
The Bonded Labour System in Nepal: Musahar and Tharu Communities' Assessments of the *Haliya* and *Kamaiya* Labour Contracts

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Abstract: *The haliya and kamaiya systems in Nepal are often labelled as modern forms of slavery, or simply as agricultural bonded labourers. The former exists among various caste/ethnic groups, including the Musahar people, while the latter primarily affects a section of the Tharu ethnicity. The Nepali government has outlawed both practices, but the haliya and kamaiya contract agreements have largely moved from adults to children. This empirical study presents an alternative perspective by taking into account of ethnic Musahar and Tharu children's understanding of the negative and positive aspects of their daily life-worlds. In doing so, this paper shows a rather complex picture of bonded labour than the ones presented by various advocacy groups, and in particular, it echoes the voices of research participants that unless better alternatives are available, a completely abolitionist stance actually puts their immediate livelihood strategies in serious jeopardy.*

Keywords: Haliya/Kamaiya Systems, Negative/Positive Bonded Child Labour, Musahar/Tharu Communities, Morang/Bardiya Districts, Nepal

1. Introduction

There are reportedly over 27 million 'modern slaves' worldwide (Bales, 2004). In Nepal, the United Nations Working Group on Contemporary Forms of Slavery includes an estimated 300,000 to 2 million people under *haliya* and *kamaiya* practices as modern slaves. Locally known as agricultural bonded labour, the practice normally involves making an annual or a seasonal contract with a *kisan* [small landowner], but if people are indebted, the whole family may have to work until the dues is paid back, which sometimes continues for generations (Giri, 2009a). While *kamaiya* system primarily affects a section of ethnic Tharu population living in five western districts, its *haliya* counterpart exists within various castes/ethnicities, including Musahar people; they are particularly concentrated in the far-western hill

region, but are also found in the eastern Tarai districts often under the name of *haruwa* (Dhakal, 2007).ⁱⁱ Despite having different terminologies, bonded labourers in practice work under similar conditions (Giri, 2009a).

In July 2000, the government of Nepal outlawed the use of *kamaiya* labour and initiated rehabilitation programmes (Daru *et al.*, 2005), and in September 2008, the *haliya* practice was also banned (Giri, 2009a). Yet, human rights activists continue to argue that both practices remain, and in fact, children's bondedness has rapidly increased even though a very little empirical research exists on this issue (Giri, 2010a). Against this background, this article presents an alternative perspective of Musahar and Tharu children's understanding of their daily life-worlds as bonded labourers, which is important for several reasons.

Firstly, the near universal acceptance of the United Nations Convention on the Rights of the Child 1989 (or UNCRC) has witnessed unprecedented levels of interests on children, including abuse and violations of working children's rights. Particularly, the UNCRC Articles 12 (rights to opinions) and 32 (rights to protection) urge all member-states to ensure that children are treated with due respect and are protected from potential physical and psychological harm. Yet, as a child of illiterate and subsistent rural parents, I spent most of my childhood working at home and in the agriculture – as attending school was (and in some respect still is) a luxury affair, but no one said my work constituted child labour, nor that I had the rights to express my views (Article 12) and that my family and community were obliged to work for my best interests (Article 32). As I grew older, I began to think about my past as a child labourer, which is not even regarded as such by rural families, working with adults and not having any say about my working conditions. This led me to consider the lives of millions of children, who work for strangers often in 'slave-like conditions' and wonder how they would make sense of the circumstances that they are compelled to accept.

Secondly, although the government of Nepal ratified the UNCRC, and also promulgated the Children's Act as well as other labour acts since the 1990s, the prevalence of a paternalistic age-based social hierarchy has failed to give sufficient public and/or political space for children (Giri, 2009a). In particular, how child workers themselves perceive their everyday world of work remains less well researched even if there is a growing emphasis on the need for 'child-centred studies' (Woodhead, 1999; Ennew *et al.*, 2005). As a child, I used to work both at home and in the farm, but I did not myself have much say in my family or community so I wondered whether, for instance, the bonded child labourers would share the same views of advocacy groups and the law enforcement agencies.

Thirdly, after banning the bonded labour practice and ratifying the International Labour Organisation's (ILO) Convention on the Worst Forms of Child Labour (N.182), the government of Nepal initiated rehabilitation programs to free people from debt bondage. Yet, it is widely known that the practice continues - the number of children taking over their parents' role as *haliya* or *kamaiya* labourer has accelerated (Dhakal 2007; Giri, 2009a). In other words, the criminalization of bonded labour without extensive research, especially one that captures the voices and aspirations of the people affected by it, has made government laws as well as ad hoc support largely ineffective. Thus, newspapers still make headlines like '12 yrs on, freed Kamaiyas await rehabilitation' (*Kathmandu Post*, 16 March 2012), or rephrase the government promise of 'Freed Haliyas' problems to resolve soon' (*Himalayan Times*, 12 March 2012). For reasons such as these, I feel that it is crucial to research the lives of bonded labourers in order to grasp their daily life-worlds from their own perspectives, and to suggest that government and other stakeholders work for their best interests.

The structure of this article is as follows. It first describes research methodologies, including fieldwork locations and challenges of studying sensitive and largely invisible subject of bonded child labour. Then it explores the theoretical framework by situating the 'balance model' of Hobbs and

McKechnie (2007) within the wider literature on child labour debates, followed by a detailed analysis of Musahar and Tharu children's views on their daily life-worlds. Finally, the article concludes with a critical discussion, including the potential policy relevance of the current research.

