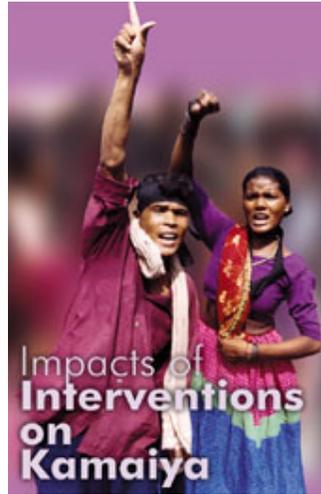


Impacts of Interventions on Kamaiya

HMG/N declared liberation of Kamaiyas. But complication was observed when problems became more and more intensified as government could not manage the rehabilitation of free declared Kamaiya. The Kamaiya families are still facing extreme hardships even after the declaration. Therefore, this impact analysis also became focused towards the situational analysis comparing the period before liberation and after liberation. In spite of the sudden situational turn, this study covers the overall period and major actors in this issue. We do claim that the study is an indicative and a beginning in this regard.



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Preface

The issue of Kamaiya workers and debt bondage as well as various forms of bondage in Nepal & Nepalese agriculture is not new at present. The whole decade has been a period of continuous efforts and movement against this extremely unfair and inhumane practice. As an outcome of the efforts of various actors including the trade union movement, Kamaiyas have been declared free from the bonded system last year in July 17. However, this declaration of liberation for Kamaiyas is only a milestone, from where a number of new activities have to be undertaken with a serious endeavour in order to make them capable to enjoy the freedom in the real sense.

During the past decade, heavy expenditure has been exhausted by GOs, NGOs and TUs also in cooperation with INGOs, UN Agencies and other donor agencies. But the effort to evaluate and assess the impacts and usefulness of the activities launched has not been undertaken. The losses and gains to the Kamaiya families have never been considered in analysis. So, while working on this action program in cooperation with **ILO-IPEC** under **Italian Social Partners Initiative**, we tried to think for an attempt to analyse the impacts of our intervention programmes within the period and also of other actors working in this issue.

But complication was observed when problems became more and more intensified after the declaration of liberation when government could not manage the rehabilitation of free declared Kamaiyas. The Kamaiya families are still facing extreme hardships even after the 16 months of declaration. Therefore, the impact analysis also became focused towards the situational analysis comparing the period before liberation and after liberation. In spite of the sudden situational turn, this study covers the overall period and major actors in this issue. We do not claim that the study is perfect, but we view, it is an indicative and a beginning in this regard.

GEFONT is thankful to ILO-IPEC Officials in Kathmandu, particularly Mr. U. Paudyal -the National Programme co-ordinator and Italian social partners basically the trade union colleagues. Our sincere thanks are due to the survey team Bidur Karki, R. R Hamal, Dharmanand Pant & Keshav Raj Giri led by Mr. Rudra P. Gautam. Like wise we are thankful to NLA-Nepal and its General Secretary Dr. Shiva Sharma. Mr. Umesh Upadhyaya- Chief of gefont Dept. of Foreign Affairs deserves special thanks for his outstanding role of adviser and to edit this report. We give due acknowledgement to the contribution of Mr. Kiran Mali (data processing), Kabindra Rimal & Manju Thapa (computer work) and all of the gefont families for their respective roles.

Bishnu Rimal
Secretary General

CHAPTER INTRODUCTION

I

1.1 Background Briefs of The Country

Nepal is a small least developed country, land locked by the highly populous and emerging economic powers - China and India. The East to west length of the country is 885 km and the mean width from North to South is only 193 km with 147181 sq. km land area (Dahal and Inoue, 1994).

The country is divided into three diverse ecological zones - Terai (the plain land), Hills and Mountains occupying 23.1, 41.7 and 35.7 percent respectively. Of the total land area only 52 percent is suitable for cultivation comprising 55.7 percent in the Terai, 37.4 percent in the Hills and only 6.9 percent in the Mountains. However, only 16 percent of the cultivable land is brought under cultivation (CBS, 1995:52).

Administratively, the country is divided into five Development Regions, 14 zones and 75 districts under which Village Development Committees (3912) and municipalities (58) are the Grass root level organisations. The political constituency for the election of the member of the House of Representatives (Lower House) is 205 - ranging from one to seven in a district based on the population size of the district.

The population size of the country at present is estimated about 23.5 million which was 18.5 million in 1991. The population of Nepal is growing at a rate higher than 2 percent since 1971. The proportion of Terai population is increasing every year in contrast to the declining trend in the Hills and Mountains. This is mainly because of migration towards plain land from both the hills and mountains in search of comparatively better livelihood condition.

According to the government statistics at present, about 40 percent of the population is below poverty line. Unemployment, under employment, disguised unemployment, low labour productivity, Extravagant social customs etc. are some of the factors responsible for high level of chronic poverty.

Nepal is one of the resource rich countries in the world possessing 2.3 percent of the water resources of the world next to the Brazil - having 83,000 M.W. hydro-electricity potential. But up to now, less than 1 percent of the total capacity is utilised. Forest is also considered a major natural resource of the country - covering about 30 percent of the total land area and supporting almost 90 percent of the total fuel consumption in the country in addition to the supply of a large part of the fodder to the animals. The forest area is declining gradually where the rate of deforestation is estimated to be 4 percent per annum, which is considered to be high (Dahal and Inoue, 1994:2). Various types of mineral resources are also located in different parts of the country, most of which are yet to be exploited.

The pace of industrialisation is very slow, though the history of cottage industries can be traced back to the Lichhavi period. But the modern organised industries started only in the late '30s under the Company Act 1936. Since then emphasis is always placed on industrial development in the country but no government could achieve the goal due to various constraints.

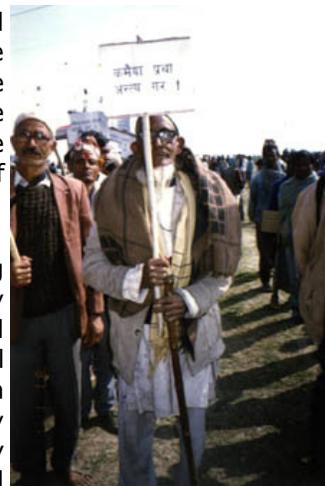
Agriculture is the major sector in Nepalese economy - contributing 38.1 percent in GDP and providing employment to more than 80 percent of the population aged 10 years and above. This sector is heavily characterised by low productivity mainly because of traditional agricultural system and lack of irrigation facilities. This sector is also characterized by heavy disguised unemployment.

Increasing dependence on foreign assistance, low level of per capita income and low growth of GDP has caused the economy to become more & more vulnerable. Most of the females are involved in household activities as unpaid family workers and are always considered unproductive. Still about half of the population aged 6 years and above are illiterate and the proportion of those with higher education is very low. Similarly, the proportion of persons with technical skills is negligible which is one of the essential prerequisite for the development of the country.

1.2 Meaning of the Word 'Kamaiya'

The Kamaiya is in fact a worker but differs from general workers in various ways. By tradition, *Kamaiya* is the worker mostly bonded because of different reasons. The literary meaning of the term *Kamaiya* in Tharu language is the hard-working man. Another general meaning of the word *Kamaiya* is the person who cultivates the land of others.

The Tharus of Nepal are honest, simple and hard working people representing aboriginal ethnic group mostly concentrated in the Terai belt of the country. The word *Kamaiya* also reflects the economic, social and political exploitation of the poor Tharu families. The western Terai, familiar as *Naya Muluk* and *Kalapani* was densely covered by forest where only Tharus were the early dwellers struggling with malaria on the one hand and wild animals on the other. Both were equally dangerous to their lives. The Tharus of Far Western & Mid Western Terai are synonymous to *Kamaiya* as most of them fall under the system.



1.3 The Kamaiya System

The long-term contract (normally for one year) between Kamaiya and landlord along with other rural-feudal relations associated with it is known by 'Kamaiya system' in general in the western Terai region. Long-term contract is prevalent in every part of the country known by other names such as Harawa, Charawa, Hali, Gothalo, etc. in accordance with the local social practices. The terms and conditions also vary from place-to-place and person-to-person, even in the same place for all types of workers including Kamaiyas. Civil society believes that Kamaiya system is another form of slavery that was formally abolished in 1924 by the then Prime Minister Chandra Shamsher Rana.

At least there are three types of labour relations related to Kamaiya system, which help to bound the Kamaiyas with the system (Sharma, 1999: 3-4). This system can also be understood by 3L - Labour, Loan and Land.

Most of the Kamaiyas do not have their own land to cultivate and homes to live. They work 16-18 hours for their landlords in substitute of insufficient amount of food grain (which barely supports their families), cash or kind on yearly contract basis (mainly oral contract) with strong possibility of renewal every year. Generally the new contract or renewal of contract takes place during '*Maghi*' (a festival of Tharu Community). A *Kamaiya* with *Bukrahi* can get comparatively more wages than alone. Thus, the Kamaiya who has no wife tries to involve any working age female from his family (may be mother, sister or other female members). The *Bukrahi* is also entitled to get separate wage to be added to the wages of the Kamaiya but generally it is not more than one fourth of the wage earned by the single Kamaiya although she also works hard and for long hours from household chores to the farms of the landowner.

Not only husband (Kamaiya) and wife (Bukrahi) it is also common to engage the children from 6 years and above from their family as cattle herders and domestic servant of the same landowner just for two meals a day and one or two pair of clothes per annum, although they also work very hard from early morning to the late night. In this way, the whole family becomes tied up with the system but contribution of the additional employment of the family members is negligible in their family income because the land master does not account them for wage payment in the real sense.

On the one hand the very low wage rate compared to the market rate and the insufficient amount of food grains received by the family from his master is too low to survive the family for the whole year. On the other hand, it is to be noted that who enter into the system are not allowed to work outside to earn more for their family and consequently they are compelled to borrow more money or food grains from their master for hand-to-mouth and other necessary expenses (marriage, medical, festival, etc.). The new loans received are added up annually at the principal amount known as '*Saunki*', which increases every year. Therefore, the Kamaiya has to accept a perpetual life of *bonded* labourer having least hope of freedom even for their children (RRN, 1999:2). Failure to pay the *Saunki* in their lifetime, the parents hand over the liabilities to their children. In principle, a Kamaiya is free to change his master at the end of the contract period during *Maghi* every year but in practice he cannot change before the repayment of the '*Saunki*'. They can change their master only when the new master pays the '*Saunki*' to the old master. Clearly it is difficult for those *Kamaiyas* to change their master who have borrowed heavy amounts or whose *Saunkis* have multiplied many times. As a result, they are forced to work in the terms and conditions imposed by the master. Those who change the land master fall under the swamp of loan instead of improving their condition and ultimately become bonded labourers equivalent to those who did not change their master.

A Kamaiya is free theoretically to bargain during *Maghi* on the terms and conditions of the contract for the next year but he is forced by social, economic and other compulsions to accept the terms and conditions dictated by his master. During the contract period, neither the Kamaiya can break the contract nor the land master relieves him from the job.

The wage system varies with a high degree of diversity in Kamaiya prone districts from place to place and Kamaiya to Kamaiya even at the same place. Some major forms of wage payment are as follows:

Proportion of Crop – A fixed proportion of what the *Kamaiya* produces from the farmland of the land master is given to him. This proportion varies from Tikur (one Third) to Panchkur (20%). Some landowners provide the proportion in each crop, whereas some of them count it only in case of major crops (mainly paddy).

Bigha - Certain piece of land out of the total land, which a *Kamaiya* cultivates is separated and he is entitled to receive the total production of the piece of land as his remuneration of the whole year. It depends on the total land of the landowner and the number of working members of family of the *Kamaiya* concerned. It is observed that the normal practice is to provide the output of 2-4 Katthas from one bigha of land (20 Katthas).

Bora - There is also a general system of wage payment in kind along with '*Maseura*', which is known by '*Bora*'. A Bora is equivalent to 75 kg. Paddy. It also depends on the number of family member working for the landowner. Normal practice as observed is to provide 675 kg (9 Bora).

Cash - In some cases, payment in cash as the remuneration of a *Kamaiya* calculated on monthly or yearly basis can also be found which is very low in comparison to the existing market rate.

Besides this landowner provides a residential hut (*Bukura*) and Kitchen garden (*Chheuti*) to the homeless *Kamaiya* for the time period he works with him. Thus in the present context, the highly exploitative system of wage labour associated to land is the *Kamaiya* system.

In few places some clever persons keep *Kamaiyas* to work on a land borrowed from others in a contract basis or crop sharing. Some landowners also send their *Kamaiyas* to work outside and snatch the wages earned by them.

The *Kamaiya* system is mainly concentrated in five districts (Dang, Banke, Bardiya, Kailali and Kanchanpur) of mid and far-western Terai. Prevalence of the system has also been found in the Terai districts of Nawalparasi, Kapilvastu and Rupandehi of Western Development Region however the studies of the *Kamaiya* system are particularly focussed towards the districts ranging from Dang to Kanchanpur.

1.4 Status of the Tharus

Considering quantitatively, more than 95 percent of the *Kamaiyas* belong to Tharu community. Tharu is one of the major aboriginal ethnic groups in Nepal comprising 6.5 percent of the total population of the country as indicated by the population census of 1991. In descending order, it is fourth among the 60-caste/ethnic groups. It is also to be noted that 50 percent of the total Tharu population is concentrated in five *Kamaiya* prone districts namely Dang, Banke, Bardiya, Kailali and Kanchanpur (table 1.1).

Table: 1.1 Tharu Populations in Nepal by Development Region

| Development Region | Population in % |
|--------------------|-----------------|
| Eastern | 19.6 |
| Central | 15.0 |
| Western | 14.9 |

| | |
|-------------|-------|
| Mid western | 26.7 |
| Far western | 23.9 |
| Total | 100.0 |

Source: Shiva Sharma, *Nepalma Kamaiya Pratha* (in Nepali)
ILO, New Delhi, 1999, p.12

It is clearly visible that the socio- economic condition of this community in general and especially in this region is vulnerable. In comparison to other caste/ethnic groups, people from the Tharu Community are very poor, socially backward with low literacy & low level of awareness and mainly concentrated on low-paid wage labour in agriculture.

The proportion of Tharu population in the districts under this study ranges from 16 percent in Banke to 53 percent in Bardiya (Table 1.2).

Table: 1.2 *Tharus in the Total Population of the Districts*

| Districts | Percentage of Tharu Population |
|------------|--------------------------------|
| Dang | 31.5 |
| Banke | 16.0 |
| Bardiya | 52.8 |
| Kailali | 49.5 |
| Kanchanpur | 27.4 |
| Nepal | 6.5 |

1.5 Beginning of Kamaiya System in Nepal

The Kamaiya system in Nepal is associated with Tharu community. Almost exceptionally, a negligible number of Kamaiyas may be found from other castes. Though the exact year cannot be traced back as to when the Kamaiya system emerged, but it is estimated that probably the system had started to develop since 1950 from Dang in the present form. Tharus had been cultivating the land under forest as much as they could when there was no legal right on land.

Before malaria eradication, rulers of the period used to provide considerable quantity of land to the member of the royal family, government bureaucrats, Army officials and priests as the prize for their better services. Similarly after the control of malaria in Terai during 1960s, a large number of people from hills and mountains of the country and also from India started to migrate & settle in this region.

The clever & smart migrants gradually started to capture the better located & fertile land owned by the hard working and honest people of the Tharu community. The migrants registered the land legally in their own names with the help of the concerned government officials.

Consequently, most of the Tharus were displaced from their own land due mainly to the unfair means used by the migrants. They themselves also started to sell their land at very cheap prices in order to pay land-tax, to buy seeds & other inputs, to repay their loans and to celebrate their traditional festivals. As a result, most of the small landowners of Tharu community became landless and started to work as wage labourer to the legal owners of the land.

