

Kamalari

Tharu girls in bonded labour (*Kamalari*) servitude in the era of post socio-cultural and political revolution in Nepal - A case study of Dang District

A Thesis Submitted in Partial Fulfillment of the Requirement for the degree of

Master of Philosophy in

Anthropology of Development

By

Neeta Budhathoki

Department of Social Anthropology



University of Bergen

Bergen, Norway

June 2012

TABLE OF CONTENTS

ACKNOWLEDGEMENTS	iii
LIST OF MAPS	iv
LIST OF TABLES	iv
LIST OF FIGURES	iv
ABBREVIATIONS	v
<i>Prologue</i>	vi
CHAPTER I	1
INTRODUCTION	1
Background.....	1
Tharus and the Kamaiya system	2
Kamalari as a remnant of the Kamaiya system.....	3
Introducing Dang and the ethnographic context.....	6
Methodological Considerations	14
Meeting my informants	14
Participant Observation, Oral history and Interviews	15
<i>Participant Observation</i>	15
<i>Oral History</i>	18
<i>Ethnographic Interviews</i>	18
Ethical Considerations.....	19
CHAPTER II	21
LIBERATION OF KAMAIYAS AND KAMALARIS AFTER THE POLITICAL CHANGE IN 1990	21
The abolition of the Kamaiya system.....	21
Kamalari, on its way towards liberation.....	25
Liberated Kamalaris: three cases	27
Summing up.....	35
CHAPTER III	36
CONTINUITY AND PRACTICE OF SERVITUDE	36
Some present cases of servitude	40
Indentured, even after liberty	40
Preferring to remain Kamalari	44

Kamalaris in a religious institution	46
Anita and her servitude	48
Summing up.....	49
CHAPTER IV	51
UNDERSTANDING CONTINUITY	51
Power and domination by the masters.....	53
Culture of Servitude towards the masters.....	54
Lack of ‘Capacity to Aspire’	56
Tharus’ poverty backed up by their Short term consumption habits	57
Gender subordination and patriarchy	60
State’s irresponsibility towards people.....	63
Summing up	65
CHAPTER V	67
SUMMARY AND CONCLUSION	67
Summary.....	67
REFERENCES	71
GLOSSARY.....	75
Annexes	77

ACKNOWLEDGEMENTS

I first and foremost would like to express my sincere gratitude to my supervisor, Associate Prof. Kathinka Frøystad, who not only gave valuable suggestions during thesis writing but also supported me morally in every step to overcome all the hardships that I faced from the proposal writing period till producing this thesis.

I am very thankful towards my dear husband Mr. Prabin Budhathoki for letting me pursue this education and for always having faith on me and on my work. This study would not have been complete if my husband was not there to support me every time.

With regard to the field, my deepest thank goes to all the people in the field who provided me information without which my thesis would not have been possible. I am thankful to all the girls who worked as Kamalaris for providing me their information which was highly valuable for my study. Similarly, I would like to thank Mr. Prem Lal Budhathoki, a 93 years old man of Buttune Village who helped me to understand the history of Kamaiyas and Kamalaris in detail. I am also thankful to PLAN –Nepal, Friends for Needy Children (FNC), Society Welfare Action Nepal (SWAN), Freed Kamalari Development Forum (FKDF) and the local organizations of Dang for helping me in understanding the field and the issue. I am also thankful to all my relatives in Dang who made my fieldwork easier for offering the logistics and helping me to understand people of Dang.

I would like to thank University of Bergen for giving me an opportunity to study Anthropology of Development. And I cannot stop thanking Norwegian State Loan Fund for providing the scholarship and made my life easier to stay in Norway. I would like to thank all my faculties and class mates of Anthropology department for helping me in the learning process.

Last but not the least I would like to extend my heartfelt gratitude to my parents as it is their effort for making me stand in this position today. I would like to dedicate all my achievements towards my parents and thank them for all their support and encouragement.

Neeta Budhathoki

June, 2012

LIST OF MAPS

Map No.	Title of Maps	Page No.
1	Map of Nepal	6
2	Map of Dang District	7

LIST OF TABLES

Table No.	Title of Table	Page No.
1	Categorization of Kamalari servitude	38

LIST OF FIGURES

Figure No.	Figures	Page No.
1	Old Tharu woman in traditional dress <i>lungi</i> and <i>choli</i>	11
2	Young Tharu girl in traditional Tharu dress during a festival called Penda	12
3	Tharus god <i>Bhutuwa</i>	16
4	Tharu woman making <i>jaad</i> in her home	17
5	Tharus program on the occasion of 11th Kamaiya Liberation Day	24
6	Tharus making items ready for <i>Lawange</i>	59
7	Tharus gathering in <i>Penda</i>	59

ABBREVIATIONS

BASE	- Backward Society Education
CDO	-Central District Officer
CNAS	- Center of Nepal and Asian Studies
FKDF	- Freed Kamalari Development Forum
FNC	- Friends of Needy Children
GO	- Government Organization
GRINSO	- Group for International Solidarity
i.e	-That is
ILO	-International Labour Organization
INGO	- International Non-Governmental Organization
INSEC	- Informal Sector Service Center
NGO	-Non Government Organization
NPR	- Nepalese Rupees
NYOF	- Nepalese Youth Opportunity Foundation
OHCHR	- United Nations High Commissioner for Human Rights
OMCT	- World Organization Against Torture
SWAN	- Society Welfare Action Center
OHCHR	- United Nations Office of the High Commissioner for Human Rights
UN	- United Nations
USD	- United States Dollar

Prologue

Selfish were my mother and father.

They gave birth to a daughter.

They gave birth to a daughter.

Did you want to see me suffer, mother?

Did you want to see me suffer, father?

Then why did you give birth to a daughter?

My brothers go to school.

I am unfortunate, I slave in a landlord's house.

Abused everyday by the landlord's wife.

Some life, to get beaten every day.

Some life, to get beaten every day.

Selfish were my mother and father.

They gave birth to a daughter.

They gave birth to a daughter.

Song¹ by Suma Tharu – An ex-kamalari

This is a song sung by 16-year-old Suma Tharu, an ex-Kamalari from Nepal on the occasion of the third annual Women in the World Summit 2012 that was held in Lincoln Center in New York on 8th March, 2012. *Kamalaris* are the Tharu girls who work as bonded laborers in the house of their master to perform the domestic chores in Nepal. The reviews on this summit showed that the song was appreciated by many people who were present at the program. In fact it is a very touching song which reveals the life of a Kamalari and her servitude. However, the feelings expressed in this song were not very new to me because I have encountered more vulnerable and extreme cases of Kamalari who did not even have a chance to share about their problem and are victims of continuous exploitation by their masters. In this 21st century where in some part of the world women have reached great heights, there are

¹This song has been taken from the following site : <http://10x10act.org>

still places such as Nepal where thousands of girls like Suma are still fighting for their freedom and basic human rights.

This thesis examines the plight of women like Suma Tharu who still work in Kamalari-like servitude in the Dang district of Nepal. I did my field work in Dang on the issue of Kamalari. Dang was not a new place for me as my husband is from Dang. Though my husband's hometown is Dang, we lived in the capital city of Nepal as both of us were working there. I sometimes used to visit Dang in order to celebrate some rituals and festivals with my husband's family. Before marriage I was aware of the Kamalari issue from reading the newspapers and from television. I took the issue of Kamalari as just one of the many social problems that existed in Nepal and I also never had work exposure on this particular matter though I have worked with many other social issues.

During my visits in Dang I came across the Tharu people. I was already aware about the Kamaiya and Kamalari issues, but only after marriage did I come to see and meet them in person. I knew that Dang had been considered as land of Tharus in the past, but when I went there I could see Tharus working as labourers, domestic workers and manual labours in the construction works in Ghorahi municipality. My in-laws had also employed Tharu sharecroppers who worked on their land and shared an equal amount of the crop with my in-laws. Whenever they visited our house they showed deep respect to our family and made us feel superior by bowing for us, offering their help with tasks such as washing dishes, cleaning the house etc. for free. I came to know from my in-laws that most houses of Ghorahi had Tharu girls as domestic workers whom they called Kamalari, and it was the masters' pride to keep Kamalaris in Ghorahi. In my home town we do not have Kamalaris, so this was quite new experience for me. After seeing Tharus in Dang I became curious to know how the group became impoverished and are now leading such a poor life.

By selecting the Kamalari system as the topic of my M.Phil thesis, I got the opportunity to experience the issue in greater detail than by asking my husband and in-laws about it. Above all it was imperative to interact with Kamalaris themselves and writing this thesis has thus been a self-discovery of sorts.

CHAPTER I

INTRODUCTION

Background

Bonded labour system existed in many parts of the world in different epochs and in different forms. Some were based on race, some on caste and some on class. According to the report produced by the International Labor Organization (ILO) in 2005, there are at least 12.3 million people in forced labor, debt bondage and slavery, including people who have been trafficked into these conditions” (ILO. 2005: 10). “ILO estimates that the majority of the 9.5 million people in forced labor in the Asia-Pacific region are in debt bondage”(ILO. 2005: 13). Bonded labor is recognized by the United Nations (UN) as a contemporary form of slavery, alongside trafficking and sexual slavery (Kvalbein 2007: 1).

Bonded labour is also very common throughout South Asia. Within south Asian countries, especially India and Pakistan, the issue of bonded labour is a problem. In India this issue is also influenced by the caste system. It is noted that the highest incidence of bonded labour in India is found in areas dominated by powerful upper-caste Hindus (Robertson and Mishra 1997). However, by 1990 approximately 200,000 bonded laborers were released with the help of non-governmental organizations which filed public interest litigation with the Supreme Court in India. Nevertheless the Constitution of India and Bonded Labour System (Abolition) Act (1976) already prohibited the bonded labour system in India. Similarly, in Pakistan, a piece of legislation prohibiting bonded labour was passed in the parliament in 1992 and enacted in 1995 after the Ministry of Labour issued the Bonded Labour System (Abolition) Rules which provided the necessary instruction for the local government to implement the act (Robertson and Mishra 1997).

In Nepal the bonded labour system which existed within the agricultural system was abolished in the year 2000. This practice of bonded labour was called the Kamaiya system, which was prevalent among the Tharus of Nepal. The emergence of local, national and international organizations after 1990 helped in giving force to the freedom movement of the Kamaiyas,

and finally the Kamaiya practice was declared illegal on 17th July 2000 by the Government of Nepal. The details on the legal abolishment will be discussed in the second chapter of this thesis. However due to a lack of proper rehabilitation programs by the state for the liberated Kamaiyas who still lived in a dire state of poverty, they still had to send their daughters to work as indentured domestic labourers in the house of masters to work as Kamalari even after formal abolition.

Tharus and the Kamaiya system

In order to understand the term “*Kamalari*,” it is important to understand the term “*Kamaiya*.” The term “*Kamaiya*” means “hardworking man” in the Tharu ethnic group’s vernacular. Tharus are one of the ethnic groups of Nepal residing in the southern belt of Terai region which constitute 6.6% of the total population of Nepal. They are of Mongolian features with a darker complexion and the majority of their population residing in Banke, Bardiya, Kailali, Kanchanpur and Dang (CNAS 1992). There are many opinions regarding the origin of the Tharus. Some scholars believe that Tharus originated from the Thar desert of Rajasthan, India and some believe that the origin of the Tharus is Mongolia. A Master’s Thesis titled *A study on Freed-Bonded Labourer (Mukta Kamaiya) in Nepal*, 2011 by Buddhi Ram Chaudhary (Tharu) from Hiroshima University states that Tharus are often humiliated by being referred to as the ‘People without history’. They worked as Kamaiya in the farms of landlords who were generally non-Tharus (Chaudhary 2011: 23). However, Tharus are regarded to be the first inhabitants of the Terai region.

Before the eradication of malaria, only Tharus could survive in Terai as they had the ability to resist mortality and morbidity from malaria (Chaudhary 2011). But after the eradication of malaria in 1960’s Terai was inhabited with the people from hills too. The hill migrants were close to the bureaucrats and the state rulers. With the help of the rulers, the hill migrants were able to capture the large portion of land which used to belong to the Tharus and made them landless. RaghuNath Lamichanne, a Nepali journalist who writes mostly about the struggles of landless peoples like Kamaiya, Kamalari, Dalits² etc., states in one of his books called *Kamalari* (2009) that until 1892, 80 percent of the land in the five districts (Dang, Banke, Bardiya, Kailali and Kanchanpur) was owned by Tharus. Despite only arriving in the area in

²The ‘untouchable’ people according to the Hindu caste hierarchy in Nepal

1960, hill migrants were able to capture 90 percent of the Tharu land, making many Tharus landless(Lamichanne 2009: 12). Later, Tharus started helping the hill migrants in farming, and slowly the relationship of land holding hill migrants and landless Tharus turned into the relationship of master and slave, the latter of which were called Kamaiyas.

Due to their poverty, Tharus take loans from the masters and if they are not able to pay back their loans they then offer their free labour to the debtor by working as Kamaiya on their farm. In the Kamaiya system not only a single person works as Kamaiya but his whole family serves the master offering their free labour. It is a culture in the Kamaiya system that when a Kamaiya dies without repaying the debt of the master then his son automatically becomes a Kamaiya to his master. Sons of Kamaiyas work as animal herders for their masters and are called *gaibar*³, *bhainsbar*⁴, *chegar*⁵ etc.(OMCT. 2006: 3). Likewise the daughters of Kamaiyas work in the houses of their landlord as domestic servants and are termed as *Kamalari*. In this way whole families of Kamaiya worked in the house of the master and the system was followed for generations.

However, the abolishment of the Kamaiya system by the Nepali government on 17th July 2000 has made the Kamaiya practice illegal and very few people are now found working as Kamaiyas. But regrettably we still find quite a few Tharu girls working as Kamalaris in the house of masters.

Kamalari as a remnant of the Kamaiya system

The term *Kamalari* means “hard working girl” in the local Tharu parlance. The term originally referred to daughters of Kamaiyas who worked as domestic labourers in the house of the landlord. Sometimes the word is also used for the young unmarried sisters of Kamaiyas who work in the house of the landlord to minimize the debt of the family. Kamalaris work as domestic servants in the house of landlords on the basis of an oral contract that is formed between a girl’s parents and the employer. Tharus are so loyal to their masters that very few Tharus dare to go against the oral contract. When the government of Nepal abolished the

³Nepali term used for the children of Kamaiya those who herd cattles

⁴ Nepali term used for the children of Kamaiya those who herd buffaloes

⁵ Nepali term used for the children of Kamaiya those who herd goats

Kamaiya practice, the Kamalari practice should also have been abolished, but this did not happen. The Kamalari practice remained as a remnant of the Kamaiya system and can still be found in this ethnic group.

After the abolishment of the Kamaiya system the Kamalari practice started taking new forms. Because the government had not initiated the adequate rehabilitation programs for the liberated Kamaiyas, they continued sending their daughters as domestic servants to upper-caste landlords. These girls were sent to work in the house of a master on the basis of an oral contract formed between her parents and the landlord. The oral contract is formed especially on the day of *Maghi*, the Tharus' great festival which falls on the first day of the month of Maghin the Nepali Hindu calendar that is typically in the middle of January according to the western calendar. On this day the person who employs the Kamalari and the Tharu parents negotiate the amount for the following year that will be paid to the Tharu parents for the work that will be done by their daughter working as Kamalari. When the negotiation is fixed an oral contract is made in which the girl is not supposed to leave the house of employer/master for that year. Some masters entice Tharu parents by giving an amount of money in advance, and some promise to the parents to educate the Kamalari girls in order to convince parents to transfer their daughter to them. The girls who are sent to work as Kamalari have no right to break the contract. However, if the Kamalari girl breaks the contract anyway, then the Tharu parents are obliged to compensate their daughter either by sending another member of the family or paying back the amount that has been paid for her work. Thus in this way the contract gets renewed every year and the girls become trapped into indentured servitude for years. However, according to the chairperson of Society Welfare Action Nepal (SWAN), if a Tharu girl is above 18 years and receives monthly payment of NPR 4700 (USD 56.8) from her employer for the domestic chores then she is not defined as 'Kamalari'.

Numerous studies and research exist on the Kamaiya system, but very few have been conducted on Kamalaris. Most of the studies have included the issue of Kamalari under the Kamaiya system though the specifics and vulnerability of Kamalaris is different, and thus deserves a closer examination in its own right. Therefore the present thesis aims to give primary focus to the Kamalaris in Dang, in order to shed better light on the plight of the girls' and women's situation within the Kamaiya system. I will do so by exploring their present socio cultural and economic situation and their survival mechanisms in the context of the

slavery system having been abolished. The study will also examine the perception and attitude of Kamalaris towards the Kamalari system and legal abolishment of the Kamalari system.

Furthermore, employing an anthropological perspective, my study examines to what extent the legal abolition of the Kamalari system succeeded in improving the situation of Kamalaris. Similarly, to what extent do ex-Kamalari girls still remain in master-servant relationships and if so how do they conceive of their situation? What kind of situations have the Kamalaris had to face when returning to the masters they had left? Which other options do they have for making a living without the assistance of NGOs or state agencies? What kinds of exploitations and abuses do the girls have to face while working as Kamalaris? How do the liberated Kamalaris view their new life compared to their former life as Kamalaris?

Therefore, in order to answer these questions I have relied upon some of the anthropological perspectives and theories based on poverty, servitude, power and domination, master-servant relationships, etc. I will be discussing these anthropological theories explicitly in chapter four on the basis of the descriptions that I have made in chapters one, two and three. Poverty is always an inevitable contributing factor in creating a system like bonded labour. In the case of my topic i.e. in the Kamalari system also, poverty has led to the domination by the powerful migrants to powerless Tharus. While dealing with the powerful and powerless people I will be relying upon Gaventa's work *Power and the Powerlessness: Quiescence and rebellion in an Appalachian Valley (1982)* and will try to show how the power of the masters contributed to the powerlessness of the Tharus. I will be analyzing the various pushing and pulling factors which contributed to the poverty of the Tharus and the contribution of poverty in forming Kamalari relations. Regarding the continuity of Kamalari servitude I will be using Oscar Lewis's concept of 'Culture of Poverty' to explain how Tharus perceived their masters and how dominating structure of society led to the culture of servitude which passed on from generation to generation. I will discuss that continuous domination by the masters of Tharus and their situation to become powerless is also one of the reasons behind Tharus' lacking the aspiration and capacity to change their situation and have discussed Arjun Appadurai's article *The Capacity to Aspire: Culture and the terms of Recognition (2004)* for this point. I will also rely on patron-client perspective to discuss the master- servant relationship and analyze why Tharus stayed in the bonded labour servitude. Similarly I will be talking about Tharus drinking and feasting habit which also has contributed to their poverty and led them to send their daughters into indentured servitude. Furthermore, I will be discussing why the male

dominating characteristic of Nepalese society is a pushing factor for girls to work in indentured servitude though the system has already been abolished and will be discussing other relevant concepts.

