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Modern Slavery: An Analysis of the Kamaiya System in Nepal

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Nepal

The Federal Democratic Republic of Nepal is a landlocked state in South Asia, located between India and China. Nepal has a current population of 31 million, and it is multiethnic, multilingual, and multi-religious country. The majority of Nepal is rural, with its biggest city, Kathmandu, having 1.5 million inhabitants. The country is made up of the Himalayas mountains (64% of total area), valleys, and the midland (Nations Online, n.d.). As of 2010, the life expectancy was 69.1, and the literacy rate among the adult population was 60.3% (Pew Templeton, 2016).

History

Little is known about Nepali history until the 4th or 5th century, and even then, major time gaps exist. From this time until the 17th century, the country was ruled by a few powerful dynasties, but the country remained highly divisive and split, despite attempts to unite the nation. It wasn't until the 1740's when significant progress was made and it became a unified state. The British conquest of India proposed a major threat to the country, so Nepal entered into alliance with them to maintain independence, but Britain had a heavy influence on foreign policy. The country was a monarchy until 1990, when it was abolished and established as a democracy, and then a federal democratic republic in 2008 (Karan, Rose, Proud, & Zuberi, 2018).

Religions/ Ethnic Groups

In the early 1990's, Nepal was the only country to be constitutionally declared to be a Hindu state. However, throughout this time there was very little difference to be seen between Hindu and Buddhist beliefs, and there was much intermingling between the two groups. There had been little religious conflict that wasn't academic in nature alone, mostly likely due to the fact that they worshipped openly at each other's temples (Country Studies, n.d.). However, a

census in 2010 revealed that 80.7% of the population now identify as Hindus, 10.3% as Buddhists, 4.6% as Muslims, and less than 1% Christian or Jew (Pew Templeton, 2016). On a social hostility index for religion, Nepal measured a 5.0 out of 10, compared to the world average of 1.8. In addition to this, Nepal scored a 5.2 out of 10 on government restrictions on religion, with the international average being 2.8 (Pew Templeton, 2016). Although Nepali is the official language of the country, only a little over half the population speak this language (Nations Online, n.d.). Many speak their own regional dialect and having a unique culture, as there are more than 8 different ethnic groups in Nepal, the largest one making up only 16.6% of the population (Karan, Rose, Proud, & Zuberi, 2018).

Caste System

The caste system, although not directly part of Hindu belief, has become closely intertwined with its theology and social expression. The caste system in Nepal affects many areas of a person's life, including family life, food, dress, occupation, and culture, but it is not practiced by people living in the high mountains (Go Nepal, 2010). One is born into their caste and it is a permanent status; it impacts their marriages (one has to marry within their caste), their ability to find work or gain political power, limits accessibility to land, and determines your obligations and expectations. It is divided into four main categories: Priests and scholars, warriors, merchants and traders, and laborers. Although not initially included in the caste system, there is also the category of Sudras, or the untouchables/impure. People of all other religions beside Hinduism fall under this category, especially Muslims, and they are almost all laborers. In addition to this, a woman on her menstrual cycle or who just had a child is declared temporarily impure and must be kept separate from the rest of society and is not to be touched (Go Nepal, 2010).

Identity

As stated previously, one's identity formation in Nepal cannot be separated from religion, ethnicity, and the caste system. This is what makes Nepal so fascinating—there are many different combinations of these three components, and many of the people look and act differently than people in their own groups. Throughout this paper, the main focus is on the Tharu people, as they are the one's primarily in the Kamaiya system. The Tharu have a fascinating sense of identity because they identify as a collective community, yet they have very little in common with each other (Fisher, 2007). The Tharu people are just as confused about their sense of identity as anthropologists in Nepal are, as their sense of community seems disjointed in many ways. However, it seems that despite differences, these people, “are actively creating their own sense of group affiliation out of the political and socioeconomic conditions in which they find themselves” (Fisher, 2007, pg. 4).