2. Research Design and Methodologies

I was interested in the UNCRC Article 12 (consulting children on matters that affect their lives) and 32 (protecting children from harm) because I feel that consulting working children on how they value their work vis-à-vis its impact on their health and wellbeing not only acknowledges their agency, but most importantly, it presents their viewpoints to the world, which may be different to those of adults (Giri, 2009a). Yet, the bonded labour practice itself is a sensitive and invisible topic, which was going to be very challenging from the start. If I were to offer a detailed picture of Musahar and Tharu children's life-worlds, I naturally had to spend a lot of time in the field and apply multiple research methodologies (i.e. in-depth individual/group interviews, observations, group discussions, and participatory techniques) that were required by the day-to-day field situations.

This study was carried out in Bardiya (for *kamaiya*) and Morang (for *haliya*) districts involving over 50 participants, which were purposely selected to minimise various fieldwork logistical challenges. Along with all my research participants, I have anonymised my research villages, which I call Bayibab and Nayajib, to comply with research ethics.

Bayibab is probably one of the largest villages in the Morang district of eastern Tarai, Nepal. Various ethno-linguistic groups have inhabited the densely populated village, but the high caste Brahmin people (both migrants from the hills and that of the Tarai itself) dominate all aspects of social life in the area, including in land ownership. Many *kisan* in Bayibab engage in commercial agriculture so the demand for labour is high. The low caste Musahar people make their living largely from the *haliya* labour contract as 96.67 per cent of Musahar households do not own any land

(Giri, 2009a). They live in the edges of the other communities in a tiny stretch of land, making it look like a defensive wall for the Bayibab village, and depend on various *kisan* families for their survival.

Likewise, Nayajib is one of the largest settlements in the so-called Naya Muluk region of mid-western Tarai (i.e. Dang, Banke, Bardiya, Kailali, and Kanchanpur districts), where freed-*kamaiya* families have been living since 2000. The government has offered up to five-*kattha* [0.169 hectares] of land to most families to build a house and to use for farming, but the land is neither so fertile nor big enough to support their large families even for a half a year. So everyone, including children, has to do whatever work they can find in order to meet their daily needs. The isolation of the Nayajib settlement from other villages also makes it particularly hard for people to find jobs, and many people have to travel far to find work.

Between 2006-2009, I carried out fieldwork in several phases, considering the ILO Convention (N.182) to include bonded labourers up to the age of 18, but only children aged between 9-16 years were numerous, visible/accessible, and were able/wiling to participate in my research. It was also challenging to achieve an equal gender representation, as was the idea of having a half of the sample participants below 12 years old and the other half above that age.

In terms of analysis, all forms of recorded data were transcribed and were thoroughly checked to ensure that children's views generally corresponded to the translations. Then, the data was coded both manually and by using the qualitative data analysis software NVivo, in order to organise and to extract relevant passages to present the findings (see Giri, 2009a for details).

3. Theoretical Framework for Studying Bonded Labour

It could be claimed that the issue of child labour started to become a global topic for debates in the 1970s.ⁱⁱⁱ The 1973

ILO Minimum Age Convention No.138 was perhaps the first attempt to conceptualise children's work. It stipulated that no child should be working unless s/he had completed compulsory schooling, or at least not before the age of 15 (14 years in some exceptional cases), which is otherwise considered as child labour. This Convention permits 'light work' for children aged 13-15 in developed world, and aged 12-14 for developing countries as long as work does not interfere with their formal education. Moreover, it forbids all children under the age of 18 from engaging in work that would be harmful to their health, morals, and safety, which, as we shall see, is in fact also endorsed by the ILO Convention (No.182) as unconditional worst forms of child labour (Giri, 2009a: 205). The Convention N.138 instantly became a campaign mantra for advocacy groups, and ILO also allied with various partners (e.g. trade unions, and other NGOs) to press for the total abolition of child labour (even though it did not garner much support from the vast majority of ILO member-states).

Then, the International Year of the Child (IYC) was launched in 1979 to promote 'the well-being of children, drawing attention to their special needs and encouraging national action on their behalf, particularly for the least privileged and those who are at work' (Fyfe, 1989: 2). Like the Convention N.138, it was also unable to attract significant attention from the policymakers in relation to problems such as child poverty and illiteracy. Many of its ideas were however incorporated into the UNCRC in 1989, which not only secured the 'human rights of children', but also demanded the 'adoption of national policies and plans of action aiming to advance the interests of children...into the public and political spotlight' (Bessell, 1999: 91). By the mid-1990s, while the UN member-states rapidly ratified the UNCRC, ILO estimated some 250 million-child labourers in the world.^{iv} This sort of statistics-based discourse has compelled researchers as well as some child rights activists to conceptualise children's work through various approaches, often grouped into four perspectives: labour market, human capital, social development, and child-centred or rights-based approach (see Giri, 2009a: 63-64 for details). In