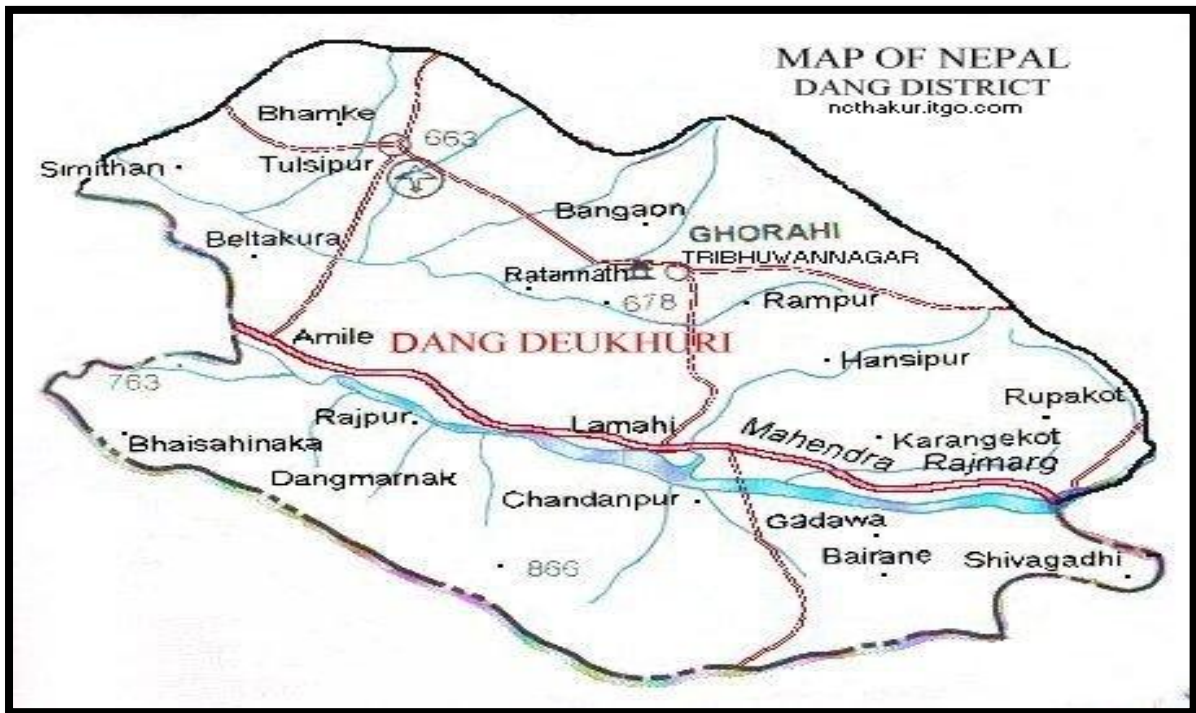
Introducing Dang and the ethnographic context

After the brief overview of my research I would like to now introduce my field which was in Dang. Below is a map of Nepal which is followed by a map of Dang.



MAP NO. 1: Map of Nepal

Source: ncthakur.itgo.com



MAP NO.2: Map of Dang district

Source: ncthakur.itgo.com

Nepal is divided into 14 administrative zones which are further divided into 75 districts. The 14 administrative zones are grouped into five development regions. Dang, where I conducted my fieldwork, is one of the five districts of the Midwestern region in Nepal. Dang District consists of two valleys; the Dang Valley and the Deukhuri Valley. As mentioned, Dang is considered to be the main homeland of the Tharus and they later migrated to other parts of Nepal as well.

Dang is in the southern belt of Terai region and has a hot climate. During my field work the temperature varied between 37 degrees Celsius in July-August to six to seven degrees in December. Combined with the fertile soil, the climate of Dang is considered very favorable for cultivation, which is why many migrants from the hills migrated to Dang after the eradication of malaria. Thus, though this area used to be dominated by Tharus, the Dang district has been largely occupied by upper-caste hill migrants from Brahmin and Chhetri communities, which slowly made Tharus into a minority in their own home region. Ghorahi and Tulsipur are the two municipalities in the Dang District and there are small towns within

the valley. During my field work I stayed both in a town and a village area and thus got the chance to interact with many people.

Among the town areas in Dang, I stayed in Ghorahi during my field work as I had relatives who lived there. Ghorahi is quite urban and all modern amenities such as internet, restaurants and hotels are to be found there. There was also a good public communication system which made transport convenient. As Ghorahi is a market area people seemed quite busy and occupied with their work. Ghorahi was mostly populated by upper caste people. Tharus from the near villages come to Ghorahi to sell vegetables daily, especially in the mornings. Their selling time used to be from 4 am to 10 am. Afterwards they would return to their own places. I started my field work in July, so the weather at that time was extremely hot thus I used to wake up very early and take a walk in the morning time. The nearest vegetable market from the place where I lived in Ghorahi was five minutes walking distance. I used to go and see Tharus marketing early in the morning. They only sell seasonal vegetables so one can see only two to three varieties of vegetables among all the vendors. They were very busy and did not have time to talk to other people regarding other matters. Selling what you produce on your farm was another business for most of the Tharus. Besides vegetable vending, Tharus could be seen working as manual labourers in house construction works, part-time helpers in the houses as domestic workers and as Kamlaries in Ghorahi.

My host in Ghorahi told me that most of the families in town had Tharu girls as domestic servants whom they referred to as 'Kamalari'. It was bit surprising for me because they kept Kamalaris in such a manner that nobody from outside could suspect it. The organizations working for Kamalaris were entitled to rescue Kamalaris if they came to know that a family was keeping Kamalaris and file case against the employers. Thus because of the fear of NGO's attacking, the masters hide Kamalari inside the four walls of their home. I could also see them only when I went inside the houses for other purposes.

Three kilometers to south of Ghorahi, there is place called KapaseBagiye. KapaseBagiye is also one of my field study areas in the Dang region. After the declaration made by the Nepali government on the liberation of Kamaiyas in July 2000 (see chapter II), the government planned to provide 0.16931 hectares of land and NPR10, 000 (USD 126.26) to each liberated Kamaiya as reimbursement. However the government was unable to provide the land to freed

Kamaiyas, which made Kamaiyas capture *ailani*⁶ (barren, unregistered) land in many places and settle there. KapaseBagiye is one such example. Though it was a settlement of ex-Kamaiyas, ex-Kamalari were also found there and in fact almost all of the women I met there had worked as Kamalari in their past. The settlement is close to the highway and there are around 40 households.

The *ailani* land of KapaseBagiye was mostly occupied by the Tharu Kamaiyas but there were also a few people from the hills, who had occupied the land and claimed to be Kamaiyas. During my field exploration in KapaseBagiye I met two three families from non-Tharu backgrounds using the *ailani* land. When asked they told that they also used to work as Kamaiyas on the landlords land. After the liberation, the Nepali government did a survey for registration of the liberated Kamaiyas for distribution of the reimbursement. The registered Kamaiyas got a 'Red Card' which denoted that they were the real Kamaiyas who did not have their own land and deserved reimbursement. However due to lack of information about this government program a considerable number of Kamaiyas were not aware of it and missed it. There are hundreds of such Kamaiyas who missed the registration process. In KapaseBagiye there were both kinds of Kamaiyas; some who had the 'Red Card' and others without it. Both groups were forcefully occupying the *ailani* land and could be moved out at any time by the government. During my fieldwork in KapaseBagiye I found that some houses were always locked, and when asked about it I came to know that the Kamaiyas had captured the *ailani* land but moved to some other place for wage work such as doing house constructions, coolies etc. Some were saying that those people stayed in the KapaseBagiye only in some seasons just to capture the land. I also came to know that some Kamaiyas were also involved in buying and selling the government land illegally at their own risk though they did not have the *lalpurja*⁷ (documents of land ownership) with them.

When I was in Kapase Bagiye, I used to stay in Joganiya Tharu's home. In Joganiya's case I came to know her because her daughter was employed by one of the projects working against the Kamalari system and I met her during an organization visit. KapaseBagiye is a settlement of ex-Kamaiyas with approximately 40 households. As common to other Tharu settlements, people of KapaseBagiye raise pigs. Pork is kind of a mandatory item in Tharus' feasts and festivals and pigs can be found in every household. Pig sheds can be seen in the front yards.

⁶barren 'un registered' land, under the ownership of government also called *Parti Jagga*

⁷testimonial document with red seal for land ownership

People in KapaseBagiye had very few cows and buffaloes; rather, goats and chicken were found as the common animals. Each household had small piece of land for backyard vegetation.

KapaseBagiye is just three kilometers away from the main town, and many people there work in the town as labour workers. The men used to go to work at eight in the morning and even the women who worked as the daily labour went to work early. Most of the residents of Kapase Bagiye were involved in house construction or coolie work. They had their own leader for representing their locality whose role is to inform the other residents about meetings and the programs. The locality also had a saving and credit group, a women's group and other organizations in order to develop their locality. Most of the children of KapaseBagiye went to the government school in Ghorahi, the main town. It seemed that Tharus have also become aware of the importance of education. While visiting the households I could only observe two houses having televisions. Some houses did not even have radios and were disconnected from the happenings going on in their city and country. This may be one of the reasons why many Kamaiyas were unaware of the government registration process which they missed.

My field work was also comprised of visits to several villages in Dang. Two of them- Buttunne and Bangaon - were to become central sites for my work. The villages of Dang are typical rural villages where basic things such as electricity are still considered a luxury. My host in the village of Buttunne used to turn off the lights and light the oil lamp once the domestic chores were finished. I would like to give a brief description of these two villages where I spent the most time during my research.

Bangaon is one village located in Deukhuri Dang. It lies in the southeast and is 30 kilometers from the Ghorahi Municipality. Of the 250 households, approximately 190 households were Tharus and 60 were upper caste Hindus. Most of the Tharus houses in Bangaon were built of mud and were of two stories. The houses were covered inside and outside with a mixture of mud and cow dung in a well-crafted way. These types of houses were called *KachhiGhar*. In contrast, the houses of upper caste Hindus were mostly concrete and cemented and were called *PakkiGhar*. Pakki houses were typically a sign of the upper caste and prosperity. The village had a road which was the main way for going places called Koilabaas, but the road was not concrete so whenever vehicles passed by the road the whole village turned dusty. Tharus were used to this dust so they had no complaints about the dust. Tharu women's

mornings start with the domestic work and the men go to work in the early morning. Most of the Tharus of Bangaon went to Lamahi, the market area which is five kilometers away from the village. They worked as manual laborers in the construction projects and also work as porters.

I found many elderly Tharu women wearing their native dress in Bangaon. The native dress of Tharu women is a colorful and beautifully embroidered long skirt with a blouse on the top. I came to know that they buy scraps of left over fabric from the fabric merchant and put it together in a unique design and make it into a dress. The long skirt is called *lungi* and the top is called *choli* in their language. This dress was mostly common among the old women; however the young ones preferred clothes of the new trends such as pants and t-shirts or salwar suits. They preferred to wear traditional dress only in occasions. Men were usually found wearing pants and shirts.



Figure 1: Old Tharu woman in her traditional dress *lungi* and *choli*



Figure 2: Young Tharu girl in her traditional dress during a festival

Though Bangoan was predominantly a Tharu Village, there was a religious institution called Guthi which regulated free Vedic education for the Brahmin boys. This institution was also called *Veda Vidhyalaya*, meaning Vedic School. The boys get their regular education alongside Vedic education in this school. They are educated for free until their secondary education, which is up to class ten. Besides free education, the lodging and food is also free for boys who manage to pass their secondary level. After this level the students can make their own choices about whether or not to specialize in the Vedic sector or choose other subjects. Guthi is not responsible for further education after the secondary level. Most of the land of Bangoan village (approximately 12000 *Bigha*⁸ or 812.712 hectares), was owned by Guthi. The production of this land was the main income source of the Guthi. As I will describe later, I found many Tharus working as Kamaiya and Kamalari in the land of Guthi.

⁸Nepali system of land measurement in which 1Bigha= 0.67 hectare

Lamahi, one of the big market areas of Dang was five kilometers from Bargaon village. According to my host in Bargaon, Lamahi is the core area where the girls are sent as Kamalari. As this assertion indicates, the Kamalari system still persists to some extent despite the abolishment of the Kamalari system. My own observations support this assertion, as I came across cases where parents were sending their daughters to work as Kamalaris, which I will discuss in the subsequent chapters.

Buttune village is 13 kilometers south west from the Ghorahi municipality and it is mostly occupied by Tharus except for some of the upper caste Hindu families from the hills. I found the housing structure of the upper caste and the Tharus quite similar in this village. Most of the Tharus houses were built of mud but some of the well-off Tharus had cemented and white-washed houses also. This was a village where the number of Kamaiyas and Kamalaris were particularly high before their liberation. But after liberation, most of the Tharus who worked as Kamaiyas began working as share-croppers. They generally grow paddy, maize or other crops according to the needs of the landlords, and share an equal portion of the harvest with the landlord. I selected this village to interact with the landlords who employed Kamaiyas and Kamalaris. This village had an equal ratio of upper caste Hindus and Tharus but the land division was far from equal. There were approximately 21 houses of Tharus and 20 houses of people from the hills. Brahmins and Chhetris own a huge portion of the land, whereas majorities of the Tharus were working as share croppers on their land. There were only a few Tharus owing small amount of land.

In this village I also found Tharus raising pigs and it was common to see pigs, chickens, hens and goats in their locality. They also had oxen for tilling the field. However the upper caste Hindus only raised cows, buffaloes and some goats. Pigs are considered an impure animal among the upper caste Hindus so they do not eat pork and also take baths if they somehow touch pig. In fact the upper caste Hindus especially Brahmins are mostly vegetarians. However, eating pork and beef is very normal among the Tharus. Regarding their dressing habit, the Tharu women in this village are mostly dressed like the other caste group; they wore a sari and blouse. I could only find them wearing their local dress, *lungi* and *choli*, during the feasts and festivals.

Buttune village also holds the leader among the Tharus, called *mahato*. The role of *mahato* is to make important decisions such as informing Tharus about the time for farming, irrigation, harvesting and taking the initiative in organizing festivals. He is also responsible for

maintaining law and order in his locality. The *mahato* of Buttune village was a rich Tharu. He had a few hectares of land and owned a rice mill. When I asked about how he had been able to accumulate this property he replied that he had also worked as a Kamaiya in the past but had tried to save as much as he could and had abstained from drinking alcohol and organizing feasts, a topic I return to later.

In Buttune village the landowners feared to keep Kamaiyas due to the legal abolishment. Thus Kamaiyas were not found, but there were nevertheless cases where parents were sending their daughters as Kamalaris to the city area.

Methodological Considerations

Meeting my informants

In this section I would like to describe how I got access to the informants with whom I worked during my field work period. Doing fieldwork on the remnants of a formally abolished system of bonded labour is a delicate task, and to get my first footholds in the field, I had to rely upon the INGO's and NGO's that worked on Kamalari issues in the area. There are many organizations in the capital city of Nepal which work with Kamalari issues. Before going to the field I contacted the organizations PLAN Nepal, Friends for Needy Children (FNC), and Society Welfare Action Nepal (SWAN). These are the core organizations working for the Kamalaris, thus I contacted them to know about the field area of Dang and about the Tharu people. These organizations suggested field sites where the Kamalaris could be found. Besides taking the help of only organizations, I also tried to explore these areas myself because I was conscious that my study should not depend too strongly on the organizations and their projects. However, it was easy to get access to the people when I contacted them through NGOs, but slowly I also used the snowballing method from the people I met rather than being reliant upon NGOs. Over the months that followed, I interacted with many Kamalaris as well as with local people, landlords, Kamalari "employers" etc. to get a broader understanding of the issue.

The relatives I have in Dang have also been of great help in identifying suitable field sites and arranging places to stay during my field work period. As Dang is a big district and its area is large I had to change locations several times in order to acquaint myself properly with the Kamalari problem. If I had limited my fieldwork to only one village, I would not have been

able to understand the topic well; additionally, the Kamalaris are taken from one place to another for work. For these reasons I chose to undertake multi-sited fieldwork. Reflecting on the pros and cons of multi-sited ethnography, Coleman and Hellermann in *Multi-sited Ethnography: Problems and possibilities in the Translocation of Research Methods* have pointed out that multi-sited ethnography is useful to explore the people in motion and explore ideas that can be found in the dispersed communities which is the case for Tharus in Kamaiya and Kamalari relationships (Coleman and Hellermann 2011). Though there are some disadvantages of multi-sited ethnography, including the difficulty of studying each field in depth or challenges in comparing the data that is obtained for the same research questions from different groups, I still found this method necessary for getting access to the informants in different locations. In my case, for example, landlords and ex-Kamalaris were found in the village area and the girls who are still working as Kamalaris were found in the town area. Only by interacting with all these informants was it possible to get an adequate impression of the contemporary remnants of the Kamalari system as such. It was not feasible to travel every day, so I divided my fieldwork between three main localities: the Ghorahi Municipality, the Buttune village in Dang and the Bangaon village in Deukhuri. From those locations I also travelled to other places using public transportation in the town areas and my own feet in the village as the villages of Dang do not have any public transportation.

Participant Observation, Oral history and Interviews

During the entire fieldwork period my basic research method was participant observation. In addition to participant observation, I took oral histories for case studies and conducted several interviews. I preferred taking down the field notes rather than using a tape recorder except when interviewing leaders and politicians. In the following section I present my choice of research methodology in further detail.

Participant Observation

My field work is highly based on participant observation. During the fieldwork I got the chance to spend time with Tharus in their own places. DeWalt and Dewalt define participant observation as a method in which a researcher takes part in the daily activities, rituals, interactions and events of group of people as one of the means of learning the explicit and tacit aspects of their life routines and their culture (DeWalt and DeWalt 2002: 1). When I was

in the field I spent most of my time with the Tharu people. I used to visit their homes and interact with them and observe their daily routine as much as possible. Similarly, Schensul and Schensul say “Participant observation is the process of learning through exposure to or involvement in the day-to-day or routine activities of participants in the researcher setting” (Schensul, Schensul et al. 1999: 91). I tried to spend as much time as possible with them and participated in their feasts and festivals whenever I was invited. There were many things to observe for me while partaking in their activities. Tharus worshipped *Bhutuwa* (family god/ghosts of Tharus) and the representation of their god is made of wood. They keep their god idols outside their homes, which contrasts sharply with the practices of the caste communities to which my husband and I belong. I am a Newar and my husband a Chettri, and in both of our communities we keep the idols inside our home. When asked about this practice, Tharus told that houses are not pure enough for the Gods so they kept their Gods outside.



Figure 3: Tharus god *Bhutuwa*

I was also invited to some of the feasts of the Tharus. In the Tharus’ feasts they prepared at least six-nine varieties of food items including their local white wine. They spent very generously in preparing for their feasts and drink a lot. In fact, drinking was not only regarded as important in Tharu gatherings and feasts but it is a part of their daily life as much as tea and coffee is for others. Their liquor was called *jaad*. It is cheap liquor and is prepared in the house itself. I usually found most of the Tharu men and sometimes also the women getting

drunk whenever they had free time from work. Some Tharus start their work by drinking a big bowl of *jaad*. I got to taste this *jaad* in one of the feasts and gradually acquired a liking for it.



Figure 4: Tharu woman making *jaad* in her home

Observation played an important role while I dealt with the girls who were working as Kamalaris during my fieldwork time. It was hard for me to interact with the girls directly regarding their experiences in front of their masters therefore I attempted to understand their situation by involving myself in their activities through trying to be present at the work places of Kamalari and interacting with them informally. The Kamalaris hesitated to open up to me in the presence of their master but when their masters were not present, the girls used to speak about their experiences of verbal abuses and their unwillingness to work as Kamalari. I chose my relative's home to deal with the girls who were working as Kamalaris. In this way I could spend more time with the Kamalaris than in some stranger's home. Here I could also observe my relative's role as a master towards the Kamalaris. A deeper examination of my observations on how Kamalaris perceive masters and how masters perceive Kamalari is presented in chapter III.

Oral History

Oral history was another method I chose for my study. My topic on Kamalari has its long history. Kamalari and Kamaiya systems used to get passed down from generation to generation. The situation of Kamalari now is different from the past history. Oral history methods provide a glimpse into how people of the past constructed their worlds--what they believed, imagined and valued (Giles-Vernick 2006: 87). In order to access the details about the different kinds of servitudes the Kamalaris had entered, I also tried to elicit information in the oral histories. As Giles-Vernick says- "Oral history methods enable researcher to gain insight into how people use their pasts" (Giles-Vernick 2006: 88), these methods helped me to learn about the feelings, aspirations, disappointments, family histories, and personal experiences of the people I interviewed. In general, people were glad to narrate their life events and their interpretations in their own words. While noting down the oral histories I got the chance to go back in the past history of my informants and learn about the conceptions and interpretations of people's pasts and how they used those conceptions in the present. It was particularly interesting to elicit the oral histories of the landlords who kept Kamaiyas and Kamalaris as bonded labourers, as it their actions that contributed to perpetuating the Kamalari system for such a long time. Some of these cases will be presented in the coming chapters.