The Kamaiya System

The Kamaiya System in Nepal is one of many forms of bonded labor that exists in the country today. Although studies continue to debate the current number of Kamaiyas in Nepal, most can agree that the number is around 100,000 (World Organization Against Torture [OMCT], 2000). It is complex system that, for many reasons, continues to thrive despite being made illegal in 2000. In this next section, the formation of this system, how it continues to function, and the implications it has on the people will be discussed.

How it Began

The Tharu people are an indigenous ethnic group that have occupied the lowland for the last couple centuries, land that was once covered by a thick jungle. Although the jungle was infested with malaria and caused some hazards to the Tharu people (and other smaller groups

living there), it also protected the group from outsiders, and allowed them to develop their own functioning society separate from the rest of Nepal (Backward Society Education, 2015).

However, in the 1950's, the World Health Organization had an anti-malaria campaign, which was highly successful, and resulted in a mass influx of settlements and people into the area.

Because the new people were better educated and familiar with the political system of Nepal, they quickly gained control of the land that was traditionally in the hands of the Tharu people (Backward Society Education, 2015). Therefore, the Tharu were forced to become tenants or workers for their landlords, and because of discrimination and lack of representation in the government, they had no way to fight back against the system that was now oppressing them (Maycock, 2002).

Originally, the word Kamaiya means hard worker, strong and courageous, obedient, and honorable. However, because of the turn history has taken, it now has a very different connotation associated with it. The Kamaiya system is currently considered to be a form of bonded labor, which typically means that the worker cannot control their labor power due to politico-ideological constraint or economic coercion. However, in the context of the Kamaiya system, it is more dependent on the socio-economic and cultural dimensions that force the Tharu people into the system (OMCT, 2000).

How it Functions

The Kamaiya system is closely related to the concept of Saunki, or debt, which is what forces the workers to stay in their current position and makes the system hereditary. In principle, the Kamaiya system is a voluntary contract in which a person agrees to work for a landlord in exchange for the landlord paying off a debt (Murshed & Gates, 2004). Theoretically, the contract is to be renewed every year, with either party being able to pull out at that time, but this is not the

case for many Kamaiya workers. They are instead forced by political, social, economic, and other compulsions to renew the contract, in which they have no choice to accept the conditions and rules set forth by their master. In addition to this, the Kamaiya system makes it acceptable to buy and sell workers between households, and when a man dies the debt is immediately passed on to his sons (OMCT, 2000). Although discriminations against Kamaiya's are more prevalent in rural communities, they can occur in urban areas as well. These discriminations can include fabrication of debt by the landlords, seizure of whatever small piece of land they may own, accused of not paying debts when they were paid, and also physical torture against them (OMCT, 2000). In the rare case that a Kamaiya makes enough money to pay be back their master, they are often met with these forms of discrimination and compulsion, leaving them with no other options but to stay. So although voluntary in principle, Kamaiya workers are not paid enough to pay back their debt, are compelled to renew the contract, and are forced to fall deeper and deeper into debt when they continue to take loans from their masters (Murshed & Gates, 2004).

There are many reasons and circumstances that may force a Kamaiya worker to take out another loan from their master. These can include medical emergencies, when they run out of money to pay for food, when a daughter is to be married, social obligations such as festivities, or any other unexpected event happens in life that they did not plan for (International Labor Office, 2000). Without any other source of income, and the necessity to sustain themselves, they are forced to rely on their masters and their debt continues to grow (Backward Society Education, 2015).

An important aspect of this problem to recognize is that land is principle source of income and employment for almost every family in Nepal. Without ownership of land, one is

automatically more vulnerable to exploitation and falling into bonded labor. Rural Nepal is home to 90% of the population, and landless or small land owners are often forced into these contractual relationships in order to provide for themselves and their families (Thapa, n.d.). Similar to the caste system, ownership of land affects many areas of life, including a lack of access to education, health care services, irrigation, technology, and markets. Shockingly, the bottom 44% of the agricultural household operate only 14% of the total agricultural land, while the top 5% of the nation control 27% (Thapa, n.d.).

