him as the potential Vice-president has been advocating.

Similarly, many CA members from Madhes have demanded to recognise Hindi as an official language in the new constitution. They argue that Hindi needs to be given the status of a contact language in Madhes in a manner similar to the way Nepali has been given the status of a lingua franca in mountain and hilly regions of the country. However, Prof. Amar Kant Jha, someone coming from the Maithili area in the Tarai, argues that if Hindi is given an official status of a contact language in the Tarai or Madhes, great many mother tongues of Tarai such as Maithili, Bhojpuri, Bajjika and Awadhi among others will die out or go out of use.

The Committee during its tenure consulted nationally and internationally acclaimed linguists and language experts such as Prof. Yogendra Prasad Yadav, Prof. Novel Kishore Rai, A. Prof. Purna Man Shakya, Dr. Subhadra Subba Dahal and Asst. Prof. Sudha Tripathy for their opinions and advice.

Hindi as Official Language

During the period the draft was prepared, the Committee had to hold discussions on issues of diverse natures, especially Madhes-based parties demanded Hindi to be given an official status in the new constitution. However, the CA members, except those belonging to the UCPN (M), stood against this proposition. The UCPN (M) CA members remained mum on this issue though they argued in favour of a multilingual policy. Despite all disputes and disagreements, the Committee in the report states that "the language for official use in the central government shall be Nepali of *Devanagari* script". But Madhes-based CA members have expressed their different opinions in this regard.

Altogether eight CA members: Hari Narayan Yadav, Muga Lal Mahato, Jaya Ram Yadav, Karina Begam, and Sabita Yadav (Madhesi People's Rights Forum-Nepal) Kabindra Thakur (Tarai Madhesi Loktantrik Party-Democratic), Gauri Mahato Koiri (Sadbhawana Party) and Krishna Thakur (Nepali Congress) registered different views demanding that both Hindi and Nepali be legalised as official languages. However, Krishna Thakur through a press release expressed her support for Nepali as the only official language. Those who demand Hindi to be given official status in Nepal argue that "the policy of multilingualism, *khas* language and Hindi language of *Devanagari* script should be established as contact languages for the people of mountains, hills and Tarai, and Hindi should be given a status of official language by the central government".

Though Madhes-based party leaders claim Hindi to be given a status of the contact language in Tarai, the language experts from Madhes oppose the very claim. Linguists and Tarai-culture experts put the logic that if Hindi is given official status of a contact language; other languages of Tarai will remain endangered. They point out the importance of promoting and protecting languages such as Maithili, Bhojpuri, Awadhi and Tharu among other languages spoken in Tarai through implementing a multilingual policy.

Language is part and parcel of culture for great many castes and communities of this country. Moreover, nationalism is directly linked with language and cultures. Therefore, if a language dies, it not only affects a particular culture but also weakens nationalism as a whole. Prof. Yogendra Prasad Yadav says multilingual policy is the most suitable policy for a country like Nepal. He does not agree

with the official data that states that only 11 languages are spoken by more than 1% of the total population. As an expert, he states that there are 16 such languages. He further states that Nepal is not the only country where great many languages are spoken. In Papua New Guinea, some 900 languages are spoken, and 500 languages are used as the medium of teaching at school level.

Election on “Words”

Sixteen UCPN(M) CA members have stated their opinion that the phrase "people's war" not the "armed conflict" should be officially used to refer to the particular period of Nepali history (1996-2006), and multilingual policy should be the policy of the nation in the days to come. They proposed that out of 92 languages, the ones spoken by more than 1% of the total population should be given federal and provincial status in the new constitution. They argue that under multilingual language policies, the nation in its new constitution needs to give the following languages a federal and provincial status:

- (a) Khas language (Nepali language or Dotyal language with *Devanagari* script)
- (b) Magar language
- (c) Tamang language
- (d) Newar language in *Ranjana* script
- (e) Tharu language (Dagaura Rana)
- (f) Rai (Kirant) language
- (g) Limbu language
- (h) Maithili language
- (i) Bhojpuri language
- (j) Awadhi language
- (k) Gurung language

The UCPN(M) CA members further assert that to recognise one language as the contact language, or state language is to impose suppression over other languages spoken in the same area. In a roundabout way, the UCPN (M) seems to be against the idea of accepting Nepali as the only official language. Of the seventeen political parties which submitted their concept papers on language in the Committee, 10 parties have proposed Nepali as the official language in the new constitution. However, Lila Kumari Bagale, a UCPN (M) CA member put a different view in the Committee. She is of the opinion that indigenous people should be granted prior rights on consumption of natural resources such as water, land and forest.

