THE KAMAIIYA SYSTEM OF BONDED LABOUR IN NEPAL

INTRODUCTION

The origin of the kamaiya system of bonded labour can be traced back to a kind of forced labour system that existed during the rule of the Lichhabi dynasty between 100 and 880 AD (Karki 2001:65). The system was re-enforced later during the reign of King Jayasthiti Malla of Kathmandu (1380–1395 AD), the person who legitimated the caste system in Nepali society (BLLF 1989:17; Bista 1991:38-39), when labourers used to be forcibly engaged in work relating to trade with Tibet and other neighbouring countries.

In the 18th and 19th centuries, the Gorkhali and Rana rulers introduced and institutionalised new forms of forced labour systems such as Jhara,\(^1\) Hulak\(^2\), Beth\(^3\) and Begar\(^4\) (Regmi, 1972 reprint 1999:102, cited in Karki, 2001). The later two forms, which centred on agricultural works, soon evolved into such labour relationships where the workers became tied to the landlords being mortgaged in the same manner as land and other property. These workers overtimes became permanently bonded to the masters.

The kamaiya system was first noticed by anthropologists in the 1960s (Robertson and Mishra, 1997), but it came to wider public attention only after the change of polity in 1990 due in major part to the work of a few non-government organisations. The 1990s can be credited as the decade of the freedom movement of kamaiyas. Full-scale involvement of NGOs, national as well as local, with some level of support by some political parties, in launching education classes for kamaiyas and organising them into their groups culminated in a kind of national movement in 2000. This forced the government to declare the system illegal. But the declaration did not give kamaiyas intended freedom.

In fact, slavery and practices akin to slavery—such as the kamaiya system—have been abolished at least three times in Nepal: in 1926 by the decree of the then Rana Prime Minister Chandra Sumsher; in 1990 through Article 20 of the Constitution of the Kingdom of Nepal and in 2000 through the cabinet decision. But these efforts have had little effect on giving real freedom to the kamaiyas—as the subsequent sections expose—although after 2000 cabinet decision and the subsequent Kamaiya Labour (Prohibition) Act 2002 making the practice of Kamaiya (bonded labour) illegal, hence non-existent.

It is so even to speak in terms of international humanitarian law. His Majesty's Government of Nepal has ratified almost all international human rights instruments that prohibit slavery and bondage (see Annex 1). Nepal is also the State Party to all major international human rights treaties that promote and uphold ‘human rights for all’, and protect peoples from degrading and inhumane treatment. Despite these legal bans—internationally and domestically—bonded labour systems and practices are reportedly in existence in various forms (Sharma and Thakurathi, 1998; Robertson and Mishra, 1997; Karki, 2001).

\(^1\) Jhara meant the general obligation to work for the government, which was compulsory and unpaid.
\(^2\) The Hulak system was Jhara in relays, common in porterage services. Unpaid and compulsory forced labour were utilised for transportation of arms, salt-peter and other military supplies.
\(^3\) Beth meant the supply of field labour to landlords and local officials.
\(^4\) Begar denoted porterage services to landlords and village officials.
This study is however limited to bonded labour in the kamaiya system prevalent in Banke, Bardiya, Kailali, Kanchanpur and Dang of Mid and Far Western Region of Nepal (See Annex 1 for the Map showing the communities holding bonded labourers).

**DEFINITIONS**

‘Bonded Labour’

Unlike a free labourer, who can enter or withdraw from the labour market at will, a bonded labourer cannot control their labour power due to politico-ideological constraint or extra-economic coercions (Brass 1999:10). In the context of Nepal, however, due to diversities in its nature, areas of coverage and socio-economic and cultural dimensions there is no consensus in defining bonded labour (Karki 2001: 67). Ojha (2000:38) complements Karki’s argument when he claims that the liberation of bonded labourer had been foiled due to the absence of an appropriate definition of bonded labourer”. Kevin Bales, an expert on contemporary forms of slavery, argues that even the United Nations’ definition of bonded labour is contradictory (The Kathmandu Post, 6 January 2000).

The United Nations Supplementary Conventions on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956) defines bonded labour in two broad categories (a) as debt bondage—the status or condition arising from a pledge by a debtor of his personal services or of those of a person under his control as security for a debt; and (b) as serfdom—the condition or status of a tenant who is by law, custom or agreement bound to live and labour on land belonging to another person and to render some determinate service to such other person, whether for reward or not, and is not free to change his status (United Nations 1994:210).

The Ministry of Labour and Social Welfare of His Majesty’s Government of Nepal (1984:6) defines bonded labour as “a person working in the fields for a land owner, looking after his animals and doing other agricultural works in landlords’ fields and in his household chores, incessantly either taking or not taking loans from the landowner, can be considered a bonded labourer”. This definition concentrates on a bonded labour system for domestic chores and agricultural practices only. But it does not address the conditions that force a person to surrender, what Kevin Bales (ibid) says, as “labour power” and "self determinism" thereby making them bonded to others. By this wider definition, bonded labour goes beyond agriculture and stipulates all kinds of forced labour practices. Brass (1999: 297) has, in his study of ‘unfree labour’ in India and Peru, conceptualised bonded labour as a process of deproletarianisation, or the decommodification of labour-power that its owner had earlier offered for sale in an already-existing market for this particular commodity. Following this, bonded labourers are the workers who previously commodified their own labour-power, and thus ceased to be part of a proletariat.

**Kamaiya**

The Nepali dictionary meaning of Kamaiya is “a hard tiller of land, earner, manly (strong/courageous) or obedient person; one who is hired along with his family in other’s land by borrowing in cash or kind from the landowner or a peasant equivalent to him”. According to Turner (1992, cited in Subedi 1999:4), “the Kamaiyas are those courageous, bold, laborious and energetic labourers or so-called farmers who work with their families in the farms of landlords instead of getting some cash amount or grain”. These definitions are simplistic; they do not explain the element of exploitation and unequal social relations that force a person to give up their freedom. Karki (2001:70) addresses this lacking when he defines kamaiyas as “rural labourers forced to work by
an existing socio-economic and political relationship in demeaning conditions, and used as virtually unpaid labour for the cultivation of land and other domestic activities.”

The term Kamaiya refers to a particular form of labour relationship. Within the system, there are other names that define a number of other roles specific to gender and age. Kamaiya is a farm labourer serving a master, a landlord in particular, in repayment of a loan taken in advance by himself or his forefathers. His spouse known as Bukrahi accompanies him in farm works. She is also responsible for domestic chores of the master. Since it is difficult to find a master without a Bukrahi (Karki 2001), a Kamaiya is expected to present his elder or younger sister, mother, brother’s wife, or any female of the family as a Bukrahi. Therefore, in a common understanding, a male and associated female (as a pair) are counted as Kamaiya.

Kamaiya children, who generally work as animal herders, are known as Gaibar if they herd cattle. Those who herd buffalos are called Bhainsbar and those who take care of goats are called Chegar. Similarly, female children working as domestic servants of the landlords are known as Kamlahari (Sharma and Thakurathi 1998:1-3).

In addition to the kamaiya system, researchers have identified other forms of bonded labour systems in construction and manufacturing industries such as the brick, carpet and garment industries (Karki 2001). The worst amongst them, and widely known and reported, is however the Kamaiya system prevalent in the agricultural system of Nepal.

On the surface, the Kamaiya system is a contractual agreement for a year contracted in Maghi (approximately on the 14th of January) between the landowner and an agricultural labourer, where labour is exchanged for payment in nominal cash or kind. Theoretically, at that time, both parties may agree or refuse to enter the contract. They both have the choice to make the agreement, but in practice bonded labourers do not have this freedom of choice. They are forced by social, economic, political and other compulsions to accept the agreement with any conditions dictated by their masters. The Kamaiya system also allows landlords to buy and sell one or more Kamaiyas. The debt attached to a Kamaiya passes on to his son and grandson in case of his death prior to the complete repayment of the loan.

THE ORIGIN OF THE KAMAIYA SYSTEM

The term Kamaiya descends from the dialect of the Tharu ethnic group. According to local wisdom, the word ‘Kamaiya’ originates from ‘Kam’, which refers to ‘work’. In a Tharu parlance, the term is used as a synonym for hardworking hired farm labour. There is a claim that before the eradication of malaria in the Tarai (pre-1951 period), cultivable lands were abundant and population was relatively small. During those days, when a working man or woman of a family would die, there was a trend of hiring a man or woman from another family to compensate the loss of labour. Over time, this genial practice changed into the forced labour system called Kamaiya.

But, according to BASE (1995:4), the large influx of hill migrants into the Tarai following the eradication of malaria in the Tarai region, marginalized traditionally landowning Tharu people by occupying their lands. The Tharus lost the land-resources they had nurtured to the migrants who used to maintain a close tie with the then power centre of the state. The Tharus had no records of the land they were cultivating. Using their political power, the newcomers registered the land—the land of Tharus—in their name forcing the original masters to work for their newly captured land. According to a Tharu village elder (cited by Karki 2001:71), the Kamaiya system developed from a customary practice of obtaining a “helping hand for family business” that was gradually replaced by a ‘patron-client’ relationship as state-led land grants were intensified. This is how inequality became structured, with one person as the Jamindar and the other as
The Socio-economic and Cultural Situation of Kamaiyas in Western Nepal

According to Sharma and Thakurathi (1998:12) very little is known about the socio-economic conditions of Kamaiyas at the national level. INSEC (1992:86) claims that in fact not all Kamaiyas are bonded labour. They can be classified into two categories; Kamaiya with Saunki (debt) and Kamaiya without Saunki. The Kamaiyas with Saunki are more vulnerable than Kamaiyas without Saunki. This is because they can be bought and sold for the Saunki by their masters whereas in some cases Kamaiyas without Saunki may have at least the freedom of choosing their masters in Maghi. However, researchers argue that that both types of Kamaiyas are forced to work as bonded labour by the socio-economic conditions of their society and family. This is because no matter whether they have Saunki or not, once they come into contractual agreement with their landlords they fall into a vicious circle of bonded labour system which has been providing bare subsistence for generations.