As their condition became more & more vulnerable, borrowing loans from the newly developed landlords to maintain their livelihood, traditional culture and feasts increased further. But repaying of loans was not possible for most of them because of their declining access to land & other natural resources and very limited source of income. The ultimate and clearly visible result was that they were forced to work as bonded labourers (individually as well as the whole family), which created a chain of bondage from one generation to second & third generation.

The Land Reform Programme implemented in '60s also promoted the Kamaiya system in this region, because the absentee landowners started to cultivate their land by using Kamaiya & his family to save their land from tenancy right.

1.6 Difference Between Kamaiya and Other Agricultural Workers

Wage labour relationship associated with farming varies greatly in Nepal. Majority of farm holdings (64.4%) use their own family labour. Not more than 30 percent of the farm households supplement their unpaid family labour with hired casual labourers as and when necessary. A small proportion of about 5 percent (323,000 households in absolute figure) hires permanent labourers for farming & related works.

Difference Between Kamaiya System and Other System of Permanent Wage Labour

| Kamaiya System | Other System |
|---|---|
| Wage paid in kind, cash & produce of a proportion of land and sharecropping. The rate for sharecropping is found maximum to be 1/3 of the output and minimum ranging from 10 to 20%. Wage in cash or kind is found very low in comparison to the prevailing local market rate | Wage paid in cash & kind and sharecropping. The rate for sharecropping is normally half of each crop in an average. Wage in cash or kind is generally equivalent to the prevailing local market rate. |
| The means necessary to cultivate land (<i>Halo, Kodalo, oxen, seed & other inputs</i>) to be provided by the land owner | All necessary inputs to be provided to the wagemanagers, but to be managed themselves by the workers in case of sharecropping. |
| A Kamaiya has to conduct various other activities including domestic work or as ordered by their land master in the same nature of work & social practice wage | Workers generally get extra remuneration for additional work in accordance with the nature of work & social practice |
| Family members are not free to work outside without permission from the land master concerned. (Direct control of land owner over family members of the Kamaiya) | All family members are free to work anywhere and enjoy full mobility (No control over family members) |
| Family members have to work to the same master generally without any wage (Just for two meals a day or on a token | Each member of the workers' family is entitled to get separate wage for the work s/he has done. |

| | |
|---|--|
| wage.) | |
| The terms of loan taken from land owners create bondage from one generation to the next | The terms of loan generally do not create bondage to the worker & his family |

Haliya, Harawa, Kamaiya and *Jan* are the local names of the tillers and casual workers in farming, whereas *Gothalo, Charawa, Gaibar, Bhaisbar* and *Chhegbar* are known as animal herders. These relations and terms & conditions associated with labor relations differ in different parts of the country. The Kamaiya form of permanent labour relationship is in practice in the mid and far-western Terai districts and has become synonymous to exploitation and bonded labour.

1.7 Status of Kamaiya

A. Before Liberation

It is estimated that the total Kamaiya population is approximately 100,000 in the five Kamaiya concentrated districts (Sharma; 1999: 20). The studies conducted by various organizations during different periods have recorded 15,000 – 20,000 Kamaiya families.

Table: 1.3 Total Number of Kamaiya Families in Various Districts

| Source | Year | Districts | | | | | Total |
|---|------|-----------|-------|---------|---------|------------|-------|
| | | Dang | Banke | Bardiya | Kailali | Kanchanpur | |
| INSEC Survey | 1992 | - | - | 9185 | 6964 | 1579 | 17728 |
| Survey by <i>Sukumbasi Samasya Samadhan Aayog</i> | 1995 | 3032 | 1066 | 5419 | 6245 | 1673 | 17435 |
| Survey by Ministry of Land Reform & Management | 1996 | 1856 | 1060 | 5037 | 5557 | 1642 | 15152 |

Source: Shiva Sharma, *Nepalma Kamaiya Pratha*, 1999.

The available information shows that among the five districts, Bardiya and Kailali are the major concentration areas where there are two thirds of the Kamaiya families.

Table: 1.4 Number of VDCs/Municipalities Covered

| Districts | Number VDCs/Municipalities covered | Percentage to the total VDCs/Municipality |
|------------|------------------------------------|---|
| Dang | 35 | 85.4 |
| Banke | 28 | 59.6 |
| Bardiya | 32 | 100.0 |
| Kailai | 37 | 84.1 |
| Kanchanpur | 18 | 90.0 |
| Total | 150 | 81.5 |

Source: Ministry of Land-Reform and Management

Of the total VDC/municipality of the five districts, the Kamaiya system had been found highly intensified in 150 VDC/Municipalities. The heaviest concentration is in the District of Bardiya (100.0%) and lowest in Banke district (59.6%).

Table 1.5 highlights the reality that almost 60 percent of the Kamaiya families are landless ranging from 45 percent in Dang to 92 percent in Banke. Among the Kamaiya families without debt, altogether 57 percent have no land in their name. More than 50 percent of the Kamaiya families are indebted though the average debt amount per family does not show similarity. It is lowest in Bardiya and highest in Kanchanpur where 81 percent Kamaiyas had been found indebted in 1995.

Table: 1.5 Land less and Indebted Kamaiya Family (in %)

| Status | Dang | Banke | Bardiya | Kailali | Kanchanpur | Total |
|----------------------------------|------|-------|---------|---------|------------|-------|
| Total Kamaiya family | 3032 | 1066 | 5419 | 6245 | 1673 | 17435 |
| Landless Kamaiya | 44.8 | 92.1 | 62.4 | 54.5 | 71.4 | 59.2 |
| Kamaiya without Debt | 58.7 | 65.8 | 61.8 | 33.6 | 18.6 | 47.0 |
| Indebted Kamaiya family | 41.3 | 33.2 | 38.2 | 66.4 | 81.4 | 53.0 |
| Land less | 39.5 | 65.8 | 62.5 | 56.6 | 72.4 | 58.1 |
| Occupying barren land | 22.9 | 21.2 | 16.8 | 30.5 | 16.2 | 23.8 |
| Own land | 26.8 | 9.0 | 18.6 | 10.4 | 9.2 | 14.2 |
| Both own & Barren land | 10.8 | 4.0 | 2.0 | 3.3 | 2.3 | 4.0 |
| Average Debt per family (in NRs) | 4404 | 3709 | 2916 | 4603 | 8766 | 4784 |

Source: Shiva Sharma, *Nepalma Kamaiya Pratha*, 1999, p. 24

Among the indebted Kamaiya families, 58 percent are Landless, 24 percent have their *Bukura* on barren land (*Parti Jagga*) whereas the remaining 18 percent have their own land though a very small plot. Almost all-landless Kamaiya families had used to live in the '*Bukura*' provided by their landowners with whom they had worked before the announcement of Kamaiya liberation in July 17, 2000. The condition of landless families has been found more vulnerable as compared to those with small piece of land.

B. After Liberation

In July 17, 2000, His Majesty's Government of Nepal took a historical and bold stride by announcing complete liberation to all Kamaiyas from their age - old bondage relation. Thus the practice of bonded labour system has been declared illegal. All bonded Kamaiya labourers became free immediately from their *Saunkis* and previous contracts with their land masters whether written or oral. It also declared the provision of punishment of 3-10 years imprisonment for those who continue the practice of bonded labour. The government also formed a high level *Kamaiya Identification and Monitoring Committee* headed by Deputy Prime Minister in the centre and also in the five concerned districts headed by DDC- Chairman.

After the announcement of liberation, Kamaiyas from all over the five districts started to express their warm welcome to the decision and celebrated the moments of the history by organising mass meetings, rallies and demonstrations in the districts concerned. Though being confused in the beginning, Landowners, after a few weeks of the announcement, started to remove their Kamaiyas from the *Bukur*s provided earlier. The ultimate result was the unexpected gathering of

Kamaiyas in the streets of district HQs along with their families. As they were forced to come to under the open roof of the rainy cloudy sky, there was no option for them than to sit on picket line in front of the DDC office. The stagnant situation was then blurred and there was no immediate solution with other social actors except Government, but government could not manage the situation in alien of immediate relief and long-term way-outs. As an emergency management for a very short period, Kamaiyas were asked to live temporarily on the fallow land in so-called *camps* by making temporary huts with tarpaulins or plastic roof provided by the DDCs and NGOs. Most of the Kamaiya families are living in a terrible condition. For instance, in Manahara camp of Geta VDC in Kailali district, floor of the hut was boggy and plastic roof was completely unable to check rainwater. The situation of expulsion and harassment differ district to district but it is grave in Kailali and Kanchanpur while comparing to other districts.

A number of Kamaiyas in all districts still can be found remaining with landlords in the previous terms and conditions whereas some are working in a new agreement especially under sharecropping in the changed context. The new pattern of sharecropping has started again to exploit women and children of the free Kamaiya families. The landowners have given their land on sharecropping to their former Kamaiyas but in a condition to use the adult female members or children for their household work. This indicates towards a changing form of exploitation of Kamaiya families after the declaration of liberation.

On the basis of 1995 survey, Ministry of land reform and Management conducted a new survey after liberation basically concentrated on Kamaiyas who were working with the landowner before 17th of July 2000. This survey identified 19, 863 Kamaiya households in the five districts of Dang, Banke, Bardiya, Kailali and Kanchanpur showing an increment of 4,711 households (31%) during 1995-2000.

The Kamaiya system is found in 150 VDC/Municipalities of the five districts. Of the total Kamaiya families, 57.6 percent are pure landless families. Among them, more than two thirds have neither the land nor the house.

Table: 1.6 Number of Liberated Kamaiya Households in Five Districts, 2000

| Districts | VDC/ Municipality | Total number of Kamaiyas | Homeless & landless | Landless | Having Land | Other |
|------------|----------------------|-----------------------------------|------------------------|----------------|----------------|----------------|
| Dang | 35 | 2417 | 239 (9.9) | 153 (6.3) | 944 (639.1) | 1080 (44.7) |
| Banke | 28 | 1342 | 186 (13.9) | 874 (65.1) | 21 (1.6) | 261 (19.4) |
| Bardiya | 32 | 6949 | 3155 (45.4) | 1119 (16.1) | 1020 (14.7) | 1655 (23.8) |
| Kailali | 37 | 6329 | 2688 (42.5) | 1119 (17.7) | 533 (8.4) | 1989 (31.4) |
| Kanchanpur | 18 | 2827 | 1552 (54.9) | 355 (12.6) | 222 (7.9) | 698 (24.7) |
| Total | 150 | 19863 | 7820 (39.4) | 3620 (18.2) | 2740 (13.8) | 5683 (28.6) |

Note: Figure in Parentheses indicates percentage of the total.
Source: Shiva Sharma, *Kamaiya Situation Analysis*, NLA, 2001.

As an outcome of the continuous pressure by the Kamaiyas, Trade unions and NGOs, HMG ultimately decided to provide five *katthas* of land to the liberated but landless and homeless Kamaiyas. However, the government has not implemented the decision effectively. Recently, the government declared that altogether 9,378 landless Kamaiyas have been provided land for their settlement. Unfortunately in practice, it is found that most of the Kamaiyas who received *Land Owner's Certificate* are not getting land. Most of them are still compelled to live in the so-called *camps* in extreme hardship and under an intolerable situation.

1.8 Child Labour

Various international seminars and workshops on child labour have categorised bonded child labour as the most hazardous and worst forms of child labour, which brings about heavy negative impact on physical, mental and psychological development of the children concerned. The ILO Convention 182 concerning the worst forms of child labour has clearly highlighted it as an extremely urgent issue of the world today. One of the major causes of child labour is the



widespread poverty and prevailing exploitative socio-economic relations & inequality in the society. Similarly, deep-rooted traditional culture, lack of awareness and negligible exposure to outside world have jointly led them to become bonded labourers as their fathers and grandfathers. The system of bonded labour particularly under the Kamaiya system is considered to be in existence also because of the unavailability of alternative employment opportunities to them.

Almost all children of Kamaiya families are definitely the most vulnerable group of children always deprived from basic primary education and minimum health care facilities. Even those enrolled in schools often become dropped-out due mainly to lack of money to cover the cost of education. In addition, as a cheap source of labour for farm as well as household works, the middle class and landlord families have encouraged the poor Kamaiya parents to involve their children in work instead of sending school. Thus, most of the children above 6 years of age in this community used to work for landlords and others along with their parents and still after liberation they are working in and outside their families.

Generally the Kamaiya family children work without receiving anything in return in exchange of their labour except two meals a day and one or two pairs of clothes annually. Looking at the various activities of their involvement under this system of semi-slavery, it can be observed that children are used in:

Cooking

We are children of ages below 15. It is okay if we spend half an hour helping to the seniors cooking in our own house. But we should not stay at home and be engaged in this work for the whole day even though we know it.

It is harmful for us to involve in cooking without going to school.

It is harmful to us because:

- Working near the *Choolo* (fire) can cause us burn injuries. Smoke from the *Choolo* can cause respiratory problems, headache, burning sensation in eyes, etc.
- While getting rice cooked, the *maad* (starch) has to be separated from the rice. This is very risky and it may cause us burn injuries.
- We do not have arms strong enough to grind *masala*; moreover it can hurt our fingers.

If children without mental or physical ability become engaged in these activities, it is harmful to them.

- Collection of firewood and fodder
- Live stock herding
- Taking care of siblings or small children
- Cooking, washing dishes & cleaning clothes
- Assisting Farm work during cropping & harvesting season

The extent and magnitude of the Kamaiya family children involved in wage employment as revealed by a survey (Sharma and Thakurathi 1998) has been found to be altogether 12,328 children from the total 17,435 Kamaiya households. Out of the working children of the Kamaiya families, 67 percent work as unpaid family workers, while others work for employers. Considering the children under employers, 23.8 percent are working as cattle herders and others in domestic work. Though they are working for wage but it is negligible and highly exploitative. The maximum amount of wages that a smart child worker of this community could draw does not exceed US\$ 75.00 a year, or about US\$ 6.00 per month.

1.9 Intervention Programmes

Just after the restoration of multiparty democracy, the issue of Kamaiya workers came into highlight as an issue of human right violation in the form of Bondage & debt bondage. As a consequence, NGOs, INGOs and UN Agencies became active on the issue of bonded labour considering Kamaiya system as the extreme form. Government Organizations also came into the scene to work in favour of Kamaiya workers particularly through the Ministry of Land-Reform & Management.

Most of the organizations focussed their attention to the issue recently after having understood the extremely miserable condition of Kamaiyas and their families. More than a dozen of INGOs & NGOs are working also with their satellites (small local NGOs in their network) in various VDCs and municipalities of the five districts from last few years. Some of them have covered some VDCs in each of the five districts and some have covered few areas in one or more districts.

While reviewing the nature of the major programmes conducted by the organizations before the declaration of liberation of Kamaiyas, we can categorise those into awareness raising activities, formal and informal education, income generating activities, campaigning for health care, organising & unionising and lobbying & advocacy for the abolition of Kamaiya system. In addition, the government was implementing Kamaiya livelihood programmes. Even after the declaration, most of these programmes are being continued with some additions and modifications. Visibly after liberation, the advocacy for abolition of Kamaiya system has turned towards short-term relief as well as long-term developmental rehabilitation programmes for former Kamaiyas.

The short-term & primary relief programmes after liberation includes construction of temporary huts; distribution of food grains & clothings and arrangement for drinking water, health care and schooling of the children. The distribution of land to

the landless and homeless Kamaiya families for rehabilitation & permanent settlement is the long-term programme. The former ones are launched mainly by the NGOs whereas the later depends solely under the responsibility of the government.