emphasising that working children should be given a 'voice' (UNCRC Article 12), however, the child-centred perspective has increasingly appealed to academics as well as a number of organisations (Ennew *et al.*, 2005). For instance, White (1996) proposed that one of the ways to resolve the child labour-work dichotomy would be through the use of a 'continuum model' to distinguish beneficial (work) and intolerable (labour). It was argued that 'this approach is useful in highlighting the fact that much of children's work or labour falls outside these extremes... [It] is often a complex blend of hazard and benefit, choice and necessity, positives and negatives' (Bessell, 1999: 93).^v The fundamental ideas of the 'continuum model' became visible in the 1999 ILO Convention (No.182), which was formulated to adjust 'various problems' noted in the Convention No.138 thereby finding a compromise position among its member states, when it categorised 'unconditional' and 'unresolved' forms of child labour. The 'unconditional' child labour, which is of interest to this article, is included as slavery, trafficking, debt bondage and other forms of forced labour, forced recruitment of children for use in armed conflict, prostitution and pornography, and illicit activities (Giri, 2009a). By pointing at the UNCRC 1989, ILO has argued that these forms of child labour 'are so fundamentally at odds with children's basic human rights that they are absolutely prohibited for all persons under the age of 18' (Giri, 2009a: 36). The Convention (N.182) has been ratified by 173 or over 90 per cent of ILO member-states, promising to promptly abolish the 'unacceptable' forms of child labour, but the ILO has also maintained that it, like the Convention N.138, still acts as 'an entry point to promote and facilitate further action to attain the ultimate goal of eliminating all child labour' (*ibid.*). Nonetheless, the 'continuum model' is praised for being 'valuable in moving debates away from simplistic interpretations and reactionary responses, and highlighting the need for more sophisticated policies and interventions' (Bessell, 1999: 93), and the importance of ILO Convention (No.182), especially its emphasis on immediately banning unconditional worst forms of children labour, has been widely welcomed (Noguchi, 2002; Estacio and Marks, 2005).

In arguing that an outright ban on children's work, even if it is in the worst forms, may cause more harm than good, some researchers have remained critical of the 'continuum model' as well as the ILO Convention (N.182). For instance, for Hobbs and McKechnie (1998: 40), a potential problem with the continuum model is that it is unable to satisfactorily define children's activities, making it seem as if it has simply 'replaced one semantic argument about labour-work with another about intolerable-beneficial' (ibid.). The authors' argument appears to be that since millions of children worldwide must work to earn family income, they may see their work (even in a bonded labour contract) as beneficial, while everyone else thinks otherwise. In this situation, instead of advocating a total ban on intolerable forms of child labour as suggested by the 'continuum model' and ILO Convention (N.182), we should be prepared to 'listen to what working children say' and also explore 'what works for them' in order to formulate policies that are practical to their daily needs, and moreover thoroughly analyse the negative and positive aspects of their work (Giri, 2009a). As for bonded labour practices, Hobbs and McKechnie (2007) argue that 'however meagre it may be, sustenance is a benefit available to these children and an alternative must be found to replace that benefit' (p.228).

While duly recognising the merits of the 'continuum model' or ILO Convention (N.182), McKechnie and Hobbs (1998, 2007) point out several examples of the negative consequences of haphazardly removing children from their occupations regardless of where they work. For instance, they discuss the adverse affect on girl workers in a garment factory in Morocco when they were dismissed after newspapers accused the owner of using child labourers. A researcher who followed the issue observed that these girls were 'much worse off than they had been when they were in the factory, since they were working in less attractive jobs for poorer pay' (Hobbs and McKechnie, 2007: 229).^{vi} Other researchers have also noted similar stories from Bangladesh to Mexico, where children were forced to leave their work without being consulted or given any alternatives, thereby putting them at much greater risk than before (Giri, 2009a).

McKechnie and Hobbs (2007) stress that researchers should not ignore the ground realities of working children in the light of child labour versus work, or beneficial versus intolerable, but rather seek to understand whether or not they have got any better alternatives, including the ways they explain the costs and benefits of their daily life-worlds. The authors in turn propose a multidimensional analytical tool called the 'balance model' in order to make a framework for 'clear operational definitions of what constitutes the costs or benefits of employment' (Hobbs and McKechnie, 1998: 4). As Table 1 shows, the authors identify several variables, which allows researchers to study the negative and positive aspects of children's work in all circumstances.

Costs of work	Benefits of work
Danger to health, safety	Sense of autonomy
Limit to free time	Sense of self-reliance
Limit to parent, peer contact	Economic knowledge
Negative impact on education	Business knowledge
Encourage instrumentalism	Work experience

Table 1. Balance Model of Hobbs and McKechnie (2007: 227)

Hobbs and McKechnie (2007) claim that their model is 'simple and broad enough to allow everyone to discuss their experiences in terms of the costs and benefits of work and its alternatives, however difficult the benefits may sometimes be to find' (p.231). Moreover, it aims to distance itself from the debates surrounding distinguishing 'child labour' from 'child work' by seeking 'a clearer understanding of the complexities of child work' (ibid. 228). The authors go on to stress that how negative or positive the value of work is will depend on a number of possible factors intrinsic and extrinsic to the children themselves, including age, gender, working time/hours, types of activities, perceived quality of the work, etc., and it is a challenge for researchers to identify and measure the appropriate factors and to weigh up the interactions between various aspects, which may influence the impact and the value of work (ibid. 231).