The amount of money and grain provided as wages and food to the Kamaiya without Saunki is not enough to feed their family. Over time, Kamaiyas without Saunki were often forced to borrow food and money to deal with socio-cultural obligations from the master, which is called Khaurahi and later on considered as Saunki. Once they borrowed money and food grain from the landlords, Kamaiyas fell into the trap of a debt bonded labour system (ILO 1995:14). The greatest festival of Tharus including Kamaiyas is Maghesakranti (first day of the Magha month of the Nepali calendar) called Maghi in local Tharu parlance. During Maghi, they worship their Kuldevata/Bhutuwa (family god/ghost), and drink Jand, Raksi (local beer, wine) and eat meat (mostly pork). The festival of Maghi is also known as the New Year of Tharu and the celebration period may take 3-7 days. In this festival the Kamaiyas are 'free' to choose their masters and it is a period of 'contract renewal' for the next year. The contract negotiation between Kamaiyas and their masters is thus held during the month of Maghi (January-February) and this process is called kujuni-bhujuni in the local Tharu language. From the day of kujuni-bhujuni, Kamaiyas and their female members of the house (Bukrahis) start working in their master's house. The statement mentioned below made by a Danish journalist after visiting Kamaiya villages of western Nepal describes in emotive terms a western response to the socio-economic situation.

“……It was the first time I went to a place where human rights were so blatantly violated. Although I have seen much poverty all over the world, I
thought this was different. Of course, I didn't like seeing how the Brazilian Indians were treated, or some of the blacks in the United States. Or even the poor in my own country, Denmark. But this was something else. Here in Nepal, it was not anonymous organisations, big companies or the state, but small landowners - almost poor people themselves - who kept the bonded labourers. Some years ago, when I first heard that the Kamaiyas are kept like slaves, because of relatively small debt, I found it hard to believe. Simply because they inherit the debt from their fathers, they could be sold at annual fairs, the landlords could use women as they liked and have the children as servants.

- Source: IB Schou (1999)

Though Kamaiyas are owned by small to middle class peasant farm families, the way they are treated is abusive. A woman’s perspective is reported in the following expression by Mrs Moti Chaudhari of Hattikhalla VDC, Bardiya, who was one of the key women Kamaiya activists in the 1990s Kamaiya movement and is also actively involved in the kaimaya rehabilitation movement:

"... As a daughter of Kamaiya parents, I have entered into Kamaiya system at the age of 6-7 years. I have worked as Ladkakhailaiya for three years. Around the age of 10-11, I started to work as Organiya in same master's house. And I got married at the age of 17-18 with a Kamaiya and became Bukrahi. ... I was beaten several times by the landlord while I was Ladkakhailaiya and Organiya... I was sexually harassed by them several times. Even after I got married and started to work as Bukrahi, several time landlords sent my husband to the field for "irrigating farm land" and came to me to sexually exploit at night. I had always fought back and did not accept such attitude of landlords. But there were many like me, who became victims of such behaviour of landlords. This is not only the case of women, I have also noticed that wives and daughters of landlords also abused and sexually exploited Kamaiyas... We spent most important time of our life under threat and terror. Since we did not have our own home and land, we were forced to accept it, we had no where to go and nobody turn to...since we were not allowed to take Masyoura I used to eat at landlords place. The kind of food they used to give was very same they cooked for their dog...the kind of work, I was asked to do was including cleaning dirty clothes (menstruation, maternity and stool and urine of the children and very old members of their family)... We have never received minimum wage and there was no fixed working hour. This has forced us to come out of landlord house and fight back against the system. These days, we have built a small hut at the bank of an irrigation canal and enjoying relative freedom and our independence."5

Stories of tricks against Kamaiyas abound. They range from the fabrication of Kamaiya debt accounts by landlords, seizure by landlords of their small pieces of land, accused of nonpayment of debts and various kinds of physical torture against them. Discriminations against Kamaiyas are not only limited to the rural elites. The state has also systematically excluded them from whatever state benefits were generally available. Until 1990, none of the stateled land reform policies and programmes considered Kamaiyas as a potential target group, evident by the fact that they were never beneficiaries of the Land Tenancy Rights, Landless People Resettlement Programmes and the like (Karki 2001:74 ).

5 See Karki 2001:74
The Number Debate

As various studies point to various figures, the total number of Kamaiyas has often remained a debatable issue. But most of the studies agree that the number should be around 100,000. Backward Society Education (BASE), a local NGO, estimates the number to be 116,309 (BASE 1995:7). The organisation has categorised Kamaiyas in three classes/types. The Kamaiyas in debt (Saunki) with all family members working for the landlord are grouped as ‘a’ class Kamaiyas. They are the most exploited ones. The Kamaiyas who are in debt but live in their own homes built on unregistered land with some family members working as Kamaiyas and others as share-croppers have been considered ‘b’ class Kamaiyas. Those who are indebted but live in their own homes built on their own registered land of 1 kattha\(^6\) or more are considered ‘c’ class Kamaiyas (BASE 1995:3). The following table shows the number of Kamaiyas as per the BASE grouping.

<table>
<thead>
<tr>
<th>Groups</th>
<th>Total Persons</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>16,318</td>
</tr>
<tr>
<td>B</td>
<td>6,910</td>
</tr>
<tr>
<td>C</td>
<td>33,528</td>
</tr>
<tr>
<td>Total</td>
<td>116,309</td>
</tr>
</tbody>
</table>


The table shows that the largest number of Kamaiyas is in Kailali, followed by Bardiya district. But those in the worst socio-economic situation are in Bardiya followed by Kailali, Kanchanpur, Dang and Banke. But the problem with such a categorisation is that it omits all Kamaiyas without Saunki but who are forced by socio-economic conditions to work for landowners with little or no financial reward.

The government data, which was collected more or less at the same time as BASE (in 1994/1995), however gives a different figure (Table 2).

<table>
<thead>
<tr>
<th>District</th>
<th>Total no. of Kamaiya Family</th>
<th>Landless Kamaiya Family</th>
<th>Total no. of Kamaiya</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dang</td>
<td>1,856</td>
<td>369</td>
<td>12,275</td>
</tr>
<tr>
<td>Banke</td>
<td>1,060</td>
<td>215</td>
<td>6,846</td>
</tr>
<tr>
<td>Bardiya</td>
<td>5,037</td>
<td>2,642</td>
<td>25,846</td>
</tr>
<tr>
<td>Kailali</td>
<td>5,557</td>
<td>2,796</td>
<td>30,463</td>
</tr>
<tr>
<td>Kanchanpur</td>
<td>1,642</td>
<td>919</td>
<td>7,945</td>
</tr>
<tr>
<td>Total</td>
<td>15,152</td>
<td>6,941</td>
<td>83,375</td>
</tr>
</tbody>
</table>

Source: Adapted from Karki (2001:76)

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\(^{6}\) 1 kattha = 3,645 sq. ft.
Though the government figure is relatively smaller than that of BASE, the districtwise distribution of Kamaiya’s presence is more or less the same as for BASE. Although it is difficult to ascertain the reliability and quality of both types of data, the reason for the higher total numbers in the BASE data could be due to counting of all people who are either Kamaiyas or members of a family with Kamaiya, whereas, the government data has only included the numbers of Kamaiyas. However, the government survey undertaken in 2000 on Kamaiya gives us the following information, which is more comprehensive than the earlier one:

**Table 3: Kamaiya Households Desegregated by Landholdings and Houses**

<table>
<thead>
<tr>
<th>Districts</th>
<th>VDC/Municipality</th>
<th>Homeless and landless Kamaiya household</th>
<th>Having home but landless Kamaiya household</th>
<th>Having 2 kattha land Kamaiya household</th>
<th>Other Kamaiya household</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dang</td>
<td>35</td>
<td>239</td>
<td>153</td>
<td>944</td>
<td>1080</td>
<td>2416</td>
</tr>
<tr>
<td>Banke</td>
<td>28</td>
<td>186</td>
<td>874</td>
<td>21</td>
<td>261</td>
<td>1342</td>
</tr>
<tr>
<td>Bardiya</td>
<td>32</td>
<td>3155</td>
<td>1119</td>
<td>1020</td>
<td>1655</td>
<td>6949</td>
</tr>
<tr>
<td>Kailali</td>
<td>37</td>
<td>2688</td>
<td>1119</td>
<td>533</td>
<td>1989</td>
<td>6329</td>
</tr>
<tr>
<td>Kanchanpur</td>
<td>18</td>
<td>1552</td>
<td>355</td>
<td>222</td>
<td>698</td>
<td>2827</td>
</tr>
<tr>
<td>Total</td>
<td>150</td>
<td>7820</td>
<td>3620</td>
<td>2740</td>
<td>5683</td>
<td>19863</td>
</tr>
</tbody>
</table>

*Source: His Majesty Government, Ministry of Land-Reform and Management, Data collected in July-August 2000.*

In contrast to the earlier data, the above government data state that the largest numbers of Kamaiyas (6,949) are in Bardiya followed by Kailali (6,329). Similarly, the worst form of Kamaiyas (both landless and homeless) is in Bardiya district. However, this government data does not provide us with the numbers of debt bondage Kamaiyas in relation to Kamaiyas without Saunki. NGOs and Kamaiya activists in Nepal have challenged the validity and reliability of this data. Non-government sources argue that there are more than 200,000 Kamaiyas in the above-mentioned five districts alone. However, there are no systematic studies from non-government agencies to question the validity and reliability of government data.

Many landowners and masters were very reluctant and in many cases denied that people claiming to be Kamaiyas were Kamaiyas. Such refutation from masters excluded many Kamaiyas from the survey list of the government data collector. This was a very big issue in the areas where confrontations between these two parties were very high. Similarly, during this study it was observed that most studies in the past did not consider children, women and older Kamaiyas as Kamaiyas. This is because often the women’s, childrens’ and older Kamaiyas’ wages are appended to the adult Kamaiyas’ wage and labour in Nepal. This might have made an enormous difference to the figures presented in the above tables and other NGOs and Kamaiya activists’ estimations. Therefore, it can be argued that a large number of Kamaiyas were excluded from the government survey process.