Some of the major intervention programmes launched by the government, NGOs, INGOs and trade unions are presented in Table 1.7. From the Fiscal year 1994/95, the government, having accepted the existence of bonded labour in the form of Kamaiya system, started to allocate a small amount in the annual National Budget to conduct various activities under '*Kamaiya Rin Mochan Tatha Britti Bikas Karyakram*' under Ministry of Land- Reform and Management. Later on, this programme was renamed as '*Kamaiya Punarsthapan Tatha Britti Bikas Karyakram*' after the declaration of Kamaiya liberation. In addition, the Ministry of Labour launched '*Kamaiya Mahila Ship Bikas Karyakram*' in the five districts concerned.

Table: 1.7 Intervention Programmes Related to Kamaiya

| I/NGOs | Coverage | | Programmes | Beneficiaries |
|-------------|--------------------|----------------------|--|---|
| | District | VDC/ Municipality | | |
| BASE | 6 including Salyan | 72 | Educational support Female development Income generation | 1427 Kamaiya 246 Children 251 Women |
| SPACE | Bardiya | 2 | Research , NFE, Awareness Kitchen gardening | 40 women |
| Action Aid | Kanchanpur | 5 | Advocacy | - |
| GEFONT/KLFN | 5 | 95 | Appeal movement for Kamaiya liberation Package programmes for Kamaiya family children | Mass of Kamaiyas, their women & 604 children |
| FAWN | 5 | 56 | Minimum wage campaign, Organizing & TU education | Mass of Kamaiyas |
| GRINSO | 5 | 6 | Research Literacy Awareness and income generation | 375 Kamaiya 1848 Kamaiya women |
| INSEC | 5 | 40 | Research Literacy & awareness Education support (Formal, Informal and vocational) | 1310 Kamaiya children, 1396 women and 723 Kamaiyas (1993-97) |
| RRN | Bardiya | 6 | Literacy and awareness On the job training Skill Training Micro credit | 750 women and children (During 1996- 97) |
| LWF/WSP | Kailali | 4 | Literacy Formal education Income generation | 1945 Women 1905 Kamaiyas |
| SAP/NEPAL | Bardiya | 1 | Literacy Awareness and income generation | 271 Kamaiyas 118 children and 153 Members of Kamaiya |

| | | | | Families |
|----------------------|-------|-----|--|--|
| Plan International | Banke | 3 | Education & Training Health | - |
| NLA | 5 | - | Research & Advocacy | - |
| Ministry Land Reform | 5 | 150 | Land distribution Skill Training Micro Saving/credit group | |
| Ministry of Labour | 5 | - | Skill training for Kamaiya family women and Kamaiya debt repayment programme | 752 groups covering more than 7520 Kamaiyas in average |

Source: Shiva Sharma, *Nepalma Kamaiya Pratha*, 1999

The various training activities launched by the government under the above-mentioned Kamaiya focussed programmes have not been useful to the landless and homeless Kamaiyas like training on vegetable farming, bee farming, papaya farming, tailoring. But the training on carpentry, masonry, electrician, hair-cutting etc. has been found useful to them.

Moreover, it is to be noted that Ministry of Local Development has also taken high initiatives to launch *food for work programme* with the help of GTZ, DFID and WFP. But it is unfortunate that the market price of the amount of food grain provided to the Kamaiyas is much less than the minimum wage (NRs. 60 per day) fixed for the agricultural workers.

The contribution of ILO/IPEC on the elimination of child worker in general and child-bonded labour in particular is also significant. The ILO, UNICEF & DANIDA are working with the government & local units, NGOs and trade unions, which have had a significant impact in all the five Kamaiya concentrated districts. The Italian Social Partners Initiative through ILO-IPEC in the field of Bonded Adult & Child Labour in cooperation with Trade union Movement particularly GEFONT is important in this regard. The ILO also has announced to launch a project entitled *Sustainable Elimination of Bonded Labour in Nepal* to protect and promote the rights of agricultural workers for three year. This project includes creation of alternative employment opportunities in addition to education & health support to the children of former Kamaiya families. This project will implement only after the distribution of land to the former Kamaiyas. The recent initiatives of US Department of Labor after the declaration of Kamaiya liberation may come into effect in near future.

The activities from a number of organizations in support of Kamaiyas directly and indirectly have been observed from time to time. In spite of so many initiatives from various corners, it is surprising that still only one third of the Kamaiya concentration areas are covered by the programmes launched by the government as well as other social actors. However, the coverage of Government and Trade Unions especially GEFONT and FAWN is wider in comparison to other actors.

1.10 Government Budget on Kamaiyas

The HMG Nepal started to allocate budget on specific programmes for Kamaiyas and their family only from the Fiscal Year 1993/94 though in a limited manner. Before the declaration of liberation, the budget allocation was focussed on the

programme 'Kamaiya Rin Mochan Tatha Britti Bikash Karyakram'. After liberation, the programme has been converted into *Kamaiya Punarsthapan Tatha Britti Bikash Karyakram* under the Ministry of Land-Reform and Management. Additional programme was the *Kamaiya Mahila Ship Bikash Talim Karyakram* launched under Labour Ministry.

Table: 1.8 Budget Allocations on Specific Kamaiya Related Programmes (NRs. in '000)

| Fiscal Year | Kamaiya Rin Mochan Tatha Britti Bikash | Kamaiya Mahila Ship Bikash Talim | Kamaiya Punarsthapan Tatha Britti Bikash |
|-------------|--|----------------------------------|--|
| 1993/94 | 10000 | - | - |
| 1994/95 | 7305 | 3094 | - |
| 1995/96 | 8347 | 3058 | - |
| 1996/97 | 14170 | 3267 | - |
| 1997/98 | 20425 | - | - |
| 1998/99 | 22027 | - | - |
| 1999/2000* | - | - | 30423 |
| 2000/01** | - | - | 20000 |

* Revised estimate

** Preliminary estimate

Out of the total expenditure, generally 30 percent goes on administrative and other expenses while approximately 70 percent to the programmes. It has also been expected that the Kamaiya family would be benefited from other programmes of the government targeted to the Poor and aboriginal caste/ethnic group of people.

1.11 Why Did We Design This Study?

In this background, it becomes obligatory on the part of the society and the state to take most sincere initiatives in favour of the workers under the grip of the Kamaiya system and the backward social practices related to it. All four social actors – Government, landowners, Trade unions/Agricultural workers, and social organizations/civil society actors - have to shoulder their roles. UN Agencies, donor organizations and INGOs have the secondary role to assist financially as well as technically and they have been in genuine cooperation.

While designing the action program for the elimination of bonded child labour problem in Kamaiya stricken districts in cooperation with Italian Social Partners basically with Italian trade unions under ILO-IPEC initiative, we came to the conclusion that there is an urgent need to evaluate the impacts of intervention on Kamaiya workers & their families in relevance with child labour – all types of intervention from Government corner, the NGO corner and trade union corner. Previously, the assessment and evaluation in general have not been conducted so far in spite of the channelling of resources and activities from all significant corners.

The experiences gained during organising works previously under Kamaiya liberation Forum Nepal (KLFN) and afterwards under Federation of Agricultural Workers of Nepal (FAWN) have indicated towards an overall evaluation study concerning the impacts of various interventions in this field. The inspiration gained

during Appeal Movement led by GEFONT-KLFN has also been a source of energy in this regard.

However, it is extremely difficult to conduct a post-mortem of previous interventions and to assess the bright & darks of the ongoing interventions within a very limited timeframe with limited resources at hand. Moreover, the early design of the study had to be revised seriously after the liberation. The complications emerged because of the new situation developed in the form of displacement of thousands of Kamaiyas from the employment & Bukuras provided by their land masters. As a result, temporary relief activities, ups & downs in the programs of actors and effects of wage related & other movements have to be taken sincerely under the study. Thus difficulties multiplied to cover all these unforeseen contingencies. Therefore, the present study has been designed to have a general picture and not an in-depth analysis. The attempt is to cover all sorts of interventions in favour of families under Kamaiya system whether from Government side both central & local or NGOs/INGOs or trade unions. Thus it covers:

- Formal Education Support to Kamaiya Family children
- Non-Formal Education Programs
- Adult Literacy Programs
- Income Generation Programs
- Health Care & Counselling
- Awareness Building
- Advocacy & Lobbying
- Organising & mobilizing

1.12 Objectives of the study

The Action Program on Child Bonded labour from trade union coverage and perspective has been launched for the first time in this area. As a component of the action programme, impact assessment of our intervention has been designed. For the purpose of comparison and developing a comparative assessment of the achievements and failures in this issue, we have also designed the framework of the evaluation to include various interventions of other actors. General Objective of the study, thus, is to assess the impacts of interventions made by GOs, NGOs and TUs along with perceptions of children on the interventions. In resemblance with the general objective, the study is an attempt to fulfil the following specific objectives:

- To analyse the intervention programmes for Kamaiya conducted by various organizations in different parts of the study area.
- To identify the current situation of Kamaiyas and former Kamaiyas
- To explore the perception of Kamaiyas with regard to interventions launched to uplift them including micro credit programs, cooperative arrangements, NFEs, Adult Literacy, Income Generation, organising and so on.
- To understand the level of awareness among children below 15 years of age and perception on various intervention programmes targeted for Kamaiya families.

1.13 Methodology

A central research team was formed to conduct this action research to assess the impacts of interventions made by various organisations including trade unions. Consultancy was provided by National Labour Academy. Dr. Shiva Sharma was the major consultant. Mr. Rudra Prasad Gautam was the coordinator of the research team consisting Bidur Karki, Rajendra Raj Hamal, Keshav Raj Giri, Dharmanand Pant, Phiru Lal Chaudhary, Kabindra Shekhar Rimal and Kiran Mali as team members. Bishnu Rimal and Umesh Upadhyaya have jointly shouldered the advisory role from the very beginning to all stages of the study.

All major five Kamaiya prone districts (Dang, Banke, Bardiya, Kailali and Kanchanpur) have been covered under this study, though Kamaiya system has been found in existence even in the Terai districts of Kapilvastu, Rupandehi and Nawalparasi. Two Village Development Committees (VDCs) were selected purposively from each of the districts except Dang where only one VDC has been selected

Similarly, after the last year declaration of Kamaiya liberation, about 50 percent (landless and homeless) Kamaiyas were settled at various temporary camps on public land as well as forest & barren land mainly in the districts of Bardiya, Kailali and Kanchanpur. While redesigning the study in the changed situation after declaration of liberation, it became a compulsion to cover the camps of displaced Kamaiya families. Among them altogether five camps were also selected purposively from three districts as sample.

From each of the selected VDCs and camps, 12 Kamaiyas (those who are still working as Kamaiya or liberated Kamaiyas) were selected randomly both in the VDCs and camps to obtain necessary information considering the constraints associated with time and resource.

In order to assess the level of awareness and perception of Kamaiya family children, 10 children in the age group of 6-14 years from each of the VDCs and camps under the sample were selected. In totality, 168 Kamaiyas and 140 Kamaiya family children were interviewed as the sample respondents to complete this study.

Table: 1.9 Sample Committees and Camps

| District | VDC | Camp* |
|------------|----------------------|------------|
| Dang | Gadahawa | |
| Banke | Bankatuwa | |
| | Titihiriya | |
| Bardiya | Padnaha | Jantanagar |
| | Kalika | |
| Kailali | Durgauli | Likepur |
| | Sande pani-Jute pani | Manahara |
| Kanchanpur | Daiji | Chhela |
| | Pipladi | Jhalari |

Four Separate sets of questionnaires were prepared. The first set was administered to the Kamaiyas and ex-Kamaiyas to find out their present status and change in

their socio-economic and cultural status after the intervention programmes launched by various governmental, non-governmental organisations and trade unions.

Table: 1.10 *Distribution of Sample Size*

| District | Kamaiya | | Kamaiyas children | |
|------------|---------|------|-------------------|------|
| | VDC | Camp | VDC | Camp |
| Dang | 12 | - | 10 | - |
| Banke | 19 | - | 20 | - |
| Bardiya | 24 | 12 | 20 | 10 |
| Kailali | 24 | 24 | 20 | 20 |
| Kanchanpur | 24 | 24 | 20 | 20 |
| Total | 103 | 60 | 90 | 50 |

The second set was administered to the Kamaiya children to get information on their present status, level of awareness and perception regarding the intervention programs. The third and the fourth sets were formulated to obtain information about Kamaiyas & the intervention programmes addressed to them and their children from concerned District Land Reform Offices, VDCs, DDCs, NGOs, INGOs in the five districts. The questionnaire also attempts to know the perception of the respondents with regard to the intervention programmes and whether s/he obtained benefit from it. Similarly each set is also designed to compare the situation before and after the declaration of liberation last year.

Two trained Research Assistants administered the first and second sets of questionnaire under the supervision of the coordinator. The survey team was assisted by the local assistant especially from the same community as an interpreter to make interview & interaction easier. The coordinator with the help of the research assistants administered the remaining two sets.

In addition to the quantitative information obtained from the questionnaire, non-formal discussions with the academicians, local political activists, administrators, shopkeepers, social activists and Kamaiya themselves. Such information through interaction and group discussion has been highly useful for the study. Similarly, secondary information on Kamaiyas & Kamaiya system was reviewed and used as necessary during the preparation of this report.

CHAPTER II

Assessment of Various Organizations on Intervention Programmes for Kamaiyas

2.1 Background of Wide Coverage Interventions

The impact of NGO-activities was limited to a particular area and specified group in most of the cases. But government and trade union intervention has moved on a wide coverage of the Kamaiya population. From the Trade Union side, particularly GEFONT has been the single union working in this field with its affiliates – KLFN in the beginning and FAWN in recent years. The indirect effect of organizing Workers Education Programme and Appeal Movement as well as direct Action Program on child labour has been carried on by GEFONT. The Appeal Movement launched by GEFONT in October 1997, which covered a period of 10 months, has proved to be significant in its impacts. The movement had a strategy of request to the landlords and rich farmers to free their Kamaiyas willingly and to provide wages currently given in that area. Simultaneously, creation of social pressure through cadre mobilization, mass meetings and interaction with teachers, social workers and VDC officials was launched. At a first attempt, 15 Kamaiyas were declared free by landowners. The number was insignificant, but it created a wider impact. There we could witness a series of cases where Kamaiyas started to leave the owners' house. Courageous & militant Kamaiyas with *Moral Boost up* because of Appeal Movement and organizing process by KLFN denied to pay 'Saunki' and started to work as free agri-workers and construction workers. Naturally, this improvement has also affected the use of child labour, which was attached to the former Kamaiyas.

The peaceful Appeal Movement was designed to liberate Kamaiyas with minimum conflicts and touse. The Appeal published and publicised during the movement expresses and concludes as follows:

'The relation between landowner and his/her Kamaiya should be transferred into employer-employee relationship from Master-Slave relation. Kamaiya should work as free agri-labourer under current wage condition. His mobility should not be restricted and should enjoy labour mobility position if he feels so. 'Saunki' should be completely eliminated. He can do the same work, live in the same 'Bukura', but should get wage what other free-agri-labourers get in the area. For this, Kamaiya owner should tear the 'Saunki' document, if there is no written paper, s/he can declare it as eliminated. Unnecessary and exploitative additions have been found in the name of 'Saunki'. Whoever declares his/her Kamaiya free from the Saunki or tears the Saunki paper, he/she is the ideal citizen. The persons who willingly declare their Kamaiyas free from 'Saunki' and provide wages, society should praise them. Those, who go against this humane 'approach, should be pressed by society, teachers, local representatives, social activists and political workers.