In discussing bonded labour, which is banned by the government of Nepal and by various international conventions and treaties, it is indeed very hard to imagine any benefits of the *haliya* and *kamaiya* work, but during my fieldwork, Musahar and Tharu children did express advantages and disadvantages of their world of work. Although their views might be called as a sense of 'false consciousness' (Burman, 2005), I felt that the 'balance model' would be a useful tool to explore the costs and benefits of any type of children's work by using locally-relevant variables to make sense of the large volume of data collected in more than a year long fieldwork.

As noted earlier, the fieldwork participants come from two different locations belonging to ethnic Musahar and Tharu communities, but essentially their living and working conditions are the same. Although a few families may own a small piece of land, all of them depend on bonded labour contracts with a *kisan* within the surrounding villages.^{vii} Therefore, the situations of both *haliya* and *kamaiya* children are largely interrelated, which was evident from the fact that they expressed almost identical responses regarding their working conditions while taking part in interviews and discussions. This meant that during the debriefing sessions I was able to find the way to construct a 'balance model' reflecting Musahar and Tharu children's own analysis of their life-worlds (see Table 2 below).

Negative Attributes = Costs	Positive Attributes = Benefits
1) Homesickness (due to leaving family/friends at an early age)	1) Escaping difficult relationship at home
2) Discrimination (in terms of caste, food/clothes/sleeping place)	2) Getting food/clothes for themselves, and reducing the economic burden on their family
3) False promise of education	3) Possibility of attending school
4) Heavy work (both household and agricultural)	4) Positive treatment (e.g. pocket money, support during illness)
5) Lack of leisure (in terms of relaxation, time to play, or make	5) Learning future skills (e.g.

friends)	language, disciplines)
6) Negative treatment (scolding/beating, no medical support)	6) Building 'social network' (with <i>aaphno manchhe</i> (or one's
a. Sexual abuse (of girl workers)	powerful people) for future jobs).

Table 2: Balance Model from Haliya/Kamaiya Practices

The Table 2 above has many variables that are similar to the ones proposed by Hobbs and McKechnie (2007) in Table 1, with the priority of costs and benefits in descending order, but the Musahar and Tharu children also brought up a number of significantly different issues, including caste discrimination and social networking with *aaphno manchhe* (one's own people), which are specific to the Nepalese sociocultural context (Giri, 2007). Instead of having an exhaustive list of 'negative' and 'positive' aspects of *haliya* and *kamaiya* work, however, Table 2 presents the issues that the majority of bonded child labourers discussed during the three phases of fieldwork extending from 2006 to 2008. There is also a considerable overlap/interlink within and between the variables, and they may change over time because people's behaviours and social circumstances are not static – it is something that Hobbs and McKechnie do not make clear in their 'balance model' but the discussion of such issues is beyond the scope of this paper.

Before going into a critical discussion regarding the use of 'balance model' of Hobbs and McKechnie to analyse Musahar and Tharu children's daily life-worlds, I will provide an empirical account of each aspect of *haliya* and *kamaiya* work as identified in Table 2.

4. Positive Aspects of Bonded Labour

The vast majority of Musahar and Tharu children accepted *haliya* and *kamaiya* work because of their parents' insistence, but they were also attracted by the idea of getting 'good' food, new clothes and possibly education, as well as foodstuffs, *adhiya* (sharecropping) land or loans for their families as a part of their indisputable family duty. So, they

have their own particular parameters to make judgements. The following provides a detailed account of children's perceived benefits from the bonded labour.

Better Food/Clothes/Sleeping Place

In the post-2000 era, both Musahar and Tharu families continue to suffer from food shortages at home, which was the first reason forcing them to send their children out to work (Edwin *et al.*, 2005; Giri, 2009a). So, children naturally expressed positive attitudes towards bonded labour if they were able to receive 'good' food, clothes and a sleeping place.

My *malik* [male boss] didn't treat me as an outsider. I had the same food as his family... I had a sleeping room only for me with everything I needed to sleep. (Rame)

After my father died suffering from jaundice, it became difficult for my mother to take care of her children by doing seasonal labour. So, she sent me to work as *haliya* to get food and clothes. Sometimes my *malik* also gives some foodstuffs to my mother when she comes to visit me... (Sunu)

While some children like Rame and Sunu were especially pleased with their living conditions, others, coming from large families, who lived in a small hut and had to sleep on a floor-mat in a row, were also content with a sleeping room with the necessary bedding. Studies from other parts of the world have also reported similar viewpoints of working children (e.g. Woodhead, 1999; Giri, 2005).

Escaping Difficult Family Relationships

Particularly for children with difficult relationships at home or without one or both parents, bonded labour was the only option available, which offered them a 'good' refuge.

Our parents always drink *daru* [homemade alcohol] and treat us badly... Our friend helped us come here to work (as a *haliya*). We get food, clothes, and sometimes

pocket money. We are happier to live and work here than we'd be at home. (Sume and Jibe)

I don't have parents. I don't know what happened to them. I grew up with my aunt and uncle. They didn't treat me well. I came to work here (as a *haliya*)... If I go for a visit, my aunty says, 'Why are you here?' So, I don't feel like going to meet her family. (Shibe)

One might expect those children who had difficult relationships at home (like Sume/Jibe), or who either did not have parents (such as Shibe), to say that they are unsure about anything other than continuing as bonded workers.