**Division of Labour and the Life Cycle under the Kamaiya System**

There is a marked division of labour within the Kamaiya system, determined by a combination of traditional social relationships, production demands and the reproduction systems in western Nepal. Women are given different positions according to their work responsibilities. Women involved in household work and other farm works are called Kamlahri. Women who are fully involved in agricultural and household work
with male partners are called *Bukrahi* and the women who are totally involved in such work without a male partner are called *Organiya* (Chaudhari 1996:38). Whatever the position and names, all types of female *Kamaiyas* have to be ready for any kind of work their landlords/masters ask them to do.

*Kamaiya* children are required to work as animal herders and domestic servants. Female children generally work as domestic servants while male children look after the livestock as animal herders. Working for the master amounts to apprenticeship training for children to ensure that they become effective *Kamaiyas* as they grow older. There are about 13,000 children working under the *Kamaiya* system in the five districts (Sharma and Thakurathi 1998). A large proportion of them was unaware of any wage payments system and did not get paid at all. They are not paid either due to debt incurred by the parents, or because their work is appended to the adult family labours, or they simply work in exchange of food and clothing. The division of labour among the *Kamaiyas* depends upon the age and sex of the *Kamaiyas*. The following table presents the nature of work and division of labour within the *Kamaiya* system.

<table>
<thead>
<tr>
<th>Age/Sex</th>
<th>10-12 Yrs.</th>
<th>12-13 Yrs.</th>
<th>14-15 Yrs.</th>
<th>15-55 Yrs.</th>
<th>&gt;16 Yrs.</th>
<th>&gt; 55 Years</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>Chheghraha</td>
<td>Bardiwa</td>
<td>Bhaiswar/Gaiwar</td>
<td>Kamaiya</td>
<td>Ghardhuriya</td>
<td>Chheghraha, Bhaiswar, Bardinya</td>
</tr>
<tr>
<td>Female</td>
<td>Chhegrinya</td>
<td>Bardinya</td>
<td>Bhaiswarniya</td>
<td>Kamlahri/Bukrahi</td>
<td>Ghardhurinya</td>
<td></td>
</tr>
</tbody>
</table>

Source: SPACE (1996:13)

The responsibility of *Chhegrahawa* and *Chhegrinya* is to take care of goats in landlords' farms. The role of *Bardiwa* and *Bardinya* is to take care of oxen and *Bhaiswar/Bhaisarniya* and *Gaiwars* is to take care of buffalos and cows respectively.

Diagram 1: Division of Labour by Gender and Life Cycle under the *Kamaiya* System

![Diagram 1: Division of Labour by Gender and Life Cycle under the *Kamaiya* System](image-url)
Those who are in the age group of 15-55 are considered fully economically active and called Kamaiya in case of male and Bukrahi or Kamlahri in case of female Kamaiyas. The eldest son or daughter (more than 16 years old) is called Ghardhuriya/Ghardhurinya. All the activities within the household of Kamaiyas are taken care of under the leadership of Ghardhuriya/Ghardhurinya. The responsibilities of the Kamaiyas who are more than 55 years old are the same as the role of children between 10-15 years old. Karki (2001:80) illustrates the division of labour and life cycle of Kamaiyas in the following diagram developed in the light of his intensive interaction with the local people during a fieldwork in Bardiya in 2001:

As the life cycle shows, a person enters into the cycle of bondage as Ladkakhelaiya as young as 5-9 while taking care of masters’ children, who are normally younger than Ladkakhelaiya. As they grow, the assignment continues to change. At ten, they turn to Bhaiswar or Gaiwar. At around 15, they may be given responsibilities of taking care of oxen and other farm responsibilities. The role takes other forms when a Kamaiya becomes older, generally more than 50 years, assigned to take care of plants at the homestead and is called Badheruwa. Sometimes, older Kamaiyas are also assigned to take care of cattle and buffaloes, and are also called Gaiwar and Bhaiswar. Similarly, those older Kamaiyas (both males and female) who take care of masters’ children are also called Ladkakhilaiyas.

Terms and Conditions of Work and the Kamaiya-Landlord Relationship

Despite the fact that Kamaiya is a term specific to men of a certain age, this essay uses terms Kamaiya, Kamaiyas and Kamaiya system to describe men and women of all ages in bonded labour relationships in western Nepal. Most of the Kamaiyas live in the Bukura (small thatched hut) provided by the landlord. In most cases, all the members of a Kamaiya’s family fully depend upon the Masyoura (food grain provided by the master against their labour) for survival. In principle, if a Kamaiya is not satisfied with the behaviour of his or her master, every year he or she can choose a new master. However, in practice, most Kamaiya do not have this freedom of choice. They are forced for various reasons to accept the terms and conditions dictated by their masters. BASE (1992:15) states that the Kamaiya system is a cruel story of human economic exploitation and cultural humiliation. The existing law and order systems do not protect Kamaiyas from this cruelty; once a Kamaiya enters into the bonded labour system they are bonded forever. Under the system, if a father takes Saunki the burden of repayment of the debt is automatically transferred to his eldest son on his death. With the household head, his wife and children are required to work for the same landlord, no matter how many members of the family work for the landlord, it is found that the debt, which is usually a paltry sum, keeps on accumulating and the repayment schedule cuts through generations. On the cultural side, however, some improvements have been seen after 1990 political change, as noted by INSEC (1992) and Sharma and Thakurathi (1998), in the decreasing trend in verbal and physical abuses against Kamaiya between 1992 and 1997. This is probably due to collective actions taken by Kamaiyas themselves, local NGOs and left political parties in the region commensurate with the 1990 change.

Table 5: Changes in Landlords’ Behaviour with Kamaiyas in Selected Districts (in %)

<table>
<thead>
<tr>
<th>Kamaiya Abused</th>
<th>Kanchanpur</th>
<th>Kailali</th>
<th>Bardiya</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scolding/use of verbal abuse</td>
<td>28.9</td>
<td>13.8</td>
<td>40.4</td>
</tr>
<tr>
<td>Beating and physical abuse</td>
<td>5.4</td>
<td>0.0</td>
<td>2.0</td>
</tr>
</tbody>
</table>
To avoid a continuing abuse, the period of "Maghi" offers an opportunity to change master by entering into contractual agreement with another master for a year (Dahal 1999:9-13). In the contractual agreement they mainly discuss the amount of Bigha, Saunki and Masyoura against their work in a year. Since most Kamaiyas have inherited Saunki from their ancestors, this element determines the degree of freedom to choose a new master given the fact the Kamaiya cannot change the old master unless his bebt is paid by the new master. Studies show that Kamaiyas have been working with the same landlords if the amount of Saunki is big. This is because most masters do not want to pay a large amount to buy Kamaiyas. In other words, the smaller the amount of Saunki the more frequently they change their places of work. There is thus a direct connection between the amount of Saunki and the period for which a Kamaiya works for the same landlord. Since the Masyoura (in-kind annual payment made to Kamaiya by the landlords against their work) being paid to the Kamaiyas is not enough even for meeting the minimum expenses of fulfilling their basic needs of food, clothing and celebrating their festivals, Kamaiyas are forced to obtain food grains from masters or landowner, which is commonly known as "Khuwai" or "Khaurahi". The cost of Khuwai is normally added to the Saunki amount and the total amount of Saunki increases every year to sustain the Kamaiya system. Socio-cultural obligations, such as marriage, death rites and other rituals, also force Kamaiyas to take loans making a vicious trap which, over time, becomes not only difficult but impossible to escape from. According to a report prepared by the Landless People's Problem Solving Commission (1996a:29), the total amount of Saunki of all Kamaiyas was NRs.44,131,998 in 1996.

Karki (2001:81) observes that instead of paying Masyoura to the Kamaiyas, some landowners preferred to feed Kamaiyas in their own kitchen while others supplied a fixed quantity of food grains in a single lot on an annual basis. The annual rates of Masyoura have been found to differ between societies and the types of crop they grow.

However, on the basis of his field study in 2001, Karki (2001:83) estimates that Kamaiyas get 8-9 Bora of paddy (approximately 640 Kg) per Kamaiya per year. If their expenditure exceeds the agreed amount of rice, a Kamaiya have to go for Khuwai, to be added to Saunki later on. Generally, it has been realised that the quantity of food grain given as Masyoura is not only poor in nutritional requirements but also insufficient to sustain daily needs. This is one of the important reasons for Saunki increasing every year.

The traditional practice of landowners providing certain land areas to the Kamaiyas against their work as a wage is called Bali Bigha. Generally a kamaiya would get 10-12 katthas of land as under this practice. But it was replaced by a cash or in-kind payment—mostly paddy as an in-kind pay—in the 1990s. But the quantity of paddy supplied as Bigha was different in different districts. For example, in 2000/2001, the following was applicable.

<table>
<thead>
<tr>
<th>District</th>
<th>Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bardiya</td>
<td>700 kg to 900kg</td>
</tr>
<tr>
<td>Kailali</td>
<td>400 kg to 800kg</td>
</tr>
<tr>
<td>Kanchanpur</td>
<td>400 kg to 650kg</td>
</tr>
</tbody>
</table>

Source: Karki (2001:83)

Kamaiyas are generally provided with clothes and food while working at the landlord’s house. None of the Ladakhilaiya and Bukrahi gets Bigha from their masters. But in some of the villages Gaiwars and Bhaiswars receive 5-6 Bora of rice called Bhutti, and 2-3 quintals of paddy are given to Kamalhri called Pharjaggi as part of their payment. In some areas the amount of Bigha a Kamaiya receives is on the basis of the traditional
practice of *Trikur* (one third of the total product of the farm) or *Chaukur* (one fourth of the total farm produce). Overall it was clear that woman and children receive very little directly from landlords.