'Women workers of liberated Kamaiya families should not be used as 'Bukrahi' without any payment. Children should not be used in work. The slavery-based relationship in the society should be abolished through joint efforts. This may be the easiest and practical way out. If we could not move forward in this track, society may go to the difficult options of conflict and struggle. So, we urge to all responsible persons and organizations in the society to come forward to liberate Kamaiyas through this humane, easiest and peaceful option.

'We appeal to the landowners to leave the old-traditional feudal style and try to prove themselves ideal and responsible citizen of the society and try to assist Kamaiyas to become citizen like us.

'We appeal to teachers, social workers, political activists and all pioneers of the society to contribute the campaign of Kamaiya liberation and assist them to become free citizens of Nepal like you.

'Let us join our hands and convert Kamaiyas into free agri-labourers. Let us promise to continue our campaign until every Kamaiya becomes free labourer.'

2.2 Perceptions of VDC

VDC and Municipality are the grassroots level political entities in the country. Each of the VDCs is divided into nine wards irrespective of the size of population, but every municipality is divided into nine or more wards on the basis of the size of population. The Kamaiyas are concentrated in 150 VDC/Municipality of the five districts out of the 177 VDCs and 7 Municipalities.

The government as well as NGOs and trade unions have conducted various intervention programmes to uplift the Kamaiya workers and Kamaiya family workers especially to eliminate the bonded labour (adult and children), which is prohibited in almost all corners of the world by adequate legislation. The spirit of The Constitution of the Kingdom of Nepal is also clear against all forms of slavery-type practices including bondage & debt bondage. However, the practice is different and bonded labour is still prevalent in many parts of the country, Kamaiya system is one of the malpractices. The programmes launched by all concerned organisations still do not cover all Kamaiya concentrated VDCs on the one hand. On the other hand, the programmes are considered as run on the surface and not in depth of the problem. Some wards are generally selected within the selected VDCs to implement intervention programmes.

One of the major reasons behind low coverage is the duplication of the programmes by two or more organizations at the same place. But unfortunately, the programmes could not become much effective as the actual target group (bonded Kamaiyas) was mostly outside of the participation in the programmes due to the grip of the landowners, who did not allow them to participate.

The information on the perception of the concerned VDC with regard to the effectiveness of intervention programmes was collected through discussion with the VDC chairperson, Vice-chairperson, ward chairperson and the VDC office secretary. According to the information, awareness raising programmes, formal and informal education support, income generation activities, skill development training, food for work programmes etc. are the major programmes launched for the Kamaiyas and their families. Government, INGOs in cooperation with NGOs, National NGOs & their local network, trade unions especially GEFONT & KLFN and VDCs themselves have conducted the programmes for the betterment of Kamaiyas. Considering the poor documentation & prevalence of oral culture, it is difficult to trace the actual beneficiaries from each organisation. Similarly, also because of the nature of some programs to involve the masses of the workers & families, pointing actual number & extent of beneficiaries becomes a subjective task, but observation indicates that the programmes launched by some NGOs and trade unions have played effective role in this connection.

Some of the NGOs particularly INSEC had started their activities since 1994. Formal and Non formal education programmes and skill training are the major programmes targeted specially to the Kamaiya children below 15 years of age. In an average, almost 300 children in each of the VDCs (which this study covers) are benefited from the programmes especially launched for them. The suggestion from VDC officials in order to make the Kamaiya targeted programmes more effective include the following:

- The concerned organizations should come forward with programmes addressing the actual needs & priorities of the Kamaiya families.
- Proper coordination between the organizations involved on this issue is essential to avoid duplication and to cover more and more vulnerable Kamaiya families,
- Lack of awareness is one of the major obstacles to the effective implementation of the programmes, so the level of awareness should be increased in mass scale in this community to make programmes more effective,
- The government should provide at least 10 Katthas land for the permanent settlement of the liberated Kamaiyas now living in temporary huts under terrible condition,
- All organizations working on the issue of Kamaiya workers should conduct awareness raising programmes at mass scale to cover majority of Kamaiya families through proper coordination among them at central as well as local level,
- Emphasis has to be placed on social services like education, health, safe drinking water etc.,
- Skill training should be provided to the Kamaiyas, Bukrahi, Kamlahris and adult members of their family to enhance self-reliance,
- Activities concerning the support for income generation both technically as well as financially along with awareness building have to be launched for selected most vulnerable families.

Five out of the nine VDC representatives have opined that improvement in the socio-economic condition of Kamaiya families is not possible without making them aware of their rights and of the benefits that might come from the various programs. In combination with the activities based on the right-approach, coordination among all the actors - VDCs, DDC, Local Administration, HMG-Nepal, Trade Unions, NGOs/INGOs and UN Agencies working on Kamaiya issue – should be given high priority. Four of them were of the opinion that it is the sole responsibility of the central government.

Officials of the five VDCs accepted that bonded child labour practice is still in existence and for elimination of the practice, they have suggested as follows:

- The government should ban the practice of heavy & highly exorbitant rate of compound interest being imposed in rural areas by the landowners to their Kamaiyas, because this is the major reason for children of the Kamaiya families to become bonded child worker.
- Income generation programmes from various actors - both government and non-government sides – in order to raise the family incomes have to be expanded to the maximum extent so as to cover most of the VDCs of the districts.
- Effective legal provisions and strict monitoring system should be developed and implemented against child-bonded labour.

Though the provision of Rs. 500,000 to the VDCs from HMG-Nepal have provided a resource base to develop specific programs within the VDC, but up to now no specific programmes to eliminate the problem of bonded child labour have been launched by the VDCs. However, some VDCs have supported Kamaiya family children by providing books and stationeries.

All the information and discussion reveals the fact that VDC officials do not bother about the issue of Kamaiyas, their families and the working children in the real sense. Neither they have developed any programme targeting this community in their annual programmes nor shown any interest to cooperate with other actors working through different programmes in favour of the Kamaiya families.

2.3 Perception of Government and Non-government Organisation

2.3.1 Involvement of Various Organisations

As the Kamaiya system is one of the most exploitative practices in rural agricultural sector, the government, NGOs and trade unions have launched various programmes in these districts in order to improve socio-economic condition and to liberate them from the system. For the first time, INSEC conducted a survey in 1992 and then other NGOs also became interested to work for Kamaiyas. GEFONT started to work for them from 1994. The government came into the scene from 1993. At present, In addition to GOs associated with Ministry of Land-Reform & Management and Ministry of Local Development, more than a dozen local and national NGOs and trade unions namely GEFONT and FAWN are working with Kamaiyas in these districts.

Besides these, a number of other organisations are also involved in various programmes launched for the Kamaiya families before and after the declaration of liberation. The Kamaiya liberation movement turned towards short-term relief activities and long-term rehabilitation programme after liberation in continuation with other programmes.

Among the organisations working on Kamaiya issues, 50 percent are national level, whereas regional & district level organisations account 25 percent each.

Table: 2.1 *Involvements of Government and Non-Government Organisations*

| Organisations | District covered |
|---|--|
| (Ministry of Land Reform and Management) | Dang, Banke, Bardiya, Kailali and Kanchanpur |
| District Development Committee (DDC) | Dang, Banke, Bardiya, Kailali and Kanchanpur |
| Human Right Jagaran Manch (HRJM) | Dang |
| Human Right and Environment Protection Centre (HUPEC) | Kanchanpur |
| INSEC | Dang, Banke, Bardiya, Kailali and Kanchanpur |
| HURADS | Kailali |
| NNSWA | Kanchanpur |
| BASE | Dang, Banke, Bardiya, Kailali and Kanchanpur |
| RRN | Dang, Banke, Bardiya |

| | |
|-----------------------------|--|
| CCS | Kailali |
| Social Youth Prerana Kendra | Bardiya |
| GTZ | Dang, Banke, Bardiya, Kailali and Kanchanpur |
| GRINSO | Dang, Banke, Bardiya, Kailali and Kanchanpur |
| GEFONT | Dang, Banke, Bardiya, Kailali and Kanchanpur |
| NLA | Dang, Banke, Bardiya, Kailali and Kanchanpur |

Source: Field Survey, 2001.

2.3.2 Programmes for Kamaiyas

A number of programmes were conducted during the last decade for the right and benefit of Kamaiyas and their families (Table: 2.2). But only 50 percent of the expected number of beneficiaries has been benefited in the real sense. But there is also duplication in the number of beneficiaries reported by the organizations as same groups have been targeted by more than one organization in launching similar type of activities in some of the VDCs. Thus the actual number of beneficiaries may not exceed 25 percent of the expected number.

In addition to the general programmes, some programmes are conducted especially for Kamaiya family children covering both bonded and free or attached child workers. These programmes have been found useful to raise the level of awareness of the Kamaiya families.

Table: 2.2 Programmes and Benefited Kamaiya Population

| Programmes | Number of Population Benefited |
|------------------------------|--------------------------------|
| Awareness | 13640 |
| Literacy | 5550 |
| Skill Development Training | 6632 |
| Vocational Training | 250 |
| Income generating | 3035 |
| Food for work | 12000 |
| Kamlari Help Programme | 1200 |
| Kamaiya Mobile Fund Program | 1476 (82 groups) |
| Integrated Social Programmes | 2500 |
| Micro Credit | 250 |
| Others | 5853 |
| Total | 51,386 |

Source: Field Survey, 2001

The estimated number of children benefited from different programmes targeted to the children in the age group 5-14 is slightly higher than 10,000. However, the actual number of beneficiaries may be lower than the estimated figure because the same child has been found, in some cases, participating in more than one action programme and counted in each of the programme, i.e. there is a duplication of beneficiaries.

Table: 2.3. Specific Programmes for Kamaiya Children and Number of Beneficiaries

| Programmes | Children Benefited |
|-----------------------------|---------------------------|
| Education (formal/informal) | 6825 |
| Awareness Campaign | 250 |
| Skill Training | 400 |
| Medical Care | 900 |
| Child Club | 1400 |
| Child Care Centre | 700 |
| Others | 36 |
| Total | 10531 |

Source: Field Survey, 2001

2.3.3 Expenditures

Several organisations (Government and National & International NGOs) while launching various programmes to uplift the socio-economic condition of the Kamaiyas have been spending a considerable amount. The financial information indicates towards an expenditure of large amount, but the condition of Kamaiyas could not improve as expected. Thus it is necessary to rethink over the pattern of expenses.

It is difficult to collect the information of the actual expenses in the districts because of hesitation of some organizations to provide necessary information and because of our limited coverage of areas & organizations by this study. Some of the NGOs have been found highly reluctant to provide the information on their actual expenditure and breakdowns of administrative and programme-related items. Thus on the basis of available information, Spending in an average has been estimated to be Rs 6.4 million per organization every year.

Table: 2.4 Total Expenditures on Various Programmes*

(Rs. .000)

| District | Expenses | | |
|-----------------|-----------------------|------------------|--------------|
| | Administrative | Programme | Total |
| Dang | 5802 | 46007 | 51809 |
| Banke | 6528 | 51757 | 58285 |
| Bardiya | 7253 | 57508 | 64761 |
| Kailali | 8704 | 69010 | 77704 |
| Kanchanpur | 7979 | 63259 | 71238 |
| Total Amount | 36266 | 287541 | 323807 |
| Total (%) | 11.2 | 88.8 | 100.0 |

*Rough estimate on the basis of the information collected during survey, 2001.

Approximately NRs. 324 millions has been spent, which is more than NRs. 16,000 per Kamaiya family. Out of the total expenditures, almost 11 percent has gone on administrative items and the rest on actual implementation of programmes. All of the programmes conducted have been evaluated as successful by the programme organisers. Among the organizations interviewed under this study, a majority of 58

percent have evaluated their programmes as full success whereas 42 percent evaluated as partial success.

The respondents of the organizations have prescribed the following suggestions to make the programmes more effective even though no single programme is considered failure:

- As the level of awareness is very low among Kamaiyas & their families, effective programmes for awareness raising should be given top priority for all age groups and residents both in camps and in villages:
- Skill training programmes should be managed in accordance with the needs of the market,
- Income generation programmes should be designed by concerned organisations for the adult and idle members of Kamaiya families,
- The Government should also dig out various wayouts to make an environment to uplift the status of Kamaiyas on equal footing with other citizens in the society.
- There is an urgent need of coordination between NGO & NGO on the one hand and NGOs, government and trade unions on the other in central as well as district level,
- The government should immediately manage the settlement of the liberated homeless Kamaiyas,
- The government should also become active to shoulder its responsibility to provide alternative employment opportunities to Kamaiya families and health care & education to the children.
- Effective system of evaluation and monitoring of the programmes is also an essential component.

2.3.4. Free-declared Kamaiyas

On the basis of their personal and organisational observations, the respondent have expressed their estimate that nearly 84 percent of Kamaiyas have enjoyed the declared liberation in one way or other after the announcement of 17 July 2000. They also inform that 16 percent of Kamaiyas in an average are still working within the system, among them 5 percent are on same terms and conditions as before while 11 percent under new terms and conditions.

Table: 2.5 *Liberation of Kamaiyas by District*

| District | Percentage of Liberated Kamaiya* |
|-----------------|---|
| Dang | 80 |
| Banke | 91 |
| Bardiya | 95 |
| Kailali | 72 |
| Kanchanpur | 84 |
| Total | 84 |

*Based on simple average
Source: Field Survey, 2001.

Table: 2.6 *Feeling of the Organisations Regarding Change After Liberation*

| Observed Change | Percentage |
|--|-------------------|
| Economic Change | |
| Increase in standard of living | 27.3 |
| Decrease in standard of living | 31.8 |
| No change | 40.9 |
| Total | 100.0 |
| Social Change | |
| Improve in social prestige | 81.8 |
| Decrease in social prestige | 4.6 |
| No change | 13.6 |
| Total | 100.0 |
| Change in the Condition of Children | |
| Improve | 22.7 |
| Decline | 45.5 |
| No change | 31.8 |
| Total | 100.0 |

The feeling of the organisations in general and respondents in particular with respect to the change in socio-economic condition of the Kamaiya workers after the declaration of liberation was a main area of our interaction. Only 27.3 percent observed that the economic condition of the Kamaiya families has improved, but more than 80 percent observed that the social condition of the families has improved after liberation. On the contrary, the use of child labour has increased as the earning member of the family became idle and preferred to send their children to work as a domestic worker within and outside the district.

2.3.5 Responsibilities and Weaknesses of the Actors

The discussion with the respondents about the responsibilities and weaknesses of the government, NGOs and trade unions have been quite successful to list the following responsibilities and weaknesses.

Government - Responsibilities

- Free education to the children of liberated Kamaiyas,
- Skill training based on market demand,
- Efficient management of Rehabilitation programme,
- Providing health care facilities, pure drinking water and security,
- Distribution of at least 10 katthas of land to the liberated Kamaiyas,
- Strict & effective implementation of Minimum wage fixed by the government for agricultural workers,
- Fair identification of Kamaiyas,
- Necessary budget allocation to complete the rehabilitation program in time.

Government - Weaknesses

- Declaration of the elimination of Kamaiya system through cabinet decision without adequate homework and preparation.
- The announcement of providing maximum 5 katthas of land for landless and homeless Kamaiya being insufficient.
- Failure of the government to initiate a planned programme after liberation,

- The Kamaiyas of all districts being treated equally without considering the differences in the condition of Kamaiyas.

