

3.2 Doms: Most Marginalized among Dalits

The Dom community, historically labeled as “*Chandal*”, “*Shoodra*”, “untouchables”, and “graveyard-dwellers”, were assigned to the lowest rung of the hierarchical Hindu caste system, and have been subject to extreme oppressions. They face discrimination on a daily basis.

The Dom community in Nepal are primarily based in Saptari, Siraha, Dhanusha, Parsa, Sunsari, Mahottari, Sarlahi, Rautahat, Bara, Morang, Nawalparasi, Jhapa, and other Terai (plains) districts. Dalits constitute about 13 per cent of the Nepal’s population, and Terai Dalits make up about 35 per cent of the Dalit population. According to the Census (2011), the Dom community has a population of 13,268 or less than 1 per cent of the Terai Dalit population. Despite their position in the Hindu social order, Madhesi Hindus, believe that their deceased will ascend to heaven if flames provided by the Doms are used to light up the funeral pyres.

The situation of the Dom community in Nepal is worse than other marginalized groups in terms of both access and development. They face discrimination on almost a daily basis, are low representations in jobs, do not own enough land and have little or no political representation. Several harmful social practices such as child marriage, polygamy, dowry and patriarchy are still practiced in the community, and the situation of Dom women

is worst: they are subject to physical and sexual abuse and have often been targets of allegations of witchcraft. They are also forced to perform tasks considered demeaning such as cleaning, trash collection, raising pigs and keeping watch over cremation grounds. Low education, social and state neglect have largely kept the community of accessing government services and support in education, health care, etc.

This section does an in-depth review of the Dom community and their Human Rights based on a study of the community of 150 people (78 women and 72 men) living in Chinnamasta Rural Municipality-1. Data reported in this analysis includes that collected from primary and secondary sources.

Population and Distribution

The Dom community is found in different countries of South Asia with highest populations found in north India. According to the Joshua Project, 2,128,000 Doms live in India, 24,000 in Bangladesh, 13,000 in Nepal and 100 in Pakistan¹. In Nepal, there were 6668 men and 6600 women on the Dom community in 2011. Of this, 12,833 Doms lived in the Tarai/Madhes region, 24 in the Hill and 411 in the mountain regions. About a third of this population lived in urban areas.

According to census data (2011), Saptari District has about 97 different caste and ethnic groups with high num-

1. https://joshuaproject.net/people_groups/16734

bers of people belonging to the Yadav, Tharu, Teli, Dhanuk, Muslim, Musahar, Koiri, and Chamar. The Dom community comprises 0.05 per cent of Nepal's population. In Saptari District there was a population of 1,871 people from the Dom community distributed across 18 urban and rural municipalities.

Economic and Social Wellbeing

The Dom (Marik) community has high poverty and landlessness. The people earn their livelihoods by working in the fields of others or as domestic help, raising pigs and making products of bamboo for sale. They also work as grave diggers and support cremations.

Owing to lack of education and awareness, the Doms consider caste-based discriminations and oppression as their fates. The Doms also have their own system of order within the community. The *Mainjan Jawar* (community leader) has authority over others during property sale/exchange, marriage and divorce, conflict settlement and punishment for those who violate traditional norms. The position of the Mainjan Jawar is transferred to the eldest male child.

Early marriage is part of the Dom tradition. Over 80 per cent of Doms in Saptari are married during childhood as parents believe that they will go to heaven after death if their daughters are married before puberty. This explains why child-marriage is prevalent in the community. Generally, these marriages are held by the time the bride and the groom attain the age of 12/13 years. The married couple begins to live together after attaining the age of 15/16 years. Doms forbid marriage outside the community.

The Dom community has low educational attainment. Access to education is impeded by untouchability that is still practiced in educational institutions.

Many members of the Dom community are also largely unaware about the need to obtain citizenship certificates for public services. Only 60 per cent of Doms had citizenship cards in the study area. A majority of the Doms were illiterate but there also were people in the study who had completed Grade 10. This applied largely to men, even though elsewhere there are some members of the community who have had higher education degrees².

Members of the Dom community have low political representation, and there were no nominated politicians from the community at the ward level in the study area. Yuktilal Marik from Chhinnamasta Rural Municipality-2 became a district-level member of the NCP recently.

Struggle for Equality

The struggle for liberation from caste-based oppression and untouchability for the Doms began after they expressed their protest by boycotting the disposal of animal carcasses and playing drums during the Dashain festival in Saptari after 1998. This movement triggered similar protests in Saptari, Sunsari and Siraha districts that were led by local Doms. Their struggle against caste-based discrimination began with movements to secure rights to worship at Hindu temples. The Doms of Saptari secured the right to enter the Chhinnamasta Temple on 8 April 2003, which inspired similar movements in neighboring districts. The successes led to a convention of Doms of Saptari in Rajbiraj in 2005 that also established the Dom Utthan Samaj (Dom Upliftment Society).