The Possibility of Education

Nepal is considered to have one of the highest illiteracy rates in the world – by some estimates up to a half of the population (Giri, 2010a). Given the lack of possibility of education, the idea of studying at a *kisan's* home was an attractive reason to accept the bonded labour contract. Both Musahar and Tharu children stated that a literate person could not be deceived by anyone, and it also allowed them to find work in a good environment that pays well.

My parents weren't able to educate me... We had no food at home for many hungry mouths. So, I became a *kamaiya* to earn money instead of studying. (Sunu)

If I could complete the SLC (School Leaving Certificate or 10th grade), I would be able to find a better paid job elsewhere. This would make my future better, and also of my family. (Ashe)

For many of the participants, even being a bit literate gives an intrinsic value of improving their social status as well as the living standards of their families. Although only a few were able to complete primary education by being bonded labourers, many, if not all, aspired to join school with the hope of changing their future prospects. If they could, they might even try to change their *kisan* whenever

the promise of letting them study was not fulfilled. Whether they succeed or not, the fact that the bonded labour contract is seen as a way to fulfil children's educational aspirations is a positive aspect of post-2000 bonded labour system (Giri, 2010a).

Economic Benefits for Family

Despite the possibility of education acting as a catalyst for making the bonded labour contract, more than a half of the fieldwork participants had gone to work 'exclusively' to supplement the family income.

For my yearly contract, my father got 4 quintals of unhusked rice (besides *adhiya* land to farm). I was supposed to receive food and two pair of clothes and slippers, but sometimes they gave only one pair.... My father asked me to continue working because my earning eased the food shortage at home. (Lalu A)

My previous *malik* didn't pay me much. And I wasn't studying. So I moved to the current *malik*. He gives NRs.450 (€5) per month. My parents also get groceries and rice when they visit me. (Bidhye)

Both parents and children understood that being a bonded child labourer was making a significant contribution to their survival needs. It also appeared that children often earned as much as their father did during the pre-2000 period.

Despite having to work like 'adults' to support their families, Musahar and Tharu children still felt like any other children in many respects (see Giri, 2007). For instance, they were delighted when they got a new pair of sandals or a small amount of pocket money.

I did everything that my *malik* asked me to do. So, he'd buy me new sandals and clothes when the old ones were badly torn. During festivals, I also got pocket money to buy sweets and other things. (Shyae)

Medical/Moral Support

Keeping in mind that their parents also scolded them if they made mistakes, *haliya* and *kamaiya* children were not especially concerned when their *kisan* also sometimes scolded them. They did not complain as long as their employers provided them with medical and other support when became ill or got injured from domestic and/or agricultural work (Giri, 2009a; 2010b).

If I were injured or sick, my *malik* would provide medicine and wouldn't send me out to cut grass for 4 or 5 days. (Jibe)

I didn't want to take medicine for minor illnesses. But once when I was suffering from typhoid, my *malik* took me to the health post. (Thage)

In all three phases of my research, many Musahar and Tharu children seemed to accept not just scolding, but often minor beatings if they were found not to be working properly.

My father also used to beat me. So, I wouldn't mind if my *kisan* slapped me when I made mistakes or didn't do proper work. But luckily I was only scolded. (Anju)

I used to get beaten in my own home if I didn't know something or made mistakes. If my employers beat me for similar reasons, I'd have accepted it. But I wasn't beaten. (Sague)

Learning Language, Social and Vocational Skills

Both Musahar and Tharu communities have their own languages and cultural practices. They often do not speak fluent Nepali, the national language, unless they have worked for a Nepali-speaking family or have joined formal education. Normally, their employers belong to higher castes and/or a privileged socio-political class so they can strictly enforce their own social codes, including the Nepali language. Many of the fieldwork participants saw this imposition by their 'rich' employers a clear advantage.

Besides kitchen and agricultural skills, I've learned Nepali and also Hindi (because my *malik* lived near Hindi speaking neighbours)... Later, I can work either in Nepal or India to support my family. (Shive)

My *malik* has told me that (if I'm good) he'll teach me to drive a tractor. If I learn it, then I could drive other vehicles as well. I hope to become a bus driver. (Sanje)

I want to become a policewoman. So I need to learn manners and disciplines. I also need to speak fluent Nepali. These things are possible here (while working as a *haliya*)... And I hope my *maliknia* [female boss] will help me to join the police force. (Saru)

On top of learning Nepali, children like Sanje and Saru seemed to have potentially established a social network that may one day help them in reaching their goals of becoming a driver and a policewoman. The prevailing socio-political practice is such that even for a middle class person, it is impossible to get ahead in Nepal without *aaphno manchhe* or a backup person/network (Giri, 2007). So if Musahar and Tharu children are able to please their *kisan* employers, they hope that they might be helped in the future because the latter often know people in positions of authority.

5. Negative Aspects of Bonded Labour

Based on their household circumstances, Musahar and Tharu children mentioned several positive features of *haliya* and *kamaiya* contracts, but they are also well aware of the negative aspects of their working and living conditions. The section below offers a detailed account of the costs of being a bonded labourer.

Having to Leave Family/Friends

The majority of Musahar and Tharu children start to accept bonded work around the age of 9. Most of them did

feel homesickness even though they accepted bonded labour realising the food shortage at home.