Above all, once the Kamaiyas fall into the trap of *Saunki*, it is passed on to the eldest sons and subsequent generations. When Kamaiyas and their landlords do not maintain good relationships, Kamaiyas seek a new landlord. But they cannot leave landlords until their loans (*Saunki*) are paid. There is a common practice of selling and buying of *Saunki* borrowed by Kamaiya. This is how the money owed by the Kamaiya to one landlord is transferred to another. Thus, Kamaiyas may be freed from the old one but again they are bonded to the new landlord. In this way, Kamaiyas are sold off in an indirect form from one landlord to another. Throughout life most Kamaiyas continue to borrow and landlords continue to lend in hopes that sufficient numbers of children will grow and pay the debt. Hence the strategic interests of both parties perpetuate the Kamaiya system. The dynamics of *Saunki* and its perpetuation could be explained in the following case study of the experience of Kamaiyas:

"Raj Dev Chaudhary’s grandfather took a loan of Rs. 3,000 from his neighbour Shiva Raj Pant and worked all his life to pay back the loan: But he failed. After his demise, the debt burden shifted to his eldest son, Raj Dev’s father. He too was unable to pay back the loan and after his death the responsibility transferred automatically to Raj Dev. Since as long as he remembers, Raj Dev and his wife has been working arduously in the field of Shiva Raj Pant. Now his six children, a daughter-in-law and two grandchildren have joined the bandwagon. They are in 24-hour and round-the-year duty to fulfil all the labour requirements of the Pant’s household. Yet, the four generation old loan, instead of being paid off gradually, has accumulated to the amount of Rs. 3,696. In case of Raj Dev’s death, the burden of repayment will be automatically transferred to his eldest son."


INSEC (1992:84) maintains that the implications of *Saunki* and contractual agreement between landlords and Kamaiyas is in many ways against the interests of Kamaiyas. Saunkis make Kamaiyas humiliated, helpless and burdened with obligations. They should always obey the masters, who exercise a full control over the whole Kamaiya family. According to a study carried out by the Ministry of Labour/HMG (1995:66), most Kamaiyas have to be ready for work any time their masters ask them. The Kamaiya system does not fix working hours and terms and conditions. There are cases of Kamaiyas being beaten by landlords while working, sexual abuse of both men and women, and forced payment of compensation to landlords if they are unable to work due to sickness and other family problems (see, Robertson and Mishra 1997; Subedi 1999; INSEC 1992 and Sharma and Thakurathi 1998). Though the incidence of physical and sexual abuse has been decreasing significantly following the 1990 political change, the fundamentals of economic "abuse" ingrained in existing agrarian society remains intact.

**How do the Kamaiyas Fall into the Deprivation Trap?**

As discussed above, *Saunki*, the debt incurred from the employer, binds Kamaiyas and deprives them of basic human freedoms: the freedom of mobility, freedom of choice and the freedom of decision making about their work. Excessive work, low wages, and the requirement of family labourers to be engaged with the same employer constrain the Kamaiyas making their exit from the system impossible. The proportion of indebted Kamaiyas has increased substantially along with their average debt. *Saunki* gradually
downgrades the relatively better off Kamaiyas into bonded Kamaiyas as they work more and more years within the system (Sharma and Thakurathi, 1998). Whatever food and cash crops the Kamaiya get as Bigha and Masyoura, it is not enough for subsistence, let alone any saving to pay back Khuwai (small but high-interest loans taken from lenders/merchants for occasional household needs). This is how a poverty trap is produced and reproduced under the Kamaiya system. The diagram given below shows the dynamics of Kamaiya's deprivation trap.

Diagram 2: The Deprivation Trap of Kamaiyas


Widespread poverty, social exclusion and resultant powerlessness force Kamaiya to continue to exist in isolation under myriad forms of vulnerabilities. Once households lose their parental properties such as land, and start borrowing money or food grain from the landlords to meet their daily needs, the existing social system pushes Kamaiya into the deprivation trap. The system then perpetuates itself and continues from one generation to another.

**MOVEMENT AGAINST THE KAMAIYA SYSTEM**

The movement against various forms of forced labour has a long history in Nepal (for example see Regmi 1972, reprint 1999:111:118/121). However, none of the literature published so far documents Kamaiya resistances and uprisings that were held before 1950.
Movements against the Kamaiya system started after political change in 1950 and intensified only after the restoration of multi-party democracy in 1990. Many organisations have been involved in the campaign against the Kamaiya system: United Nations agencies, bilateral donors, international and local Non-Governmental Organisations (I/NGOs), Trade Unions, Political Parties, Government departments and Kamaiyas themselves. Karki (2001:90-91) puts these actions under three broad headings:

- Action from ‘within’
- Action from ‘above’, and
- Action from both ‘above’ and ‘within’

**Movement from ‘within’ against the Kamaiya System**

Despite all the forces working against the formation of a social movement among Kamaiyas, movement from within against the Kamaiya system in western Nepal intensified only after 1990 political change. However, there were a series of sporadic resistances and uprisings in the region before 1990 as well. Most of them were localised and isolated from the broader movements for socio-economic and political transformation.

**Beluwa Movement**

In April 1951, Kamaiyas of Bardiya decided to initiate a collective action to capture Khet and Khaliyan (land and barn) from Beluwa, a village of Bardiya district situated in Manpur Tapara VDC. The Beluwa Movement is the first known movement in the history of Kamaiya emancipation movement developed from ‘within’ to collectively fight against the oppression of landlords.

The poor people were motivated by the wider “land to the tiller” slogan of the 1950s democratic movement. Hence, soon after the political change, Kamaiyas of 11 VDCs of Rajapur areas of Bardiya came together and decided to claim their land rights and ownership over the recently harvested paddy. Approximately 1,300 Tharu Kamaiyas, including women and children, came together at the Beluwa village and moved towards the paddy barn of Mahila Raja (locally known as the second king), Mr. Bidur Narsingh Rana. The main objective of the action was to claim Trikur Bataiya (one third of the product of rice) against the labour contribution they made for the cultivation of rice. Once landlords refused to accept their demand, on 27 April 1951 Kamaiyas captured the paddy barn and started to fill baskets and sacks at about 4 pm. As soon as they started to fill baskets and sacks, the police force led by chief of local police Khadga Bahadur Giri opened fire at the crowd of Kamaiyas killing Mrs. Koili Tharuni, Mr. Pati Ram Tharu, Mr. Laxmi Prasad Tharu, Mr. Dibuwa Tharu, Mr. Chapu Tharu and Solaria Tharu.

The Kamaiyas were made to surrender before the armed police and were forced to return back to serve their masters. The government provided security to the landlord in fear of Kamaiya reprisal. Some of the leaders of this movement started to work again as Kamaiyas with the same landlords immediately after the incident. This is because they did not have any other alternative for their livelihood and they did not have any support from outside.
Srikainda Movement

In an effort to get rid of the Kamaiyas system some time in 1980, 1300 Kamaiya families of various villages of Bardiya district organised under the leadership of Jangali Tharu and settled in Machad village of Dhodari VDC of Bardiya district leaving landlords' farms and declaring that they were freed from bondage. After two and half years, they decided to move to Srikainda, a village in Sanoshree VDC of Bardiya, where the government was formally distributing land to the landless people hoping that the government would provide land and entitlements to them as they too were landless. However, as soon as they settled in Srikainda in 1984, the entire village was demolished by the police and forest guards using elephants and bulldozers (SPACE report (1996:24). Since they were from the Kamaiya background, they were not considered landless people.

Dalla Movement

In 1985, approximately 200 Kamaiya families left landlords' farms and occupied 300 Bigha of public land in Dalla Phanta, which is situated in Suryapatuwa VDC of Bardiya, and declared they would no longer accept the Kamaiya-landlords relationship. But, this too ended up against them and their interest. Fearing a possibility of huge loss, the landlords formed an alliance with the government authorities to evict the Kamaiyas from the public land. In the ensuing government action, the police, landlords and forest guards looted cash and other assets of Kamaiyas. They were forced to go back to the same landlords and continue the Kamaiya system again.

Majhara Movement

In November 1993, 150 Kamaiya families of Majhara village of Khairichandanpur VDC in Bardiya district organised and occupied public land. They had also declared that they would fight against the Kamaiya system and not work for landlords on Kamaiya terms. According to Devi Prasad Ghimire, Chairman Khairichandanpur VDC, local landlords and forest officials manhandled and abused Kamaiyas and burnt their houses. They were evicted from Majhara and forced to live on the bank of Geruwa river. During the rainy season of the same year, the flood of the river displaced the Kamaiyas again. After the flood, all the Kamaiyas took the decision to occupy the Majhara's public land again for their survival. This time they were much more organised than before and managed to continue to live there and earn their livelihoods from wage work and farming on occupied land.

Damauli Movement

In December 1998, 500 Kamaiya families of Motipur VDC of Bardiya district came together in an organised manner and occupied public land of Damauli village in Motipur. They started farming the occupied land and raising livestock. But the landlords supported by the government (police and forest guards) damaged the houses of Kamaiyas by using elephants eventually forcing them to resume their works with the same landlords.

Manau Movement

Some time in February/March 1988, approximately 200 Kamaiya families gathered in Bagiya (mango orchard) in Manau and decided to stop all the work being done by
Kamaiyas until landlords agreed to provide ten sacks of paddy as Masyoura and Trikur (one third of the Kamaiya produced) as Bigha.

On the third day of their strike, landlords ‘invited’ all the Kamaiyas for negotiation on their demands. When all the Kamaiyas were gathered at Bagiya, approximately fifty police came forward and started to beat them indiscriminately. By the time the Kamaiyas realised it was a conspiracy of their ‘masters’ it was already too late to devise strategies to deal with it. According to victims of the attack, seven of them were seriously injured and twelve of them were taken into police custody including three non-Kamaiya supporters of their movement.

The collective action of the Kamaiyas was however forced the local landlords to increase the amount of Masyoura from nine sacks to ten sacks.

