

THE KAMAIYA 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 portage 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 portage 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 decommmodification 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

Kamaiya bonded labourer, bonded by indebtedness to the landowner and bonded by unequal social relations to sell labour in lieu of the loan taken for sustaining a minimum livelihood. Over time the social relations of production and reproduction helped develop the *Kamaiya* system in its present form, in the form of 'pure' bonded labour (Paudel and Niraula 1998:6-7).

However, *Kamaiya* activists believe that the system has evolved through landowner-agricultural workers relations and has been induced by state interventions on land ownership. That the *Kamaiya* system has a long history is no doubt, and it is not only limited to the *Pahari* (hill migrants)-*Tharu* socio-economic relationships developed after malaria eradication. The system instead has the legacy of various forms of forced labour and bondsman systems that existed since the 17th century and remained in the patron-client relationship as the *Kamaiya* system in western Tarai in Nepal. It may also be the case, as researchers argue, that the degree and forms of exploitation of *Kamaiyas* might have worsened after the eradication of malaria and the influx of *pahari* in the Tarai increased (see, Karki 2001:72 and Rankin 1999:43). This is because, after the eradication of malaria, the land area under cultivation increased and limited numbers of *Kamaiyas* were responsible for agricultural works.

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 debtbonded 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 *Magh* (January-February) and this process is called *khujuni-bhujuni* in the local *Tharu* language. From the day of *khujuni-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 6-7years. I have worked as *Ladkakhilaiya* for three years. Around at 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 *Ladkakhilaiya* 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 stated 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 1: The Total Number of People Affected by the System

| Districts | Groups | | | Total Persons |
|------------|--------|--------|--------|---------------|
| | A | B | C | |
| Dang | 5,652 | 2,281 | 8,385 | 16,318 |
| Banke | 4,318 | 1,033 | 1,559 | 6,910 |
| Bardiya | 21,088 | 6,673 | 5,567 | 33,528 |
| Kailali | 16,824 | 19,666 | 8,454 | 44,944 |
| Kanchanpur | 6,711 | 4,737 | 3,464 | 14,609 |
| Total | 54,393 | 34,390 | 27,326 | 116,309 |

Source: BASE *Kamaiya* Report (1995:7)

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 2: Total Number of Kamaiyas, Kamaiya Families and Landless Kamaiya Families.

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

Source: Adapted from Karki (2001:76)

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

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

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, children's 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.

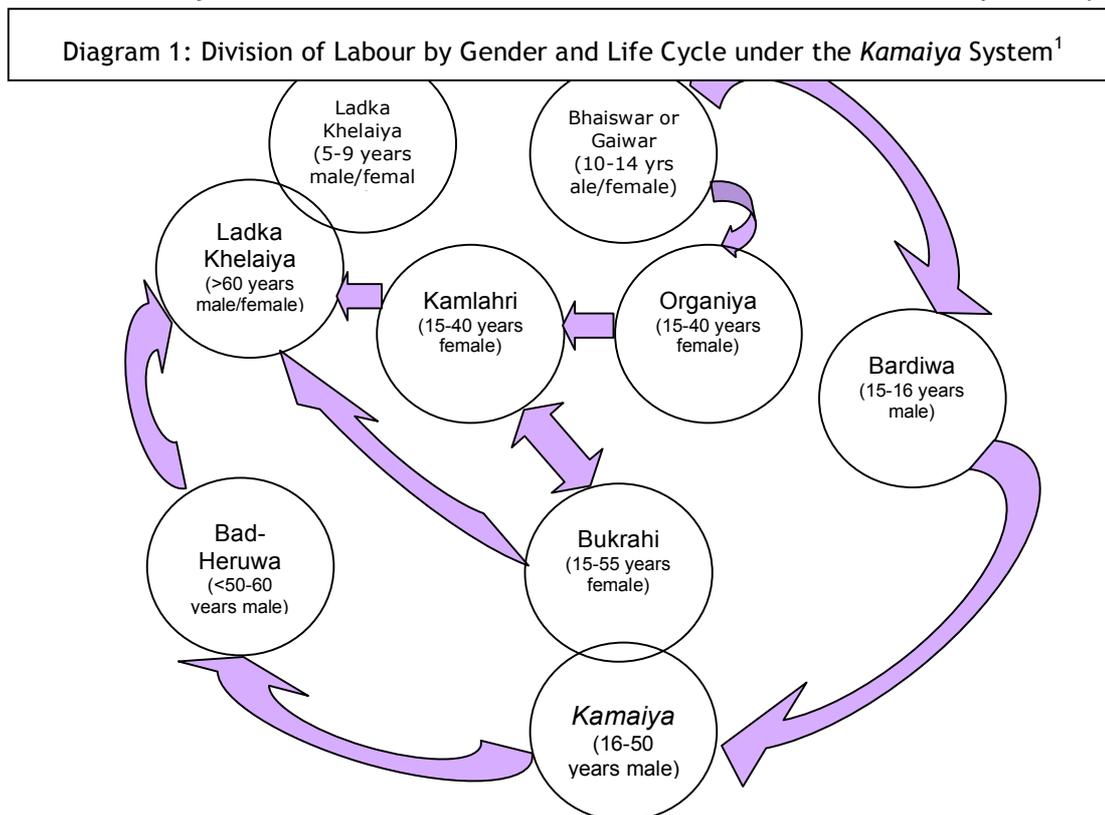
Kamaiya children are required to work as animal herders and domestic servants. Female children generally work as domestic servants while male children look after the livestock as animal herders. Working for the master amounts to apprenticeship training for children to ensure that they become effective *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 4: Life Cycle and Division of Labour in Tharu *Kamaiya* Communities

| Age/Sex | 10-12 Yrs. | 12-13 Yrs. | 14-15 Yrs. | 15-55 Yrs. | >16 Yrs. | > 55 Years |
|---------|-------------|------------|---------------------|----------------------|--------------|---------------------------------------|
| Male | Chhegrahawa | Bardiwa | Bhaiswar/ Gaiwar | <i>Kamaiya</i> | Ghardhuriya | Chhegrahawa, Bhaiswar, Bardinya |
| Female | Chhegrinya | Bardinya | Bhaiswarniya | Kamlahri/ Bukrahi | Ghardhurinya | |

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.