We didn't have enough food to eat or clothes to wear for our big family. So, I had to listen to my parents (when they wanted me) to earn something. I wasn't happy at all to go with my *kisan*. (Gope)

I didn't want to become a *kamaiya*, but we had no food to eat, no clothes to wear... I cried a lot when I missed my family and friends. I felt homesick for months. (Lalu A)

At least for the first few months, losing contact with their families and friends was particularly hard for many children. Like Gope and Lalu A, they reported being unhappy and often crying when they found out that living and working conditions were not the same as they were initially led to believe. The feeling was even worse for those who lived far away (i.e. more than 2 hours walking distance) from their homes. Employers did not allow them to meet anyone else nor were they able to visit their families. Unless they were seriously ill, they came home only at the end of their annual contract. So it was a negative aspect of bonded labour.

Caste-based Discrimination

Caste-based discriminations are forbidden in Nepal, but Musahar and Tharu children's lower (and, moreover, 'untouchable') caste status often segregated them from their *kisan's* family (Edwin *et al.*, 2005). While carrying out all sorts of domestic and farming activities was stressful in itself, it was made worse when their *kisan* discriminated against them in terms of their food, clothes and sleeping place. Thus, having to accept themselves as members of an impure caste not only made children feel sad, but it also prompted them to construct bonded practice negatively.

I'd help my *maliknia* in cooking by cleaning the rice, cutting vegetables and preparing spices, but I was not allowed to enter the *chulo* [kitchen]. I was also not allowed to sit around the kitchen to eat together with the family. I

had to stay near the *barandah* alone like a dog and eat my meals. (Lalu A)

I'd do everything in the house, except cooking (as I was not permitted to enter the kitchen). I especially felt discriminated when *malik/maliknia* even separated their own utensils from those of their *kamaiya*. While they took food on the dining table, I'd be sitting separately on the floor. (Shive)

The anti-*kamaiya* laws, combined with the rise of public campaigns against untouchability, seem to have helped bonded children stay in the same house (as opposed to in the *bukura/kothar* [a separate hut] in pre-2000 era). However, as Lalu A and Shive note, this still did not give them the impression of fairness when their mobility was restricted to a few places (mostly on the ground floor, but the kitchen area was still a 'no go zone'). Some children were discriminated even when they worked for someone of their own caste. For instance, Mayu was permitted to cook food for a 'rich' Tharu family, but when it came to having meals, she had to sit separately.

My *malik* allows me to enter their kitchen to make tea or meals, but I never sit together with the family in the kitchen area for food. Instead I had to sit near the *barandah/chhidi* [away from kitchen area] to have meals. (Mayu)

Apart from segregation, some also had to wait until everyone in the family had eaten.

Besides having to sit alone near the door or outside for food, I had to wait until everyone had eaten... I could eat with the family only if unknown people or my parents came... I guess they wanted to present a positive image, but I'd be even more upset with their cover-up. (Shanu)

As Shanu notes, children particularly disliked it when their *kisan* pretended to treat them better when visitors came. In the course of my fieldwork I visited a number of

urban families who were using domestic servants (though not necessarily Musahar or Tharu children). Through an indirect observation as well as talking to working children informally, it was not difficult to understand that the *kisan* families were using a 'face saving' tactic by showing kind attitudes in front of the strangers while they would treat their servants, to use the phrase of Lalu A, 'like a dog' at other times.

Researchers on Nepal generally agree that there have been important socioeconomic changes since the restoration of multiparty politics in 1991, but some crucial challenges remain, especially for the poor, and low caste, people (Giri, 2009a). For instance, most employers come from a higher caste and/or those who have a considerable socio-political leverage in their areas, allowing them to maintain absolute dominance over others (Edwin *et al.*, 2005).

Perhaps caste discrimination may not be a big issue for Musahar and Tharu children given that the society refuses to acknowledge children's agency in general (Giri, 2007). They were aware of their low social status, but when their separation from family, heavy workload and bad treatment from their *kisan* was added to the caste-based exclusion, they become less positive about their daily situation.

Lack of Proper Food, Clothes, and Sleeping Place

Coming from impoverished Musahar and Tharu families, bonded children naturally hoped to get better food/clothes and sleeping place. In reality, they did not always receive the same sorts of food as eaten by their employers, and, in fact, some *kamaiya* children had to eat leftovers.

Sometimes, I got only rice with ground chillies and salt as curry. My *maliknia* also made me eat the leftovers of her children (who ate like chickens, spilling everywhere). She'd add some *daal* and rice, and say, 'Hey, come for food.' If there was meat, I'd get pieces with skin and bones. I couldn't refuse, but I'd often secretly give it to animals. (Lalu A)

In many cases, their monthly or annual remuneration went directly to their parents so they had nothing to spend on their own personal needs.

I disliked working as a *kamaiya* because they didn't give me new clothes and slippers. (Binu)

I was promised new clothes, including sandals and shoes, but I got old ones of my *malik's* children. I wasn't very happy. (Darse)

Some children like Mayu even took whatever footwear they had at home to use during the winter months.

My *malik* didn't even give me a pair of *chappal* [slippers]. I had taken an old pair from my family, but it didn't last long. It was too cold to walk bare-footed. (Mayu)

Along with a lack of proper food and clothes, there were also complaints of having to sleep in dark and/or cold places without proper bedding.