**Kanara Movement**

After the restoration of multi-party democracy in 1990, the above mentioned sporadic and isolated Kamaiya movements culminated in the Kanara Movement. Kanara was a big forest land area on the bank of the Babai River north of Sanosri VDC in Bardiya district, commonly known as Kanara Phanta. In 1967, Chilla Tharu and Man Bahadur Khadka led a group of 148 Tharu families and settled in Kanara Phanta. In 1968, local landlords supported by state authorities displaced the settlers and Chilla Tharu and some others were arrested and released later on condition that they would leave the Kanara Phanta immediately (SPACE 1996:24). All these Kamaiyas moved to the Jodhipur village of Baniyabhar VDC of Bardiya and settled illegally on occupied land owned by Zamindar Harihar Upadhaya. In 1975, they were again evicted from this land. During the annual visit of the King, the leaders of the Kamaiyas submitted a letter of appeal to the King explaining their plight and requesting land entitlements. In 1979, following an order from the King, each Kamaiya was given one hectare of land.

After political change in 1990, the Kamaiyas realised the need for a central body that would co-ordinate the Kamaiyas squatting throughout the district. They formed a 15 member body under the chairmanship of Jagga Prasad Pande, representing squatters of various villages of the district. Some time in April 1990, this committee decided to bring together all landless Kamaiya committee members’ families and resettle them in Kanara, starting from April 22, 1990. They raised flags of all political parties who played a key role in the restoration of multi-party democracy in Nepal.

Once they occupied the Kanara Phanta, the Samiti started to organise peaceful marches and various demonstrations both within and outside the Kanara Phanta. These activities threatened the local landowners and ruling elite who tried several times to drive these people out from Kanara with the support of the state authorities. During the monsoon in 1991, the government announced that it would drive the people out from Kanara by force. The Samiti leaders came to the capital and had a dialogue with the Prime Minister. They also met the chairperson of the Landless Peoples’ Problem Solving Committee on 3 November 1992. But, they failed to get support from the government. On 10 November 1992 at 8.30 am the joint team of Armed Police, Forest Guards, Royal Hunting Security Guards and employees of the forest department ordered the settlements to be destroyed. As a result, Kamaiya settlements both inside and outside Kanara were destroyed by bulldozers, elephants, army and police (INSEC, 1992b:16).

During the forceful eviction many women Kamaiyas were beaten badly and raped by the forest guards and policemen. Runche Tharu, one of Kamaiya settlers was beaten to death by Forest Security Guards. According Runche Tharu’s wife, Mrs Gongi Tharu, “he was beaten by the police with the gun while he was taking care of the crops cultivated
by Kamaiyas under their collective farming”. The role of women Kamaiyas was reported to be significant in this movement. The leading women were Kausila Tharu, Jagarani Tharu, and Patrani Tharu.

On 17 November 1992 a relay of fasting started to pressurise the government into solving this problem and taking action against those responsible for the eviction. But these peaceful demonstrations were dismissed by the government. This campaign was supported by all communist parties of Bardiya but the leaders of the Nepali Congress (the then ruling party) openly stood against the Kamaiya movement. This is because most of the larger landlords were members of Nepali Congress. After this, the government constituted the Sukumbasi Samasya Samadhana Aayog (Landless Peoples’ Problem Solving Committee) and entered into a dialogue with Kanara Samiti. In this dialogue they reached an agreement that the entire farm produce of the area should belong to Kamaiyas and the government should provide medical services to all those injured during the Kanara Movement. The Aayog also assured that all landless Kamaiyas would get temporary land entitlements and within two months the process of allocating land to the Kamaiyas would start (Karki 2001:101).

According to SPACE (1996:28)

“In 1993, the new UML government started to provide land titles to these Kamaiyas and movement leaders spent a lot of time in expediting the process of obtaining land titles to all the Kamaiyas involved in Kanara Movement. According to records available at the district land reform and district Aayog office, only 350 landless people received land during three and half years of Nepali Congress government period, whereas, within nine month UML government period 6,985 landless Kamaiyas received land entitlements. Once the UML government left office, the Nepali Congress government confiscated the land titles from some of these Kamaiyas who received them during the UML period.”

As the above accounts suggest, until 1990, the movements from 'within' Kamaiyas are found to be very sporadic and spontaneous. In a way they can also be called a "lesser known movement" (see Kothari 2001:2), which is very much localised and confined to very specific issues, objectives and geographical areas. Other movements for socio-economic and political transformation in Nepal overshadowed them. It has also been observed that the number of people or Kamaiya families mobilised in the struggles before 1990 were very small and confined to the settlement level only. As a result, most of the Kamaiyas’ struggles were futile. The other important reason for failure of these movements, realised by the people engaged in them was the lack of external support. In fact, the role of NGOs, INGOs, and poor and middle class peasants was not present at all.

Action from "Above" in the Political Circumstances Since 1990

The roles of external agencies in the struggle against the Kamaiya system have been very important after the political change in 1990. In the changed context, several external agencies started to intervene defining the Kamaiya system as the violation of human rights and non-compliance of the government commitment to the UN conventions and covenants. These agencies closely associated with open national governance system, influence national policies, mobilising financial resources both at the national and international level (for example bilateral and multi-lateral donors) and government departments.
United Nations Agencies

United Nations agencies such as ILO and UNICEF are very active in the issue of Kamaiyas. They have basically a two pronged strategy. On the one hand they financially support the initiative of Nepali NGOs to build Kamaiya organisations and enhance their capacity through education, awareness and skill development and income generation. On the other hand, they try to influence government line agencies and concerned line ministries for the implementation of ratified UN conventions and covenants against slavery and forced labour. UNICEF is mainly supporting formal and informal education for the Kamaiya children through local NGOs. The ILO has been implementing an “International Programme on the Elimination of Child Labour (IPEC)” through local NGOs, trade unions focussed on education, awareness raising, and vocational training for the grown up children of Kamaiyas and their parents. ILO has also providing financial resources for Policy and Programme Development to the HMG/N. In addition to this, the ILO has also supported various other initiatives of HMG/N through the Ministry of Land Reform and Management.

However, as Karki (2001:103-4) observes both UNICEF and ILO programmes do not directly enable Kamaiyas to take collective action against the Kamaiya system. In other words, their programmes are mainly focussed on the socio-economic context rather than political empowerment of Kamaiyas to demand abolition of the system as a whole. Though both UNICEF and ILO advocate actions against violations of human rights of Kamaiyas in principle, in practice they are very much along the line of providing relief measures for people who have escaped from being Kamaiyas. In the long run this kind of approach would not make all Kamaiyas self-reliant and independent.

Bilateral Donors

Bilateral agencies such as DANIDA and DFID are also involved in issues surrounding Kamaiyas. DANIDA has been supporting Kamaiya related education and human rights advocacy programmes through its local partner NGOs for over a decade. DANIDA’s support is primarily focussed on socio-economic development activities of Kamaiyas as part of the larger Tharu community. The very first systematic study on Kamaiyas was supported by DANIDA through which INSEC was able to draw the attention of activists to raise greater awareness and publicity at the national and international level.

Most of bilateral aid is driven by a mixture of philosophy of universal declaration of human rights and the right to development. The bilateral aid politics follows the principle of national sovereignty and non-interference. They were not basically meant for creating a favourable environment in which Kamaiyas can come together and challenge the political system.

Government of Nepal

After the restoration of multi-party democracy, the government of Nepal also expanded its programmes in supporting the Kamaiyas. In 1995, it commissioned a study on the socio-economic status of Kamaiyas, the first study under the aegis of the government of Nepal. The [draft] report admits that ‘Kamaiya workers are socio-economically marginalised,’ they do not have ‘any fixed hour of work...are deprived of their labour rights as stipulated by national and international labour standards’ (HMG/N 2051 BS:Part 6). The report recommends for socio-economic development programmes, skill development programmes for alternative income generation and rehabilitation of Kamaiyas. It could be in response to the study that in the fiscal year 1996/97 the government designed programmes focused on human development and debt relief of
Kamaiyas. To carry out similar programmes an amount of Rs. 14.5 million was sanctioned for these five districts in FY 1999/2000. Though these government activities helped some individual Kamaiyas, they did not touch the underlying issues of the Kamaiya problem.

According to Karki (2001:105), the government programmes were akin to NGO activities. For example, both NGOs and government agencies supported skills development training, basic education and agriculture-based livelihood training and development activities. The major difference was that while NGOs emphasised on organising Kamaiyas, the government planned to distribute land to the Kamaiya families and make housing provisions for them. However, in practice the number of Kamaiyas who have received land from the government is very nominal. According to the report of the government formed Landless Peoples’ Problem Solving Committee (1995a: 28) only 195 Kamaiya households received 97 Bigha and 10 kathha of land from between 1990 and 1995. Since no other provisions were made for their livelihood support, these Kamaiyas were forced to sell/mortgage these lands to the landlords again and go back to the Kamaiya life.

Another highly controversial programme of HMG/N is ‘Debt Relief’ (paying the ‘debt’ ‘owed’ by Kamaiyas). Most of the NGOs, POs and CBOs working on the issues of Kamaiyas and their organisations such as Kamaiya Liberation Forum and KCG are very much against this strategy of the government. They have accused the government of taking an initiative for the benefit of landlords rather than for Kamaiyas. They argue that since Kamaiyas have been working for landlords for generations either without wages or for nominal wages, the debt should legally be cancelled and the amount provisioned for ‘debt relief’ should be spent on socio-economic rehabilitation of these Kamaiyas.

The Kamaiya movement with the support of NGOs and major left political parties forced the HMG/N to declare the Kamaiya system illegal on 17 July 2000. However, more than four years after the banning of the Kamaiya system, the government has not been able to fully rescue and rehabilitate all Kamaiyas.

**Political Parties**

In theory, all political parties of Nepal are against the Kamaiya system. Their election manifestos presented in the 1999 general election of Nepal stated as follows. 7

Nepali Congress (The ruling party): “Legal measure for the abolition of bonded labour systems will be developed...A debt relief programme for bonded labourers and small farmers will be introduced....”.

Communist Party of Nepal (UML): “Bonded Labour Abolition Act will be introduced”...“Kamaiyas debt will be cancelled and the basis for a dignified life for the Kamaiyas will be developed”.