Under the leadership of Yuktilal Marik of Chhinnamasta, an 11-member adhoc committee was formed. Members of that committee were mistreated and chased away by shopkeepers when they tried to enter shops for tea and snacks. On February 12, 2005, owners of three differ-

2. <https://jagaranmediacenter.wordpress.com/2016/07/26/>

ent restaurants in Rajbiraj denied services to Doms. Dom Utthan Samaj, then, filed complaints with the District Administration Office, District Police Office and Ward Police but they all fell on deaf ears. After no actions were taken against the antagonists, a formal case against untouchability was filed in Saptari District Court. The legal battle lasted for nearly three years. Eventually, the Court issued a warning and a fine of Rs. 51 each to the accused. In later cases, the court began awarding higher fines and compensation for discrimination such as one where a Dom woman was barred from and beaten for fetching water from a village well

The victories in temple and restaurant entries inspired more movements and in July 2006 an assembly in Lahan, Siraha formed the Zonal Dom and Mestar Struggle Committee that also made some political demands including guaranteed representation in the Constituent Assembly, representation of Dom and Mestar women within the 33% reservation for women, among others³.

Even though untouchability is illegal, it is still prevalent across Nepal. Doms are not allowed to enter houses of the so-called “higher castes”. Moreover, they are also discriminated against and despised by other Dalits and their water sources are still segregated. The discrimination also continues in restaurants and is particularly entrenched in rural areas.

Doms do not have land for farming and therefore face food shortages throughout the year. They generally raise pigs and produce bamboo products (which are also being displaced by plastic). People generally do not buy dairy, oil, tea or food from Doms, and therefore their livelihood options are limited. The Doms are largely concentrated in rural areas and many of their huts are made of clay,

hay and grass. They lack proper toilets and water supply. The government has declared Saptari as an Open Defecation Free district, but this is not the case for the Doms.

Generally, they also have low access to public services. According Samata Foundation report, 58 per cent had not registered deaths, 45 per cent had not registered marriages, 29% had not registered births. The study had covered 139 families.

Many people from the Dom community have not gone to school. This is one reason that has affected their wellbeing, and also the ability to access public services.

Policy Issues

Nepal criminalized caste-based discrimination in the Muluki Ain (Country Code). This was continued in constitutions of 1990 and 2007, and also in the Constitution of 2015. However, caste-based discrimination has not stopped. Further, there is still no substantive law to address the rights and development of Dalits, who have the lowest development outcomes among all social groups in Nepal⁴.

Nepal’s Caste Discrimination and Untouchability Act (Offense and Punishment), 2011 was enacted on 24 May 2011. The election laws and laws on civil service have also made reservations for Dalit candidates. Even though many Dalit communities have benefitted from these provisions, the benefits have yet to reach the Dom community largely because of poor education and awareness that these exist. The reservations provided by government are supposed to be based on an inclusive criteria based on indicators of social and economic backwardness of different marginalized communities that was to have

3. *Bisunke and Bishwokarma, 2008:30*

4. (INSEC): *Laws and policies regarding women, Dalit and disability and their implementation status.* 2016: 91

been issued in a notification in the Nepal Gazette. However, even after 10 years of the implementation of the provision, the government remains to publish such a list⁵.

Given the poor economic, education and social status of Doms it is unlikely that they can compete for Madhesi Dalit quotas. Therefore, there is need for separate reservations for the Doms and other very marginalized communities among socially excluded groups. The Government's Urban Development and Buildings department has plans to build two-room houses for Doms and Mehatar families of Saptari and Siraha Districts under the *Janata Awas Karyakram* (People's Housing Program) in 2019/20. Realizing this would require local governments to allocate land for construction because these groups generally do not own land.

The Ministry of Education implemented its "Special Procedure on Scholarship 2014" targeting Dalits with low incomes. Dinesh Kumar Marik, 19, of Rampura in Chhinnamasta Rural Municipality-9 of Saptari was the first person in his community to benefit from a scholarship to study medicine under government scholarship in 2018. The eligibility criteria for the scholarship are stringent and it is unlikely other Dom children can benefit from it unless special efforts are made to support their education up to the high school level.

Introducing skills of Tarai Dalits, especially the Dom community in the curriculum of formal/informal, and vocational education will make them proud of their skills and also encourage them to learn their traditional skills. This way, children belonging to other communities will also take benefit from such skills and interaction between the Dalit and non-Dalit students will increase.

Policy Recommendations

The problems faced by the Dom community are different from those faced by other Dalits, therefore the solutions need to be different and focused on the community. These should include, but not be limited to the following:

1. Adopt a zero-tolerance policy to caste-based discrimination with strict sanctions and enforcement and support measures to mainstream Doms in Nepali society as equals. (The mainstreaming approaches could include special reservations and quotas for candidates from the Dom community in all opportunities of the state)
2. Provide skills training and support modernization of their traditional vocations to open up income generating options and make special provisions for supporting the education of children from the Dom community to better-prepare them from benefitting from scholarships in higher education.

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10. Various newspapers, books, working papers presented in various programs, and interaction and discussion with Dalit leaders and locals