I normally slept near the kitchen area or in the corridor on a mat. I couldn't sleep because the cold came from outside and also from the floor. (Minu)

I had to sleep on the ground floor. I'd be awake for the most part of the night because of the cold... I didn't get warm blankets even when I had a cold/fever. (Raju)

Those feeling upset about food, clothes, and sleeping places sometimes tried to change their *kisan* at the end of the annual contract with the hope of receiving better facilities, but often did not succeed:

I started to work when I was 9. The first few years were very hard for me. I used to remember my family and cry a lot when my first *malik/maliknia* didn't treat me well. But when I changed my employer, it was the same. (Samju)

During an informal talk, a former *haliya* employer told a similar story as the ones mentioned by bonded children.

It may be true that a *haliya* worker may not get the same food as their *malik* or a comfortable sleeping place... He gets a blanket and a mat to sleep, and a cup and plate for food... Based on their past experiences, some employers don't treat their workers well because they suspect them to be petty thieves... But, these days, *haliya* workers are treated much better than 10 years ago... Also, they increasingly work more like a 'normal' wage labourer than just for food/clothes. (Maratis)

Maratis suggests that children have to sleep on the ground floor because of the lack of trust between employers and workers, but they could also act as a 'security guard' for the house while sleeping by the main entrance. Nonetheless, it was a negative aspect of bonded work for Musahar and Tharu children.

Scolding and Beating

Almost all children reported that they had to cope with frequent scolding. The most rebuking took place during the initial months of their contract because they had to acquire language, work skills and manners according to the taste of their *kisan*.

My *maliknia* was really bossy. She used to scold me everyday even when I worked very hard and responsively. (Lalu)

My *maliknia* was always in angry mood... She gave me one task after another to keep me busy for the whole day... She'd still angrily scold me saying, 'You're not doing what I've asked.' (Bhagu)

It seems that bonded children would not really mind if they were scolded while making a mistake or not doing what they were ordered to do, but they felt sad when they were

continuously scolded. In fact, some were reprimanded even when they were sick and could not work as usual.

Even if I suffered from flu or a cold, my *maliknia* used to scold me by saying 'Are you here to work or to become ill?' She'd ask whether I wanted to quit the contract and go home. (Mayu)

My employers would scold by saying, 'You're not a *rajkumari* [princess] to stay without working; if you don't work, you can go back.' (Basu)

Others had to listen to derogatory and often vulgar words from their *kisan* family that they initially did not have a clue about their implications.

When they scolded me, they used all kinds of derogatory terms to describe me like *beshya/randi* [slut/whore], etc. I sometimes didn't even understand the meanings. (Mayu)

They'd call me *Tharuni*, *dankini* or *badarni* [bitch, ass, monkey, etc.] when my *malik/maliknia* were angry. (Manu)

Besides scolding and name-calling, a number of them also recalled being frightened when their employers used offensive terminologies in conjunction with physical threats.

I was scolded a lot... Once I was fixing the tiles on the roof, and my *malik* said 'Eh, *gadha* [ass], fix here and there... how many times do I've to tell you?' Sometimes he even threatened me saying, '*Machikni* [mother f—r], I'll throw you in the rivulet if you don't work fast and properly.' (Darse)

'*Kukurni* [bitch], don't make me angry, I'll cut you into pieces and throw you into the (irrigation) canal without telling your parents'... I was so scared. (Basu)

By using abusive words with threats, their *kisan* probably hoped that children would carry out as much work as they

wished, but it made them feel sad and hurt; some even felt discouraged from continuing to work and hoped to change their *kisan*.

Between the two groups, particularly *kamaiya* children reported not just a few slaps, but also beatings that could potentially cause bodily harm.

If the utensils were not cleaned well by mistake, my *maliknia* would hit me with a pressure (rice) cooker on my head. (Basu)

My *malik* (often) came home drunk late at night, and whenever my *maliknia* complained about my work or behaviour, then he'd beat me up by tying my hands behind my back... I used to receive many bruises... (Raju)

Psychological Apprehension

As noted above, some Musahar and Tharu children reported physically and psychologically threatened by their *kisan*. A number of bonded labourers like Basu felt tremendous anxiety.

I was always busy working... I had to work fast to complete the orders of my *malik/maliknia* because I was frightened of them shouting, screaming or even threatening me to beat up at any time... Sometimes I even sought support from other *kamlariya* [domestic helper] girls to finish my tasks on time (I also helped them when they were in a similar situation as me). I've already lived and worked in such a fearful situation for six years. (Basu)

Work Without Leisure

Since Musahar and Tharu children combined domestic and agricultural work, they were not only busy from the early morning to late evening, but, sometimes, also had to carry out the tasks beyond their 'body could take it' (Basu).

I think all *kamaiya* children have to carry out heavy work like carrying goods like a porter, ploughing fields, driving *tanga* [a bullock-drawn wagon], etc. (Kalpu)

I was okay cleaning utensils, cutting grass or looking after children, but the agricultural work was very heavy. (Gitu)

A former *haliya* employer seemed to agree with the above statements when he said the following.