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 %)*

| <i>Kamaiya</i> Abused | Kanchanpur | | Kailali | | Bardiya | |
|------------------------------|------------|------|---------|------|---------|------|
| | 1991 | 1997 | 1991 | 1997 | 1991 | 1997 |
| Scolding/use of verbal abuse | 28.9 | 13.8 | 40.4 | 20.1 | 54.1 | 14.7 |
| Beating and physical abuse | 5.4 | 0.0 | 2.0 | 0.7 | 2.8 | 0.3 |

Source: INSEC (1992:68) and Sharma and Thakurathi (1997:54)

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 debt 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.

| | |
|------------|-----------------|
| Bardiya | 700 kg to 900kg |
| Kailali | 400 kg to 800kg |
| Kanchanpur | 400 kg to 650kg |

Source: Karki (2001:83)

Kamaiyas are generally provided with clothes and food while working at the landlord's house. None of the *Ladkakhilaiya* 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 *Kamlahri* 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."

Source: Rai, Hemlata (2000) *Centuries of Labour, the Friday Supplement, the Rising Nepal*, 2 June 2000.

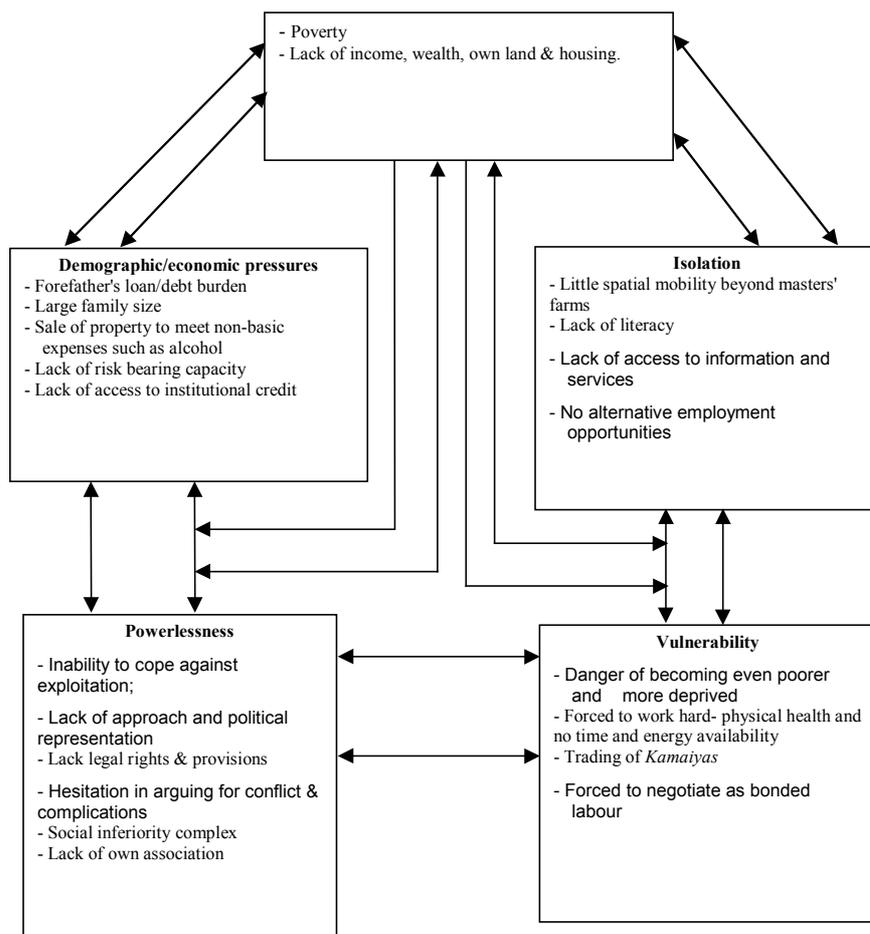
INSEC (1992:84) maintains that the implications of *Saunki* and contractual agreement between landlords and *Kamaiyas* is in many ways against the interests of *Kamaiyas*. *Saunkis* make *Kamaiyas* humiliated, helpless and burdened with obligations. They should always obey the masters, who exercise a 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*



Source: Poudel and Niraula (1998:10) (Revised by Karki: 2001:86).

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 Suryapatuawa 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 Sanoshri 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 Samadhan 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 agriculturebased 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".

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.⁸ 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 effectively⁹ 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

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, awarenessraising, 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*, *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 *Kamaiyas 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 workers¹⁰ 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 in front 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

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 parliamentary 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, Pratapur, 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.¹¹

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

Box 1: Categorisation of Kamaiyas

- Group A Totally landless Kamaiyas (8022)
- Group B *Kamaiyas* with a hut/house but no land (5428)
- Group C *Kamaiyas* with a hut/house and a piece of land upto 0.068 (1877)
- Group D *Kamaiyas* with a house and more than 0.068 hectare of land (3073)

Source: Ministry of Land Reform and Management

¹¹ 'Rojgari napaunda mukta Kamaiya bhokbhokai (Liberated Kamaiyas going hungry in lack of employment),' Nepal Samacharpatra, 18 September 2004

land certificates, but no land at all.¹² 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 (Prohibition) 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'."¹³

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

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>

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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