NGOs - Responsibility

- Preference to be given to awareness programmes,
- Providing skill training to the Kamaiyas and their families based on market demand,
- Coordination among NGOs and joining hands with other organizations,
- Non Formal Education programmes and Formal Education Support,
- Focussing the programmes towards sustainable development rather than publicity,
- Avoiding the politicisation of the programmes launched by them

NGOs - Weaknesses

- Incomplete nature of action programmes
- Attachment on individual interest
- Less cooperation with the government
- Insufficient lobbying with the government to provide land at appropriate place for easy employment opportunities

Trade unions - Responsibilities

- Organising Kamaiyas in union structure and coordinating their movement,
- Provide trade union education to the Kamaiya family workers,
- Effort to shift Kamaiyas in sectors other than agriculture,
- Strengthening the movement of minimum wage and monitoring for its effective implementation.
- Control the free flow of foreign migrant workers
- Coordination with government & NGOs on the issue of Kamaiyas

Trade Unions - Weaknesses

- Slow to organise liberated Kamaiyas in the union of Agricultural Workers,
- Insufficient efforts to coordinate with government and NGOs to make the programmes of every actor effective,

Other Organizations - Responsibilities

- Playing role to convince society to accept Kamaiya on equal footing with other citizens of the society,
- Political parties and organizations to develop appropriate policy to put an end to the exploitative Kamaiya system instead of going on with cheap slogan,
- Kamaiya themselves to unite themselves for self-reliance in every sphere of life.

General Weaknesses

- Society still reluctant to accept Kamaiyas as an inseparable part of the society,
- Political intervention and politicisation of humane issues

CHAPTER III

Socio-Economic Condition and Perception of Kamaiyas

Kamaiyas in Nepal are one of the most vulnerable segments of the people. Even after the liberation, the society does not seem ready to accept Kamaiyas to enjoy equality in the real sense. Most of the Kamaiya families are landless and even among those with land, majority are settled on fallow/barren land 'Ailani'. No doubt all Kamaiya families are below the absolute poverty line. It is very difficult to improve their economic as well as social status in the present prevalence of high illiteracy, very low level of awareness, unskilled nature land-based labour and hesitation to mix up with other communities. This vulnerable socio-economic condition of the families certainly determines the magnitude and extent of child labour in the society.

3.1 Distribution of Respondents by Age and Sex

The survey covered 168 respondents from 9 VDCs (63.2%) and 5 camps (36.8%) of the five Kamaiya prone districts. Out of the total respondents two thirds are male and one third female from various age groups, but majority of them from 25 to 49. The age of the respondents is based on the saying of local persons familiar to them who assisted the research team to collect information.

Table 3.1 Distributions of Respondents by Age and Sex

| Age Group | Male % | Female % | Total % |
|-----------|--------|----------|---------|
| 15-19 | 1.8 | 14.8 | 6.1 |
| 20-24 | 8.3 | 5.6 | 7.4 |
| 25-29 | 14.7 | 11.0 | 14.1 |
| 30-34 | 11.9 | 11.0 | 12.3 |
| 35-39 | 23.9 | 16.7 | 21.5 |
| 40-44 | 11.0 | 11.0 | 11.7 |
| 45-49 | 13.8 | 11.0 | 13.5 |
| 50-54 | 7.3 | 3.7 | 6.1 |
| 55-59 | 1.8 | 3.7 | 2.5 |
| 60 + | 5.5 | 3.7 | 4.9 |
| Total (%) | 100.0 | 100.0 | 100.0 |
| Total (N) | 109 | 54 | 163 |

Source: Field Survey, 2001

It is because of the fact that most of the respondents of Kamaiya family - male, female or children - do not know their actual date of birth or at least the year of birth.

3.2 Education & Kamaiya families

The literacy rate of Kamaiya family is 24.5% less than half of the national average literacy rate. Only 28.4 percent of the males and 16.7 percent of females have been found literate. The literacy rate among the residents of VDCs is comparatively high than that of the people living in temporary camps. All the female respondents living in the camps have been found illiterate. It is also indicative that the formal education support and non formal education programmes launched by various

organizations during the last decade could not reach to the 'Bukuras', where the landless and homeless Kamaiyas used to live before the declaration of liberation. But it has been a notable fact during the survey that the Kamaiya families living in the camps are more vocal than those living in their own hut or in village (Table 3.2)

Table: 3.2 Educational Status of the Kamaiya family respondents by Sex (%)

| Educational Status | Male | | Female | | Total | |
|--------------------|------|------|--------|-------|-------|------|
| | VDC | Camp | VDC | Camp | VDC | Camp |
| Literate | 29.9 | 26.2 | 25.0 | - | 28.2 | 18.3 |
| Illiterate | 70.1 | 73.8 | 75.0 | 100.0 | 71.8 | 81.7 |
| Total (N) | 67 | 42 | 36 | 18 | 103 | 60 |
| Formal Education | 65.0 | 27.3 | 22.2 | - | 34.5 | 27.3 |
| Informal Education | 35.0 | 72.7 | 77.8 | - | 65.5 | 72.7 |
| Total (N) | 20 | 11 | 9 | - | 29 | 11 |

Source: Field Survey, 2001

Among the literate ones, 36 percent of males and 78 percent of females have gained literacy through Non Formal Education. As a characteristic of the feudal structure of society in Nepal, preference is given to the son in every field (education, health, fooding, clothing, in-house status etc.) as compared to daughter. So the widespread illiteracy among females seems natural in the present context. The low level of literacy through formal education to the girl children is the reflection of saying 'Luanda ke school, Laundi ke Argani' within the Kamaiya Community.

3.3 Marital Status

Altogether 95 percent of Kamaiya family respondents are married- 96.3% male and 92.6 % female. The proportion of unmarried females exceeds the males though the number is equal (3) for both the sexes (Table 3.3)

Table: 3.3 Marital Status of the Kamaiya by Sex (In %)

| Status | Male | | Female | | Total | |
|-----------|------|------|--------|------|-------|------|
| | VDC | Camp | VDC | Camp | VDC | Camp |
| Married | 95.5 | 97.6 | 91.7 | 94.4 | 94.2 | 96.7 |
| Unmarried | 4.5 | 2.4 | 8.3 | - | 5.8 | 1.7 |
| Others | - | - | - | 5.6 | - | 1.7 |
| Total (N) | 67 | 42 | 36 | 18 | 103 | 60 |

Source: Field Survey, 2001

From Bonded Kamaiya to Elected VDC Official

Beju Tharu, an old man in his sixties, one of the Ward Chairperson in Titihiriya VDC of Banke from a very long period. The villagers respect him as their strong leader and are known as *Jimdar* of the people. Beju had worked as a bonded Kamaiya in Dang for nearly 11 years from his age of 18 years. During the period of 11 years, he had worked as Kamaiya with 3 landowners. He still remembers the bitter experiences of those days. The landowners had used Beju not only in farm & household work, but also as a porter in off-season and his wage as a porter had always gone inside the pocket of the landowners. Usually while going to the upward sloppy direction with heavy load on his back, he used to pray to God with tears in his eyes –' Oh God! I would

never be a Kamaiya if I could only one kattha of land in my name'. Luckily, he became able to buy 3 katthas of land with the help of his father's sister. After two years, Beju denied to work as Kamaiya and construct a *Bukura* in his own land. After few years, he could add five katthas of land under rehabilitation programme for landless peasants. Through hard work and proper utilisation of crop produced on the land Beju managed his family well. At present, he lives with his wife, three sons, two daughters, two son-in-law and five grand children. Under his possession, there are two bigha five katthas of land, oxen and buffalos. He concludes that the inability of Tharus to think of the future has made them bonded labourers. In the present context of Kamaiya liberation, he again prays the God and expresses best wishes that the hardship of the earlier days may not come again in the life of former Kamaiyas.

3.4 Kamaiya Population

Total population of the 163 households covered by the survey has been recorded to be 1130 - males 51.2 percent and females 48.8 percent. The average family size in Kamaiya community is 6.9, lower than the size of poor Tharu family (8.3) as reported by the Population Census 1991 (Table: 3.4).

Table 3.4 *Distribution of Households by Family Size*

| Average Family Size | Number of House Hold | Percentage |
|---------------------|----------------------|------------|
| 1-6 | 92 | 56.4 |
| 7 | 18 | 11.0 |
| 8 | 14 | 8.6 |
| 9 | 9 | 5.5 |
| 10 and over | 30 | 18.4 |
| Average Family Size | 6.9 | |

3.5 Land Holding

Among the Kamaiya families covered under the Survey, the magnitude of landlessness is 61 percent. Even in the group with pieces of land, 8 percent have used Ailani land (fallow/barren land) while 31 percent have their own land (Table: 3.5) though it is very small in size.

Table: 3.5 *Land Holding of the Kamaiya Families*

| Status of Holding | Number of Household | % |
|---------------------------|---------------------|-------|
| Family with Landownership | 51 | 31.3 |
| Family without Land | 99 | 60.7 |
| Family with Ailani Land | 13 | 8.0 |
| Total | 163 | 100.0 |

Source: Field survey, 2001.

The proportion of landless Kamaiyas is higher approximately by 3 percentage points compared to the information obtained from the Ministry of Land-Reform and Management in 2000 after announcement of Kamaiya Liberation.

3.6 Kamaiya Respondents at present

Most of the Kamaiya workers denied working as Kamaiyas after the declaration of liberation. The landowners themselves ousted them out from job & the Bukuras in order to threaten them on the one hand and because of the fear of punishment on the other. But still there are 5 percent Kamaiyas working with the same or new land master in the same or similar contract without any feeling of change. Altogether 95 percent of Kamaiyas are now enjoying the declared liberation, but some of them are still tortured by their former master with frequent threatening to pay their 'Saunki'. Enjoying of liberation has been a bitter experience to all of the families with increased hardships and extreme uncertainties, but none of them seems to accept a return to the former days.

3.7 Duration of Employment as Kamaiya

The workers still working as Kamaiya had started their working lives from last 10 to 55 years. A large Proportion of aged Kamaiyas are still working with the landlords due to their faith as well as fear of uncertainties or both in many cases. (Table: 3.6)

Table: 3.6 Duration of work as Kamaiya

| Duration | Number | % |
|--------------------|--------|-------|
| Less than 10 years | 1 | 12.5 |
| 10–20 years | 1 | 12.5 |
| 21–30 years | 2 | 25.0 |
| 31–40 years | 1 | 12.5 |
| 40 years and above | 3 | 37.5 |
| Total | 8 | 100.0 |

Source: Field Survey, 2001.

3.8 Former Kamaiyas and Duration of service as Kamaiya

Out of the total liberated Kamaiyas, 45 percent had worked as Kamaiya for more than 20 years and 17 percent for 16 to 20 years. Approximately one fourth of them had worked for less than 10 years (Table 3.8). Thus we find a positive relationship between number of Kamaiyas and duration of service as Kamaiyas– the larger the duration of service, the higher the number of Kamaiyas.

Table: 3.7 Former Kamaiyas and Duration of Service

| Duration | Number | % |
|--------------------|--------|-------|
| Less than 3 years | 11 | 7.1 |
| 3-5 | 10 | 6.5 |
| 6-10 | 19 | 12.3 |
| 11-15 | 20 | 12.9 |
| 16-20 | 26 | 16.7 |
| More than 20 years | 69 | 44.5 |
| Total | 155 | 100.0 |

Source: Field Survey 2001.

3.9 Reasons to come out of the Kamaiya system

While asking about the reasons why did they reject the employment as Kamaiya where they were involved for so many years, responses of more than two thirds had been normal that they because of the declaration by the government in 17th July 2000.

With the declaration, the hope of land distribution and resettlement caused them to move out of the grip of the land master. Associated with the declaration is also reaction of the land master to remove their Kamaiyas. Among other causes, significant is the involvement of 23.2 percent Kamaiyas in other works outside Kamaiya system. (Table 3.8)

Table: 3.8 Major Reasons for coming out of the system

| Reasons | Number | % |
|--|--------|-------|
| Declaration of Liberation by the Govt. | 105 | 67.7 |
| Became unable to work | 4 | 2.6 |
| Involvement in other works | 36 | 23.2 |
| Repayment of Saunki | 3 | 1.9 |
| Others | 7 | 4.5 |
| | 155 | 100.0 |

Source: Field Survey, 2001.

3.10 Terms of Employment

The terms and condition of employment not only vary from district to district, but also from place-to-place and person-to-person. Generally *Maseura* is familiar mode of wage payment. In some places, the *Maseura* to the concerned Kamaiya includes money wages along with food items mainly Paddy, oil, salt and so on, whereas it only refers to the food items in many places. In order to maintain uniformity and convenience in the calculation, the term '*Maseura*' under this study is used to denote wage in kind.

Table: 3.9 Modes of Wage Payment

| Payment | % |
|----------------------------|-------|
| Maseura | 67.5 |
| Cash | 9.2 |
| Share cropper | 10.4 |
| Bigha (Proportion of land) | 12.9 |
| Total | 100.0 |
| Total (N) | 163 |

Source: Field Survey, 2001.

Table 3.9 depicts that more than two thirds out of the total respondents were getting *Maseura* as their annual wage in kind while 4 percent of the respondents drawing wages both in kind and cash. Almost 9 percent of them were paid in cash.

The Kamaiyas being paid in cash used to take their meal at their masters' kitchen. Ten percent of the Kamaiyas have started to work as sharecropper. The share also varies ranging from one third called '*Tikur*' to one fifth (*Panchkur*). The landowner in some places according to the local practice, provides share in each crop, whereas in other places the Kamaiyas are entitled to get the share only in the main crop & in other crops they may get either little consideration & kindness of their master or nothing. The next mode of wage payment in Kamaiya system is '*Bigha*' (a piece of land), in which the product of the piece of land comes within the fold of cultivating Kamaiya. The proportion of the piece of land ranges from 10 percent to 20 percent i.e. 2 katthas to 4 Katthas per bigha of the land that the Kamaiya has cultivated by the Kamaiya for the landowner.

Memories of the Dark Days

Runche Dagaura in his late forties lives at Daiji VDC of the district of Kanchanpur. His happiness has touched the points of excitement when he became free from his cruel land master. Still tears drop from his eyes while remembering the dark days of the past. He had worked for last 16 years with single land master. While he was working as Kamaiya, he in extreme frustration, used to feel 'We are born to serve the master, so we have to do it as much as possible.' The cruel master had taken him over from the previous master by paying NRs. 12,000 of Saunki payable to the old master. The new master not only tortured him physically & mentally, but also increased his Saunki arbitrarily by adding the cost of Oxen and Cart that was seized by the forest guards in the forest while collecting wood for the master and also by adding the cost of the cattle lost in the forest while grazing. As a result of such an inhumane behaviour of the master, the amount of Saunki increased very fast. Consequently he became unable to change the master and had spent 16 years of his life as a slave up to the date of the declaration of liberation and abolition of Saunki.

In totality, 32 percent respondents were receiving wages under more than one modes of payment, especially two.

Wages of the Kamaiyas vary diversely by place, nature of the concerned land master, number of working members of Kamaiya family, quality of *bigha* land under the cultivation of Kamaiya and so on. The wage in kind varies ranging from less than 500 kg to higher than 1000 kg per annum. The normal range is 500 to 750 kg (42.7%) - few receiving less than 500 kg paddy added by some nominal cash or negligible amount of other crops like wheat, maize, mustard etc. (Table 3.10). Among those who receive wages in cash, 63 percent are paid less than NRs. 5000 annually. A few Kamaiyas have been found getting NRs. 1000 per month (Table 3.10)

Table 3.10 Annual wage of Kamaiya

| Quantity (kg. Paddy) | % | Cash (in NRs.) | % |
|----------------------|-------|----------------|-------|
| Less than 500 kg | 8.2 | Less than 5000 | 62.9 |
| 500-750 kg | 42.7 | 5000-10000 | 22.9 |
| 750-1000 | 23.6 | 10000-15000 | 14.3 |
| More than 1000 kg | 25.5 | | |
| Total | 100.0 | Total | 100.0 |

* Note: in 6 cases both kind and cash earned.

* Source: Field Survey, 2001.