Ethnographic Interviews

Finally, I also conducted interviews with people in a way I see as 'ethnographic interviews'. Spradley refers ethnographic interview as a series of friendly conversations into which the researcher slowly introduces new elements to assist informants in responding as to questions (Spradley 1979: 58). I did not use structured questionnaires but the questions I asked regarding the background and the experiences of Kamalaris were almost similar. I asked questions regarding family constellations, economic background, educational background, health and their experience when working as Kamalaris which used to be almost similar while interacting with ex-Kamalaris. Sometimes they raised additional issues which I incorporated in the ethnographic interview to the extent they were important for my study.

I always got surrounded by people when I interviewed or interacted with someone. I did not face much language problem as the Tharus could speak at least broken Nepali and I could also

understand their Tharu language sometimes, as it is close to Hindi. I am very fond of Hindi films so I can understand Hindi very well. However, when I interacted with older Tharus, they felt more comfortable speaking in their own language, and in such cases I had to rely upon an interpreter who could translate my Nepali to the Tharu language and vice versa. Regarding the use of an interpreter, Gerald D. Berreman in his work *Behind Many Masks* (1962) has problematized how data can be transferred due to the dependence on the interpreters. When Berreman had a high caste Brahmin interpreter, the interpreter used to screen all of the information regarding the upper caste people. The lower caste people of the village used to be reluctant to talk to Berremen. But when Berremen used Muslim interpreter due to the illness of the Brahmin interpreter then the Brahmin locals of the village started keeping their distance from him and the lower caste people started becoming friendlier to him. From the Muslim interpreter Berreman could get the information about the conflicts and power struggle between the high caste and low caste people(Berreman 1962).

In my case, it was also not terribly problematic for me because another Tharu near to me used to translate my Nepali to the Tharu language or whenever I had a problem in understanding their language they used to translate the Tharu language to Nepali. Sometimes my relatives also joined me in the field as they had good knowledge of the Tharu language as well. Thus I also felt that when some Tharus were interpreting for me, they sometimes added their own judgments about the landlords and upper caste people, indicating that they were very exploitative. But when my upper caste relatives interpreted for me, they typically added judgment that insinuated that “these Tharus exaggerate a lot” or “they are telling lie.” For this reason I used interpreters only in rare cases preferring to interact on my own by spending as much time as possible trying to understand what my informants were trying to say.

Ethical Considerations

Doing fieldwork among people as marginalized as Kamalaris and ex-Kamalaris, I came across many ethical dilemmas during my fieldwork. One of the obvious dilemmas for me was my informants asking me about the benefits they might receive after the completion of my studies. I was seeking information from each and every person in my respective field sites, while they were seeking some kind of benefits in return. Most of the people who were willing to share their experience with me expected some monetary help from me in return. Spradley in *The Ethnographic Interview* (1979) says that “Every ethnographer bears a responsibility to

weigh carefully what might constitute a ‘fair return’ to informants” (Spradley 1979: 38), but in my field I do not think I was able to make any fair return. However, I was time and again explaining my status as a student who was unable to provide immediate benefits to them. I sometimes felt that it was quite unfair to my new acquaintances in the field.

I will respect the right of my informants to remain anonymous. The issue of Kamalari is quite sensitive, thus I will maintain the anonymity of most of my informants except the organizations and political leaders with whom I interacted. I met different types of people in the field; some were scared to give information in fear of getting their names disclosed while others were very open and gave much information in the hope of getting their names published in my work. I was also told about sexual abuse, and in these cases I keep all the names anonymous so that they will not face any kind of stigma or be in trouble of any kind in the future as even the perpetrators could risk court cases and jail time. All the Tharus were of the same caste called ‘Chaudhary’ so I will only be changing their first names in my work.

There were several cases of physical and sexual abuse by masters to their Kamalaris. Thus I will not disclose the names of either Kamalaris or masters anywhere. There was a case in which a master accepted that the son of his Kamalari as his own son. This story was told by the Kamalari/wife and she requested me not to flash her employer’s name who later became her husband. She told that she could be thrown out of the house if her husband knew about her sharing this information with me.

Though many people in the field had expectations of me I could not do much at this stage as I was a just a student writing an Mphil thesis. From this position I can just highlight the exploitation of the Kamalaris so that the readers of my thesis can feel the vulnerability of the issue and can contribute whatever they are able to do from their side. If my thesis were a book then I would have definitely shared my royalties with the Tharu people who provided me an enormous support and abroad range of information to produce my work. If I get the chance I would definitely want to work on the issue of Kamalari in the future days in order to help uplift them from their vulnerable situation.

CHAPTER II

LIBERATION OF KAMAIYAS AND KAMALARIS AFTER THE POLITICAL CHANGE IN 1990

The abolition of the Kamaiya system

The Kamaiya system was abolished in Nepal on 17 July 2000, ten years after the restoration of the multiparty democratic system in Nepal. The abolishment of the Kamaiya system can be taken as one of the significant results of multi-party democracy. Before 1990 Nepal had a monarchy system based on the absolute control of the king. It was only after the restoration of multi-party democracy that NGOs and trade unions were allowed to intervene in the numerous social issues, including the bonded labour practice. Debt bondage and bonded labour were considered a human rights issue and were declared unconstitutional in 1990 in Nepal. The present Interim Constitution of Nepal 2007 has made the following statements against bonded labour:

“Art. 29. Right against Exploitation:

- (1) Every person shall have the right against exploitation.
- (2) Exploitation on the basis of custom, tradition and convention or in any manner is prohibited.
- (3) Traffic in human beings, slavery or serfdom is prohibited.
- (4) Forced labour in any form is prohibited.

Provided that nothing in this clause shall prevent enacting a law allowing the citizen to be engaged in compulsory service for public purposes.

Art. 30. Right Regarding Labour:

- (1) Every employee and worker shall have the right to proper work practice.
- (2) Every employee and worker shall have the right to form trade unions, to organize themselves and to perform collective bargaining for the protection of their interest in accordance with law.” (GoN. 2007: 15)

Similarly, the *MulukiAin* of Nepal also gives the basis against the bonded labour and slavery practice. *Muluki Ain* is Nepal's first codified law, originally promulgated in 1864, is a collection of administrative procedures and legal frameworks for interpreting civil and criminal matters, revenue collection, landlord and peasant relations, inter-caste disputes, and marriage and family law.

In sub section three⁹ of section eleven, part four, the *MulukiAin* states the following,

“No person shall make any other person a *Kamara, Kamari* (sub-servant), slave or bonded labor. A person who makes another person a sub-servant, slave or bonded labor shall be liable to the punishment of imprisonment for a term ranging from Three years to Ten years, and the court may issue an order for the provision of a reasonable compensation by the offender to the victim”(GoN. 2020: 381)

Beside the national legislations, Nepal is a signatory of the United Nations Convention on the Rights of the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institution and Practices Similar to Slavery (1956), Forced Labor Convention (1930), Worst form of Child Labour Convention (1999) etc. As this suggests, Nepal has been eager to ratify international agreements of human rights, but as we will see, the country has been less effective in implementing them.

Despite the existence of many national and international provisions, remnants of the *Kamaiya* and the *Kamalari* system still prevails in Dang and four other western districts of Nepal. One of the reasons why it has proven difficult to uproot the entrenched system may be the alleged involvement of so-called power holders and policy makers in perpetuating the system. During my fieldwork I was told that even some of the political leaders who were fighting for the rights of the marginalized were themselves keeping *Kamaiyas* and *Kamalaris*. If this is true there is all the more reason to examine in closer detail the complex realities that perpetuate the system on the ground.

The prevalence of the power holders keeping the *Kamaiyas* was very common in the western region of Nepal before the abolition of the *Kamaiya* system. An article written by Tatsuro Fujikura on *Emancipation of Kamaiyas: Development, Social Movement, and Youth Activism in Post-Jana Andolan Nepal* published in the Journal of the Association for Nepal in the year

⁹ This sub section has been amended by Some Nepal Acts Amendment Act, 2048 (1991)

2000 states that in Kailali district one of the influential Nepali Congress leaders was using 19 Kamaiyas on his farm. Kailali district is one of the districts in the western region of Nepal where the Kamaiya system is also very prevalent. The multi-party democracy system was making people hopeful about voicing their problems during that time. The 19 Kamaiyas became united and on the 1 May 2000, on the occasion of International Labour Day, they filed cases against their landlord in the Central District officer's (CDO) office demanding minimum wages, cancellation of their debt, housing and land and personal securities. But because the landlord was a politician, the CDO office refused to consider the case. Hence the protest took a serious turn through sit-ins and demonstrations by Kamaiyas and their supporters. Concurrently similar protests were also initiated in Dang, Banke, Bardiya and Kanchanpur, where the issue was equally rampant. Similar kinds of cases were filed against landlords in these districts as well (Fujikura 2001: 30). This was the beginning of the wide spread social movement for the liberation of Kamaiyas.

After the restoration of multi-party democracy many non-governmental organizations and humanitarian organizations were established in a rapid manner. Organizations like Backward Society Education (BASE), Informal Sector Service Center (INSEC) and Group for International Solidarity (GRINSO) and other human rights organizations helped to back the Kamaiya movement. On 13 July 2000 around 150 bonded laborers held a sit-in in front of the Singha Darbar, the parliament house in Kathmandu. BASE played a very crucial role during the campaigns. This is an organization formed in Dang in the year 1990 which has been fighting against exploitation of bonded labourers and slavery, social and political discrimination, and illiteracy and poverty among Tharus and other marginalized communities. In 2000 around 130,000 young volunteers of BASE from the five districts; Dang, Banke, Bardiya, Kailali and Kanchanpur participated in the protests against the Kamaiya system. On 17 July 2000 the Government of Nepal had little option but to declare the prohibition of bonded labour in Nepal. From this date Kamaiyas were declared free, and their debts to their landlords were cleared. During that time around 200,000 Kamaiyas were liberated from the western region (Fujikura 2001). The government also promised to provide a reimbursement of 10 *katthas*¹⁰ (0.338 hectares) of land and a reimbursement of 10,000 Nepalese Rupees (USD125) in cash for each Kamaiya family.

¹⁰A traditional unit for land measurement in Terai, Nepal. 1 kattha = 0.0338 hectares

Kamaiyas who had been working on the land of the landlords now left their houses in hope of getting rehabilitation from the government. The Government organized a survey to register Kamaiyas for the rehabilitation program. But due to the difficulties in reaching all the Kamaiyas with information, most of the Kamaiyas missed the registration process. I talked to several ex-Kamaiyas who missed this registration. According to them, they had not been sufficiently aware about the news, and nobody had told them clearly when the registration was going to be held, so many of them were in their work places when the registration was done. In this way many Kamaiyas missed the registration. They had now left the house of their landlord/employer, at the same time as they had missed the government registration. Thus many Kamaiya families had nowhere to go during this period. The protests against the government led many Kamaiya families to occupy government land in order to form separate settlements. I found many such Kamaiyas in KapaseBagiye who had missed the registration process and were forcefully occupying government land. Though they can easily be displaced from this land, the government has so far not taken any steps to drive them away.



Figure 5: Tharus program on the occasion of 11th Kamaiya Liberation Day

Kamalari, on its way towards liberation

‘Kamalari’ is an extension of the Kamaiya system. The abolition of Kamaiya system should have also ended the Kamalari practice, but because the government was not able to address the Kamalari system properly, the Kamalari practice did not come to an end. What one can observe on the ground is that daughters of Kamaiyas and other poor Tharus are still sent to work for upper caste landlords and paid annually in cash or in kind which may also indicate the certain widening of the Kamalari concept. Though the usage of the term Kamalari is changing its core remains the same, which is indentured servitude of young Tharu girls. In this complex whole of indentured servitude many Kamalaris become victims of sexual exploitation and physical violence and many of them do not get a single penny even after working for years. Addressing the same issue 7 Jan 2009, the UN Human Rights Office (OHCHR)-Nepal, urged Nepal to end the Kamalari practice (See Annex 1) and take more concrete steps to ensure the implementation of the legal steps and court verdicts that have been passed to this effect.

There are no special national and international conventions or legal provisions regarding ‘Kamalaris’ specifically. Girls are found to work as Kamalari when they are very small, and their duties and responsibilities resemble that of domestic servants. The International Labour Organization (ILO) has categorized domestic child labour as the worst form of child labour and as Kamalari is a kind of domestic child labour, this description is equally valid for the Kamalari system in Nepal

“As per Article 3 of ILO Convention No. 182, the worst forms of child labour include:

- Slavery or practices similar to slavery including debt bondage, sale of children, serfdom and forced or compulsory recruitment of children for use in armed conflicts
- The use, procuring, or offering of a child for prostitution or for pornography
- The use of children for illicit activities – particularly within the drug trade
- Work that is likely to endanger the health, safety, or morals of children.”(ILO. 1999: 2)

Nevertheless Nepal has enacted many other provisions such as the Child Labour (Prohibition and Regulation) Act 2000, which makes the Kamalari practice illegal. The Bonded Labour Prohibition Act, 2002 also includes Kamalari in its definition of bonded labourers as it says that “Bonded labourer means person who is working as a bonded labourer in the name of

Bhaisawar, Gairwar, Bardikar, Chekkarwar, Haruwa, Charuwa, Hali, Gothlo, Kamalariya or by any other similar name” (GoN. 2002: 2) and states that Kamalari practice is unlawful. According to this law if a person employs anyone as a bonded labourer, the authority shall impose a fine on him/her of between 15,000 to 25,000 thousand Nepalese Rupees; and shall provide the two-fold amount of the minimum wage as determined pursuant to this Act for the each day of employment to the victim from such employer (GoN. 2002: 7), Despite the existence of all these legal acts, the Kamalari practice is still rampant. Thus on 10 September 2006, the Supreme Court issued a directive to the Government of Nepal to effectively enforce the laws to prohibit child exploitation, including the Kamalari system and to rehabilitate the freed Kamalaris (See Annex 2).

The non-governmental organizations have played a significant role in addressing the Kamalari issue. Organizations like Society Welfare Action Nepal (SWAN), Friends for Needy Children (FNC), Nepalese Youth Opportunity Foundation (NYOF), Freed Kamalari Development Forum (FKDF) in support of Plan Nepal have emancipated around 6000 Kamalaris and provided them support in terms of health, education, and income generating training programs (Lamichanne 2009: 52). With the support of local clubs organized by young Tharus for the promotion of their rights, these organizations also took the initiative in making Dang district a sample Kamalari-free region. On the Tharus great festival *Maghi* on the 1 Magh 2063 which is 14 Jan 2009 according to the western calendar, Dang was declared a Kamalari free region. According to the declaration points, the Kamalari practice is illegal and strict action will be taken if somebody is found keeping a Kamalari at home (Lamichanne 2009: 55). The declaration also gives the basis for providing rehabilitation programs for freed Kamalaris. Since 2009, Kamalaris in Dang have celebrated their liberation day on 1st of Magh, on the day of *Maghi*.

According to Krishna Chaudhary, chairperson of SWAN, in the fiscal year 2009-2010 the Nepali Government allocated a budget of NPR120 million (USD 1,427,042) for the benefit of Kamalaris, but due to lack of satisfactory planning and implementation of the government policies and programs USD 1,070,281 of the fund remained unspent and was frozen. Similarly, in the fiscal year 2010-2011, USD 1,902,723 fund was allocated for educating and rehabilitating Kamalaris. That year as well, USD 1,545,962 was frozen for the same reason. The private organizations working with the Kamalari issue then launched a complaint against the government, stating that the government is not serious in emancipating Kamalaris.

Nevertheless, it seems quite obvious in Nepal that the government's implementation of certain policies is faulty. Thus the practice of keeping Kamalaris has not yet come to an end, and Dang is not yet free from the Kamalari system.

Even so, some Kamalaris have benefitted from the assistance that has been offered to help them out of Kamalari relationships and rebuild their lives. In the following section I present three such cases.

Liberated Kamalaris: three cases

In this section I would like to present three cases of the liberated Kamalaris in detail to uncover some the hardships that Kamalaris have suffered in their past as bonded domestics while emphasizing the ways in which the legal abolishment and assistance of NGOs have helped them reconstruct their lives without necessarily removing all their hardships.

From bondage to liberty

I met Sharmila Chaudhary in an organization called Freed Kamalari Development Forum (FKDF). She was one of the members of that organization. FKDF is an association of formerly indentured girls which has been working for Kamalaris providing services such as rescuing Kamalaris from the masters' houses and regulating non-formal education for Kamalaris. I came to meet with many ex-Kamalaris in FKDF who have now become member to this organization. There I met Sharmila Chaudhary, a girl of 25 years. When I saw her I was immediately struck by the familiarity of her face, so I went to her and asked her if we have met before. Later I came to know that she was the person who had been pictured in several videos on the internet regarding Kamalaris. Before going to Dang I had seen many of her videos while searching for information in the internet. This topic turned out to become an effective warming up talk that made it easy for Sharmila to share her incidences with me.

Sharmila came from a very poor Tharu family. She has three brothers, and two unmarried sisters. Her father was a Kamaiya who had debt with the landlord, but was not been able to repay the debt on time. Thus the landlord was continuously asking her family either to pay the debt or to send Sharmila as a Kamalari to the landlord's house. In that period a middle man

came from Kathmandu, the capital city, who knew about Sharmila's family in Dang. The middleman told Sharmila's parents that he would pay the debt of their landlord and showed desire to take Sharmila to work as a Kamalari in a friend's house. Sharmila's parents initially rejected his proposal but when the middleman said that he would also educate Sharmila, then they agreed. Sharmila never wanted to leave her family but no one asked for her opinion. In this way Sharmila's parents sent their daughter to Kathmandu when she was six years old, where she then worked as a Kamalari for twelve years.

The house where she was taken was a home of a rich upper caste family. She remembers that she was very young and she was too short to reach to the gas so she had to climb onto a chair to cook the food. Her employer was a female politician who was very rude and strict, and used to scold Sharmila for no reason. Sharmila had to do all the domestic work in their house, including cleaning, dishwashing, laundry, and running errands. She used to wake up at 5 o'clock in the morning, and her day finished at 12 o'clock at night. In some parts of the capital there was a scarcity of water, and sometimes the water distribution was made in the night. The house of Sharmila's mistress was located in one of those areas so sometimes Sharmila was made to stay awake the whole night to fill the water tank.

Sharmila recalls that one day while taking the newspaper to her mistress's room she took a second look at the photograph of one of the film stars. She was illiterate at that time and unable to read the paper but she was merely looking at the pictures of the stars. Her mistress knew that Sharmila looked at the newspaper, so when Sharmila took the paper inside to give it to her mistress, the mistress tore the whole paper up and threw it in Sharmila's face, yelling that she does not have the habit of reading a newspaper which has already been read by her Kamalari.

Sharmila smiles saying that she used to cook food for her mistress and that her mistress used to cook food for her. Her mistress used to mix all the left-over food and cook it for Sharmila. Sharmila was brought to Kathmandu in the hope of getting an education, but when she arrived there all the promises of education had vanished. Whenever Sharmila showed her desire of returning back to her home her mistress used to convince her to stay very politely, but when Sharmila became convinced to stay the mistress used to start behaving harshly again.