Though different views were registered on the term “people’s war”, the debate whether to retain it or not in the constitution was settled through holding a vote on 8 June 2010. Altogether 19 votes were cast in favour of writing “armed conflict” and only 12 votes were cast in favour of “people's war”. The chair of the Committee Nabodita Chaudhary finally announced the majority's consensus for “armed conflict” and decided to abide by the votes.

This Committee proposes that the language of communication between federal government and provincial government must be the very official language that the central government practices. However, inter-provincial governments can fix any particular language as the contact language (such language can either be the one used by the central government or any other that is helpful for people belonging to the provinces to communicate with each other). The Committee in its report proposes that language of the central government should also be the language of the judiciary. Finally, the Committee has proposed to form a special “Language Commission” to study about the scope for other regional and local languages to get official status.

Cultural and Social Harmony

The Committee had held extensive discussions with regard to cultural issues with experts such as Dr. Saphalya Amatya, Prof. Prem Kumar Khatri, Prof. Chaitanya Mishra, Najarul Hussein, Falahi Amir, Dr. Keshar Jung Baral Magar, and Jagaman Gurung. Likewise, Prof. Krishna Khanal, Dev Prasad Gurung, Dr. Krishna Bahadur Bhattachan, Dr. Yubaraj Sangraula, and Dr. Hari Bansha Jha provided suggestions on cultural and social solidarity that Nepal must maintain in the days to come. The Committee invited experts for their views so that it could trace down processes that are essential to preserve languages of the minorities and maintain as well as uphold cultural solidarity among people.

Prof. Krishna Khanal defined social solidarity as the sense of unity, fellow-feeling, and mutual help among different communities and individuals living in a society. Prof. Krishna Bahadur Bhattachan opined that the main cause of disturbance in social solidarity in Nepal are none other than Brahmanism, patrimonial state, Hindu culture, *Khas* Nepali language and hill cultures. Many a time Bhattachan put harsh words against Brahmanic cultures.

During 16 February 2008 - 17 June 2009, the Committee held altogether 48 meetings to prepare the draft of concept papers. When the UCPN (M)-led government resigned on 28 May 2008, it had some direct effect on the meetings of the Committee. None of the thematic committees could finalise issues with consensus from its members. In almost all the committees the disputed issues were settled through holding election. Registering different views became the defining characteristic of almost every committee.

The Committee on Protection of Rights of Minorities and Marginalised Communities and the National Interest Preservation Committee finalised their report that includes all different opinions put in meeting whereas the Committee for Determining the base of Cultural and Social Solidarity drafted the report on the basis vote of majority. The Committee on State Restructuring and Distribution of State Power was the last to submit its report in the CA. It too decided on the issues through voting. This Committee too finally finalised issues such as 14 state provinces, caste and ethnic rights, prior rights of the majority population of the province for two consecutive terms, and rights to self-rule among others.

The study and analysis of the reports submitted by other ten thematic committees show that the members hardly made any interactions with the members belonging to other committees before preparing their reports. Some committees call “state”, others including this one call “province” and yet others call “county” to refer to the same thing called “nation”. Moreover, the report prepared by this Committee states that many communities, groups and classes have remained far undeveloped because of the lack of proper social and cultural policies. But on the other hand, this report remains silent about the forces responsible bringing such sorry fate to great many ethnic communities. In almost all reports submitted by the committees there are a lot of expressions of ambiguity. Moreover, their reports read more like thesis paper of graduate students than the preliminary drafts meant for writing constitution.

It looks as though the CA members or the members belonging to different constitutional committees did not raise themselves above the party lines and ideology while sitting on the discussion sessions held to prepare the draft. To everyone’s surprise they did not make any significant contribution to the CA meetings. However, Pradeep Giri, Narhari Acharya, Pradeep

Gyawali, Gagan Thapa, Bishnu Prasad Paudel and Shankar Pokharel among other CA members behaved exceptionally well as they addressed social and cultural issues of Nepali people openly without caring what their own party expected from them. They put forward very important perspective on great many larger national interests.