Communist Party of Nepal (ML): “A special programme for the debt relief of Kamaiyas and poor farmers will be introduced...loan without collateral to the Kamaiyas and small farmers will be provided....Kamaiya system will be abolished”.

National Democratic Party (Chanda): “Job diversification of Kamaiyas will be done....skills development training will be given......Kamaiyas won’t be exploited”.

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7 Author’s translation from Nepali to English
Nepal Sadbhavana Party: “Bonded labour and the Kamaiya system will be controlled immediately and a systematic plan of action will be developed for the abolition of the Kamaiya system”.

National Democratic Party (RPP): “In addition to the debt relief programme, food, housing and social security of Kamaiyas will be guaranteed”.

In practice, however, most of the elected leaders of these parties used to keep Kamaiyas and were reluctant to release them. It appears that one of the reasons why some parties proposed the ‘debt relief’ programme was to benefit party members at various levels. However, the communist parties have been supporting the grassroots movements against the Kamaiya system. In a Bheri Zonal level meeting (in January 2000) of CPN (UML) party members in Bardiya, its Secretary General Madhav Kumar Nepal asked party members to inform the party if they kept Kamaiyas and free them immediately and unconditionally. Those who would not conform to this order were threatened with expulsion from the party. The underground Communist Party of Nepal (CPN-Maoist) has also expressed its solidarity with the movement against the Kamaiya system. NGOs and leaders of the Kamaiyas movement believe that the Maoist solidarity press statement helped people involved in the movement to pressurise government to declare a ban on the Kamaiya system on 17 July 2000.

International Non-governmental Organisations (INGO)

Action Aid, PLAN International, and Lutheran World Federation are the major INGOs to support the Kamaiyas’ movement in the 1990s. After July 2000, there were more INGOs interested in addressing the Kamaiyas problem. Unlike national NGOs, who had taken a radical position on the nature and strategies of the movements, the participating INGOs maintained a softer approach vis-a-vis this issue. However, the joint press release made by the Association of INGOs in Nepal (AIN), whose members include Action Aid Nepal, CARE Nepal, OXFAM Nepal, Terre de Hommes, Handicap International, USC Canada, Lutheran World Service, Helvetas Nepal, Save the Children Norway, Save the Children USA, Hellen Keller International, PACT Nepal, PLAN International, VSO Nepal, SHAPLA NEER Nepal, Water Aid, Echo Himal Nepal, Water Aid Nepal, and World Neighbours Nepal released on 17 June 2000 requesting the HMG/N to take the practical action required to ban the Kamaiya system effectively encouraged the NGOs as well as the Kamaiyas struggling for more radical programmes.

INGOs helped the alliance of NGOs and Kamaiya organisations to mobilise resources necessary for the movement. Dinesh Shrestha, co-ordinator of Kamaiya Andolan Parichalan Shamittee Bardiya argues that without support of INGOs, particularly financial support, it would not be possible to mobilise such a large number of Kamaiyas who have virtually nothing to eat and live on (Karki 2001:108-109). Mr. Shrestha further says that INGOs role in the mobilisation of media, opinion of independent academicians and technical support for the campaign was very significant.

National NGOs, Trade Union and other Alliances against the Kamaiya System

Until 1990 none of the national NGOs and Trade Unions were active in the issues and concern of Kamaiyas. During the Panchayat regime only a few NGOs and organisations associated with the system were allowed to operate. Just after the restoration of

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8 The Shanghu, 22 January 2000
9 The Himalaya Times, 18 June 2000
multi-party democracy in 1990, NGOs and Trade Unions started to emerge and express their concern over a number of issues including the Kamaiya system.

Two NGO studies have seemed to have played an important role in the movement against the Kamaiya system. They are (1) Study on Child Servitude in Nepal (1989) and (2) Study on Bonded Labour System: Under Kamaiya System. The first study covered nine districts, of which Dang and Kailali were among the Kamaiyas affected Districts. The study brought the issue to the notice of the larger NGO community both at the national and international level (see Bonded Labour Liberation Front of India, 1989:17-24). However, the study on Child Servitude in Nepal was confined to 100 households in nine districts and focused on child servitude only. The other study by INSEC, with the support from DANIDA, and published as ‘Bonded Labour in Nepal: Under Kamaiya System,’ drew the attention of major donors, NGOs and INGOs operating in Nepal as well as sensitised a critical mass in civil society to pressure the government to be accountable to its human rights obligations, including the prohibition of forced labour.

The NGO works have contributed to the Kamaiya movement in two ways: by directly implementing socio-economic developmental projects at the grassroots and by undertaking lobby, networking and advocacy works from the village level through to international levels. Key NGOs involved in Kamaiya issues right from the beginning are BASE, INSEC, RRN, SPACE, GRINSO and a trade union—the General Federation of Nepalese Trade Unions (GEFONT) and its specialised wing Kamaiya Liberation Forum (KLF), which is now known as Agricultural Workers Union.

The following presents a cursory mapping of key alliance-type organisations which have a crucial role to play in the future of the Kamaiya movement, as it was in the past.

**Kamaiya Mukti Manch (Kamaiya Liberation Forum)**

Following the path-breaking study on the Kamaiya system, INSEC facilitated the ‘Kamaiya Liberation Campaign (KLC)’ by way of educating Kamaiyas about their right to freedom at the grassroots and lobbying political parties, parliamentarians and legal professionals at the highest level of state politics. The broader goal of the KLC was to enable Kamaiyas to work for their liberation. In January 1996, the KLC culminated into a historical mass gathering—which the INSEC, the facilitator, called the ‘first national conference of Kamaiyas’—in Nepalgunj (INSEC 1996:15-16). One of the major outcomes of the Conference was the formation of the Kamaiya Mukti Manch (Kamaiya Liberation Forum-KLF).

In 2000, the KLF had district, Ilaka and village level working committees in all five Districts. It had a 13 member central committee at the centre. The central office of this forum was situated in Nepalgunj, Banke. The forum was affiliated to the General Federation of Nepalese Trade Unions-GEFONT (Subedi, 1999:66-67). The main objective of the KLF was to liberate Kamaiyas from bondage and move towards economic self-sufficiency (KLF’s Constitution, 1996). Their membership was open to all those committed to the liberation of Kamaiyas and the Kamaiya movement.

In 1997, the KLF launched an ‘Appeal Movement’, a reformist action, for the change of the relationship between Kamaiyas and their masters. According to the Secretary General of GEFONT Bishnu Rimal, this movement was basically creating an environment for voluntary actions for the release of Kamaiyas by the Kamaiyas. For this they selected six VDCs of Banke, Bardiya, Dang, Kailali and Kanchanpur as a pilot programme. According to the report of KLF’s ‘Appeal Movement’, 13 masters of above-mentioned VDCs relinquished their Kamaiyas and cancelled their Saunki of NRs. 28,700 voluntarily upon the request of KLF as a part of their advocacy programme. However it
has been observed that due to the lack of a socio-economic rehabilitation programme for released Kamaiyas, some of them were forced to work for the landlords.

**Kamaiya Concern Group (KCG)**

The Kamaiya Concern Group was formed as a loose network of NGOs, INGOs, bilateral donors and intergovernmental organisations such as the ILO and UNICEF working on the issues of Kamaiyas on 12 January 1997 by a meeting of various agencies involved in the issues of Kamaiyas in the region. The members of KCG included the following organisations: DANIDA, ILO, Rural Reconstruction Nepal-RRN, Action Aid Nepal, Lutheran World Service-LWS, Group for International Solidarity-GRINSO, National Labour Academy, UNICEF, GEFONT, BASE, PLAN International, INSEC, Save the Children (US), and OXFAM Nepal.

The primary task of the KCG was to initiate dialogue with government for the abolition of the Kamaiya system, to make concerted and co-ordinated efforts for the elimination of the Kamaiya system (Minutes of the KCG meeting held on 12 January 1997). The Kamaiya Concern Group established its district level focal points in Banke, Bardiya, Kailali, Kanchanpur and Dang to facilitate education, awareness-raising, organisation building and livelihood support activities for Kamaiyas. At the national level, the KCG coordinated lobby, advocacy and networking for the abolition of the Kamaiya system. INSEC, one of KCG members, filed a writ petition in the Supreme Court for the complete ban on the Kamaiya system. The KCG launched a series of campaigns to pressurise the government of Nepal for the introduction of a “Bonded Labour Abolition Act” and formulation of a “High Level Commission on Bonded Labour”. In addition to this, KCG also did media lobby to create awareness among landowners on the provision of the Constitution of Nepal 1990 article 20.

During the “Maghi” of 2000, the regional television of Mid and Far West Office telecasted KCG’s appeal for not keeping bonded labour. However, after the declaration of the ban on the Kamaiya system on 17 July 2000, KCG became inactive primarily due to conflict and contradictions among its members after the July declaration. In a different role, however, almost all members of KCG are still active under other umbrella organisations, such as the Alliance for Human Rights and Social Justice.

**Tharuwan Mukti Morcha**

The Tharuwan Mukti Morcha (Tharu Area Liberation Front) was founded in 1998 for the liberation of Tharus from the various forms of exploitations, such as Kamaiyas. The main objective of Tharuwan Mukti Morcha is to liberate Tharus from Kamaiyas, Kamlahar, Betha, Begar and other feudal exploitation (The Mahima Weekly, 20 January 2000). It is believed that this Morcha is associated with the Communist Party of Nepal (Maoist) and operates as an underground peoples’ organisation. Members of Tharuwan Mukti Morcha have taken action against feudal landlords as revenge against the exploitation of Kamaiyas and their sisters, daughters and wives. According to one of the members (who wants to be anonymous) of Morcha, they have support from the large majority of Kamaiyas in Bardiya who had experienced various forms of oppression (both physical and mental) by the landlords and state machinery (Karki 2001:113).