During Sharmila's stay in her mistress's house Sharmila claims to have been unable to contact her family. Her family knew where she was working in Kathmandu, but because travel costs

were high they could not come to visit Sharmila. Yet one day her brother came to Kathmandu to look for her. As Sharmila's employer was a politician, he could easily find her address and contact number. He phoned Sharmila's mistress and asked about Sharmila. When Sharmila knew that her brother had come to Kathmandu, she pleaded with her mistress to make phone contact with her brother. Sharmila then called her brother and told him that she did not want to work there anymore. Sharmila tells that her mistress was very angry to hear Sharmila pouring her feelings out to her brother. After hearing from Sharmila her brother came to pick her up, but Sharmila did not get a single penny from her employer. Despite having worked in Kathmandu for twelve years as a Kamalari, she returned home empty handed.

Sharmila says that she lost many things when she came to work as a Kamalari. She says that she lost her childhood, her education and her time which was not productive. Even so, she claims to have become very bold and strong after working with a strict employer for twelve full years. After returning home in 2007, she was enrolled in the education program of PLAN Nepal. Through help from this program she was enrolled in Shree Surya Vinayak Prastabit Secondary School, which is located in a place called Narti, in Deukhuri Dang. It is a government school which provides education for children from all backgrounds. It also has a hostel called *Lava Juni* (New Life) for the liberated Kamalaris. At the time of my fieldwork, there were around 150 ex Kamalari girls staying in the hostel. The hostel provides free lodging facilities and food for the girls. This hostel was built at the initiative of PLAN Nepal with the other local NGOs, including the Society Welfare Action Center Nepal (SWAN) and Friends for Needy Children (FNC). Sharmila got her School Leaving Certificate from Shree Surya Vinayak Prastabit Secondary school and is now working in FKDF. Sharmila aims to work for Kamalaris in the future as well, and hopes to make Nepal a Kamalari and discrimination-free society.

Government not initiating proper Kamalari rehabilitation

Joganiya Chaudhary is a 55-year-old woman. She lives on government land in Kapase Bagiye, where she has built a small house. Her late husband was a Kamaiya and she has four daughters. Two of her daughters are married and have moved out, and two are living with her. Both Joganiya and her husband worked on their landlord's farm to make a living. Joganiya's husband fell from a tree while cutting fodder and fractured his back. To cure his fracture Joganiya needed money and had to borrow NPR 2000 (USD 25.4) from her landlord. Though

she did her best to cure her husband, she was unable to save his life. The loan she took from her landlord also ran out while trying to cure her husband, so in order to pay it back she had to provide labour as an unpaid Kamalari for three years to her landlord. As a Kamalari she did domestic chores such as cleaning, washing, helping in the kitchen, herding the goats and sheep of her landlord, etc. When her landlord told that her debt was cleared she left his home and went to work with another employer again as a Kamalari. According to Joganiya her previous master was very rude and she complains that he never enabled her to eat her belly full.

According to Joganiya her second master and the mistress were nice. They never gave her very hard work and also treated her children nicely. She said that she worked there as a domestic servant without any oral contract of the kind given in Kamalari employment, but she was nevertheless called a Kamalari because this word had become a common referent for domestic servants in Dang. She worked there for six years. The master even helped Joganiya to educate her daughters. It was her master who informed her about the government's registration process of Kamaiyas. As she was the widow of a Kamaiya, she was eligible to register as a Kamaiya. She also heard from her friends that many Kamaiyas were capturing government land in many places. This inspired her to leave her landlord's house and went to capture the government land in Kapase Bagiye.

When Joganiya registered herself as a Kamaiya, the Government gave her a *lal kard* (red card)¹¹. The government also provided *lalpurja* (testimonial document with red seal land ownership) of land for all the red card holders like Joganiya. In the year 2000, when the Nepali government announced the liberation of Kamaiyas, the government had promised to provide 10 *katthas* (0.33862 hectares) of land and NPR 10,000 (USD 127) for each Kamaiya family. As mentioned, many Kamaiyas missed the registration process, but also those who got *lalpurja* of a land plot of their own also complained against the government for providing infertile land near river banks which were far from market places. The Kamaiyas then demanded land close to the town areas, which would give them easier access to job opportunities and economic opportunities. Thus those who got the *lalpurjas* of less productive land captured government land located closer to market places. The same happened to Joganiya, who also claimed to have got *lalpurja* of the unproductive land from the

¹¹*Lal kard* was provided to landless Kamaiya households residing in houses provided by their landlords.

government. When she went to see that land, she discovered that it was almost in the forest. She said that the land was very far from any town area and was not suitable for cultivation either. As she was a widow who lived with only daughters but no male member in the house, she felt it hard to relocate to such a solitary area. If she had gone there she would have had no alternative income options because the area was too far from the town area to obtain daily labour work. Worse still, she would not have been able to cultivate anything there because the soil was not suitable for cultivation. For this reason Joganiya joined the ranks of ex-Kamaiyas who captured government land in Kapase Bagiye. Here there are many other ex-Kamaiya families who are capturing government land close to the town area or the market place, and who have been demanding land from the market place from the government.

When I met her, Joganiya worked in the Ghorahi market, which is only three and half kilometers away from Kapase Bagiye. She works as manual laborer in house construction, for which she gets NPR 200 (USD 2.5) per day. She has to beat the work place from nine o' clock in the morning to 5 o'clock in the evening. Payment is given on a daily basis, and there is no payment for the holidays or sick leave. Fortunately Joganiya's daughters have better fates in store. Her two eldest daughters are already married; the third one has finished her 10+2 level and is working for Freed Kamalari Development Forum (FKDF) as a program coordinator. FKDF is an association organized by freed Kamalaris. She earns NPR 8000 (USD 100) per month and supports her family. The youngest daughter was 16 years old at the time of my field work and studied in the ninth standard in one of the government schools in Ghorahi. Joganiya wishes to educate her daughters further and says that she will never let them lead the life of Kamalari.

Working as a daily labourer has become a way out of Kamalari servitude for Joganiya. Like Joganiya people seem to be getting little more aware about educating their children and planning for a better future. Joganiya wants me to urge the Government to provide proper rehabilitation so that she can educate her daughters and prevent them from becoming Kamalaris.

Kamalari girl finally gets justice

Binita Chaudhary's case as a Kamalari is quite a well-known case in Dang. Whenever I tried to find some information on Kamalaris in Dang, everyone would give me the example of

Binita and her employer Bidan, a 60-year-old school principal who exploited Binita sexually but has now married her. I was very interested to meet Binita in person. One of my informants from the organization gave me the address of Bidan's house where Binita now lived as his second wife. She also notified me that Bidan is bit arrogant in nature and he does not want to talk about this issue anymore. Despite knowing that, I decided to go to Bidan's house and talk to Binita. Initially I was bit nervous and thought that Bidan would throw me out if I asked him about Binita's case. But still I managed to find Bidan's house and when I entered his house a young woman came to see me. Later I came to know that she was Binita. She was just 21 years old. When I asked about her husband, Binita told me that he was in the farm so I was bit relieved. Therefore, utilizing the time of her husband's absence I talked to Binita and got to know about her history of being a Kamalari.

Binita came from a poor Tharu family and her father was a Kamaiya. She had two brothers and two sisters. It was hard for her parents to bear all the expenses of the children, so Binita worked as a Kamalari from the age of twelve. According to Binita, her parents convinced her that the employer would help in her education, so she got persuaded to work as a Kamalari. She worked as a Kamalari in the house of Bidan Majhgai, a school principal. The principal lived with his wife, and had three daughters and a son. The eldest daughter was 37 and the last born son was 27 years old at the time of my fieldwork. However all the daughters are married and live elsewhere and the son lives in the capital, so the husband and wife lived alone in the house.

Binita used to do all the domestic work such as cleaning the house, doing laundry, dish washing, and running errands in her master's house. She never realized that her employer Bidan had wrong intentions toward her. He used to lure Binita and used to say that he would increase her payment if she slept with him. But when Binita was not persuaded by her employer, he raped her. Binita was not able to tell this to anybody because of the shame, not even her own family. Soon she came to know that she was pregnant. She told this to her employer. After knowing this he immediately took Binita to abort the child. Binita had the abortion, but the employer's family was not aware of what happened. She was only 15 years old when the incident happened.

The same thing was repeated by Bidan for the second time soon after the recovery from her first abortion. He came home drunk and again raped Binita and once again she conceived. This time Bidan's wife came to know that Binita was pregnant before Binita could inform

Bidan. She scolded Binita very much and accused her of sleeping with a stranger. At this time the mistress was not aware that the culprit was her own husband. Later Binita told the mistress about what happened. The mistress took Binita to abort the child without telling anything to her husband. Binita could not do anything and went with the mistress for the abortion. If Binita had protested then she would have been kicked out of the master's house. She was afraid that if her family came to know about it, they would not let her stay in their home. So she went for an abortion for the second time.

As a Kamalari's work is basically in the indoors, they are more vulnerable to sexual exploitation by their masters. Like Binita, most people do not dare to share it in the fear of getting stigmatized in the society and keep it as a secret. Binita was turning weak due to unsafe sex and due to the abortions. After the second abortion she then decided to leave her master's house, but the master was not willing to let her go. Her master also attempted to abuse her sexually a third time. This time also she conceived. Binita did not reveal her pregnancy to anybody as she knew that she would be forced to abort it if she let anybody know. Binita was highly stressed, so she left her employer's house and went to her parents' house. Here she told the truth to her parents. Her parents were angry with Binita at first but later they filed a case against Bidan. In order to do so, they took the help of an organization called Society Welfare Action Nepal (SWAN), which was actively working on the Kamalari issue in Dang.

Binita was taken to SWAN and when she told the whole story to the SWAN representatives, they filed a case against Bidan. Bidan was not prepared for the legal charges of rape. He was further denying that the baby that was conceived by Binita was his baby. He kept on denying that he had ever had physical relationships with Binita. Yet Binita was very sure with what she had been through, so she resolved to punish her employer and refrained from withdrawing the case. In Dang sexual exploitation of Kamalaris is common and when it reaches to the court, like in the case of Binita, the master's family often attempts offer money to the family of the victim, to make them withdraw their charges. In this way the case gets closed and the masters escape scot-free.

Despite the continuous efforts of Binita and SWAN, they were not able to gather proofs against Bidan. But when Binita gave birth to a baby boy, the child turned out to look just like Bidan. Now it was hard to lie about the fact which was visible to everybody. Thus Bidan Majhgaiwas compelled to take the responsibility of Binita and her child. Now Binita and her

son live with Bidan Majhgai and his first wife under the same roof. Bidan has also constructed another house for Binita close to where they were living. He has also allocated seven katthas (0.2366 hectare) of land for Binita. Bidan's son from his first wife left home when he came to know about the deeds of father. So Bidan Majhgai now lives with his first wife, Binita and her son in the same house. The house which Bidan constructed for Binita is empty. According to Binita, Bidan treats her as his second wife and they also have a sexual relationship. She says that though Bidan accepted his crime, his first wife also lives with them and treats Binita well. That day I wanted to talk to Bidan's first wife but she was not present on that day and Binita told me that she never talks about this issue with anyone. Thus I quit my plan to interact with her.

I took some pictures of Binita, her son and their newly constructed house, but Binita requested me not to expose those pictures in my work. She told me that Bidan can abandon her if he comes to know that Binita is sharing her past with anybody. Thus, I will not expose Bidan's picture in my thesis but his misdeeds have already become so well known to everybody in the village that I do not think my work will create further problems for him.

I have presented this case as a success story in a sense that the wrong doer master has been penalized for what he did. In this case I think at least the Kamalari girl got future security for her child and for herself though it might not have been a life that a young girl of 21 desired for, marrying her rapist. There are lots of cases like that of Binita, where Kamalaris are sexually exploited. There are also cases in which the girl becomes pregnant and the masters do not take responsibility for the child but rather find some poor Tharu man to marry the girl. In such cases, the wrongdoer master gives the Tharu man some amount of money for marrying the pregnant girl and the case is closed. The rapist moves out freely without any guilt and penalization in search of another victim. I came to know about many incidents such as this, where the girl was abused by the master and was later married to a poor Tharu man. Due to poverty, Tharu men in such conditions normally beg and demand for higher amounts in order to marry such girls. The masters feel stigmatized if they have to accept children of Kamalaris as their own. The poor girls who are victims of such abuse have to obey what their parents say.

Though there are laws and legislations designed to do away with Kamalari exploitation in Nepal, they are so poorly implemented that crimes commonly are repeated again and again.

Summing up

All these three cases of ex-Kamalaris have gone through one or vulnerability. Sharmila returned empty handed after twelve years of servitude, Joganiya had to work in the house of her master for three year for free in order to pay back the debt which was less than USD 25 and 21-year-old Binita had to feel herself lucky to get to stay with her ex rapist, a 60-year-old man. These are some of the samples that I selected from my field but there are many such cases in the field. There are so many existing legal provisions that prevent the bonded labour practice which I have mentioned in the beginning of this chapter. If Sharmila, Joganiya and Binita were compensated for what they lost living the life of a Kamalari, I would have said that the legal provisions were properly implemented. Therefore from these cases I can say that the legal provisions have become just limited to papers and the state has not been able to act on it properly in the context of Nepal.

Therefore my next chapter is based on the continuation of the practice of servitude and how it exists in different forms today. This chapter will provide a clearer base to understand who the Kamalari is and how the local people understand the term Kamalari.

CHAPTER III

CONTINUITY AND PRACTICE OF SERVITUDE

Despite the abolishment of the Kamalari system and the I/NGO efforts to provide assistance to the liberated Kamalaris, there were many cases of girls who were still working in an indentured servitude and were called Kamalaris. 'Kamalari' in the Kamaiya system used to be the daughters or sisters of Kamaiya. Kamalaris were sent to the house of the landlord to help in the domestic work of the house of the landlord with whom her father/brother was working as a Kamaiya. In this system, a Kamalari had to offer her work for free and the debt taken by her family was minimized through her work. After the abolishment of the Kamaiya system, because there was no proper rehabilitation for the liberated Kamaiyas from the state, Tharus started looking for alternatives for their survival. As the liberated Kamaiyas could not go back to their landlords and as they were also not exposed to other opportunities when they worked as Kamaiyas, Tharus started sending their girls to work in the houses of the masters as domestic servants for some alternative source of income whenever some master approached them. Taking advantage of the Tharus' poverty, the masters made very nominal payment for this kind of domestic service. In this master-servant relationship, the master need not necessarily be the landlord. He/she can be anybody who wants to keep domestic servants in their house.

This can arouse the question as to what extent this kind of master-servant relationship can be termed Kamalari relations. I asked this question to the chairperson of SWAN regarding whether this kind of servitude is appropriate to term as Kamalari, and he replied 'yes.' He feels that it is a continuity of the traditional Kamalari which consists of most of the features of a traditional Kamalari such as having an oral contract in Maghi between the Tharu parents and employer which is renewed yearly before the girl starts to work in the house of the master. Likewise, girls not having the right to deny the contract and being bonded to the contract, and the fact that if a girl breaks the oral contract and leaves her master's house, her family has to compensate her absence either by paying back the money which was given in advance to them or by sending another person in her place. Therefore when a Tharu girl works in the house of a master under the bondage of an oral contract which she do not have the right to break and is very underpaid, then these girls are termed as Kamalaris.

In Dang, the Kamalari concept was so common that the term Kamalari is often used as a nickname for domestic servants of all kinds- especially if they were of Tharu origin. In the beginning I was confused about the difference between the Kamalaris and non-Kamalaris. Before starting fieldwork, I took a Kamalari to be the daughter of a Kamaiya who works in the house of a landlord for free to minimize the debt acquired by her parents, just as I had read in legal documents and NGO reports. This is obviously one kind of Kamalari, but I had to revise my conceptualizations when my host in Ghorahi said that her Kamalari is paid NPR 1500 per month for working three hours a day and is not a live-in servant. Not only my host but the relatives visiting my host's house also used to address the part-time domestic worker as Kamalari. I asked my host why he/she was addressing his/her helper as Kamalari when she is a part-time servant who is receiving a monthly salary. My host replied that for us Kamalari is a synonym for domestic servants and in Dang everyone calls female domestic servants Kamalari. Thus it is crucial to distinguish carefully between the legal Kamalari concept and the local Kamalari idiom, which covered a far wider semantic field as far as servitude was concerned. In the following I will develop a rough classification of the three main types of servitude that were locally referred to as "Kamalari" as a step toward examining the extent to which they still included Kamalari relations of the bonded, abolished type.

From my field work experience I have divided the categories of domestic servitude into the below mentioned types. In this schematic overview I have sub categorized the different modes of servitude that were referred to as Kamalari locally.

S.No	Category (Label)	Salary				Type of Contract
		Cash/ Kind	To parents/to the workers	Monthly/Annually	Advance/ post-paid	
1	Daughter of Kamaiya	Offers labour for free	Parents	_____	_____	Bonded to oral contract with master
2	Daughter of poor/landless Tharu	Cash	Parents	Annually	Sometimes paid in advance	Bonded to oral contract with master
3	Daughter of poor/landless Tharu	Kind	Parents	Annually	Post Paid	Bonded to oral contract with master
4	Kamalari hired by organization	Kind	Parents/workers	Annually	Post paid	Bonded to contract of organization

Table No. 1

First and foremost is the category in which Tharu Kamaiyas used send their daughters as domestic workers or Kamalari to the house of a landlord where the girls provided free services by doing domestic work in order to minimize the debt taken on by their parents. Kamalari girls of this kind received no payment besides lodging and food. Here the girl has to work until she gets married and leaves her parents' household. Until then she is compelled to work as a Kamalari and had no other option. This type of Kamalari practice was most common before the legal abolition of Kamaiya system. It was not very common in Dang when I did my fieldwork eleven years later, but there were nonetheless cases where liberated Kamaiyas sent their daughters to work as Kamalari on order to get some financial support.

The second type of servitude I encountered included the ones whose parents are not Kamaiya today but are liberated Kamaiyas or come from very poor and landless Tharu families. In this category the masters are not necessarily landlords; rather they could be from any professions such as businessmen, teachers, lawyers etc. In the name of helping poor Tharus, these masters take the Tharu daughters to work as domestic servants in their houses. The masters give some amount of money to the girls' families in advance to make it easier to "persuade" the Tharu parents to send their daughter to work as domestic servants. In some cases the masters also induce the Tharu parents by promising to educate the Tharu girl. This kind of servitude is also called Kamalari servitude as in such cases also an oral contract is formed between the master and the parents, whereas the girl has no rights to break the contract. The Kamalari girl is also unaware of how much money she earns every year. Until the parents are satisfied with the money she earns, the contract gets renewed year after year through a mutual understanding between the Tharu parents and the master. However, if a severe situation arises such as in the case of Binita, whom I mentioned in my second chapter, the parents can terminate the contract after a year. After that the parents of the Kamalari have a right to deny renewal of the contract for the next year. There is no legal punishment for terminating an oral contract before finishing the year, but because Tharus are so loyal to their promises, it is very rare that Kamalaris terminate the contract before the year finishes. Thus Kamalaris are bonded to work for at least a year. Every year the contract is renewed on the day of *Maghi*. This is the most common type of Kamalari found in contemporary Nepal. In such cases the girls stay as live-in servants in the houses of their masters, and earn NPR 10000-15000 (USD 125-187) per year on average. The masters can take Kamalaris to many parts of Nepal, including the capital or other areas very far away from their homes.

The third category of servitude is quite similar to the second one except for the fact that the payment is made on the basis of in kind. In this category the masters are mostly landlords who keep girls as Kamalaris from their own village or from a nearby village. Here the masters prefer to pay in kind, for example certain quintals of crops such as paddy or wheat. An oral contract is formed between the parents of the Kamalari and the landlord, who agree on a certain quantity of crop for a year. The Kamalari girl does not have the right to terminate the contract until her parents are satisfied with what she had earned for the family. Generally the girl gets around 15 quintals of paddy per year as her income. In this Kamalari category also the contract gets renewed on the basis of parental consent, even if the Kamalari girl herself is unwilling to work. This practice is mostly found in village areas.