3.11 Earnings

The cost of living is increasing every year. In order to meet the two ends and for expenses on other bare needs of life, it is essential to increase the wages at least in

accordance with consumer price index (CPI). Altogether 41 percent of the Kamaiyas told that their wages had increased once in last five years, whereas 42 percent had worked in constant wages and 15 percent have been the victims of decreased earnings during last five years (Table 3:11). Even in the cases where the earnings are constant or increased, the socio-economic conditions have not increased during the same period.

Table: 3.11 Earnings During Last Five Years

| Earnings | Number | % |
|------------|--------|-------|
| Don't know | 15 | 3.1 |
| Increased | 66 | 40.5 |
| Constant | 68 | 41.7 |
| Decreased | 24 | 14.7 |
| Total | 163 | 100.0 |

Source: Field Survey, 2001.

3.12 Activities of Female Members

Before the declaration of Kamaiya liberation, 53.4 percent female (wife or other) members of the Kamaiya families were involved in work as 'Bukrahi' with her husband or other male Kamaiya of the family. Only 23.3 percent were working as daily wage earner and 17.8 percent on their own household or Farm work (Table 3.13). Information point out that more than 50 percent of the female member either wife or close relative of concerned Kamaiya were working as 'Bukrahi', but their contribution in family income is negligible because of low wage (not more than 1/4th to that of Kamaiya). So the improvement in condition has become almost impossible.

Table 3.12 Activities of Female Members of the Family

| Activities | Number | % |
|-------------------------|--------|-------|
| Bukrahi | 87 | 53.4 |
| Kamlaahri | 4 | 2.5 |
| Other works | 38 | 23.3 |
| No wife | 4 | 2.5 |
| No Female Member | 1 | 0.6 |
| Own household/Farm work | 29 | 17.8 |
| Total | 163 | 100.0 |

Source: Field Survey, 2001.

Thanks To The Social Actors

Twenty two year old Kamal Chaudhary, son of a Kamaiya in the district of Kanchanpur, was working with his parents in the house of a landowner. The BASE, an NGO, enrolled Kamal in the NFE course of six months. After the completion of the NFE course, he was again enrolled in a Formal education program assisted by the same organization. As a result of the regular study and his carrier-orientation, He was successful to pass SLC. Examination held in 1997. Now he is working as a self-employed technician after completing CMA course from Mahendra Nagar. He has his own medical shop and is earning nearly Rs. 150 per day. He is grateful to social organizations including BASE.

3.13 Organisations Involved in Intervention Programmes

More than one dozen GOs, national and INGOs/NGOs and Trade Unions from national level have been found working for the benefit of Kamaiyas concerning one or more VDCs in one or more or all five districts of mid and far-western Terai. Of the total respondents interviewed, 50.3 percent have heard about one or more organizations, which have provided services to them. 42.9 percent of them are involved in these programmes and only 38 percent have been benefited from the programmes.

BASE is more familiar to Kamaiyas in comparison to other organizations, but is benefited more from the programmes launched by the GEFONT and INSEC. As a labour organization, the activities of FAWN are expanding in all districts. BASE, INSEC, GEFONT and FAWN are popularly known in all the study districts (Table 3:11). RRN and CCS are less known among the Kamaiyas in comparison to the four mentioned above. NNSWA is popular in only Kanchanpur district. The popularity of GEFONT may be because of the three reasons:

Firstly, GEFONT reached almost every VDCs and Municipalities of Kamaiya concentration through FAWN at present and KLFN during the previous years. Through KLFN, GEFONT has moved on to launch Appeal Movement effectively among the Kamaiyas.

Secondly, GEFONT itself has been in continuous activities of intervention programs in the VDCs selected under the sample. Thirdly, minimum wage movement has been launched ahead by GEFONT and FAWN.

Table: 3.13 Knowledge, Involvement and Benefits

| Organisation | Number of Respondents | | |
|--------------------------|-----------------------|----------------------------|-----------------------------|
| | Heard about | Involved in the Programmes | Benefited by the Programmes |
| HMG | 13 | 8 | 5 |
| Local government | 9 | 5 | 4 |
| Kamaiya Liberation Forum | 9 | 4 | 3 |
| FAWN | 22 | 11 | 9 |
| GEFONT | 28 | 28 | 25 |
| INSEC | 27 | 25 | 24 |
| RRN | 2 | 1 | 1 |
| BASE | 33 | 23 | 21 |
| Plan International | 7 | 4 | 4 |
| Lutheran International | 2 | 2 | 2 |
| CCS | 1 | 1 | 1 |
| NNSWA | 14 | 14 | 14 |

Source: Field Survey, 2001.

3.14: Direct Benefit From the Intervention Programmes

The information shows that more than 40 percent families were benefited from relief programmes which include food grain distribution, drinking water management, distribution of clothes including blanket, provision of zinksheets and school enrolment & uniform to the Kamaiya children. About 19 percent were benefited through education programmes and 13 percent from skill training programmes. Kamaiyas themselves were benefited from education and skill training programmes. Particularly females of those families have been benefited from non-formal education and income generation activities in addition to 50 percent children from education support programmes. From this picture, it can be concluded that whole family - Kamaiya, female members and children are basically benefited from education programmes (formal education support programmes for the children and non formal education to all ages and sex). Only 6.6 percent respondents did not have any benefit themselves but they know about the benefits obtained by others.

Table: 3.14 Programmes and Involvement of the Family Members Including Respondent him/her self

| Programmes | Beneficiaries | | | |
|-----------------------|---------------|--------|----------|--------|
| | Self | Female | Children | Family |
| Awareness | 10.1 | 6.8 | 3.5 | 6.3 |
| Education | 20.2 | 34.0 | 48.2 | 18.8 |
| Skill Training | 19.1 | 16.5 | 12.3 | 12.5 |
| Income generating | 13.5 | 28.2 | 23.7 | 9.4 |
| Kamaiya Liberation | 14.6 | 4.9 | 1.8 | 5.2 |
| Minimum wage Movement | 9.0 | 3.9 | 2.6 | 6.3 |
| Others | 13.4 | 5.9 | 8.0 | 41.7 |
| Total (N) | 89 | 103 | 114 | 96 |

Source: Field Survey, 2001.

3:15 FAWN – Knowledge and Affiliation

Agricultural workers belong to the informal sector. The amendment of Trade Union Act in 1999 includes the provision that the agricultural workers too can be organised in trade unions of their choice. Informally GEFONT had started to unionise agricultural workers from 1995, but after the legal provision of registration included in the Act, FAWN became registered. Expansion of FAWN membership and committee network became fast. Now this Federation has a total membership of 75,000 workers all over the country. Kamaiyas as the agricultural worker are being organising in FAWN.

Table: 3.15 Respondents and FAWN

| District | Known | Membership |
|------------|-------|------------|
| Dang | 16.7 | 8.3 |
| Banke | 57.4 | 15.8 |
| Bardiya | 27.8 | 13.9 |
| Kailali | 37.5 | 14.6 |
| Kanchanpur | 25.0 | 14.6 |
| Total | 31.3 | 14.1 |

Source: field Survey, 2001

Kathbansko Lauro (The Bamboo stick)

Now a resident of Sandhepani VDC of Kailali District, 55-year-old Joshi Ram Chaudhary and his 20-year-old son were working previously as Kamaiyas with separate landowners. As their wages per annum, Joshi Ram was entitled to get 900 Kgs. of rice while his son was working for 525 Kgs. The total earning of both the father and the son was insufficient to maintain the lives of their family of 12 members. Once Joshi Ram had dared to request the landowner to increase his wages, but his landowner beat him by a *Kathbansko Lauro*. Consequently he was injured seriously and for the treatment of this injury, he had taken loan from the same master. He was unable to repay the amount till the date of liberation. Now, he is very much happy as a citizen transferred from a slave though he is living in a terrible condition.

Out of the Kamaiyas & former Kamaiyas covered by the survey, only 31 percent had known FAWN and 14 percent reported they are the members also (Table 3.13). In some places it is also found that some Kamaiya workers had taken supportive membership of the federation but they could not report the name of the FAWN due to lack of awareness on the one hand and fear of other anti-union NGOs on the other.

3:16 Activities of Kamaiyas After Liberation

Table: 3.16 *Activities of the Kamaiyas after Declaration of Kamaiya Liberation*

| Activities | % |
|---|----------|
| Still Kamaiya (same master and same terms and conditions) | 1.8 |
| Daily wage /contract with same employer | 1.8 |
| Daily wage/contract with new employer | 80.0 |
| Share cropper | 11.2 |
| Self employed | 3.0 |
| Others | 2.4 |
| Total | 100.0 |

Source: field Survey, 2001

Most of the Kamaiyas depend on agricultural wages. Kamaiyas whether they are in their '*Bukura*' or Camp have now started to work as casual agri-labourers after liberation (Table 3.14). Some have become sharecroppers through agreement with landowners. Few of them have started to involve themselves in construction, vegetable selling and other small self-employed activities.

3.17 Average Earnings

In an average, a male working as wage earner after coming out of the Kamaiya system is earning NRs. 75 per day. The daily wage of woman workers is also slightly higher (NRs. 64) than the minimum wage fixed by the government (NRs. 60). But they feel that they have to stay idle during most of the days in a year due to unavailability of job. The children and minors of Kamaiya family also earn NRs. 54 per day as daily wage but not regularly.

During the survey period, 96 percent male, 83 percent female and 60 percent children were getting NRs. 60 and over per day. They are quite clear that the wage and employment is seasonal just limited to pick period in agriculture.

So Far the Kamaiya family women are concerned, three fourth of them are working as daily wage earner outside the place of previous landowners but especially in agriculture. Involvement of the wives of former Kamaiyas in agricultural works is

because of two reasons – their skill in farming from the beginning of their life and the peak season for paddy cropping.

Table: 3.17 *Activities of Kamaiya family women after Liberation*

| Nature of Activities | % |
|---|----------|
| Same landowner and same terms and condition | 1.3 |
| Same landowner but on daily wage/contract | 0.6 |
| New employer & on daily wage/contract | 74.5 |
| Share-cropper | 6.4 |
| Skill based job | 1.9 |
| Own household work only | 12.7 |
| Others | 2.5 |
| Total | 100.0 |

Source: field Survey, 2001.

The proportion of women working as '*Bukrahi*' or '*Kamlahri*' is negligible after liberation, which declined very sharply from the pre-liberation days. Nearly 2 percent Kamaiya family women could shift themselves from farming & domestic service towards skill-oriented job by receiving skill development training through government or NGOs. During the peak-farming season, only 13 percent Kamaiyas family women have been found fully occupied in their own household chores (Table 3:15)

3.18 Perception of Kamaiyas on Various Issues

Presently 91.7 percent Kamaiyas take a sigh of relief that the present work is easy as compared to the past, whereas 7 percent feel it the same and 1.3 percent of the respondents consider the present situation more difficult.

More than 90 percent respondents are hopeful that their living standard will improve in future. Only 2 percent view the situation with frustration and negative attitude while 7 percent are of the opinion that their living standard cannot change on the basis of present development.

With regard to their perception on declaration of Kamaiya liberation, overwhelming majority feels that the liberation has pushed up their moral and social condition (Table 3.16), however, they are feeling that their economic condition is very difficult.

During the informal discussions with a number of Kamaiyas, most of them agreed that they are, now, happy while enjoying a change into citizen from semi slaves. They have become free to work voluntarily based on their own judgment. They are ready to struggle for their better life in future even though they are now living in a temporary plastic huts without proper roof to check the rainwater in these rainy days.

Table: 3.18 Perception of Kamaiyas on the condition after Kamaiya Liberation

| Perception | % |
|--|-------|
| Moral Boost up | 41.5 |
| Improved Economic condition | 27.5 |
| Improve social status | 28.1 |
| Not much useful | 2.0 |
| Extreme hardships (<i>Jhan bichalli</i>) | 0.9 |
| Total | 100.0 |

Source: Field Survey, 2001.

3.19 Wage and Kamaiyas

Among the respondents of the survey, majority had never heard about minimum wages, merely 21 percent knew it (Table 3.17). Among those who had heard and known about minimum wages, nearly 21 percent had participated in the movement of minimum wage and 5 percent filed case claiming for MW from the landowners for whom they used to work previously. So far the cases are concerned, 87.5 percent were filed in VDC offices and rest in the trade union – FAWN and GEFONT (Table 3.17)

Table: 3.19 Kamaiya Respondents and Minimum Wages

| Responses | % |
|--|-------|
| State of knowledge | |
| Not heard | 53.4 |
| Only heard | 25.5 |
| Known | 21.1 |
| Participation in the Minimum Wage Movement | 21.25 |
| Case filed to claim Minimum Wage | 5.1 |
| Office where case is filedb - | |
| VDC | 87.5 |
| Trade Union | 12.5 |

Source: Field Survey, 2001.

3.20 Activities of Children

Number of children in Kamaiya families is very high. Based on the information obtained during the survey, it is estimated that every Kamaiya household has more than two children in an average below the age of 15. With this calculation, the ultimate conclusion is the prevalence of more than 40,000 children in the 19, 863 former Kamaiya households.

Looking After Home

We are children below 15 years. We lack ability, experience and information. We are too young to shoulder the responsibility. Being alone at home we will have to cook for ourselves, feed the cattle, take care of the house, etc. Moreover there can be interference from outsiders. Therefore we cannot do this work.

A small proportion of children is enrolled in school, but drop out rate is high. Within the 163 household covered by the survey, 353 children were reported. Among

them, only 21 percent had been enrolled in schools but they are not regular. Just before the declaration of liberation, nearly 15 percent children were working in the place of the land master as attached labour with their parents. On the contrary, 19 percent were working outside with other employers whereas 26 percent were assisting their parents in their own household chores and 18 percent were pure idlers.

Table: 3.20 *Activities of Children Below 15 years*

| Activities | No of children | % |
|------------------------------|-----------------------|--------------|
| School going | 75 | 21.2 |
| Working with same landowner | 54 | 15.3 |
| Working with other employers | 67 | 19.0 |
| Own household chores | 92 | 26.1 |
| Idlers | 65 | 18.4 |
| Total | 353 | 100.0 |

Source: Field Survey, 2001.

Significant is the fact that school enrolment has increased by 18 percentage points after liberation as compared to the pre-liberation period. Similarly working outside with new employers has also increased remarkably (Table 3.21). On the contrary, the proportion of idle children and those involved only in the household chores to assist their parents has dropped to some extent.

Table 3.21 *Activities of Kamaiya Family Children After Liberation*

| Activities | % |
|---------------------------------------|--------------|
| School going | 39.0 |
| Working with same land owner | 1.5 |
| Working with other employers | 30.8 |
| Idlers | 12.3 |
| Assisting parents in farming | 5.1 |
| Assisting parents in household chores | 8.2 |
| Others | 3.1 |
| Total | 100.0 |

Source: Field Survey, 2001.

The information and statistics indicate towards less improvement in the condition of Kamaiya family children even after launching of a number of programmes.

3.21 Place of work

Out of the Kamaiya children working with other landowners, 46 percent are within the same where the parents work and 42 percent are outside the VDC though within the same district. Exceptionally, a single child was reported to have sent outside the country (Table: 3.20) i.e. India with his relatives.

Table: 3.22 Place of Work While Working with Other Employers

| Place | % |
|----------------------|-------|
| Within the VDC | 46.3 |
| Within the District | 41.8 |
| Outside the District | 10.4 |
| Abroad | 1.5 |
| Total (%) | 100.0 |
| Total (N) | 67 |

Source: Field Survey, 2001.

The children working outside their house are usually involved as domestic servant. Some of them have been reported as engaged in farming and some others in small restaurants.