According to the Mahima Weekly of 20 January 2000, some of the activists of the Morcha were shot dead by police as Maoists. But, the insurgency is said to have forced some changes in landlord-Kamaiya relations. Local feudal landowners seem to have been more cautious and sensible in their behaviour with Kamaiyas. Most of the big landlords are not staying at their Kothar and have taken refuge at district headquarters.
and Kathmandu. The activists of *Tharuwan Mukti Morcha* state that their movement was guided by the Marxist, Leninist, and Maoist ideology, and their strategies were based on the principles of class struggle and class contradiction. (Karki 2001:113) quotes the chief of police in Bardiya as saying that the number of *Kamaiyas* increased in Maoist armed forces following the ban on the system, due in large part to the increased influence of the *Tharuwan Mukti Morcha* in the region.

**Alliance for Human Rights and Social Justice- ALLIANCE**

ALLIANCE is an alliance of human rights organisations working on broader issues of human rights and social justice. According to Bhogendra Sharma, the founder co-ordinator of ALLIANCE, they are interested not only in the issues of civil and political rights but also in social, economic and cultural rights and rights to development. ALLIANCE key members are INSEC, CVICT, RRN, WOREC, and CWIN. On the issues of *Kamaiyas*, ALLIANCE has been organising a forum for dialogue and debate in Kathmandu. However, its members are active at the grassroots level on both the socio-economic development and advocacy, lobbying and networking fronts. On 16 July 2000 the ALLIANCE was able to bring together the leaders of Nepali Congress the ruling party and CPN (UML) to express their opinion and commitment on the issues raised by the ongoing movement of *Kamaiyas* and their rehabilitation. Since the government declaration of the ban on the *Kamaiya* system on 17 July 2000, ALLIANCE has been raising concern on the lack of government will to rehabilitate *Kamaiyas* and is working as a pressure group. They have organised solidarity rallies in Kathmandu parallel to the various *Kamaiya* collective actions in the region.

**Kamaiya Andolan Parichalan Shamittee and Kamaiya Mukti Shangharsha Shamittee**

*Kamaiya Andolan Parichalan Shamittee* (Kamaiya Movement Mobilisation Committee) was formed by Nepali NGOs after the INGOs, UN agencies and bilateral donor distanced themselves from an active involvement in KCG activities after the initiation of the May 2000 *Kamaiya* movement. They worked as a vehicle to mobilise *Kamaiyas* for their liberation. The *Shamittee* along with the support of other NGOs active in the region managed to bring *Kamaiyas* from all five districts in Kathmandu to pressurise the government to ban the *Kamaiya* system in Nepal.

As the *Kamaiya* movement intensified in May 2000, *Kamaiya* representatives from five Districts formed the *Kamaiya Mukti Shangharsha Shamittee* (Kamaiya Liberation Struggle Committee) on 4 July 2000. This is basically a *Kamaiyas* organisation attempting to take a lead role in the ongoing *Kamaiya* movement. However, in practice they have mostly ended up implementing ‘suggestions’ of NGOs and INGOs to mobilise *Kamaiyas* to take part in various collective actions.

In the build up of the *Kamaiya* movement, the dynamics, orientations and organisational limitations of groups involved remained complicated and complex at some times. Most of INGOs, NGOs and UN agencies wanted to limit this movement in and around the issues of human rights and local development. Contrasting this, groups such as *Tharuwan Mukti Morcha*, ALLIANCE and other left political parties wanted to take it further and relate with the broader struggle for challenging existing agrarian class relations, whereas the *Kamaiya Mukti Shangharsha Shamittee* was just concerned with the cancellation of *Kamaiya Saunki* and access to land as a way out for an alternative livelihood. Likewise, the activities of *Parichaland Shamittee* and KCG were very much driven by INGOs and the donor approach of looking at the issues and were vulnerable to withdrawal any time. Despite all these considerations, the *Kamaiyas* were organised into a singlemost issue: the fight against the evil practice.
The Culmination of Both the Movement from 'Above' and 'Within'

On 1 May, 2000 the Kamaiya movement took a new turn. Nineteen families of Kamaiyas working for the former forest minister in the Nepali Congress government in 1960, Mr. Shiva Raj Panta, came out of his house and claimed the minimum wage fixed for agricultural workers\(^{10}\) by the government on 13 January 2000 to be effective from the date of last Maghi. They also argued that the Kamaiya system was against Nepal's 1990 constitution article 20(1) and several UN conventions and covenants to which Nepal is party. When Mr. Panta refused to comply with the rules and regulations related to forced labour and minimum wages, the 19 Kamaiya family (135 persons) filed a case against Mr. Panta at VDC office of Geta VDC of Kailali district. The VDC official informed them that Mr. Panta refused to be present at VDC office to discuss the problems. The VDC official also told them that the VDC did not have authority to deal with the issues raised by Kamaiya except fixation of the minimum wage. This forced Kamaiyas to move to the district headquarters of Dhangadi to appeal to the CDO on 12 May 2000. Their major demands were to cancel the Saunki, provide housing, food and other social security measures and abolish the Kamaiya system in the longer run.

Once they knew that the CDO was not going to take action on their appeal, the Kamaiyas with the support of KCG started a sit-in campaign in front of the Kailali CDO's office. In solidarity with the Kamaiyas of Geta VDC a series of parallel events were held for the abolition of the Kamaiya system throughout the region. In other words, issues raised by nineteen Kamaiya families from a small village of Kailali called Geta spread among several hundred Kamaiyas of Banke, Bardiya, Kailali, Kanchanpur and Dang district. Then on came a series of rallies and campaigns.

As a result of concerted efforts of Kamaiya activists, NGOs and INGOs, His Majesty's Government through a cabinet decision dated 17 July 2000 outlawed the practice of bonded labour prevalent under what was known as the Kamaiya system over centuries. The government announcement declared Saunki, the major binding element, illegal and expressed a commitment to framing a new law eliminating the bonded labour system. Making a statement of public interest at the House of Representatives and National Assembly, the then minister for Land Reforms and Management, Siddharaj Ojha, announced that "the cabinet meeting of today took a decision prohibiting anyone from employing any person as a bonded labourer throughout the kingdom of Nepal" (The Kathmandu Post, 18 July 2000).

In the same statement Minister Ojha confessed that "notwithstanding the constitutional and other legal provisions which prohibit the trafficking of any individual or the practice of slavery as well as exploitation of labourers in any form against one's will, bonded labour system had been existing in some parts of the country and the helpless and illiterate labourers were reeling under severe exploitation as bonded labourers" (ibid). Similarly, the government also declared that the act of working and making one work as a bonded labourer on the basis of any written or verbal bond or against the existing law would, thereafter, be punishable.

As soon as the decision was made public, dozens of Kamaiyas who were taking part in the sit-in campaign infront of Singha Darbar sang, danced and marched through the streets of the capital city before boarding buses bound for home (The Kathmandu Post, 19 July 2000). The decision made by government to abolish the Kamaiya system was

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\(^{10}\) The minimum wage for agricultural workers was fixed out of pressure created by NGOs, and has been catalytic to encourage Kamaiyas to leave their masters and claim their wages as independent agricultural workers.
also lauded by all major political parties, NGOs involved in lobbying, advocacy and networking against the system, including KCG, and several parliamentarian committees. At the grassroots level Kamaiyas themselves organised a series of victory rallies in all district headquarters.

Once the government decision was made public the landlords also started to organise. They formed *Kishan Hak Hita Manch* (Landowners’ Rights Protection Forum). This act had led to direct confrontation between campaigners for Kamaiya liberation and landowners. Since the decision made to abolish the Kamaiya system was at the middle of the planting season of Nepal both Kamaiyas and landlords experienced dilemmas. In order to ease the tension between Kamaiyas and landlords, on 25 July 2000, the government made an appeal to recently liberated Kamaiyas “to co-operate with their ex-landlords and go back to the work in the fields” (The Kathmandu Post, 26 July 2000). In a press meet, the minister for Land Reforms and Management argued that “The Kamaiya need to forget the past and start co-operate with the farmers”. In contrast, both Kamaiyas and landlords rejected the suggestions of government. Kamaiya activists in their victory rally in Kanchanpur on 27 July 2000 challenged the government’s appeal and stated that they should be paid compensation for their forced labour from the landlords. Their response was that they would forget the past but its lesson would be carried on as a reference for the future.

The *Kishan Hak Hita Manch* organised a mass meeting at Pratappur village of Kailali district, in which some 8,000 landlords of the regions came together and criticised the government decision to abolish the Kamaiya system and cancel the ‘debt’ (The Kantipur, 28 July 2000). On 9 August 2000, the *Kishan Hak Hita Manch* also filed a writ petition in the Supreme Court of Nepal against the ‘unilateral decision’ of His Majesty’s Government. In the petition, the Manch stated that, “the government decision to ban the Kamaiya system was against the contemporary laws related to the security of our property...” They also submitted a memorandum to the Prime Minister to withdraw the decision made in haste. In their memorandum, they also appealed the Prime Minister “to ban NGOs, who are trying to intensify class struggle between landowners and Kamaiyas...” (The Gorkhapatra, 13 August 2000). The movement by *Kishan Hak Hita Manch* was a ‘social movement’ to defend the status quo.

**AFTER THE FREEDOM**

Although widely hailed as one of the most progressive decisions of the governments formed in the 1990s, it was made without proper arrangements for housing, food security and other arrangements required for rehabilitation. As soon as the government decision was known, the landlords started to threaten Kamaiyas, some of them were expelled from their Bukura and others were locked inside masters’ houses for several days. Some of NGO activists such as members of BASE, INSEC, RRN, and GRINSO were asked to leave the village by the landlords in Banke, Bardiya, Dang, Kailali and Kanchanpur.

The biggest challenge to the government and the NGOs involved in the campaign against the Kamaiya system was to create an environment in which alternative rural livelihoods could be ensured. Four years after the ‘liberation’, the challenges stand intact.