The fourth category shows the servitude of women in organizations. In this kind of servitude the women who serve are paid very little in kind. They are also called Kamalari of the organization. I have put this as a category because I also encountered this type of Kamalari in my field work as well. I have also presented the case of these women working as a Kamalari to discuss whether the term Kamalari here is just a local idiom or it is also a case of bonded labour Kamalari practice.

Some present cases of servitude

Here I uncover some cases of the girls who worked in indentured servitude and were called Kamalaris. There are still many households in Dang who keep Tharu girls as helpers for doing the domestic work but it was methodologically challenging to go and ask masters whom I did not already know about their Kamalari. At the beginning I tried to talk to masters who were strangers to me but were keeping female domestic servants but I could not get a positive response from them. Nevertheless, like most other people in the town area of Dang, my relatives and neighbors in Dang also kept Kamalaris. I had relatives living in the town areas of Dang also, which is considered to be the main area where the Kamalaris are found. In order to access masters who kept Kamalaris I thus decided to approach the masters whom I already knew. In this way I also protected my Kamalari informants from potential repercussions from their masters. In the following I examine to which extent the girls are in Kamalari servitude. While analyzing the servitude I will also be discussing the attitude and behavior of masters towards the Kamalaris as well as Kamalaris' attitude towards their masters. I begin with some of the cases that exemplify Kamalaris who were still in servitude during my fieldwork in 2011.

Indentured, even after liberty

In Lamahi Dang, my neighbor had a girl working as a Kamalari. Very few outsiders could know that this house had a Kamalari called Sumitra. This girl used to always work inside the house and she could very rarely come out of the house to buy vegetables or other things. Both my neighbor's house and my own house were of four stories and located on the main road, and the houses are so close that we could talk to each other from the terrace. My neighbor had

a kitchen room in the terrace, so whenever I went to my terrace I could see either the mistress¹² or the Kamalari girl doing some work in the kitchen. Usually the mistress could be seen inside the kitchen and the Kamalari girl outside most of the time cleaning, washing dishes and clothes, cutting vegetables and making things ready to cook for the mistress. Sumitra was fourteen years old and she did not go to school.

My terrace was open with no rooms, but I used to talk with the mistress in order to observe the Kamalari girl. The mistress, whom I politely addressed as “auntie”, was very polite with me, but she often scolded Sumitra and asked her to do her work faster. Sumitra got distracted by me whenever I talked with her mistress, and she also tried to participate in our conversation, but her mistress never let Sumitra talk without working at the same time. This auntie knew me from before and she was happy to learn that I was doing an Mphil abroad. I told her that I will be writing my thesis on Kamalaris. As I told her that, she first asked me skeptically “are you working with SWAN and FNC who are working to emancipate Kamalaris?” In reply I said that I am not connected with the projects of these organizations but studying the present condition of Kamalaris. I wanted to make her clear that I am not working for any immediate programs for Kamalaris. But still, when I said that, auntie told me that it would be ok if you bring some support programs to Kamalaris but never tell others (in my thesis) that she currently had a Kamalari. This was the very obvious response I used to get as people usually had some expectations with me in the field which always kept me in ethical dilemma.

Auntie told me that she had brought Sumitra from Deukhuri, and that Sumitra had been working in her house for three years. Sumitra comes from a very poor family of landless Tharus. She has three sisters and two brothers and she was sent to my neighbor’s house to earn money for her family. Auntie told me that Sumitra’s younger sister is also working as Kamalari in Lamahi, Deukhuri. Auntie stated that she paid NPR 12000 (USD 150) per year to Sumitra’s parents. Sometimes she gave the whole amount in advance and sometimes only half of the total amount was given in advance. I asked auntie why the amount was given to the parents rather than directly to Sumitra, and she said that it makes it easy to convince the parents to send their daughter. Otherwise they give lots of excuses for not sending the girl as Kamalari nowadays, she continued. If the money is given in advance the parents do not ask us to educate their daughter, which makes it easier for us, auntie said.

¹²Here mistress means the wife of the master/employer

One evening when my sister-in-law and I were walking about in the street eating *pani-puri* (street food), I saw Sumitra buying vegetables. I went to her and tried to start a conversation while she was doing so. I asked her informally how auntie treats her. She replied smilingly and said that she is nice but cannot stop scolding. She added that her mistress gives her a full belly to eat but nevertheless wants to see her working nonstop. I pretended that I did not know how much she earned, so when asked about her salary she said that she does not know how much her parents receive annually from her master's house. The amount is only known to her employers and parents. She said that she only gets one or sometimes two new sets of clothes every year and some second hand clothes. She also said that she only visits her parents during *Maghi* (Tharus great festival and New Year), and while returning from *Maghi* her employer comes to her house to renew the working contract and leaves an amount of money in advance. She told me that her mistress does not let her talk much with other people and has ordered her not to tell people that she has been working in this particular house. She remembers that the members of SWAN were checking households in Ghorahi to find whether their owners were keeping Kamalaris or not. Knowing that they were coming, her mistress immediately told Sumitra to leave the property from the backyard and not return until the evening. Sumitra did what her mistress told her to do, and SWAN was thus unable to rescue her. As Sumitra and I talked, her shopping was over and she had to hurry back, therefore I had to let her go before I could acquire further details about her situation.

In almost all the cases that I examined during the fieldwork, the money the Kamalaris earned for their work was not given to the Kamalaris themselves but to their parents, just as prior to the abolition of the Kamalari system. Unlike regular domestic workers who are paid on a monthly basis and in person, Kamalaris are mostly paid in advance for a year to make them obliged to stay put. In theory, Sumitra could have chosen to expose herself to the SWAN officers and told them she was exploited, but I think she was afraid to tell about her servitude to the SWAN officers because her father had made a commitment to her master.

In fact, similar to Sumitra, I found almost all the Kamalaris whom I interacted with were loyal to their masters because nobody left the contract before it ended. I think the loyalty of Tharus towards their employer is also the reasons for the Tharus being continuously exploited. They take their master as a patron who helps them in their time of need. Frøystad, in her piece *Master-Servant Relations and the Domestic Reproduction of Caste in Northern India (2003)* also talks about patron-client theory to understand the master-servant relationship. Her work is produced on the basis of her field study in which she argues that master-servant

relationships reproduce caste in Northern India. Frøystad says that “the Patron provides material or political resources, while the client provides labour power and loyalty”(Frøystad 2003: 88) which I found exactly similar to my topic. In my area of study the landlords or the employers as patrons were found providing the poor Tharus with monetary help in the time of their need, and as Tharus become obliged to the help they agree to whatever help that is put forwarded by their patron. Before the abolishment of the Kamaiya system Tharus served their masters by working as a Kamaiya in the master’s house but now that the situation is abolished they are sending their daughters for very cheap labour. Tharus’ relationships with their masters as patrons can also be conceptualized in terms of gift-giving. A gift from one of the parties creates an emotional expectation to give something in return. In relation to gift-giving, Marcel Mauss in his essay *The Gift* mentioned that each gift embodies a supernatural force, which makes the recipient obliged to the donor and expects equal value for repayment (Wolf 1999: 125). By giving a gift, the giver creates an emotional debt on the part of the receiver. A gift disturbs the balance between the two, and the relationship can only become balanced again if a gift of the same value is returned. In this study’s context the poor Tharu Kamaiya families are unable to return a gift/loan from the landlord, and the whole family becomes indebted to him. The Kamalari system is one of the results of this gift giving process. This gives the landlord power over the poor that is not based on violence but rather on emotional indebtedness (Meyer 2002, in Kvalbein 2007: 12).

Therefore in Sumitra’s case, Sumitra’s parents took her master as a patron who provided them with some monetary help and offered the patron their daughter as part of the exchange process. From my observation of and short conversation with Sumitra, it seemed to me that she had no alternative future aspirations than being a Kamalari. She appeared dedicated to her work and will presumably remain in her job as a Kamalari as long as her parents want her to do so. Therefore, for as long as Tharus need patrons’ help to fulfill their basic needs, the patrons are likely to exploit Tharus.

Preferring to remain Kamalari

Rama Chaudhary was 15 when I first met her three years ago. She stays in one of my relative's houses in Dang Ghorahi. Her home is in Balapur, half an hour distance by bus from Ghorahi. She also comes from a poor and landless Tharu family. Her father was already in his early 80s when I met him three years ago, and he died soon after I came back to Norway after completing my fieldwork. I met him in Balapur once as his house was close to one of my relative's houses. Rama's mother was the second wife of her father after the death of his first wife and Rama was her mother's only daughter. Rama's mother also died when she was very young. She had two brothers from her father's first wife who were both older than her but her eldest brother passed away due to an illness. This brother's wife and their three children used to live with Rama's father in a joint family under the same roof whereas her second brother moved out after his wedding and his nuclear family now lived in a different house. Rama used to stay with her father whenever she went home.

Due to the death of her eldest brother, Rama was the only source of income for her family. They were very poor, and when my relatives approached them, they knew that this family had an unmarried girl who would be suitable as a Kamalari. Thus my relatives, whom I call "uncle" and "auntie", went to Rama's home and convinced Rama's father to allow Rama to work for them as a Kamalari. They also paid a lump sum in advance to Rama's father to make it easier to convince him to send his daughter off. Rama did not want to work as a Kamalari; she wanted to go to school. But because the financial condition of her family was so vulnerable, she felt that she had no option but to comply. When she started her work as a Kamalari, she was only twelve years old.

Rama knew me very well since I normally visit my uncle's house often when I am in Ghorahi. Rama told me that she was very happy living with my uncle and auntie. Given my close relations with her employers, I strongly believe that Rama held her troubles back when speaking to me. However sometimes I could hear my auntie scolding her for not working sufficiently speedily. Rama told me that once SWAN officers came to my uncle's house and took Rama away from there. They rescued Rama from working as a Kamalari, and she was taken back to her own home. Following SWAN's intervention, my uncle did not want to bring her back. When Rama was brought home, SWAN promised that each rescued Kamalari would be given free education and two goats for her family's livelihood so that no rescued girl would have to return to Kamalari employment again. SWAN also enrolled her in a formal

education program, but Rama said that their education program was not accompanied by any subsidy, for example income generating skills for her family, and she could not go to school with an empty belly. Even so she managed to go to school for a year. She said that when she went to school, her family had no bread winner left, and since her father was too old to work, she had no option but to leave school. She had no idea where to find work, which made her return to the same master in search of employment. She told me that my uncle was not ready to re-employ her as a Kamalari, but because Rama pleaded with her master to accept her back, they finally relented. According to Rama, many of her friends also returned to their masters' house to work as Kamalaris rather than going to school, even after the intervention of NGOs. Despite the great efforts made to rescue Kamalaris, the lack of proper rehabilitation programs often made their efforts fruitless.

Rama had now worked for the master for six years. She said that once she requested that my aunt send her to school. But my aunt turned her down, responding that if she wanted to study she must find another master. Rama gets paid NPR 15000 (USD 187) per year which is usually given in advance to her family on the day of *Maghi*. My uncle said that he goes to renew the oral contract every year on the day of *Maghi* with the father of Rama. In my uncle's house the entire domestic workload both outside and inside the kitchen is done by Rama. Generally Kamalaris are not allowed to cook, but in this particular house, all the work including cooking, cleaning, washing and running errands is done by Rama. I have never seen my auntie doing any of these tasks alone. Sometimes she helps Rama with cooking; otherwise it is Rama who does all the work alone.

Recently I came to know that Rama got married to a Tharu man. My auntie told me that after her father's death, Rama expressed a desire to get married. In support of her decision, my aunt set her free to get married. My aunt told me that she also gave Rama NPR 3000 (USD 37) to enable her to buy something nice for her marriage. Rama was a very modest girl; she used to save every a single penny she received as tips or rewards and give it to her father. My uncle told me that Rama visited them once after her marriage and she seemed to be very happy at that time.

As this example shows, Rama did not leave her master's house because she got some assistance from the government or any non-governmental organization. She would probably have continued her work as a Kamalari if her master had not allowed her to get married. Had Rama gotten married and left the job without receiving the permission of her master, then her

family would either have to pay back the money to the master for the year or send someone else in her place from her family to maintain the promise in the contract. Rama did not have right to decide to resign unless and until her parents wanted her to do so. Despite the many organizations working for Kamalaris in Dang and the capital, there are still numerous Kamalaris who have little option but to stay in their master's house. It is deep irony for my country that Kamalaris such as Rama are unable to escape Kamalari employment due to shortage of alternative income support at the same time as government funding allocated for rescuing Kamalaris remains unspent.

Kamalaris in a religious institution

Next to the place I lived in the Bangaun village of Deukhuri, there was an institution called Guthi. It was just a five minutes' walk from the house in which I lived. I was unaware that it was a religious institution, but one could hear the voice of Brahmins chanting mantras and lessons from early morning till late evening. I was curious about this institution, and one day I decided to make a visit. There I found two ladies cleaning big utensils near the entrance, and when I approached them, they introduced themselves as the Kamalaris of Guthi. Their responsibility in Guthi was to wash dishes/ utensils and run errands. However they were not allowed to work inside the kitchen, as the religious nature of the institution required that all the food was cooked by a Brahmin cook. Both Kamalaris were Tharu, and both were paid in kind on an annual basis. They did not get payment in cash but got 16 quintals of paddy per year and a set of new clothing. Narayani was 50 years old and Tulsi was 40 years old. They were the oldest Kamalaris I met during my field work who were still in Kamalari employment. They were recruited as Kamalaris by the institution.

Tulsi told me that her husband was a liberated Kamaiya and that they have lived on *ailani* (barren, unregistered) land. She claims that the land was not fertile for vegetation and crops at all and thus useless for their living. Therefore they decided to leave the government land, after which Tulsi started working as a Kamalari and her husband as a wage worker.

Narayani, the other Kamalari in Guthi, has been working there for 20 years. Like her colleague, she gets 16 quintals of paddy every year and a set of new clothing. Her husband is a carpenter. Narayani comes to work at 5:30 in the morning and leaves again at 6:00 in the evening. Narayani and Tulsi helped each other in their work; this was their daily routine.

Though they worked in an institution rather than in a family household, their income is meager. They claim to work every single day of the week and to be entirely without holidays. Narayani and Tulsi are not bonded to the institution but still are compelled to work there because their poverty gives them little option. I asked them whether they had considered doing manual labor work of the kind that other people do, for instance in house construction. They answered that working as Kamalari is safer since it is permanent employment whereas manual labour typically is on a day-to-day basis. They expressed satisfaction with their conditions in Guthi. They earn approximately NPR 24000 (USD 292) by selling the 16 quintals of paddy they receive each year. It amounts to less than a dollar per day. In this case also we can observe the patron-client relationship.

As both of these Kamalaris were old enough to have other employment options such as working as daily labourers as other freed Kamalaris do they ended up working with the institution and the institution, knowing these women cannot go for the other option, exploited their labour by paying them very little. The amount given to Tulsi and Narayani is somewhat more compared to what Rama and Binita earned but it was very nominal for an employee of an institution. Thus it was difficult to assess whether this was a case of Kamalari employment or not.

To penetrate this question more deeply, I visited Guthi once again, this time not to meet the Kamalaris but to meet the organizational personnel who recruited these Kamalaris. The head of the institution did not know that I had visited Guthi several times before, to meet the Kamalaris working there. The person in charge was very nice to me, and I told him about the topic of my study. When he came to know that my research concerned Kamalaris, he immediately stated that Guthi does not have any Kamalaris and that all the workers are paid on a monthly basis which I found to contradict what the Kamalaris told me. He looked a bit agitated while saying this, perhaps because he thought that I came from an organization working for Kamalaris. Having heard his reaction, I told him that I had interacted with two workers of Guthi who introduced themselves to me as Kamalaris. He replied that they were neither forced to work by the organization nor had any debt to the organization but were there on their own accord for a salary they had agreed upon. This response suggests that the women had been in such a vulnerable condition that the organization could easily make them agree to work for them for a given price on an annual basis, just as with regular Kamalaris.

It was not surprising in Dang to find Tharus as helpers in households, but I found it quite amazing that Kamalaris worked in a religious institution even after the abolishment because Guthi was also a government institution. It is quite amusing that one body of government is making the law and the other is breaking it without any hesitation. The Kamaiya and Kamalari system is so rampant in Dang that it is not a big deal for the locals to hire a Kamalari if they need any domestic help. As the government is not sufficiently strict about following up on the abolishment of the Kamalari system, the poverty cycle which has trapped people in Kamalari employment for centuries remains intact, thus perpetuating the Kamalari system also in the present.

Anita and her servitude

One of my relative's houses in Lamahi, Dang, had a domestic servant whom they used to refer to as Kamalari in their home. Her name was Anita Chaudhary. I went there to find out more about the situation in the house. Anita came from a landless Tharu family. Her father worked as a tenant on the farm of the landlord, and Anita was kept as a Kamalari in my relative's house to earn some money and contribute to her family. She earned NPR 15000 (USD 187) annually.

Anita was 15 years old and her working day started with home cleaning. She was responsible for all the cleanliness of the house. She used to wake up 5 o'clock in the morning. Anita's master had two married sons. There was a granddaughter from the elder son and his wife. However, the younger son and daughter-in-law lived in Kathmandu, the capital city. This household had also employed another girl for household work, but because she was not from the Tharu ethnic group, she was not referred to as a Kamalari. This girl was only nine years old, and was kept to play with the one-and-a-half-year-old granddaughter in the house. Anita had to help with preparing food, but was not allowed to do the final cooking. Members in the house would call her in every five minutes or so for some help. After everybody had had their breakfast, Anita and the other girl were given the leftovers to eat. My relative, the master of Anita, used to say that servants should be given enough food, so everything that remained was given to them. Having eaten, Anita had to do all the dishes and clean the kitchen. By the time she finished cleaning and washing after the morning meal, she had to prepare lunch. Except for the daughter-in-law, nobody in the master's family did domestic work themselves. Even to

get a glass of water, Anita was called to fetch it for them. Everybody in the house relied on her. She used to be so busy with her work that she did not even get time to eat properly.

While talking about the work of Anita I remembered Frøystad's work, *Master-Servant Relations and the Domestic Reproduction of Caste in Northern India (2003)*, in which she says "employing domestic servants was linked to more than convergence of convenience and conspicuous consumption on the part of employers, and the ready availability of cheap labour in Kanpur" while explaining the reluctance of an employer's daughter to turn off the fan that was just behind her and expecting the servant to do it for her (Frøystad 2003: 78). In Anita's case also it was similar as every member of the house wants to have the household work done by her. A little delay in work can cause Anita to bear verbal abuse and scolding by the master but her position in the house is so powerless that she has no other option than bearing the suffering of the workload and the scolding silently. In the case of Kamalaris, Kamalaris are not readily available as Frøystad mentions about the ready availability of cheap labour in Kanpur. Masters have to persuade parents of Kamalari to let their daughter work for the masters, but once they enter into the bondage the situation of Kamalari gets very vulnerable.

One day as she was washing clothes, I asked Anita whether she enjoyed her work or not. She replied-"yes" adding that if she had not worked and stayed in her own home, instead, she would not even have had food to eat. In one way I feel that her immediate response of telling me 'yes' was because she knew that I am her master's relative, however she was also aware of other alternatives of survival, such as working as a daily laborer but opined that this kind of work is very tough and tiring and that household work was preferable. When I asked about the income differences she said that with daily labour work she would get NPR 200 (USD 2.66) per day for working from 10 in the morning till 5 in the evening reflecting that this is just when you go to work and nothing else, but when you work as a domestic worker you also get enough food, good clothes and even some money at the end of the year. For these reasons she felt that it is better to work as a Kamalari. Long-term security was preferable to a precarious life as a daily laborer, even though there were lots of challenges.