**GEFONT
Activities**

Pig /Goat
distribution

NFE Class

Health Camp

CHAPTER IV

Perception of Kamaiya Family Children on Intervention Programmes

4.1 Background

Children are known as the future of the society. But they need proper education and guidance in their childhood, as they can be compared during the child-age to the wet clay, which can be given shapes as we like. In developing countries like Nepal, a large number of the children is deprived of the rights of education and the rights of childhood. The reasons are economic in addition to the poor level of awareness of their parents. They are compelled to work within and outside their household for livelihood, which causes them to fall into misery for the whole life.

The rapidly expanding urbanisation and modernisation of the country have also caused widespread uses of child labour in formal as well as informal sector. The government, trade unions, NGOs, INGOs and UNICEF have made efforts to root out child labour problem but the impact of their activities has been limited mainly due to the existence of acute poverty and the exploitative socio-economic relations and conditions of the society. The concept of child rights and that 'children should not be compelled to work' has not been able to take effect in societies like ours.

Mentionable here is the new initiative in the form of ILO Convention No. 182 concerning elimination of worst forms of child labour. According to ILO estimates, the number of working children in the age group of 5-14 has been 250 millions, of which 120 millions work full time every day. Approximately 70 percent of the children are under dangerous work environments. Among the 250 million working children, approximately 50-60 millions are below the age of eleven years. This Convention defines clearly the worst forms of child labour and requests all governments to ensure that everyone would know about the worst forms, pass new laws if needed, monitor and enforce the laws and launch creative efforts to wipe out the root cause.

The worst forms of child labour comprise:

- All forms of slavery or practices similar to slavery - trafficking, bondage, forced or compulsory labour Children for prostitution and pornography
- Children in drug trafficking
- Works harmful for health, safety or morals of children

Child labour in Nepal is prevalent in traditional agriculture, carpet, small hotels and restaurants, brick kilns, construction, transportation, domestic service, etc. However, the bonded condition of children is found seriously in agricultural sector especially under Kamaiya system heavily practised in mid and far-western Terai districts. The socio-economic condition of Kamaiya families is extremely miserable as compared to others in the same society. As a result, Kamaiya family children are deprived of their basic rights more than the children of the other segments of the society.

In order to dig out the impact of intervention even from the children's perspective, interviews were conducted with the children below 15 years. In total, 141 children were interviewed under the survey (Table 4.1). The children covered under the survey were 63.8 percent from 9 selected VDCs of the 5 districts and 36.2 percent from 5 temporary camps.

Table 4.1 Distributions of Sample Kamaiya Children by District

| District | VDC | Camp | Total |
|------------|-----|------|-------|
| Dang | 10 | - | 10 |
| Banke | 20 | - | 20 |
| Bardiya | 20 | 10 | 30 |
| Kailali | 20 | 20 | 40 |
| Kanchanpur | 20 | 21 | 41 |
| Total | 90 | 51 | 141 |

Source: Field Survey, 2001.

4.2 Ages and Sex of Children

Children in the age group of 10-14 years were selected (Table 4.2). Out of the total selected children, 57.4 percent were boys and 42.6 percent girls.

Table: 4.2 Distributions of Children by Age and Sex

| Age | Percentage | | |
|-----------|------------|-------|-------|
| | Boys | Girls | Total |
| 10 | 7.6 | 8.1 | 7.8 |
| 11 | 11.4 | 14.5 | 12.7 |
| 12 | 16.5 | 12.9 | 14.9 |
| 13 | 24.0 | 22.6 | 23.4 |
| 14 | 40.5 | 41.9 | 41.1 |
| Total % | 100.0 | 100.0 | 100.0 |
| Total (N) | 81 | 60 | 141 |

Source: Field Survey, 2001.

4.3. Educational status of children

The literacy rate of children in VDCs is high (65.6%) than in camps (33.3%). The total literacy rate among boys and girls is equal though it differs in camps where girls' literacy rate is very low compared to that of boys.

Table: 4.3. Status of Education and Kamaiya Children (In %)

| Status Education | of Boys | | Girls | | Total | |
|----------------------|---------|------|-------|------|-------|------|
| | VDC | Camp | VDC | Camp | VDC | Camp |
| Literate | 64.0 | 38.7 | 67.5 | 25.0 | 65.6 | 33.3 |
| Illiterate | 36.0 | 61.3 | 32.5 | 75.0 | 34.4 | 66.7 |
| Total (N) | 50 | 31 | 40 | 20 | 90 | 51 |
| Formal education | 90.6 | 75.0 | 77.8 | 80.0 | 84.7 | 76.5 |
| Informal education | 6.3 | 25.0 | 22.2 | 20.0 | 13.6 | 23.5 |
| Vocational education | 3.0 | - | - | - | 1.7 | - |
| Total (N) | 32 | 12 | 27 | 5 | 59 | 17 |

Source: Field Survey, 2001.

Among the literates, 82.9 percent of the children have become literate through formal education (boys being 86.4 percent and girls 78.1). It shows that the formal education programmes of various organizations have been successful to some extent (Table: 4.3).

4.4 Activities of the Children

As far as the present activities of Kamaiya family children are concerned, nearly 60 percent are enrolled in school for formal education and in non-formal classes (boys being 57.9% and girls 61.7%). Naturally, a large proportion of them are assisting their parents at home during off-school time. Among others, 16.3 present are involved in domestic work, 22 percent as wage earners at employers' places and 2.1 percent as idlers (Table: 4.4).

Table: 4.4 *Activities of Children by Sex*
(In %)

| Activities | Boys | Girls | Total |
|--|-------|-------|-------|
| School going | 17.2 | 16.7 | 17.0 |
| Own Household chores | 13.6 | 20.0 | 16.3 |
| Both school going and Household Chores | 40.7 | 45.0 | 42.6 |
| Wage earners outside | 24.7 | 18.3 | 22.0 |
| Idlers | 3.7 | | 2.1 |
| Total (%) | 100.0 | 100.0 | 100.0 |
| Total (N) | 81 | 60 | 141 |

Source: Field Survey, 2001.

The children working outside for wage/salary, are mainly involved in domestic work (38.7%) concerning cooking food, washing dish, taking care of small children, washing clothes, cleaning the house, etc. In these activities girls exceed the number of boys whereas in cattle herding and agriculture boys are ahead (Table 4.5).

Washing The Clothes

- We are children 6-12 years. We can wash our small clothes but harmful to wash the clothes of other members of our own household or of others' house.
- We are children above 12, can physically able to do this work. But it is harmful to us to do this job for more than one hour each day.

Table: 4.5 *Types of Work and Child Labour*

| Type of Work | Boys | Girls | Total |
|---------------------|-------|-------|-------|
| Domestic work | 30.0 | 54.4 | 38.7 |
| Cattle herding | 30.0 | 9.1 | 22.6 |
| Agriculture | 35.0 | 27.3 | 32.3 |
| All mentioned above | 5.0 | 9.1 | 3.2 |
| Total (%) | 100.0 | 100.0 | 100.0 |

Source: Field Survey, 2001.

The wage of the children involved outside as wage earners in different activities differ in a wide range depending mainly on age and sex of the child, bargaining capacity of their parents, humanitarian feelings of their employers, places of work (rural or urban). The available information shows that the children working on daily wage basis can draw NRs. 40 - 60 per day varying in accordance with the nature & types of work. While at work on monthly wage, it is very low ranging from NRs. 100 to 300).

Cattle Grazing

We are children of ages below 10 years. We lack the physical strength and ability required to control the cattle. Moreover the cattle may chase, stamp or gore us, as we do not have the knack to deal with them. The animal may set itself loose and strong destroying crops in the neighbouring fields.

We are children of 10 years and above we can do the necessary physical labour. Those of us who are going to school can do this work not more than two hours a day if it is close to our house. But it is harmful for us if we have to do this work whole day or for more than 6 kilometres.

4.5 Perception About Intervention Programmes

In response to the questions related to their knowledge about programmes of various organizations, only 42.6 percent children reported that they have known about the programmes launched. Girls are found more knowledgeable (50%) than boys (37%). Basically, the children are familiar with the formal and non-formal education programmes of their participation. Another major programme they know is the distribution of food grain (Table 4.6) concerning relief to the liberated Kamaiyas from which the whole family is directly benefited and easy to remember.

Table: 4.6 Children's familiarity with the programmes

| Type of Programmes | Boys | Girls | Total |
|-----------------------------|-------------|--------------|--------------|
| Education | | | |
| • Formal | 31.5 | 35.3 | 33.3 |
| • Non formal | 17.8 | 27.9 | 22.7 |
| Distribution of food grains | 42.5 | 25.0 | 34.0 |
| Others | 8.3 | 11.7 | 9.9 |
| Total (%) | 100.0 | 100.0 | 100.0 |

4.6 Organizations Launching the Programmes

More than a dozen Organizations are involved through their different programmes to uplift the condition of Kamaiya families. Less than 50 percent children know the programmes but with no knowledge of the name of the implementing organization. Among the trade unions, GEFONT, KLFN and FAWN are well known to the children. INSEC and government can be ranked as second and third place respectively (Table 4.7).

Table: 4.7 Programme Implementing Organizations Known by the Children

| Institution | Boys | Girls | Total |
|---------------------------------|-------------|--------------|--------------|
| HMG | 4.9 | 2.1 | 3.7 |
| Trade Union (GEFONT, KLF, FAWN) | 29.5 | 47.5 | 33.0 |
| BASE | 3.3 | 4.2 | 3.7 |
| UNICEF | 1.6 | | 0.9 |
| INSEC | 13.1 | 12.5 | 12.8 |
| Not known | 47.5 | 43.8 | 45.9 |
| Total (%) | 100.0 | 100.0 | 100.0 |

Source: Field Survey, 2001.

Out of the children with knowledge about the programmes, nearly 87 percent boys and 94 percent girls responded the questions concerning the degree of usefulness of the programmes to them. About 60 percent (54% boys and 64% girls) feel that these programmes have been highly useful to them whereas 37 percent (42% boys and 32 % girls) consider it useful general. A small proportion of them think that these programs have not been useful to them (Table 4.8).

Table: 4.8 Degree of Usefulness of the Programme to the Kamaiya Children

| Degree of Usefulness | Boys | Girls | Total |
|-----------------------------|-------------|--------------|--------------|
| Not useful | 3.8 | 3.6 | 3.7 |
| Useful in general | 42.3 | 32.1 | 37.0 |
| More useful | 53.8 | 64.3 | 59.3 |
| Total (%) | 100.0 | 100.0 | 100.0 |

Source: Field Survey, 2001.

4.7 Knowledge of Kamaiya Liberation

Among the children under the survey, 49 percent have heard about the declaration of Kamaiya liberation by the government last year (2000). The proportion of girls is slightly higher than boys (48% boys and 50 % girls). More than 80 percent children had known the event through their parents when they left the work and *Bukura* of the landowner. In addition, teacher (Formal or Non-formal education), Activists of FAWN & GEFONT have been the informants to the children below 15 years of age involved in different activities (Table 4.9).

Table: 4.9 Source of Knowledge of Kamaiya Liberation

| Source of knowledge | Boys | Girls | Total |
|--|-------------|--------------|--------------|
| Parents/Guardians | 80.9 | 86.1 | 83.3 |
| Teachers (Formal/Non-formal education) | 9.6 | 7.4 | 8.3 |
| Activists of FAWN & GEFONT | 5.8 | 3.6 | 5.0 |
| Others | 3.7 | 2.9 | 3.3 |
| Total (%) | 100.0 | 100.0 | 100.0 |

Source: Field Survey, 2001.

Most of the children (63 %) who heard about Kamaiya liberation do not understand what does the world liberation mean. 14 percent of them understand that Kamaiya liberation means leaving the 'Bukura' of their land master and construct their own house on land to be provided to them. Some understand liberation as the possibility of the Availability of new job.

Table: 4.10 Perception of Children on Liberation

| Perception | % |
|----------------------------------|-------|
| Leave the 'Bukura' of Land owner | 14.0 |
| Construct their own house | 14.0 |
| Availability of new job | 6.0 |
| Others | 4.8 |
| Don't know/can't say | 63.8 |
| Total | 100.0 |

Source: Field Survey, 2001.

Provoked by the questions, the children try to assess the gain and loss to their family after liberation. According to their feelings the major gain they perceive are free to work, education to the children and declined workload. Similarly, lost relationship with the landowner, problem of lodging, fooding and clothing and increased unemployment are the major losses perceived by them. (Table 4.11)

While asking about the actual persons who enjoyed liberation, most of the children (47.4%) could not point out. (Table 4.12)

All the information available from the children indicates that the level of awareness is very low among the children of the Kamaiya family. The children were happy after liberation because they became free to play with their friends instead of being controlled previously at the 'Bukura' given by the landowners. They have also become free from the abuses of the land master, where they were working or living with their parents.

Table: 4.11 Children's Perception of Loss and Gain to their Family After Declaration of Kamaiya Liberation Last Year

| Gain | % | Loss | % |
|---------------------------|-------|------------------------------|-------|
| Free to work | 38.4 | Ruined relation with master | 16.0 |
| Declined work load | 19.2 | Problem of lodging & fooding | 32.0 |
| Increased wages | 12.1 | Problem of clothing | 24.0 |
| Received cooperation | 6.1 | Decreased income | 4.0 |
| Education to the children | 24.2 | Increased unemployment | 24.0 |
| Total (%) | 100.0 | | 100.0 |

Table: 4.12 Perception of Children about Actual Person/s Liberated

| Perception | % |
|------------------|------|
| Kamaiya | 17.0 |
| Bukrahi | 11.1 |
| Kamlahri | 11.1 |
| Kamaiya Children | 1.5 |

| | |
|------------|-------|
| All family | 11.9 |
| Don't know | 47.4 |
| Total | 100.0 |

Now, a number of children both from the villages and camps have been enrolled at school through the assistance of the various organisations. Thus it can be easily expected that the level awareness of Kamaiya children will improve if such financial assistance and effective monitoring system continues in future.

CHAPTER V Summary and Recommendations

5.1 Summary

Nepal is one of the least developed countries in the world with diverse ecological zones. The population size of the country is 23.5 million with an annual growth rate of more than 2 percent since 1971. Agriculture is the major source of livelihood for more than 80 percent of the economically active population and is contributing 38 percent to the national GDP. Though the country is considered resource rich, the level of utilization is both low and haphazard.

The pace of industrialization is very slow. Existing industrial units are in the grip of sickness because of the damaged competitiveness caused mainly by the free import of foreign products at cheaper prices. Still 38-42 percent of population lives below poverty line according to the government statistics. Other factors creating adversities and more vulnerability are dependence on foreign assistance, low level of per capita income, low growth of GDP etc.

Majority of farm holdings (64%) use their own household labour, whereas 30 percent supplement their unpaid family labour with hired casual labour seasonally and only 5 percent hire permanent labourers in their farms. More than 300,000 agricultural labourers are working as permanent farm workers, widely known as *Haliya*, *Haruwa*, *Kamaiya* and *Jan* in different parts of the country. The Kamaiya system of permanent labour relationship is in practice mainly in the mid and far-western Terai districts – Dang, Banke, Bardiya, Kailali and Kanchanpur. Civil society believes that Kamaiya system is another form of slavery that was formally abolished in 1924. Labour, land and loan are the three major interrelated components of Kamaiya system, which create conditions to bind the Kamaiya workers with the system.

The Kamaiya system in Nepal is mainly associated with Tharu community, because a negligible number of Kamaiyas are found from other communities. The exact date is not known when this system emerged in Nepal, but it is estimated that probably this system was started from '50s from Dang in the present form.