The lack of ability—or a political will, as many observers argue—of the government to rehabilitate the ‘liberated’ Kamaiyas, the movement took a different turn from February 2001. According to The Kathmandu Post of 4 February 2001, at least 7,000 Kamaiyas forcibly occupied public land including the land owned by the Cotton Development Committee (CDC) of HMG/N in Bardiya. However, more than 300 riot
Police cordoned off the area forcing the Kamaiyas to leave. Soon after the Kamaiyas were chased away, the riot police set fire to their huts and the CDC tractors destroyed the crops they had planted to make sure that the Kamaiyas would not dare to occupy the land again (The Kathmandu Post, 4 February 2001). From then on, the search for land and land occupation by the Kamaiyas and their confrontation with riot police became an everyday phenomenon. The latest incidence of land capture by Kamaiyas was reported in July 2004. This time they captured the land belonging to Tikapur airport in Dhangadhi, one of the westernmost districts in Nepal. A total of 4,522 Kamaiyas of 868 households from Narayanpur, Dhansihapur, Durgauli, Pathraiya, Pratpapur, Chuha, Jankari Nagar, Joshipur, Thapapur, Manuwa and Tikapur Municipality in Kailali have distributed the land amongst themselves at the rate of $\frac{1}{2}$ kattha a family. Now (until the end of December 2004), the airport, which remains mostly unused, is filled with makeshift camps. The Kamaiyas are formed into 60 groups, and the group leader is responsible for searching employment opportunities for its group members. The bitter reality is that the Kamaiyas are in a life and death battle with a fear of government comeback to demolish their huts.\footnote{‘Rojgari napunda mukta Kamaiya bhokbhokai (Liberated Kamaiyas going hungry in lack of employment),’ Nepal Samacharpatra, 18 September 2004}

After the ban on the system, the government constituted a high-level Coordination and Monitoring Committee under the Deputy Prime Minister to identify and rehabilitate freed Kamaiyas. In the districts, District Coordination Committees were formed in all five districts headed by DDC chairpersons. The government also declared that it would immediately construct temporary camps for the liberated Kamaiyas and start the supply of short-term relief materials like tarpaulin, blankets and medicine.

The government identified 18,400 Kamaiya households in total. And they were grouped under four categories in the light of the possession of huts and land (Box 1). Ideally, the categorisation was to determine the kind of services in order of urgency. As such, those having nothing would get an immediate relief assistance ranging from makeshift shelters to food to basic clothing. But, it took some time for the government to move ahead after the ‘liberation’.

The Kamaiyas waited helplessly but patiently for 6 months from July 2000. Seeing nothing coming to their aid until the end of 2000, they launched a new movement under the banner of the Kamaiya Liberation Struggle Mobilization Committee and Kamaiya Action Committee. Since then, both the Committees have launched agitations to get their rehabilitation completed, but things are yet to be settled.

In 2002, the government bowed to the series of pressures to come to the aid of Kamaiyas. It then started to distribute land to the category A and B Kamaiya families, who were counted to be 13,450 in 2000. But by the time the land was to be distributed, some 1,430 went missing; the government could not locate them. The rest—12,019 Kamaiya families—were given a piece of land measuring 0.1343 in hectare on average (GEFONT 2004:76). But widespread anomalies have been reported in the land distribution. It is learnt that many Kamaiyas have got

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**Box 1: Categorisation of Kamaiyas**

<table>
<thead>
<tr>
<th>Group</th>
<th>Description</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Totally landless Kamaiyas (8022)</td>
<td></td>
</tr>
<tr>
<td>B</td>
<td>Kamaiyas with a hut/house but no land (5428)</td>
<td></td>
</tr>
<tr>
<td>C</td>
<td>Kamaiyas with a hut/house and a piece of land up to 0.068 (1877)</td>
<td></td>
</tr>
<tr>
<td>D</td>
<td>Kamaiyas with a house and more than 0.068 hectare of land (3073)</td>
<td></td>
</tr>
</tbody>
</table>

*Source: Ministry of Land Reform and Management*
land certificates, but no land at all. The government is learned to have prepared another list to accommodate those who were missed previously in response to the pressure from the Kamaiya themselves and NGOs and trade unions working with them. But no action has been taken so far.

The other work the government has done in favour of Kamaiyas is the formation of an act—the Kamaiya Labour (Prohibiton) Act, 2002—defining Kamaiya labour as all the forms discussed under the ‘Division of Labour’ above. The Act echoed the points made public while declaring the system illegal, such as:

- Upon the commencement of the Act, persons working as Kamaiyas will be freed; no one shall maintain Kamaiya labour henceforth; any agreement (written or verbal) governing Kamaiya labour and Kamaiya loan is illegal
- Any property obtained by the creditor as a mortgage to credit Kamaiya loan must be returned back to the concerned person within three months following the commencement of the Act.
- The defaulters will be fined.

The Act is doubtlessly a progressive step, but it is very soft when it comes to penalties, which are limited to certain amount of fines.

In sum, between July 2000—when Kamaiyas were emancipated from slavery—and December 2004, the state of Kamaiyas is such that they have had a legal freedom from slavery but are still chained with structural slavery of want.

Referring to Indian experiences, Kumar (1984:977-978) argues that in the absence of rehabilitation programmes for liberated bonded labourers, they would be driven by poverty, helplessness and despair into serfdom once again. Anti-Slavery International also echoed the same warning “rehabilitation of the freed bonded labourer is even more important than the release...if such a labourer was to lose his employment...and lose source of livelihood and the ‘remedy' would be worse than the ‘disease'.“

**Post Freedom Assessment by Kamaiyas**

In indepth interviews undertaken recently (November 2004) with ten Kamaiyas in various camps in Bardiya and Kailali on issues ranging from their freedom in 2000 to the rehabilitation scenario in 2004, all the respondents welcomed the freedom as a matter of generational achievement. Kanchhu Tharu of Kalika 4 Bardiya jubilantly says, “We got a big victory. Before the liberation, our labour was under the control of others [masters], now we control it and the labour-outcome goes for us and our children.” Reflecting on the current situation of almost all Kamaiyas Jagat Ram Chaudhari of Dhandadhi Municipality, Kailali says “We are free but our condition is going from bad to worse in lack of rehabilitation. If the problems are not solved we may have to return to the masters as Kamaiyas.” This was the assessment of all the ten respondents.

Eight respondents were critical of the role of external agencies vis-a-vis their freedom. While they are thankful for externally mobilised support in educating and organising them in the build-up to the freedom movement, they are remorseful for the post-freedom role of external agencies. Some complain that after freedom the Kamaiyas were left alone. Others see that the external agencies made them follow their

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12 According to news commentary published in the Nepal Samacharpatra of 18 September 2004, of the 868 Kamaiya families residing in a captured airport in Kailali, 104 have had land certificates, but not land. Also see, Lamichhane 2003:90.

13 [http://www.antislavery.org/arch/submission1997%D08india.htm](http://www.antislavery.org/arch/submission1997%D08india.htm)
organisational programmes rather than supporting what Kamaiyas wanted done, thus making them dependent. Mahesh Kumar Chaudhari of Hasuliya, Kailali goes a step further in criticising external agencies: “They are not transparent and fair. They [NGOs, as he referred to] are now dividing the kamaiyas amongst themselves.”

“Following the freedom in 2000, we have increased awareness about the value of educating children. We now learned that it was not the god who made us and our children Kamaiyas. It was the trick of the exploiters.” Kanchhu Tharu of Bardiya was comparing his life before and after the freedom. But, as everyone interviewed noted, their freedom landed in incompleteness. Sukdaiya Chaudhary of Pathraiya, Kailali summarises the basics that would complete their freedom: “Complete freedom is the state when we have freedom from poverty, when our children have free education, when we have drinking water services available and access to productive land for employment. The government has to have a long term planning” to ensure all this happens. Theirs are simple demands. If fulfilled, they will have a real freedom from the yoke of feudal remnants. But the government of the day and those in future have to act with a strong political commitment. If they ready themselves for giving up the benefit they would gain from maintaining slavery, the slavery sustained under the Kamaiya system would end once and for all.

CONCLUSION

The Kamaiya system—that is so deeply rooted in the feudal history of Nepal—is resisting abolition as it is beneficial to a certain group of people. Unfortunately, it is this group that has a say in the governance and governing structures of the country. And the group and the system dominated by them do not act until they are forced to by a decisive pressure. The concerted and focused movement by Kamaiyas themselves will only be decisive.

The Kamaiya movement before the 1990s can be seen as amorphous, poorly organised, and spontaneous collective behaviour and action (Karki 2001:123). According to Bulmer (1995:60) these are the basic characteristics of social movements in the beginning. The strategies used by the Kamaiyas in the pre-1990 era were essentially ‘primitive’ in their outlook. When they shouted slogans against exploitation and oppression by their masters/landlords, they also very often shouted for the long life of the King and Queen, holding the traditional view that if the King and Queen knew, they would not tolerate the situation. Most of these movements met a tragic end suppressed by government forces with the support of local ruling elites and feudals.

The movements after the 1990s are better organised with alliances with NGOs, INGOs and progressive political forces determined to fight against the whole system. One of the factors stimulating a concerted Kamaiya movement is the restoration of multi-party democracy and the open political environment that existed in the country after 1990. Kamaiyas managed to get external support from NGOs, INGOs and some party politicians. As a result, the government was forced to ban the whole system although the heinous tentacles of the system are yet to be finished. It appears that the movement and campaigns against the Kamaiya system have built on the assumption that once the Kamaiya system was abolished justice would be established and all forms of inequalities would be removed. This assumption diverted the attention away from the adverse role the structurally unequal socio-economic relationships had played over centuries.

But, as Karki (2001:125) argues, if a movement fails to address structural issues of the problem, bans and formulation of laws, the historical problem like the Kamaiya system will continue to survive and structural conditions may reproduce chronic inequalities.
The ban on the Kamaiya system did not address other associated issues such as alternative livelihoods through a proper rehabilitation package, which the Kamaiyas have been demanding for the last four years. Unless the Kamaiya movement in the days ahead is linked to broader movements for bringing changes in the existing unequal agrarian relations, whatever achievements have been gained may relapse into irrelevance as some Kamaiyas have already started to worry.

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Annex 1: The Map of Nepal Showing Kamaiya Habitation