Summing up

Among the above mentioned four cases, the three cases of Binita, Rama and Anita fall under the Kamalari system of bonded labour servitude because in all three cases they are compelled to work under an oral contract which has been formed by their parents and the employer.

These girls do not get the remuneration either in cash or in kind; everything is taken by their family. They are bonded to the contract which is formed and the girls do not have the right to choose their future on their own. For the Kamalaris who worked in the institution, they worked for such long hours and got very little payment and that is why they were called Kamalari. However, they could also be termed Kamalari because it is a common term for the helpers who are poorly paid in Dang. Therefore either we view the servitude from the patron-client perspective or from the gift-giving perspective the Tharu girls have become the ultimate victims of the bonded labour system.

CHAPTER IV

UNDERSTANDING CONTINUITY

In this chapter I will discuss the different pushing and pulling factors I observed during my field work which cause the Tharu girls to lead their life as Kamalari. Poverty and illiteracy are definitely inevitable reasons which bind together all the other factors for parents sending their daughters to work in indentured servitude, but in this chapter I would also like to focus on other factors which are sometimes not explicit but play a vital role in the continuation of the Kamalari system and their vicious circle of poverty. The issues I will be discussing here are interrelated and interlinked so it is hard to tell which one is the cause and which one is its effect.

Besides poverty and illiteracy, one of the main reasons for the continuity of the Kamalari system is the failure of the government to address the entrenched system properly. In Katz's writing *From the undeserving poor to the culture of poverty* (1989) I also saw the chaotic situation of the poor when the government was not able to implement the proper law for the poor which, is similar to what Kamaiya and Kamalari are facing now, until the government identified and categorized the poor to the deserving and the undeserving categories. I was inspired by what Katz stated about the "culture of poverty" while addressing the poverty issues. Katz takes the point of Oscar Lewis regarding the 'culture of Poverty' which Lewis used while analyzing the condition of Mexicans and Puerto Ricans. Lewis developed the idea of a 'Culture of Poverty' in the late 1950's and was interested in documenting the lives of poor people all over the world. However Katz viewed Lewis' s idea of culture of poverty as a way to categorize poor from the rest of the society. Katz does not fully support the idea on culture of poverty and according to him the concept on culture of poverty fails to address issues like unequal distribution and opportunities of occupation for the poor. But while discussing the Kamalari issue, I think the Kamalari system is also influenced by the culture of poverty which Lewis defines as "something beyond economic deprivation or the absence of something" rather it was a "way of life passed down from generation to generation along the family lines" (Katz 1990:17). The practice of keeping Kamalari under the Kamaiya system was a part of the trend of the Kamaiya system and the trend was passed from generation to generation. This trend is the result of continuous domination by the powerful masters to the powerless Kamaiyas. The Kamalari practice did not help to improve the financial status of

Kamaiyas and it was not possible to do anything with the meager economic benefit to the Kamaiyas. It was the culture that was created by the landlords that the entire family of a Kamaiya should serve them, including the daughters as Kamalari. Katz mentions the major feature described by Lewis regarding the culture of poverty was “the lack of effective participation and integration of the poor in the major institutions of the larger society” (Katz 1990: 18). Kamalaris are entrenched in this pool of bondage because their life is still very limited by their master whom they serve. Due to this, they do not realize the other opportunities around them.

Similarly O’ Connor another historian in her work *Giving Birth to a culture of Poverty: Poverty Knowledge in postwar Behavioral Science, Culture, and Ideology* (2001) also discusses about Lewis’s idea of “culture of poverty” and says that Lewis’s theory in culture of poverty have its origin in political economy though it perpetuated in psychological means. Connor focuses on Lewis’s finding that culture of poverty is the result of extreme isolation and marginality of poor which arouses in an individualistic and class stratified society. Culture of poverty is also a result when people are deprived of the sense of belongingness in the modern industrial Society. O’Connor states that, “most of the world’s poor, however, were divorced from organized politics or social institutions of any kind; their passive, dependent, sometimes hedonistic culture was a ‘design for living’ with the harsh realities of their own isolated lives” (O’connor 2002: 119). According to her, making structural change in basic things like developing economy, organizing the poor or revolution can bring change to end the culture of poverty. However Lewis argues that bringing change in the structure might not end the culture of poverty among people as it is already established as an adaptation to the social condition which is absorbed by the young children who might not be able to take the advantage of the changed society (O’connor 2002). I see the landless Kamaiyas’ situation is also not an exception to the world’s poor because the Tharu Kamaiyas were also divorced from the other social organizations of society before the abolition of the Kamaiya system. They were very much dependent on their masters. The extreme dependency made masters easy to dominate the Tharus leading to the culture of servitude in the form of the Kamalari system.

Thus I have some analytical points regarding the continuation of the Kamalari system based on my fieldwork which I will compare and contrast with anthropological theories.

Power and domination by the masters

In the second chapter I have already discussed how the upper caste hill migrants were able to capture the land of the Tharus skillfully and created the relationship of themselves as masters and Tharus as slaves. The upper caste hill migrants had power as they had close ties with the bureaucrats so they were successful in exploiting powerless Tharus and creating the unequal relationships. While talking about the powerful and the powerless people, John Gaventa in his book *Power and Powerlessness: Rebellion and Quiescence in an Appalachian Valley (1982)*, has mentioned the failure of democracy to protect the right of poor miners in the central Appalachia region of the United States. The powerless miners' faced a severe situation including injuries, health disorders and death but they were not properly protected by the state. In this book Gaventa describes the different dimensional approach while describing the different mechanisms of power which help the powerful to oppress the powerless people. He has mentioned three dimensions of power in which the first deals with who prevails in bargaining over the resolution of the key issues(Gaventa 1982: 14). Those with more political resources such as votes, jobs, and influence generally have more bargaining power. The second dimension deals with the 'mobilization of bias'(Gaventa 1982:14)which says that those who benefit are kept in the preferred position to defend and promote the vested interest and the third dimension deals with specifying the means through which power influences, shapes or determines conceptions of necessities, possibilities and strategies of the challenge through the latent conflict(Gaventa 1982: 14).

In my study most of the girls who worked and are working as Kamalaris I interacted with were being kept by the upper caste people. From the field work I came to know that the masters approaches poor Tharus and induces them with some advance amount or the promise to educate the daughters of Tharus. But because Tharus are poor they have less bargaining power than the masters so they send their daughters to work. Thus the persistence of the Kamalari system can be taken as the result of the greater bargaining power of the upper caste people. As also mentioned in chapter three, the upper caste people have more resources such as land and easy access to the power-holding bureaucrats, which Gaventa describes in his first dimension of power which relates to non-participation of the Tharus at the decision making level.

The exploitations of the master towards the Kamalaris which I have mentioned in the previous chapters are also the result of the power and the powerlessness; the masters being powerful and the Tharu in the place of powerless people.

Culture of Servitude towards the masters

The historical process of power and the powerlessness has created a culture of servitude from the Tharus towards their masters, which is also one of the imperative reasons for the persistence of Kamalari system. Here once again I would to use the definition of Lewis where he defines ‘culture of poverty’ as “something beyond economic deprivation or the absence of something” rather it “was a way of life passed down from generation to generation along the family lines”(Katz 1990: 17), likewise culture of servitude towards the master has also become their way of life which is passed down from generation to generation. Tharus are very much obliged to their masters so they still perceive their master as their patron who helps them in their time of need. Ray and Qayum in *Cultures of Servitude: Modernity, Domesticity, and Class in India* (2009) have described the status of paid domestic servants in Kolkata, one of the India’s major cities located in West Bengal. The servants in West Bengal were mostly male and they had very good relationships with their masters which is quite different to my experience as my study is based on female domestic workers, most of whom having bitter experiences with their masters. Ray and Qayum mention the culture of servitude as “one in which social relations of domination/subordination, dependency, and inequalities are normalized and permeate both the domestic and public sphere” (Ray and Qayum 2009: 3). Further they add that “by ‘normalized’ we mean, first, that these social relations are legitimized ideologically such that domination, dependency, and inequality are not only tolerated but accepted; and second, that they are reproduced through everyday social interaction and practice. Those living in the culture of servitude accept it was the given order of things, the way of the world and of the home”(Ray and Qayum 2009: 4).

I find a great deal of similarity to what Ray and Qayum discuss regarding a culture of servitude with my topic. Poverty is the basic pushing factor for searching for alternatives for income generation but I think it is the culture of servitude that also causes the parents to send their daughters to work as Kamalari. Kamaiyas have long served the landlords before the abolition of the Kamaiya system and though they are aware of the subordination the worker has to face they are still sending the daughters to work as Kamalari. The Tharu parents take

the exploitation by masters of their daughters to be very normal until and unless the case is very severe. Ray and Qayum have studied the reproduction of class relations, saying that what happens inside the home is the representation of systems of inequality and exploitation in wider society. The exploitation of the Kamalari also indicated the status of Tharus being powerless in Dang.

I would further like to present a small case that I observed in the field which portrays the culture of servitude. One of my relatives in Ghorahi had a Tharu family as their share croppers, meaning all the members of Tharu family contributed during the time of cultivation and harvesting on my relative's farm. The sharecropper's joint family included the head of the house, an old Tharu of around 65 years, his three sons and their wives and children. All the family members except the children worked on my relative's farm for their livelihood. The income from the crops is equally shared by this share cropper family and my relative's family. Once when I was in my relative's house the daughter-in-law of my relative's share cropper's family came to give the cultivated *daal* (pulses) to my relative. When she came, my relative asked her to do all the work such as cleaning the house and washing the dishes and clothes. I was observing everything and was amazed to see the share cropper doing everything without any hesitation. She came to my relative's house in the morning at around ten and left that house only in the evening after finishing all the work that was ordered of her. She did all the tasks for free. She was neither a domestic servant nor was she bonded to any contract but still she obeyed to do all the work. She would not have been penalized if she had said 'no' but she just wanted to please her landowner by obeying everything that her landowner wanted her to do. It was because of the culture of servitude that she did all the work without any hesitation. This condition is very much related to the above mentioned definition of Ray and Quayam's on culture of servitude that the domination and subordination is normalized and is well accepted in the everyday social interaction and practice. This is just one example on servitude but there are many such cases where the Tharus take their master as patron and obey them in any circumstance. Thus from the field work I came to learn that sending daughters as Kamalari in the house of master is also one of the part of culture of servitude which Tharus do not perceive as a big issue.

Thus, though Lewis says that structural change might not end the culture of servitude, I think structural change is very crucial to empower the poor and make them able to more independent towards their life.

Lack of ‘Capacity to Aspire’

Even after the abolition of the Kamaiya system, Tharus have not been able to leave their masters. The limited government rehabilitation program has not been able to uplift Tharus from their impoverished situation. Their struggle for hand to mouth survival gives them little opportunity or navigational capacities to plan for a better future. Their poverty also impacts their capacity to aspire. As Arjun Appadurai, a social- cultural Anthropologist states in his writing *The Capacity to Aspire: Culture and the terms of recognition*(2004),the capacity to aspire is a navigational capacity and the poorer members of the society, because of their lack of opportunities to practice the use of the navigational capacity, have a more brittle horizon of aspirations. Appadurai’s this article includes example of Mumbai, India which has showed how the Alliance of the poor in Mumbai, when they mobilized their aspiration capacity brought change in the specific political and cultural regime. According to Appadurai, capacity to aspire is also a cultural capacity which is basically future oriented. However the poor lack the capacity of aspiration because of their specific orientation in society such as their rigid social structures and lack of voice, participation, and opportunities which constrains the poor from coming forward in the decision making level (Appadurai 2004). When the aspiration capacity of the poor was built up by the help of an alliance in which the poor themselves were the major part, such as when constructing the public toilets in Mumbai and the formation of a savings group among the poor women, the poor were able to bring significant change to their lives. Thus Appadurai argues that the poor should be given opportunities so that they can voice their needs which will help to improve their situation. It is quite applicable in my area of study as well because Tharus, because of their poverty, have less capacity to explore the opportunities available outside the master’s world as they have to think more about the fulfillment of basic necessity such as food and clothing. For them, working with the master is the easiest way to survive and thus they still do not hesitate to work with the master though aware of the exploitations done by the masters. I remember Shanta Chaudhary, one of the present constituent assembly members of Nepal and an ex-Kamalari, saying that unless and until Tharus stop going to the masters for help they are likely to be exploited in future as well. According to her, Tharus should enhance their capacity to aspire and think more about the long-term future and try to participate in other opportunities. By other opportunities she meant that whenever there is an NGO or any clubs meeting in the village addressing Tharus then they should attend those events rather than spending their time in drinking and merry making.

Thus I think besides the intervention of NGOs, the state should also help to provide enough opportunities for the Tharus to build up their aspirational capacity. When Tharus get access to other survival opportunities then they might stop sending their daughters to the trap of indentured servitude.

In this way, their lower capacity to aspire for the future has contributed to Tharus cycling only towards serving the masters which they have been doing for a long period of time.

Tharus' poverty backed up by their Short term consumption habits

Besides being landless, another factor that contributes to the poverty of the Tharus in parallel to their livelihood is their immense feasting and drinking habit which I will follow the Osellas in analyzing as a kind of short term consumption. One of my informants who was working in Freed Kamalari Development Forum (FKDF) told me that Tharus celebrate almost 25 festivals in a year including the national and the local ones. In each festival they organize feasts in which they consume lots of *Jaad* (local alcohol) with different varieties of dishes. *Dhikri* (rice cakes of different shapes and sizes) and pork meat are the mandatory items in their feast with other non-vegetarian and vegetarian dishes. They celebrate all the feasts and festivals generously. Consumption practices may differ according to the place and people, however. Filippo Osella and Caroline Osella in *From Transience to Immanence: Consumption, Life- Cycle and Social Mobility in Kerela, South India* also talk about consumption practices in Kerela where lower caste poor people spent their income on different styles of dressing and were highly influenced by television actors. The authors explained that with this kind of consumption pattern “A clear local distinction existed between transient forms of consumption such as fashion, oriented towards the person and the body and especially associated with the young and the low-status, and the more widely valued long-term and fixed forms such as land and housing oriented towards values of permanency and the household groups”(Osella and Osella 1999; pg. 991). In the article the authors have talked about short term consumption as a transient form of consumption which is ever changing and durable for very short periods whereas long-term consumption indicates the expenditure on future-oriented investments such as in the education of children and housing. The writing is based in Kerala, South India where the poor as well as lower caste group, mostly the *Pulayas* and a good proportion of *Izhavas*, are involved in fashion to show themselves as middle status like the *Christian* and *Nayar* communities. The authors also

mentions that the *Pulayas* and the *IZhavas* relied upon their employers and neighborhood patrons for the loans if there was a scarcity of money to provide for daily necessities but they did not step back from showing off. I was also captivated with the example of how the *IZhavas* spent a lot for showing off by decorating their houses and furnishing the houses with the latest models of electronics to keep clear their distinction from the *Pulayas*, the ex-untouchables.

I am writing about Tharus consumption practice because during my field work I participated in several of their feasts whenever I was invited. I took part in their festivals of *Dashain*¹³, *Lawange*¹⁴, *Pendia*¹⁵ and in some of their local gatherings. *Dashain* is a great festival for all the Hindus in Nepal and it is celebrated for ten days which commemorate the victory of gods and goddesses over demons. Tharus also celebrated this festival with great fun. One can find Tharu men fully drunk during this festival. The last day of *Dashain* ends by offering *tika*¹⁶ and blessings by the elders to the younger ones. *Lawange* and *Pendia* are the festivals of the Tharus. *Lawange* is celebrated by Tharus when they are finished with threshing the paddy and *Pendia* is celebrated to eat the newly harvested rice. I was told that the ways of celebrating local Tharus festival like *Lawange* and *Pendia* differs in the different localities of the Tharus. Both the ladies and the gentlemen are equally fond of drinking *Jaad*. In one of the gatherings I asked one of the Tharus if it was expensive to organize these kinds of feasts. The Tharu replied that because they work very hard on the farm this kind of merry making is necessary for them to keep themselves happy and energized. *Jaad* is not only regarded as important in Tharu gatherings but it is a daily part of their life in the same way tea and coffee is for others. It is cheap liquor and is prepared in the house itself. I found most of the Tharu men and sometimes women also getting fully drunk whenever they had free time from work. Some Tharus begin their work by drinking a big bowl of *Jaad*.

¹³Hindus great festival which is celebrated for ten days. *Dashain* commemorates the victories of the god and goddesses over the demons.

¹⁴Tharus celebration after finishing threshing the paddy of the year

¹⁵Tharus festival for eating the newly harvested rice

¹⁶ Mixture of rice, yoghurt and red vermillion powder



Figur 6: Tharus making items ready for *Lawange*



Figur 7: Tharus gathering in *Pendia*. They are in ready position to drink *jaad*

If we take a walk in a Tharu village in the evening time we can see most of the Tharu men getting drunk either inside the home or in some they are found in *bhatti* (small shop where liquor is sold) where they get *jaad* in around NPR 10 (USD 0.11) for a glass. Tharus spend a lot of their earnings in drinking and feasting and they fail to save the amount for future-oriented or long term-investment like educating their children or for other infrastructure for their basic necessity. If they were able to save for their future then they need not have to rely on the false promises of the masters to educate their daughters for working as Kamalari. This shows that Tharus are conscious of the need for their daughters' education but they fail to save the amount for it because of their high priority for drinking and feasting. They spend more than they earn and take loans from the masters when they are depleted of money for feasting and daily necessities. This kind of drinking and feasting habit is also making the Tharus even more powerless in terms of economic power and as a result they become easily exploited by the masters. This pattern of consumption gives them nothing but just pleasure for a short moment and debt for lifetime. Therefore this is also one of the factors that add to the poverty of Tharus which again is the pushing factor for sending the daughters to work as Kamalari.

Gender subordination and patriarchy

Kamalari is a female-based issue. Though the Kamalari system is connected to the Kamaiya system its specifics and vulnerability is different. I came to know the stories of many Kamalaris being sexually abused. I have also mentioned some of the cases in my previous chapters. During my field work I tried to explore the studies that have already been done on the Kamalari but I could not find much work done in the Kamalari issue. Most of the work was focused in the Kamaiya system.

When the Kamaiya system was abolished the Kamalari system was also supposed to be ended. However, the practice of keeping the girls in the bonded contract for domestic work did not stop; rather it took new forms with the changing systems of society. The persistence of the Kamalari system also indicates the presence of female subordination. A report on Empowering Women in Nepal published in 2010 states that there is a strong feeling of patriarchy which undermines structural poverty, discrimination of women in the public and the private sectors and various forms of violence against women (Wydra, Jay et al. 2010).

Tharus also have a patriarchal society in which decision making is done by the male members of the family and females are mostly subordinate to men. When the girls used to work Kamalari in the Kamaiya system, they did not have any opportunity to say no. The oral contract formed between the parents and the master got renewed every year without asking the consent of the girl, and between the parents also it is the father who decides whether the girl is going to work or not. The females are mostly submissive towards the male's decision. Ray and Qayum in *Cultures of Servitude: Modernity, Domesticity, and Class in India* mention the changing demographics of servants from men to women as failure of patriarchy- fathers, husbands and brothers to perform the familial and social duties and functions which led to their unfortunate circumstances. They say that the women servants are taking up the patriarchal responsibilities of supporting the households (Ray and Qayum 2009: 126). The changing situation of helpers from Kamaiya to Kamalari is somewhat similar to the changing demographics of servants from male to female like that seen in Ray and Qayum's work in India, but in my case I would characterize it as not the failure of patriarchy but a result of male domination and female subordination. In my study area the females are more in servitude than men. Even when the Kamaiyas were freed from the masters, Kamalaris were not able to free themselves from the bondage. In the Kamaiya system all the members of a family including the sons and the daughters of Kamaiya had to serve the master. Since the abolishment of the Kamaiya system, sons of Tharu may rarely be found working as Kamaiyas but the daughters of Tharu still work as Kamalari and it is very common. Though a Kamalari is bringing food for her home she has no any right to decide her future. The oral contract regarding her work is fixed generally by the two male parties: a Kamalari's father and the master. All the money that a Kamalari earns from her work is spent by her parents on their house hold expenses.