The studies conducted by various organizations (only after the restoration of multiparty democracy) – GOs as well as NGOs - record the prevalence of 15 - 20 thousand Kamaiya families. Among them nearly 60 percent are landless. On the basis of information from the studies, Kamaiya population is estimated about 100,000 (including 12, 328 children), which is nearly one third of the total permanent farm wage labour. Main concentration of Kamaiyas has been observed in 150 VDC/municipalities of the five districts, which stands to be 81.5 percent of the total VDC/municipalities of these districts. Looking more intensively, the largest number of Kamaiyas has been observed in Bardiya and Kailali.

After the restoration of democracy, the government, trade unions, NGOs/NGOs, bilateral and UN agencies became active on the issue of Kamaiyas. Consequently, more than a dozen organizations started different activities at various VDCs of these districts. The major programmes are: formal and nonformal education, awareness raising, income generation activities, skill training, organising-unionising, lobbying and advocacy for the abolition of Kamaiya system. After the declaration of liberation, the lobbying & advocacy for the abolition of Kamaiya

system turned towards short-term relief programmes as well as long-term rehabilitation programmes. The contribution of ILO/IPEC on various labour related issues have had a significant impact on the Kamaiyas. The government and trade union intervention within Kamaiya population has been in a wide coverage. GEFONT has been the only trade union working in this field through KLFN in the beginning and through FAWN in recent years. The KLFN has done significant work within a short period in organising and awareness building. The peaceful Appeal Movement under GEFONT lead through KLFN played an effective role to liberate Kamaiyas.

The VDC officials, where Kamaiya related programmes have been launched, do not bother much on the issues of Kamaiya. Neither they have taken initiatives to launch any programme targeted to the Kamaiya families in their annual programmes nor extended any cooperation on their own to other organizations working for the betterment of Kamaiyas.

Among the organizations involved in Kamaiya issue, only eight have covered all five districts whatever may be the number of the VDC coverage. Moreover, coverage of government and trade unions (GEFONT, KLFN & FAWN) has been more intensive.

Considering the available information, altogether 51,386 Kamaiya populations have been covered as beneficiaries. However, this number suffers from double counting due to involvement of same persons as beneficiaries in some cases in more than one programme implemented by separate organizations. Out of the total number of 51,000 beneficiaries, 10.5 thousand are children below 14 years of age.

A rough estimate on the basis of available information and interaction with the involved organizations indicates towards a total expenditure of NRs. 323,807,000 annually, where the share of government is 6.2 percent.

After the declaration of Kamaiya liberation by HMG/Nepal on 17th of July 2000, approximately 84 percent of the Kamaiyas have enjoyed the liberation, while 16 percent are still working as Kamaiyas on same as well as revised terms and conditions. The declaration, as they feel, could not change the economic condition of the Kamaiya families and condition of their children but their social status has improved remarkably.

The average family size of the Kamaiya household under the survey is found to be 6.9 - higher than the national average and lower than that of poor Tharu family (8.6).

Altogether 61 percent are landless out of the total respondents and the percentage is slightly higher than in the government statistics (Ministry of Land-Reform & Management) collected in 2000.

On the contrary, the Kamaiyas and former Kamaiyas themselves reported that 95 percent of Kamaiyas are now free from their land master and 5 percent are in *status quo*. Those who are still Kamaiya started their carrier since last 10 to 55 years. Majority of the former Kamaiyas had worked as Kamaiya worker for more than 20 years. Generally aged Kamaiyas are still working with their landowners due to their faith and fear or both in some cases.

More than two third of Kamaiyas have left their employment as Kamaiya only after government declaration. More than half of the Kamaiya's wives were working as

Bukrahi before liberation but after liberation it dropped at 1.8 percent. Most of them started to work as daily wage earners.

A considerable number of Kamaiyas themselves and their family have been benefited from the programmes. 31 percent of the respondents know about FAWN as the labour organization for agricultural workers and 14 percent are the members themselves. In an average, 80 percent of Kamaiyas and 75 percent Kamaiya wives have started working as daily wage earner after liberation. Their average daily wage earnings are NRs. 75, NRs. 64, and Rs. 54 respectively of male, female and children.

More than 90 percent Kamaiyas feel that their employment after liberation is easier compared to the previous employment in the position of Kamaiya. They are feeling a moral bust up.

After liberation, the school enrolment has increased by 18 percentage points (39% from 21.2%) compared to pre-liberation period. On the contrary, number of children working outside the household has dropped slightly (2 percent). Still the children working outside are usually involved as domestic servant.

The perception of Kamaiya children on intervention programmes and Kamaiya liberation is not encouraging. Their level of awareness and literacy rate is much less in comparison to the children of other communities. Most of the children of Kamaiyas families are involved on household chores before and after school time. More than one fifth of the children are involved as wage earners basically in domestic work (39%), cattle herding (23%) and agriculture (32%).

5.2 Recommendations

- Unless Kamaiyas are provided sufficient land to settle and technical support to improve their conditions, their socio-economic status cannot be improved through other measures. Thus providing 10 Katthas of land per Kamaiya family, as they have demanded may be the optimum size.
- Kamaiya families must be supported with some socio-economic opportunities to improve their existing living condition. The government should develop a long-term strategy based on clear policies for rehabilitation of the newly liberated Kamaiyas.
- School enrolment of Kamaiya children is very low as compared to other community. Almost all Kamaiyas are unaware of the importance of education. They are unable to bear school expenses of their children due mainly to their poverty. Thus it is necessary to launch Formal Education Support Programme extensively combined with market-friendly vocational training to the youths.
- Besides Formal Education Campaign, it is equally important to launch Non-Formal Education for former Kamaiya families covering persons from all age groups. Such programmes are ongoing in different parts of Kamaiya prone districts; however, it is not based on the number of Kamaiya family.

- Vocational training to the children in the age group of 14-18 years should be introduced and expanded intensively. It will help to shift youth workers to non-agricultural sector in gainful manner.
- GEFONT has been successful to some extent to raise the level of awareness of the Kamaiyas through the KLFN and FAWN activities to some extent, but still it is very low. It is a bare fact that most of them even do not know their own and children's age, their masters' name and their ward number, VDC, District, Zone & even the name of the country.

Similarly, the mobility of Kamaiya is extremely low. Many of them have not travelled a few kilometres from the place where they are toiling.

The trade unions, government, national and international non-governmental organisations are launching various package programmes including awareness in all the five Kamaiya prone districts. This initiative of the awareness campaign should continue as one of the important component of the intervention programmes. Coverage of awareness programmes should be expanded to include all VDCs, Municipalities and all Kamaiya families.

- Skill training programmes for both male and female should be conducted intensively in accordance with the market demand, mainly the local market demand. This may be helpful also to substitute Indian semi-skilled and unskilled workers working freely in Nepali Labour market. Carpentry, masonry, plumbing, electrical works etc. related to construction sector along with street selling of seasonal fruits and vegetables, hair cutting, painting, shoes repairing etc. may be the areas of training programmes. Through a concrete training policy and coordination to avoid duplication, training activities should be undertaken.
- Agricultural sector alone is not sufficient to provide employment to the former Kamaiyas and their family for the whole year as farming does have a seasonal nature. Thus market based income generation activities are necessary. Desirable in this connection may be the two models - family based micro credit schemes and cooperatives based on group dynamics - to be implemented in a number of Kamaiya concentration areas. The government should take a lead role and trade unions including all other organizations active on Kamaiya issue should go in coordination for the effectiveness of the programme.
- GEFONT designed the Appeal movement and launched in cooperation with KLFN, which proved to be an eye opener to the actors including the government. Formation of KCG (Kamaiya Concerned Group) and beginning of coordination among all concerned actors including INGOs and UN Agencies like ILO and UNICEF has been the best outcome in the process of Appeal Movement. The KCG initiative, though it could not go long and GEFONT had moved on its own, indicates towards the urgent need of well managed 'basket program' covering various aspects of Kamaiya families in a division of work among the actors.
- First amendment in Trade Union Act provided better opportunities for trade unions to organise informal sector workers and particularly rural agricultural ones. However, only GEFONT launched FAWN is the single union active in these areas. Though expectations may be high from FAWN, the efforts done

by FAWN-GEFONT are less than sufficient. In this context, FAWN should accelerate its effort to organise liberated Kamaiyas and go on extensively with the programmes of Trade Union Education and creative movement on various agri-labour issues covering all districts even the districts of Kapilvastu, Nawalparasi and Rupandehi (where some sort of Kamaiya system is in existence though not visible as in the case of the concerned five districts). So the role of trade unions should be directed towards:

- Organising & unionising
 - Campaigning for effective implementation of minimum wages
 - Campaigning as well as own initiatives for social - security system at least Medicare and maternity
 - General awareness and Workers Education Programme
 - Special programme on child right & child labour
 - Special Programmes for women workers
 - Micro cooperatives
- For the implementation of programmes effectively within the target group, identification of most vulnerable families and their classification is essential. Organizations involved in Kamaiya issues are mobilising and spending a lot of resources without proper identification. Therefore, a permanent registration system for liberated Kamaiyas and other forms of permanent & casual agricultural labour should be managed in each of the VDCs effectively and the record should be updated every year.
 - Nepali society as a semi feudal society always in a practice of gender discrimination against female population. Women are treated as a second grade citizen from homes to national policy making bodies. Gender balance policy is a key issue in development process. Women should be involved in the process and gender discrimination should be eliminated. This is possible only when women themselves become aware of their strength, rights and responsibilities. In order to bring women in the mainstream of development from traditional Kamaiya families, priorities should be given to the women focussed activities in a wide range.
 - The main source of child labour is the poor farm families living within the traditional rural society, from where large numbers of children are being supplied in many sectors for different purposes. Use of children as a domestic servant in different conditions (from family environment to bondedness) is increasing gradually in different section of the society especially in urban centres & fast urbanising areas. The use of child labour as domestic servant is a fast growing character in the middle-income groups of urban areas.

The semi-feudal socio-cultural value is also responsible for the increase in child labour. Middle-income families both from rural as well as urban society consider 'servant in the house' as a sign of their social prestige. This tendency is increasing alarmingly.

On the other hand, society is transforming sharply into nuclear family from joint family traditions. The nuclear family needs a domestic servant essentially to take care of home and children where both the husband and wife are in outside employment. Such a family mostly prefers children as domestic servant as they are easy to handle and have no voice to ask for

their rights. To this increasing demand, the supply side (poor farm families of traditional rural society) is positively responding due mainly to ignorance, poverty and unequal distribution of resources. Thus control on the increasing demand of children as domestic servant as well as improvement in the socio-economic condition of supply side families should be considered by the policy-making bodies and social actors.

- For the first time the Nepal government fixed minimum wages for agricultural workers after continuous pressure of the trade unions in January 2000. But still a large number of agricultural workers all over the nation are excluded locally from getting wages in accordance with the declared rate and are forced to work in an underpaid condition. The government has no monitoring system despite the declaration of a high level monitoring mechanism. Thus effective implementation of minimum wage in every part of the country is essential to improve the economic condition of the former Kamaiyas and their family.

Similarly, wage variation by sex for equal value of work is prevalent everywhere in the country mostly among the workers of unorganised sectors in spite of legal provisions against the discrimination. The government needs to strengthen its labour administration to eliminate the gap between law and enforcement in this regard.

- Various organizations do evaluate the successes & failures of their programmes based on the amount allocated in the their budget for the purpose. It is not the adequate methodology for real evaluation. The programme should be considered successful only when it achieves its actual physical goal. For example providing skill training to a group of Kamaiya as targeted cannot be considered as the success. The success or failure of the programme should be evaluated in light of proper utilisation of the training by the trainees. The follow up measures of each programmes launched should be directed towards obtaining better results.

Abbreviation

| | |
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| 3L | : Land Labour Capital |
| BASE | : Backward Society Education |
| CBS | : Central Bureau of Statistics |
| CCS | : Creation of Creative Society |
| CPI | : Consumer Price Index |
| DDC | : District Development Committee |
| DFID | : Department For International Development |
| FAWN | : Federation of Agricultural Workers, Nepal |
| FE | : Formal Education |
| GDP | : Gross Domestic Product |
| GEFONT | : General Federation of Nepalese Trade Unions |
| GOs | : Government Organizations |
| GRINSO | : Group of International Solidarity |
| GTZ | : German Technical Assistance |
| HH | : Household |
| HMG/N | : His Majesty's Government of Nepal |
| HQs | : Head Quarters |
| HRJM | : Human Right Jagaran Manch |
| HUPEC | : Human Rights and Environment Protection Centre |
| HURADS | : Human Rights Awareness and Social Development centre |
| ILO | : International Labour Organization |
| ILO-IPEC | : International Programme for Child Labour Elimination |
| INGO | : International Non-government Organisation |
| INSEC | : Informal Sector Service Centre |
| KCG | : Kamaiya Concern Group |
| KLFN | : Kamaiya Liberation Forum Nepal |
| MW | : Mega Watt |
| MW | : Minimum Wages |
| NFE | : Non Formal Education |
| NGO | : Non-government Organisation |
| NLA | : National Labour Academy |
| NNSWA | : Nepal National Social Welfare Association |
| RRN | : Rural Reconstruction Nepal |
| SAP/N | : South Asia Partnership, Nepal |
| TU | : Trade unions |
| UN | : United Nations |
| UNICEF | : United Nations Children's Emergency Fund |
| VDC | : Village Development Committee |
| WFP | : World Food Programme |

Glossary

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| Ailani | Barren land |
| Bigha | A certain Proportion of land (10 to 20 percent of the total land he cultivates) given to the Kamaiya to cultivate and consume whole production of that land in return of work done by him. |
| Bora | Terms of wage payment in kind, a Bora is equivalent to 75 kg. Paddy |
| Bhaisbar | Buffalo herder |
| Bukra | A residence (hut) provided by the landowner to his Kamaiya until and unless he works with the land owner. |
| Bukrahi | Female member of the family working to the landowner with her husband or any male member of the family |
| Charawa | Cattle herder |
| Chaukur or Chaumali | 25 percent of the production |
| Chheuti | A kitchen garden provided to the Kamaiya family till they work |
| Gaibar | Cattle Herder |
| Gothalo | Cattle herder |
| Hali | The tiller on wage mostly in permanent contract with the land owner |
| Haliya | A tiller on contract |
| Halo | The plough to cultivate land with the help of oxen |
| Harawa | The tiller on wage mostly in permanent contract with the landowner |
| Kalapani | The forest areas were called as Kalapani where malaria was widespread |
| Kamaiya | Adult male member working to the landowner |
| Kamlahri | Female Kamaiya working to the landowner |
| Kattha | A measure of piece of land approximately 1/30 of a hectare |
| Kodalo | A hand equipment for cultivating |
| Khujni phujni | Process of negotiation between old Kamaiya and land lord to modify the existing terms and conditions. |
| Lichhavi | Name of an ancient dynasty of Nepal |
| Maghi | A great festival of the Tharu community. This day is a black day to the Kamaiya because during this Maghi buying and selling of Kamaiyas takes place as a goods in the labour market. |
| Maseura | The food given to a Kamaiya, (both food provided to him at his masters' kitchen and a definite amount of grain along with pulse, salt, oil etc given to him for fooding). In some places wage of the workers are also included on Maseura |
| Organi | Girls working at others' place |
| Naya Muluk | Berdia & Kailali |
| Panchkur or Lahure | 20 percent of the production |
| Parti Jagga | Fallow land |
| Sapati | Loan from relatives or moneylenders by a Kamaiya |
| Saunki | Loan borrowed by a Kamaiya from his master. In some places it is also known by 'Bhota' |
| Terai | Plain land |
| Tharu | An ethnic group of plain land in Nepal |
| Tikur | A33 percent of production mainly which a Kamaiya is entitled to get in return of his work in that field from the beginning to the end (Land preparation for showing to harvesting) i.e. a share cropper. |

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Photo Archive of KAMAIYAS



Poster on Kamaiya

