

Sanjaya Serchan. 2016. *State and Society: Collected Writings*. Kathmandu: RAES.

Sanjaya Serchan has written on ethnicity, cultural diversity, nationalism, political culture, inclusive democracy, and federalism. This new book is a collection of his eight insightful and critical essays on the political parties and the constitutional history of Nepal. Three essays, in particular, examine the seven constitutions promulgated in the last seven decades. Equal number of essays focus on Nepal's political parties. The book also includes two important essays—one on the constitutional experiences of China and India vis-à-vis autonomy of minority groups, and the one on the “internal colonization” of the Tarai from a demographic perspective.

The three essays on the constitutional history of Nepal chronologically follow the major political changes of the 1950s, 1990, and the post-2006 periods. In the first essay entitled “Democratic Experimentation in Nepal: An Analysis of Three Constitutions,” Serchan examines the 1948 constitution (or the Government of Nepal Act, 1948) prepared by the Rana regime on the verge of its demise, alongside the interim constitution of 1951 and the 1959 constitution (implemented after the 1950–1951 revolution). These three constitutions reflect Nepal's early experiments with democracy and show how they sought to address the rising democratic aspirations of the people. At the same time, these constitutions were “given” either by the Rana rulers or the kings and transferred the sovereignty from the Ranas to the Hindu

kings. In the second essay, the author compares the 1990 constitution with the interim constitution of 2007, the latter of which sought to be more inclusive. The third essay entitled “A New Constitution 2015” critically analyzes the new constitution by highlighting both its strengths, but particularly its exclusionary provisions relating to women, indigenous peoples, Madhesis, and religious minorities. Alluding to the “insular” political processes under which the 2015 constitution was promulgated by the second Constituent Assembly (CA), Serchan writes, “The new constitution ... arose out of *the politics of fear*, fear of the traditionally dominant groups of losing their entrenched position in the society” (p. 166, italics added).

The extended discussions of the constitutional articles and provisions presented in these essays at times get technical, and may not appeal to a general audience. They could have benefited by critically engaging with the previous scholarship on Nepal’s constitutional history and explaining how the author’s findings differ. There is likewise a silence regarding the analytical-theoretical approaches applied in examining the constitution as a field of inquiry. Nevertheless, the author states explicitly that “constitutions can be taken as pointers or indicators to the type of polity that the socio-political elites aimed to create at that time” (p. 59). Serchan provides ample evidences to substantiate his claims. Anyone interested in the history of constitutional practices in Nepal would find these essays useful and insightful.

In the essay entitled “Autonomy and Federalism: The Constitutional Experiences of China and India,” Serchan engages with the contested issue of autonomy and federalism in Nepal by way of discussing how China and India (Nepal’s two neighbors with different political systems) have accommodated both territorial and non-territorial autonomy, including social-cultural, linguistic and religious rights of their minority and tribal population. On those fronts, the constitutions of China and India seem more “progressive” than the 2015 constitution of Nepal. China, for instance, has designated autonomous regions for its minority populations with additional constitutional provisions to ensure that the administrative head of a given autonomous region comes from one of the nationalities residing within that region. Additionally, the Chinese constitution guarantees the official use of the language of the minority population of the region at all levels of governance and court proceedings.

In a similar vein, the constitution of India includes provisions that safeguard the rights of the minority and tribal populations. The author

particularly highlights the Sixth Schedule enshrined in the Indian constitution and their legal implications on the autonomy of Nagaland and Mizoram. These two Indian states have special rights as they pertain to tribal customary practices and laws as well as autonomy over the ownership and transfer of land and resources. The chapter offers a succinct overview of the constitutional provisions on minority rights as they came to be practiced in China and India. This chapter could have been more insightful with the inclusion of some specific historical-political contexts that have shaped the particular trajectories of these constitutional practices in China and India respectively.

In the essay “Internal Colonization: An Analysis with Regard to Nepal’s Tarai-Madhesh Demography,” Serchan uses the concept of “internal colonization” to study the drastic demographic shifts in the context of the large migration of the hill population to the twenty Tarai districts during the last half century (1952–2011). The unprecedented population shifts in the Tarai consolidated the hegemonic dominance of the ruling hill groups over and at the cost of the people of the Tarai-Madhes. Serchan argues that the hill-centric Nepali nationalism sees “tarai-madhesh [sic.] as a territory that it could virtually lord over” (p. 46). When the large-scale migrations from hills to the Tarai occurred, the “wishes and desires of the people of the tarai-madhesh [sic.] themselves were of little consequence” (p. 46). Not surprisingly, the people of the Tarai-Madhes find their relationship with the Nepali state as essentially colonial in nature. Taking this problematic history into account, Serchan advocates for an identity-based federalism that would allow the Madhesi people to have “the opportunity to protect and promote their language, culture and ways of life even within the Nepalese state itself” (p. 47).

The three essays on the political parties focus on the Maoists and their political system during the “people’s war,” history of the Nepali Congress, and the communist parties of Nepal. These essays are foregrounded within the larger debates over the “national question” and the election trends between 1959 and 2013. In the essay “Nepalese Maoists and Their Political System,” Serchan examines the official documents of the Communist Party of Nepal (Maoist) or CPN-M to explicate the political system they aimed at achieving during the revolutionary period, only to abandon it following the conclusion of the “people’s war” in 2006. Criticizing the Maoists for the failure of the first constituent assembly, the author writes “the contradiction between what the Maoists aimed to achieve during their ‘people’s war’ and today’s realities is one of the reasons behind the failure of the first constituent assembly” (p. 79).

The essay “Nepalese Political Parties and the ‘National Question’” discusses how the Nepali Congress and the communist parties of Nepal (the oldest political forces of the country) addressed the issues of caste, ethnic diversity and exclusion prior to the 1990s. Both the Nepali Congress and the communist parties, at the time of their founding (late 1940s), had championed the causes of the historically marginalized caste, ethnic, religious and linguistic minorities in Nepal. While the Nepali Congress remained silent on these issues during the Panchayat regime (1960–1990), the communist parties were more empathetic to the extent that they promised the right to self-determination for the ethnic groups. In the party document of 1989, the Communist Party of Nepal (Marxist-Leninist) specifically criticized the monarchy for “declaring the country as a Hindu state ... imposing the Hindu religion on the people and other religious communities” and “declaring the Khas-Nepali language as the only language of the nation (*rastra bhasa*) and suppressing the development of the other languages of the country” (p. 122). Ironically, today the Communist Party of Nepal (Unified Marxist-Leninist) “has appeared as a socially conservative right wing populist ‘nationalist’ party” (p. 133).

Each essay in the book reads like an independent chapter. These essays are informed by the author’s emphasis on inclusion and diversity, autonomy of the historically marginalized groups and the hegemonic dominance of the hill Hindu “high” caste groups in Nepal’s polity. The book could have benefited with a short introductory chapter grounding the essays in terms of the overarching themes and highlighting the conceptual inter-linkages between them. Serchan concludes by arguing that the mainstream political parties failed to address the aspirations of the *ādivāsī janajāti*, Madhesi and other historically excluded groups in the new constitution of 2015. He further asserts that the “challenge before Nepal today is to change a traditionally mono-cultural state into a multicultural polity taking into account the diversity of its society” (p. 7). Serchan cautions that “Nepal is in the danger of lapsing into the situation of deeply divided societies with their rigidly consociational measures” (p. 166), and underscores the need for “understanding and magnanimity, especially from the traditionally dominant groups of the Nepalese society” (p. 166). This is an important publication on Nepali politics.

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