Regarding domination, the Tharu girls are on the one hand dominated in their house by the male member of the house and on the other hand they are dominated by the master in their work place. I remember Rama (the case I mentioned in chapter three about the one who preferred to remain Kamalari and went back to her previous master though SWAN rescued her from that master) telling me that she had a strong desire to wear an anklet and thus she told her father that she wanted to buy an anklet from her savings which hardly cost NPR 500 but her father scolded her and did not give her permission to buy that and instead told her to save every single penny for the household expenditures. In a way it looked like Rama was more into short-term consumption and her father was trying to discourage that. If she saved

amount was used for Rama's betterment, it would have been fine but all the money was used for the family expenses. Therefore this case indicates a kind of Rama's father's domination over her. Similar to this case, the Kamalaris I interacted with had desire to become educated but there was no one in their families to hear their voice and give them opportunities to grow. I think one of the reasons for the continuation of the Kamalari system is the girls not getting the opportunity to decide their future in a male-dominated society. I dealt with many girls who were ex-Kamalaris and the ones who were still working as Kamalaris but none of them showed their own willingness to work as a bonded labourer. Besides the economic necessity of their households they were forced to work because they could not deny the decision of their parents, especially fathers to work as Kamalari. Therefore I think the poor Tharu parents are still counting upon their daughters as breadwinners for the family by pushing them into the indentured servitude.

Similarly another dimension of female domination in the place where she works is the domination of the girl by the master. I would like to present the case of how a Kamalari girl became the victim of male domination and is still fighting to get justice. Sita Chaudhary, a 15-year-old Tharu girl used to work as a Kamalari in the house of an employer named Rup Baharur Neupane. Rup Neupane lives with his in-laws as well as his wife and two children. Sita comes from a very poor family. She lived with her parents with two married elder brothers, their wives and two younger brothers. Knowing the fact that she comes from a very poor family, the mother in-law of Rup went to Sita's home, talked with her family, gave them some money as a loan and took Sita to work as a Kamalari in their home. Sita as a Kamalari had to do all the domestic work such as cooking, house cleaning, washing clothes, and feeding the animals etc. Sita's family's loan was paid back by Sita's work as a Kamalari.

Rup was an alcoholic. According to Sita he always used to come home drunk and his relationship with his wife was not good. Sita used to sleep alone in her room and using the opportunity of her loneliness her master used to come to her and abuse her sexually. According to Sita, Rup used to scold her for locking the door from inside before sleeping and abused her with very filthy words. He wanted her to keep the door open so that he could enter inside anytime. Sita used to be very scared of her master and used to obey whatever he said. Because of her innocence, her employer tried to abuse her sexually again and again. He used to keep track of Sita's menstrual cycle so that he would not be responsible for Sita's pregnancy and tried to rape her when he thought she would not be ovulating. According to

Sita, the employer used to come in very drunk and try to block her mouth with his hand and rape her very forcefully. Sita was very scared to tell this to others thinking that she would be stigmatized, so she kept quiet. She tried to tell about it once to the wife of the master but his wife and his in-laws scolded her very badly and told her that if she speaks such nonsense again they would beat her brutally.

Sita was scared to share with her family what she was going through. But when it was too much, she shared her torture to her own sister when her sister visited her. Later her family also came to know about it. Her family asked the employers to return their daughter back as soon as possible but the master's family did not agree. Later with support of SWAN and FNC she was rescued from the house of Rup Neupane. FNC and SWAN filed a case against Rup. Sita says that she was raped twelve times by Rup. But the medical report given by the doctor who was another male appointed by the district court showed that she had not been raped. The organization which has been fighting for Sita says that Rup's family bribed the doctor to falsify the medical report. The case is still in process and a decision from the district court is yet to be heard. The decision will also to some extent show the role that has been played by the government, NGO and INGOs.

In this case the gender subordination and domination can be seen many times. Firstly, the girl goes to work as a Kamalari without her interest or consent, secondly she gets raped forcefully by her master and thirdly her report of rape is discredited when she tries to get justice. The male dominated society of Nepal is also pushing the girl to live the life of a Kamalari and bear the exploitations. Young girls are at the very bottom of the power hierarchy between the Tharus and landlord, and inside the Tharu families.

State's irresponsibility towards people

Social problems such as poverty, inequality, and exploitation have been evident in many parts of the world when there is political instability in the state. It is true that Nepal has been going through a transition period due to the political instability and is in the process of forming a new constitution with republican government. However it is the role of the state to address the social issues and problems and it should be responsible for protecting the rights of its people. The failure of the state's leadership is also one of the factors for the existence of such issues as the Kamalari practice in Nepal. As documented in chapter II, Nepal has been a signator of

many legal provisions that protect human rights but the failure to strictly implement them is the reason behind people openly exploiting the rights of others. International Labour Organization (ILO) has categorized the worst form of child labour as when the child is sold, bonded, works without pay, works excessive hours, works in isolation or at night, is exposed to grave safety or health hazards, is abused or is sexually harassed. One or the other features of these are found when a girl works as Kamalari. Therefore Kamalari is also one of the worst forms of child labour. The book *Kamalari* shows that Tharu girls have been found to start working as Kamalari from the age of five and they continue to work as long as their parents want them to work.

Diagram of girls start to work as Kamalari (Age diagram)

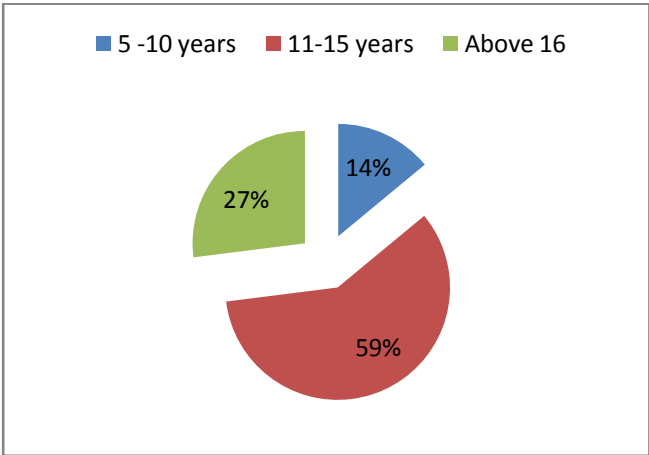


Diagram no.1

Source:(Lamichanne 2009; pg. 40)

Figure 3.is based on the survey report by Friends for Needy Children (FNC) conducted in 2008, which shows the age of the girls when they begin working as Kamalari. The data presented in the figure is of the girls who were working in bonded domestic servitude or Kamalari during the time of data collection. The figure shows that 59 percent of girls start to work as Kamalari between the ages of 11 and 15. 14 percent started their work at the age of 5-10 years old and 27 percent of girls started to work as Kamalari after the age of 16.

Most of the girls I interacted with in my field were in their teens except the few older women. Nearly everyone whom I interacted with had encountered abuses in some way or other from

their masters while working as Kamalari. Some were abused verbally where the masters scolded them with offensive language every day, some had experiences of physical abuse such as beatings from the masters and some became the victim of sexual abuse when they were raped. Though these seemed to be cases of violations of human rights, the perpetrators (masters) who are involved in violating the rights of the Kamalari are moving freely and they try to commit such kinds of crime again and again. There are legal provisions which make the keeping of bonded labour punishable, some of which I have also mentioned in the second chapter of my thesis, but none of them are implemented properly. The state is still in its transitional phase to form a new constitution and the political issues are a higher priority than the social issues. Therefore such a vulnerable issue has become a matter of less importance for the government of Nepal.

The masters who have power (economically or having contacts with the bureaucrats who can falsify their crime) can always escape after committing the crime. Even a decade after the liberation of Kamaiyas due to the lack of proper rehabilitation programs the liberated Kamaiya are not able to take the right track for their survival. Tharus still make themselves economically secure by sending their daughters as Kamalari. In my previous chapter there were examples of the Kamalari of an institution who felt more secure working as Kamalari than taking the government-provided land which was infertile and secluded. Also, in case of Rama whose story I have presented in chapter three, though she was rescued by a non-governmental organization, she went back to her master and pleaded to work as Kamalari. Had the state provided proper rehabilitation programs to the liberated Kamalaris, they would not have gone back to indentured servitude again. In this way irresponsibility of the state towards its people is also one of the causes for the persistence of the bonded labour system.

Summing up

Therefore in this chapter I tried to show the reasons for the persistence of the Kamalari system which include explanatory models at different levels, ranging from the structural to the cultural dimensions that are perpetuated. The reasons I have presented above do not always have a direct cause and effect relationship but sometimes they are very entangled and sometimes run parallel to one another. Nevertheless all the elements I have presented above have contributed to the poverty of Tharus and poverty is an inevitable reason for the persistence of the Kamalari system.

As Appadurai says that aspirations are never simply individual and are formed in interaction of a thick social life (Appadurai 2004: 67), Tharus also lack the capacity to aspire because their social world is very limited by their masters where they have always experienced their domination. However the abolition has brought some changes such as parents now being more aware of educating their children. The domination that continued for generations developed a feeling of a culture of servitude which made the situation of Tharus worse. The masters dominated Tharus as slaves and the Tharus accepted it as normal behavior. Meanwhile, Tharus had their own habit of drinking and feasting and they spent more than they earned in their feasting and drinking habits. This made them more vulnerable to domination and also the male dominated society among the Tharus resulted in females being the ultimate victims in the domination resulting in the continuity of the Kamalari system even after the abolition of slavery.

CHAPTER V

SUMMARY AND CONCLUSION

Summary

Before conducting this study, I used to think that Tharus worked as bonded labourers because they were poor but I never analyzed before how they came to be poor. From this study I became able to have a deeper understanding of the reasons for the Tharus' poverty, which only reinforce their poverty and make them poorer. Through this anthropological study I have uncovered some of the vulnerabilities and specifics of the Kamalari issue which have not much been in focus yet. The Kamaiya system was most talked about when it came to bonded labour systems in Nepal. When the Kamaiya system was abolished in July 2000, Kamaiyas were liberated from their landlords but Kamalaris entered into more bonded labour relationships. It was a challenging task for me to conduct a study on this issue as my research also focused on the girls who were working as Kamalaris during the time of my field work. Nevertheless my effort is to gain more attention for the present issues of Kamalari so that they get further attention from the state and other helping institutions through my work.

Poverty leading to dependency towards masters has trapped the Tharus in the situation of extreme domination by the masters resulting in forming the status of Kamalaris. However, sending daughters to work as Kamalari is not helping the Tharus to improve their economic conditions but is pushing them backward into the vicious circle of poverty instead. I would not say that all the masters are dominating but when the Kamalaris are in a very vulnerable condition it becomes easy to dominate them. The continuous domination for generations led Tharus to put themselves in an inferior position to their masters which resulted in a culture of servitude towards the superior group, forming a relationship of master and slave. The Kamaiya system is also the result of the same process as the Kamalari system. The dependency towards masters is so high that the slaves or Kamalaris have to stay in the master's house unless and until the situation is very vulnerable. Therefore their poverty and dependency are the reasons behind the persistence of the Kamalari system in which the state has remained silent.

My research showed that the situation of Kamalaris is precarious as they could be vulnerable to verbal, physical and sexual abuses. However, as I chose my relatives' houses to work with

the girls who were working as Kamalaris during my field work, none of the girls told me about their experiences of abuses. My relatives might have been kind to these girls or the girls might have feared telling me negative things about my relatives, however, the ex-Kamalari girls whom I interacted with had the experiences of all these kinds of abuses, some of which I have also mentioned in my research in detail. Thus I think these kinds of exploitations existed. I think these kinds of abuses also hamper in the aspirational capacity of the females and hinder them from coming forward.

The anthropological theories which I relied upon were of great help to analyze my topic in a better way. As I have mentioned in the second chapter of my thesis that the Tharus' life started changing after the arrival of hill migrants to their land. I think the power and domination of the hill migrants over the Tharus has resulted in the present position of the Tharus in Dang. To understand the power mechanisms I relied on Gaventa's mechanism of power to analyze the powerful and the powerless people and was another important theory which helped me to understand the factors involved in power relations. According to him, the first mechanism says that those who have more political resources such as votes, jobs and influence generally have more bargaining power to dominate others. The first mechanism of power has indicated how the hill migrants became dominant in order to exploit the Tharus. The second power mechanism talks about how the mobilization of bias prevents actors or the powerless from gaining access to the decision making process. In the Tharus' case also the masters always prevented the Tharus from getting the information from the outer world. And the third mechanism dealing with specifying the means through which power influences, shapes or determines conceptions of necessities, possibilities and strategies of challenge through latent conflict.

The continuous power and domination led to a 'culture of poverty' among the Tharus. I made use of the concept of 'culture of poverty' from Oscar Lewis which was of great help to understanding the domination of Tharus by the upper caste hill migrants. This concept sensitized me to the problem that the servitude of Tharus towards their master is not just because of the economic deprivation but also because of their culture of perceiving the master as superior which is passed down from generation to generation ending to their indentured servitude. The domination of the masters became more severe when the Tharus became more powerless.

In order to explain the Tharus inability to come out from the domination of the upper caste hill migrants I have relied on the Appadurai's reflection on the capacity to aspire. I think that the rigid structure of power and domination from the hill migrants and the poverty of the Tharus gave them less navigational capacity to explore other opportunities for their better future. I do not think that Tharus lack aspirational capacity but because the structures they live in are so dominant upon them they are not able to come forward to improve their situation.

Likewise, I have compared the consumption patterns of Tharus focusing on their interest in feasting and drinking with Osella and Osella's writing done in Kerala in South India among lower caste people, mostly the *Pulayas* and *Izhavas*. The *Pulayas* and the *Izhavas* were more fascinated with the transient form of consumption such as fashion and were not much interested in planning for the long term in regards to educating their children or housing. From this article I understood how the consumption patterns have an impact on the livelihood of the people. From my fieldwork I came to learn that Tharus' immense feasting and drinking habit is also one of the pushing factors for them to become powerless. In my thesis I have mentioned about how Tharus are generous in organizing the feasts and festivals. They spend a lot of their income on feasting and drinking and when they are out of funds they take loans from the masters and when the Tharus are unable to pay them back they become entrenched in the poverty trap.

I have tried to mention how the girls who worked as Kamalari are in a vulnerable condition by explaining the gender dimensions, the girls having the subordinated position in their family and also being victims of exploitation in the master's house. The cases which I have presented in my thesis also reveal that the girls working as Kamalari have no right to deny the contract which has been formed by their parents and especially between the father and the employer. Thus from this situation I have tried to show why the system developed continuity among the daughters of Tharu but not among the sons.

Furthermore I also think that because the state has not provided the proper rehabilitation to the liberated Kamaiyas and Kamalaris, the Tharus are sending their daughters into the same system which they are familiar with i.e. into the bonded labour system. Therefore as already mentioned before because woman in Nepal have less bargaining capacity than men due to the male dominated structure of the society, they became the ultimate victims of the bonded labour system.

While conducting this study I found all the issues so much entangled with each other that it was very hard to put the issues in isolation to analyze them. Every small aspect was connected with another one so it is difficult to say which issue is the cause and which is the effect of it.

During the study I asked some of my Kamalari and ex-Kamalari informants about their future plans. The Kamalari girls told me that their future is not in their hands but it depends upon their parents and most of them were uncertain about their future. However in the case of ex-Kamalaris some had the desire to get an education and some had the desire to work for the girls like them who are working in indentured servitude. None of the ex-Kamalaris I interacted with said that they will send their daughters to work as Kamalari in the future. Therefore I felt there are more possibilities for Tharu girls not entering into bonded labour in the future if they get a proper education and if their problems are properly addressed at present.

Nevertheless, Kamalaris; the one who is working at present and the one who worked in the past both are central to my thesis. In this study I tried to analyze the positioning of Kamalari girls in Nepali society. The situation of ex-Kamalaris is also equally vulnerable and they may go back to work as Kamalari again at anytime for their survival. I think Tharus themselves also need to have an attitude towards the change; the plan to change their long term future without depending upon the masters. However there is also some positive hope for the future because the Tharu parents have started educating their children. At present they are in a powerless condition and they have less navigational capacity to aspire for their future. Therefore the external support programs by government or non-governmental organizations should focus on building and supporting their aspiration capacity so that they can think more of the outer world and opportunities besides going to work for the master. In this way the masters will have less opportunity to exploit the Tharus. Tharus should be ready to grasp all the opportunities provided to them by the organizations. The state should target the education of these segments of society by bringing better educational schemes. Therefore I think unless these things are changed Tharus will keep sending their daughters as Kamalari and the masters will continue exploiting the labour of Kamalari in the future as well.

REFERENCES

Appadurai, A. (2004). *The Capacity to Aspire: Culture and the Terms of Recognition*

Culture and Public Action. V. Rao and M. Walton. Stanford, Calif., Stanford University Press.: 59-84.

Berreman, G. D. (1962). *Behind Many Masks: Ethnography and Impression Management in a Himalayan village*. Washington D.C., The Society.

Chaudhary, B. (2011). *A Study on Freed-Bonded Labourer (Mukta Kamaiya) in Nepal*. Graduate School for International Development and Cooperation. Higashi-Hiroshima City, Unpublished Master Thesis, Hiroshima University.

CNAS, T. (1992). "SocioEconomic Network of a Terai Village: An Account of the Rana Tharus of Urma-Urmi." *Contributions to Nepalese Studies* **19**(1): 19-25.

Coleman, S. and P. v. Hellermann (2011). *Multi-sited Ethnography: Problems and Possibilities in the Translocation of Research Methods*. New York, Routledge.

DeWalt, K. M. and B. R. DeWalt (2002). *Participant Observation: A Guide for Fieldworkers*. Walnut Creek, CA, AltaMira Press.

Froystad, K. (2003). "Master-Servant Relations and the Domestic Reproduction of Caste in Northern India." *Ethnos* **68**(1): 73-94.

Fujikura, T. (2001). "Emancipation of Kamaiyas: Development, Social Movement, and Youth Activism in Post-Jana Andolan Nepal." *Himalaya, the Journal of the Association for Nepal and Himalayan Studies* **21**(1): 29-35.

Gaventa, J. (1982). *Power and powerlessness: Quiescence and rebellion in an Appalachian valley*. Urbana and Chicago, Univ of Illinois Pr.

Giles-Vernick, T. (2006). *Oral Histories as Methods and Sources*. A Handbook for Social Science Field Research: Essays & Bibliographic Sources on Research Design and Methods. E. Perecman and S. R. Curran. London, SAGE: 85-94.

GoN. (2002). *Bonded Labour (Prohibition) Act 2002*. Kathmandu, Nepal., Government of Nepal (GoN). Retrieved from, www.lawcommission.gov.np.

GoN. (2007). *Interim Constitution of Nepal, 2007 [2063 BS]*. Kathmandu, Nepal, Government of Nepal (GoN). Retrieved from www.lawcommission.gov.np.

GoN. (2020). *Muluki Ain*. Kathmandu, Nepal, Government of Nepal (GoN), Retrieved from www.lawcommission.gov.np.

ILO (1930). C 29 Forced Labour Convention. Geneva, International Labour Organization (ILO).

ILO. (1999). *C182 Worst Forms of Child Labour Convention*. Geneva, , International Labour Organization (ILO).

ILO. (2005). *A Global Alliance Against Forced Labour*. Geneva, International Labour Organization (ILO).