The Family

The role one plays depends largely on gender and age, and may vary from master to master. The term Kamaiya originally referred to a male worker within a specific age, but has now taken on the connotation of any worker stuck in the system, including women and children. The wife of the Kamaiya worker usually accompanies her husband in his farm work, the sons generally work as animal herders and tend to the buffalo and goats, and the girls typically work in the house as a domestic servant (OMCT, 2000). The majority of these families live in a small hut that is located on their master's property, and they depend on him for many areas of survival. In addition to this, studies have shown that no matter how many children are working under the master, this has no impact on payment, and the debt continues to grow despite the extra labor (OMCT, 2000).

This leads into an important conclusion that has been drawn by several researchers, the Kamaiya system is so much more than a way to gain and control cheap labor. When someone enters into the Kamaiya system, they are effectively signing control of their life and social world to their masters. From that point forward, many things are restricted, including freedom to travel, access to medicine, control of property, and rights to their children (Backward Society

Education, 2015). The system comes full circle, the workers are put in positions where they must depend solely on their master for everything, and unable to pay back their debt, it is passed on to their children, and the cycle continues.

Advantages and Disadvantages

Notably, a recent study analyzed more thoroughly both the advantages and disadvantages of the system as seen through the eyes of a child Kamaiya, which will be outlined here. Besides the need to provide for the family, there may be other reasons someone decides to enter into a contract with a landlord. These can include economic and business knowledge, work experience, having access to food and clothes, the possibility of attending school, being able to learn future skills such as language and disciplines, as well as building a social network for future employment. However, these are often negated and dismantled when faced with the costs of being in the Kamaiya system. These disadvantages include a danger to health and safety, limited free time, discrimination based on ethnicity or caste, the false promise of education, heavy work, and negative treatment including beating and the sexual abuse of girl workers (Giri, 2012). So, although workers are often drawn in by need and promises of benefits, these are often never fulfilled or outweighed by the costs of the system.

Political Actions and Rehabilitation

Several different laws have been passed and many non-governmental organizations (NGOs) have been active in the last 30 years to combat the Kamaiya system. In the following sections, the success and ramifications of these policies and programs will be discussed, along with recommended focuses, and directions for reconciliation.

Past Political Actions

The fight for freedom for Kamaiyas has its origins in Nepali history, long before the Kamaiya system was even created. To begin the conversation, one must first acknowledge the declaration by the Prime Minister in 1926, when slavery was first abolished in Nepal. Due to the eradication of malaria in nearby forests, it wasn't until the late 1950's and 1960's that the Kamaiya system began to form and gain momentum. Fast forward 25 years, and Backward Society Education (BASE) was formed, an organization that rallied Kamaiyas and Tharu people to fight against the system. In 1990 the democracy of Nepal was reestablished, and the new constitution prohibited any type of slavery or serfdom, but no specific law or policy is put into place to prevent this from happening. A study done on the status of Kamaiyas in 1994 found that 95% of the 100,000 Kamaiyas belonged to the Tharu people. Due to this study and the support of organizations around the world, progress was finally made (Backward Society Education, 2015).

A major breakthrough for the Kamaiyas occurred on July 17th, 2000, when the Kamaiya system was outlawed by a Nepali declaration (Murshed & Gates, 2005). Specifically, the government ruled that Saunki, the debt and major binding element of Kamaiyas to their masters was illegal. This debt relief program quickly became controversial, as the landlords demanded compensation and supporters said the debt had been paid through years of underpaid and abusive labor conditions. Although the debt relief was passed, it is still highly criticized, and the government is still accused of taking a stance that benefits landlords over Kamaiyas or acting in self-interest (OMCT, 2000). To make matters worse, people in positions of power and the ones designing these policies have frequently been identified as either currently or previously owning Kamaiyas themselves. Furthermore, a movement to rid these people of power in making these policies failed and the Nepali government continues to protect these individuals (Kattel, 2000).

However, in 2002 the Bonded Labor Prohibition Act was passed that reaffirmed that the debt was to be cancelled and made it illegal for a person to provide services without adequate wages in return (International Labor Organization, 2002).

It was the hope that these declarations would solve the problems of the Kamaiyas, but the system is much more complex and hidden, and it has faced limited success in the last two decades. This is evidenced by the fact that more than four years after the declaration had been made the government had not been able to rescue or rehabilitate all Kamaiyas (OMCT, 2000). After the declarations, Kamaiya families were quickly evicted by angry landlords, and not given any provisions or any belongings. Because of this, makeshift settlement camps were erected practically overnight with help from local NGOs (Backward Society Education, 2015). Other landlords were so angry about the declaration that they locked Kamaiya families in the house for days with no food or water (OMCT, 2000). So although many Kamaiyas have been freed from their master's control, they have no land, place to live, keep warm, cooking supplies, or food. They have become refugees in their own land, seeking help and shelter wherever they can find it (Kattel, 2000).

The declaration is often viewed as one of the most progressive documents of its time, especially issued by a democracy formed in the 1990's, but in reality little provisions were made. Many critics claim that the government only gave Kamaiyas empty promises, and did little to follow through with their intended efforts. Guarantees of rehabilitation were made, but little was been done within the first year after the declaration (Fujikura, 2001). After the declaration, a monitoring and evaluating committee was created under the control of the Prime Minister and 18,400 Kamaiya households were identified and then grouped into four categories depending on possession of huts or land (OMCT, 2000). After 6 months of little progress, Kamaiyas turned to

NGOs for help, and pressure from these organizations forced the government to give 12,019 of these families a piece of land. Some families since then have gained land, but many are left defenseless and on their own. In addition to this, many organizations are accusing the government of solving the debt problem, but not being aimed at rehabilitation and empowerment (OMCT, 2000).

Future Directions

Current government agencies and NGOs are gearing their efforts to rehabilitation targeting specific key areas. Perhaps the most important of these focus' is on education of children Kamaiyas. It is currently estimated that approximately 33,000 children in Nepal are working to pay off debt bondage, and these children enter the workforce in early childhood and continue into adulthood. One study stated that 4/5 of children Kamaiyas had never attended school and were completely illiterate, and this ratio is even worse for girls, who are given less priority or opportunities to receive an education. Because of these low education rates, the current literacy rate of Tharus across the country stands at a low 20% (Sharma, Basnyet, & Ganesh, 2001).

Another continued focus for the rehabilitation of Kamaiyas is sustained access to land. Many families continue to struggle on too small a piece of property to make a living or land that is unfit for cultivating, leaving them to fall right back into the debt they were just freed from. Because of this, many NGOs aim to help Kamaiyas gain more land in a country where property is the main determinant of income. Ultimately, if the structural problems of unfair distribution of land are left unanswered and intact it is unlikely that any real progress will be made (Thapa, n.d.).

Other movements include reducing poverty in rural villages, increasing awareness of the issues and advocacy, education and training of adults and children alike, and tackling legislative matters. Some NGOs are more focused on hand-on activities such as health and education while others are more involved with policy makers and the government on establishing beneficial programs (Sharma, Basnyet, & Ganesh, 2001).

Directions for Reconciliation

Much progress has been made in the last two decades on the status of Kamaiyas in Nepal. If true reconciliation is ever to occur between the Kamaiya families and their masters/the government, then Kamaiyas need to be effectively rehabilitated. Until all Kamaiya families are assured that they will not be forced back into the system from direct or indirect forces, reconciliation cannot occur. There must be a restoration on both sides, admittance to the wrongs committed, and a dedication to righting those injustices. Once this is done, and Kamaiya families are on their feet financially and represented in the government, I would have strong hopes for the future of these people groups and their capability to reconcile with one another. However, until Kamaiyas have a chance to establish a life for themselves, they are never really free. The system can be summarized in the fact that, “someone is bought, and someone is sold. In the most extreme cases the Kamaiya becomes a person who goes on working, living-dreaming perhaps - despite their social death” (BASE, pg. 1, 2015).

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