Katz, M. B. (1990). *From the Undeserving Poor to The Culture of Poverty*. The Undeserving Poor. From the War on Poverty to the War on Welfare. M. B. Katz. New York, Pantheon Books: 9-35.

Kvalbein, J. A. (2007). *Liberated Bonded Laborers : Are They Better Off? Welfare and Efficiency Implications of an Agricultural Reform in Western Terai of Nepal*. Department of Economics. Bergen, Norway, Unpublished Master's Thesis, University of Bergen.

Lamichanne, R. (2009). *Kamalari*. Kathmandu, Friends for Needy Children.

O'Connor, A. (2002). *Giving Birth to a "Culture of Poverty": Poverty Knowledge in Postwar Behavioral Science, Culture, and Ideology*. Poverty Knowledge: Social Science, Social Policy, and the Poor in Twentieth-Century U.S. History. A. O'Connor. Princeton, NJ, Princeton University Press: 99-123.

OHCHR (1956). UN Convention on the Rights of the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institution and Practices Similar to Slavery Geneva, Office of the High Commissioner for Human Rights (OHCHR), Retrieved from <http://www2.ohchr.org/english/law/pdf/slaverytrade.pdf>.

OMCT. (2006). *The Kamaiya System of Bonded Labour in Nepal*. Geneva, World Organisation Against Torture (OMCT). Retrieved from, http://www.omct.org/.../ii_b_3_nepal_case_study.pdf.

Osella, F. and C. Osella (1999). "*From Transience to Immanence: Consumption, Life-Cycle and Social Mobility in Kerala, South India*." *Modern Asian Studies* **33**(4): 989-1020.

Ray, R. and S. Qayum (2009). *Cultures of Servitude: Modernity, Domesticity, and Class in India*. Stanford, Calif., Stanford University Press.

Robertson, A. and S. Mishra (1997). *Forced to Plough: Bonded Labour in Nepal's Agricultural Economy : A Report for Informal Sector Service Centre and Anti-Slavery International*. London, Anti-Slavery International.

Schensul, S., J. J. Schensul, et al. (1999). *Essential Ethnographic Methods: Observations, Interviews, and Questionnaires*. Walnut Creek, Calif., Altamira Press.

Spradley, J. P. (1979). *The Ethnographic Interview*. New York, Holt, Rinehart & Winston.

Wolf, E. R. (1999). *Envisioning Power: Ideologies of Dominance and Crisis*. Berkeley, University of California Press.

Wydra, M., S. Jay, et al. (2010). Empowering Women in Nepal, A 2010 Report. Retrieved from http://darkwing.uoregon.edu/~aweiss/intl442_542/Nepal-Empowering%20Women.pdf: 1-20.

GLOSSARY

TERMS	MEANINGS
<i>Ailani</i>	barren 'un registered' land, under the ownership of government also called <i>Parti Jagga</i>
<i>Bhatti</i>	a small shop where liquor is sold
<i>Bhainsbar</i>	children of Kamaiya those who herd buffaloes
<i>Bhutuwa</i>	Tharus referring to their family gods/ghosts
<i>Bigha</i>	Nepali system of land measurement equal to 0.67 of a hectare of land
<i>Brahmin/Chettri</i>	the upper caste groups according to the caste hierarchy in Nepal
<i>Chegar</i>	term used for the blouse in the traditional dress of Tharu women
<i>Choli</i>	children of Kamaiya those who herd goats
<i>Daal</i>	Nepali term for lentil
<i>Dashain</i>	Dashain which falls in late September and early October, is the most auspicious festival celebrated for ten days by Nepalese of all caste and creed throughout the country. Dashain commemorates a great victory of the gods over the demons.
<i>Dhikri</i>	a roll of dough made from rice flour and steamed. Tharus eat this in almost all of their festivals
<i>Gaibar</i>	children of Kamaiya those who herd cattles
<i>Jaad</i>	homemade liquor which made by rice and is white in colour
<i>Jagga</i>	land
<i>Kamaiya</i>	Tharus who worked as bonded labours in the farm of the landlord before the slavery system got abolished in 2000.

<i>Kamalari</i>	Tharu girl who is kept as a bonded labourer in the house of master to do the domestic work
<i>Kattha</i>	a traditional unit for land measurement in Terai, Nepal. 1 kattha = 0.0338 hectares
<i>Lal kard</i>	red card provided to the Kamaiya households having no land at all and residing at the house provided by the corresponding landlord.
<i>Lalpurja</i>	testimonial document with red seal for land ownership
<i>Lava Juni</i>	hostel of Shree Surya Binayak higher Secondary School which is only for Kamlaris
<i>Lungi</i>	term used for long skirt of the traditional dress of Tharu women
<i>Maghi</i>	great festival of Tharus in January. The oral contract for keeping Kamalari
<i>Mahato</i>	the Tharu head of the village
<i>MulukiAin</i>	Nepal's first codified law which was originally promulgated in 1864, is a collection of administrative procedures and legal frameworks for interpreting civil and criminal matters, revenue collection, landlord and peasant relations, inter-caste disputes, and marriage and family law
<i>Mukta Kamaiya</i>	Freed Bonded labour who were exploited under the boned labour system in Nepal before 2000
<i>Newar</i>	an ethnic group of Tibeto-Burman ancestry located mainly in Kathmandu valley
<i>Paharis</i>	Term genereally used for the hill people who migrated from hills
<i>Nepali Rupees</i>	Nepalese currency
<i>Terai</i>	narrow lowland strip bordering the Indo-Gangatic Plain. It is the most fertile region of Nepal.
<i>Tharu</i>	one of the ethnic groups of Terai region in Nepal. The majority of bonded labour involved in Kamaiya system of bonded labour is from Tharu ethnic group.

ANNEXES



Press Release – 7 January 2009

OHCHR-Nepal encourages government to take steps to end *Kamalari* practices and undertake search for missing girls and women

OHCHR-Nepal notes with concern that no concrete steps have been taken to end the practice of *Kamalari*, by which adolescent girls from poor Tharu families are sent to work in private homes, where they are at risk of severe exploitation, including sexual exploitation. This is despite a Supreme Court order of 10 September 2006 to effectively implement existing law that prohibits child exploitation, including the *Kamalari* system.

On 6 January, OHCHR-Nepal Representative Richard Bennett received a 10-member delegation representing 600 *Kamalaris* from the Mid and Far Western regions. They are in Kathmandu to campaign for the implementation of the Supreme Court decision and for the liberation and rehabilitation of all *Kamalaris*, as well as clarification of the fate of *Kamalaris* who have gone missing and justice for those who have been subject to sexual or other kinds of exploitation. The campaign is also calling for an end to the practice of contracting *Kamalaris* during the Tharu festival of *Maghi*, which is celebrated in mid-January.

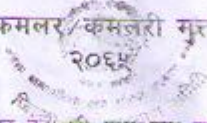
OHCHR-Nepal's Mid Western Regional Office has been supporting the Civil Society Network in Dang to end the practice of *Kamalari* and support former *Kamalaris* and their families. The support includes enhancing understanding and knowledge of the international human rights framework, sharing advocacy tools, improving information sharing and monitoring emblematic cases of human rights violations.

"It is clear that parents send their daughters to be *Kamalaris* as a last resort when they are under extreme pressure to settle debts; many of them end up being trafficked," said Bennett. "I urge the Government to take concrete steps to prohibit this practice, search for the missing *Kamalaris*, and provide for rehabilitation to those who have been victims of this practice."

For further information contact Marty Logan at OHCHR-Nepal:
Tel.: 428 0164 (Ext.321); Mobile 98510.16922 or mlogan@ohchr.org



दाङ जिल्ला बाल कमलर/कमलरी मुक्त क्षेत्र घोषणा पत्र



दास प्रथाको अवशेषको रूपमा रहेको कमलर/कमलरी प्रथा दाङ लगायत बाँके, बाँदरिया, कैलाली र कञ्चनपुर जिल्लामा सामाजिक कलंकको रूपमा अझै विद्यमान छ। बासू समुदायमा रहेको यस प्रथाका कारण यहाँका हजारौं बालबालिकाहरू सानै उमेरमा अर्काको धरमा दासीको जिवन थापन गर्न बाध्य भईरहेका छन्। जसका कारण पढ्ने लेख्ने, खेल्ने, स्वास्थ्य उपचार पाउने, बाबु आमासँग बस्न पाउने, सुरक्षित रहने, माया पाउने जस्ता राज्यले सुनिश्चित गरेका आधारभूत बालअधिकारबाट समेत उनिहरू वञ्चित हुनुपरेको छ। यसबाट के कुरा प्रष्ट हुन्छ भने यदी हामी नयाँ र समृद्ध नेपालको परिकल्पना गरिरहेका छौं भने, आज यी बालबालिकाहरूलाई दासी जिवनबाट मुक्त गरी उनिहरूको सर्वांगीण विकासको बारेमा सोच्न र त्यसलाई कार्यान्वयन गर्न हिलो भईसकेको छ।

नेपाल सरकारले बालबालिका संवन्धि ऐन २०४८, बालश्रम (निषेध र नियमित गर्ने) ऐन २०५६, कर्मिया श्रम (निषेध गर्ने) भन्वन्धी ऐन २०५८ जस्ता कानुनि व्यवस्थाहरू गरी यस अमानविय र निकृष्ट प्रथालाई अवैधानिक गराईसकेको छ भने २०६३ भाद्र २५ गते सर्वोच्च अदालतले समेत नेपाल सरकारलाई कमलरी प्रथा विरुद्ध कानून प्रभावकारी रूपमा लागु गर्न र मुक्त भएका कमलरीहरूको पुनर्स्थापना गर्नका लागि निर्देशनात्मक आदेश जारी गरी सकेको छ। यद्यपि, उपरोक्त कानूनहरू व्यवहारमा आउन नसकेका कारण यथास्थितिमा रहेको कमलरी प्रथा रोक्न र मुक्त भएका कमलरीहरूलाई उचित क्षतिपूर्ति सहित पुनर्स्थापना गर्न राष्ट्रिय मानव अधिकार आयोग तथा संयुक्त राष्ट्रसंघीय उच्चायुक्तको कार्यालयले हालै मात्र नेपाल सरकारलाई सिफारिस गरेका छन्। त्यस्तै, अन्तर्राष्ट्रिय बालअधिकार महासन्धीमा हस्ताक्षर गरी नेपालले आज भन्दा १८ वर्ष अगावै यस्ता बालबालिकाहरूको संरक्षण, संवर्धन र विकास गर्न प्रतिबद्धता जनाईसकेको अवस्था भएता पनि प्रभावकारी कानून कार्यान्वयनको अभावमा कमलरी जस्तो कुप्रथा अझै कायमै रहेको छ।

यसै वस्तुगत तथ्यलाई ध्यानमा राखि, एफ. एन. रि., स्वान, सहयोग समाज, श्रीजनशिल युवा क्लब लगायतका संस्थाहरूले जिल्ला बाल कल्याण समीती दाङ संगको समन्वय तथा NYOF र Plan Nepal जस्ता संस्थाहरूको आर्थिक एवं प्राविधिक सहयोगमा दाङ जिल्लामा मात्र करिब पाँच हजार कमलरीहरूलाई मुक्त गरी उनीहरूका लागि शिक्षा, स्वास्थ्य, आय आर्जन, व्यावसायिक तालिम जस्ता क्षेत्रहरूमा सहयोग उपलब्ध गराउदै आएको छ। कमलरीहरूको अधिकारलाई प्रत्यामुती दिलाउनको लागि विभिन्न सघ संस्था तथा विगतका वर्ष देखि स्थानिय स्तरका युवा क्लब, बाल क्लब र कमलरी मुक्तीका लागि मुक्त भएका कमलरीहरूले आफ्नै पहलमा स्थापना गरेको "कमलरी मुक्तीका लागि साभान मच" ले सशक्त रूपमा कमलरी मुक्ती अभियानलाई अगाडी बढाउदै आज दाङ जिल्लालाई कमलरी मुक्त जिल्ला बनाउने परिस्थिती सृजना हुन पुगेको छ। अतः यसै सन्दर्भमा अझै मुक्त हुन बाँकी कमलरीहरूलाई पनि तुरुन्त मुक्त गरी सहयोग गर्ने र उनिहरूलाई स्वाभिमान पूर्वक समाजमा स्थापित गराउने कार्यलाई तिब्र बनाउन र दाङ जिल्लालाई कमलरी मुक्त तमुना जिल्लाको रूपमा चिनाउदै मानव सभ्यताको उचाई बढाउने हेतुले आज भिती २०६५ साल माघ १ गतेका दिन, सरकारी तथा गैर सरकारी सघ संस्थाहरू, संयुक्त राष्ट्र संघीय मानव अधिकार उच्चायुक्तका प्रतिनिधी, राजनैतिक दलहरू, कमलर/कमलरीहरू, मानव अधिकारवादीहरू, पत्रकारहरू तथा सम्पूर्ण नागरिक समाजका सदस्यहरूको उपस्थितीमा दाङ जिल्लालाई बाल कमलर/कमलरी मुक्त क्षेत्र घोषणा गरिन्छ।

घोषणाका दुराहरु:

१. कसैले कुनै पनि वहानामा कमलरी पठाउन, लैजान र राख्न पाउने छैन। यदी यसो गरेको खण्डमा कानून समोजिम सख्त कारवाहि गरिने छ।

माछ
आचार्य

२. यदि कसैले कमलरी राखेको पाइएमा कमलरी सङ्ग्रहण तत्काल कमलरी मुक्त गरी दिनका लागी आह्वान गरिने छ । तर कमलरी नफकाइ अटेर गरीसुनुहुन जिल्ला बालकन्याय समितिको अनुवादमा जिल्ला प्रशासन कार्यालय, जिल्ला प्रहरी कार्यालय, जिल्ला अदालत तथा विभिन्न संघ संस्थाहरुको सहयोगमा छानवीन गरी कमलरी मुक्त गराई आवश्यक कानुनी कारवाही गरिने छ ।
३. उद्धार गरिएका बाल, कमलर कमलरीहरुलाई जिल्ला बाल कन्याय समिती लगायत सरकारी तथा गैर सरकारी संघ संस्थाहरुको सहयोगमा आफ्नै परिवारमा पुनर्स्थापना गरि शिक्षा शिक्षाको व्यवस्था गरिने छ । तर जनाय बालबालिकाहरुको हकमा भने वैकल्पिक उपाय खोजी पुनर्स्थापित गरिने छ ।
४. कमलरी कुपुत्राको विरुद्धमा जनचेतना जगाउन समय समयमा विभिन्न सातका रचनात्मक कार्यक्रमहरुको आयोजना गरिने छ ।
५. यस अभियानमा दाङ जिल्ला भित्र सकृय रुपमा कार्यरत संघ संस्था एवं नागरिक समाजको सहकार्यको लागी आह्वान गरिने छ । उक्त सहकार्य गर्ने संस्था एवं व्यक्तिहरुका बीच छलफल गरी माघ महिना भित्र प्रतिपद्धता पत्र जारी गरिने छ ।
६. कमलरी मुक्ति योजना प्रभावकारी रुपमा कार्यान्वयन भएको छ/छैन हेर्नका लागी बाल कन्याय समितिकै नेतृत्वमा अन्य व्यक्ति एवं संघ संस्थाहरु समेत सदस्य रहने गरी एउटा अनुगमन समिति निर्माण गरिने छ । साथै उक्त समितिको कार्यविधि समेत तयार गरिने छ ।

[Handwritten Signature]

धीबन्ध धिमिरे
 अध्यक्ष, जिल्ला बालकन्याय समिति, दाङ
 एवं प्रमुख जिल्ला अधिकारी, जिल्ला प्रशासन कार्यालय, दाङ
 मिति: २०६२.११.०९

DECLARATION PAPER
Issued by the District Child Welfare Committee (CWC), Dang
Declaring the District as Kamalari-free

Dang District Child Kamalari-free Region Declaration Paper

The Kamalar/Kamalari system, which is a remnant of the slavery system, is still prevalent in Dang, Bardiya, Kailali and Kanchanpur districts as a social evil. Owing to the prevalence of this system among the Tharu community, thousands of children are forced to live as slaves in the homes of others at very small ages. On account of this, they have been deprived of the fundamental rights guaranteed by the State such as education, recreation, medical treatment, living with parents, safety, receiving love and care, and so on. This makes it crystal clear that, if we are to envisage a new and prosperous Nepal, it is high time we freed these children from living lives of slaves and planned about their holistic development and translated the plan into action.

The Government of Nepal (GoN) has made this inhuman and evil practice unlawful by enacting the Children's Act 2048, Child Labour (Prohibition and Regulation) Act 2056 and Kamaiya Labour (Prohibition) Act 2058, whereas, on 2063 Bhadra 25 (10 September 2006), the Supreme Court issued a directive to the GoN to effectively enforce the law against the Kamalari practice and to rehabilitate the freed Kamalaris. Nevertheless, due to the non-enforcement of the aforementioned laws, the National Human Rights Commission (NHCR) and the United Nations High Commissioner for Human Rights (UNHCR) have only recently recommended the GoN to put an end to the Kamalari practice and to rehabilitate the freed Kamaiyas with appropriate compensation. Similarly, although Nepal has already expressed its commitment towards the protection, promotion and development of such children by ratifying the international Child Rights Convention (CRC) eighteen years ago, in the absence of effective law enforcement, evil practices such as Kamalari are still in existence.

Considering these facts, organizations, including the FNC, SWAN, Support Society, Srijansheel Youth Club, in coordination with the District Child Welfare Committee (CWC), Dang and financial and technical support of organizations such as the NYOF and Plan Nepal, have emancipated nearly five thousand Kamalaris and provided them with support in sectors such as education, health, income generation, vocational training.

In order to guarantee the rights of Kamalaris, various organizations and, since last year, local-level youth clubs, children's clubs and the "Common Platform for Liberation of Kamalaris", established by the freed Kamaiyas on their own initiative, are carrying on the Free Kamalari campaign and have thereby created conditions for making Dang district a Kamalari-free region. Thus, in this context, with the objectives of providing immediate help to the Kamalaris who are yet to be freed and speeding up their rehabilitation in society with self-respect, as well as raising the level of human civilization by introducing Dang district as a model Kamalari-free district, on this day, 2065 Magh 1 (14 January 2009), in the presence of representatives of GOs, NGOs, UNOHC, political parties, Kamalaris/Kamalaris, human rights

activists, media and members of the whole civil society, Dang district is declared a Kamalari-free region.

Declaration Points

1. Under no pretext shall anybody be allowed to send to work as or hire a Kamalari. In the event of this being done, strict action shall be taken in accordance with the law.
2. If anybody is found keeping Kamalaris, an appeal shall be made to them for releasing the kamalaris. Legal action shall be taken against those not heeding and not emancipating Kamalaris after carrying out necessary examinations and freeing Kamalaris in the initiative of the CWC and with the support of the District Administration Office, District Police Office and various organizations.
3. The freed child Kamalar/Kamalaris shall be rehabilitated by reintegrating them with their families, with the support of GOs and NGOs, including the CWC, and provision shall be made for their education and training. In the case of orphan children, however, they shall be rehabilitated exploring alternative measures.
4. Various types of creative programmes shall be organized from time to time to raise public awareness against the Kamalari system.
5. Organizations and civil society active in Dang district shall be exhorted to join hands in this camp. A discussion programme shall be organized among the organizations and individuals collaborating in the said task and a commitment paper issued by the month of Magh.
6. A monitoring committee comprising, among others, other individuals and organizations shall be established in the leadership of the CWC to monitor whether the Kamalari-Free Declaration is being effectively implemented or not. In addition, a work procedure of the said committee shall be formulated.

Srivatsa Ghimire
President, District CWC
and
Chief District Officer
District Administration Office, Dang
Date: 2065/10/1 (14 January 2009)

Translation from Nepali

Annex .3 (Translation of Annex 2; Translated by PLAN Nepal)