They (*haliya* workers) do the heavy work like ploughing and digging. This allows us to engage in light activities... The key advantage of keeping them is that our land won't be left barren regardless of whatever amount we have to pay... They can work fast and hard from the early morning to late evening so planting/harvesting can be done on time. (Maratis)

Some of the most commonly heard unhappy moments of *haliya* and *kamaiya* children are as follows:

There would be so much daily work that I'd go to bed after 11 pm (and I had to get up at 5 am). Sometimes I was too tired to get up in the morning. I wasn't allowed to relax at all. (Sunu)

I had to work even when I was having a meal... They asked me to clean up their child's excreta and the potty, and put new clothes on him. Except when I became very ill, there was no free time at all. (Lalu A)

I was attending school, but I wasn't given any free time for homework. I was too busy with other work so I dropped out of the school. (Anu)

I wanted my *malik/maliknia* to give me a chance to go out and walk around or play for a while in the evening. But they only made me work. (Phiru)

Indeed, bonded children were also likely to be less negative about their daily work and lives if their *kisan*

allowed them to see a sense of personal benefit (i.e. food/clothes, sleeping places, education, meet family, friends, etc.).

Lack of Medical and Moral Support

Among the fieldwork participants, only a few bonded children suffered from problems like gastrointestinal pain, pneumonia, and typhoid.

Once I had gastrointestinal problem, but I had to come back home... My parents had to borrow money to buy medicine. (Sague)

Once, I was suffering from pneumonia, but *malik/maliknia* didn't pay any attention towards me... When I asked for medicine, they'd shout at me saying, 'Did we bring you here to fulfil all your demands?' (Raju)

Since Musahar and Tharu families struggle to manage two meals a day, the idea of going back home for treatment in itself was distressing to bonded children. In such a situation, they either let their illnesses/injuries heal naturally or applied whatever 'medication' they could find.

I fell down from the tree while collecting fodder and was badly injured... I didn't get any support. My wounds were left to heal naturally. (Binu)

Since my *malik* didn't give me any medicine for my cuts or injuries, I used to apply kerosene to my wounds and tie with old clothes. (Darse)

If I was injured, my *malik* would ask me to go home, but my family didn't have anything to help me. (Katte)

At the same time, some were 'badly' scolded and/or beaten often did not dare to show their illness/injuries to their *kisan*.

Once I received cut-wound on my hand, but I was afraid to show it to my *maliknia*. (Samju)

If I got injured, I'd help myself. I was afraid of my *malik* saying 'go away from here.' (Bidhye)

If the sickle cut my fingers, I'd put dust on it to stop bleeding. I was just too afraid to tell my *malik*. (Lalu A)

Children like Lalu A also resorted to using dust because they were afraid to ask for a plastic dressing, even though it would cost a few Nepali Rupees.

Sexual Mistreatment

Researchers have found that girl (domestic) workers worldwide face a considerable risk of sexual abuse (Giri, 2009b; Bourdillon, 2009). In this study, the female assistants were able to gain trust of some of the girls to talk about their experiences of sexual abuse.

Once I was fixing the mosquito net (in my *malik/maliknia's* bedroom), I was molested by my *malik*. But he warned me not to talk to anyone... Otherwise 'He'll make me disappear from this world'... I obeyed his threat... (Sunu)

While I'd be sleeping alone in my room, my *malik* would come in. He'd start persuading me to let him sleep near me. He'd offer me money, but I refused... I was very distressed... (Kalpu)

Of course, it is very difficult to know about the attempted or actual cases of sexual abuse, or rape, but when they were asked to tell any stories that they had heard, a few *kamaiya* girls were willing to speak.

We hear many stories... but two recent cases are well known to our community because these girls come from another *kamaiya* camp (near us)... One girl (aged 15) was raped by her Tharu *kisan*, and when she had become pregnant, he forced her to get married with a *kamaiya* man. But he later abandoned her...No one knows where he is now (because he discovered it's not his child)...

The other girl (aged 16) was raped by her employer's son when his family was away. When the girl reported her ordeal, the parents instead accused her of trying to marry their son, and to claim a share of their properties...She was forced to leave immediately... Her own family also didn't do anything... We hear that she is currently working in Dang district... (Basu and Bhagu)

Basu and Bhagu were quick to point out that girls are unable to complain about their employers' sexual molestation, or even if they are raped because 'it brings shame' to their family, and the community will 'blame the girls' (instead of the rapists) for not being responsible. In such situations, the sexually abused girls are 'forced keep their pains within themselves.' They feel that the law is also not on their side because even if a rapist may be jailed between 5 to 20 years, the actual implementation of such laws remains awfully weak, especially if 'powerful people' are involved in abusing vulnerable groups, including children (Giri, 2009a).

6. Discussions and Conclusion

As discussed, the idea that children not attending formal education should be seen as child labourers used to be dominant in the child labour discourse. By the early 1990s, however, this line of reasoning was increasingly challenged by researchers, who tended to group working children into labourers and workers – former being harmful to children's wellbeing and development, the latter may actually help to enhance their moral, physical and psychological maturation. Yet, this dichotomy remained problematic when it came to intervention and rehabilitation of child workers. For instance, White (1996) suggested to do away with child labour versus work because 'it is difficult to distinguish between child work (more acceptable forms of activity) and labour (those activities that are detrimental or exploitative),' and instead proposed a 'continuum of work situations from the least to the most tolerable forms of work' (Liborio and Ungar, 2010: 327). The 'continuum model' provided ample leeway to enact legislations and to prioritise policy interventions, and in fact, the model played a crucial role in formulating ILO

Convention (No.182) (Noguchi, 2002; Estacio and Marks, 2005; Giri, 2009a). Nonetheless, the issue of working children, and even the worst forms of child labour, largely remains, partly because interventions often do not take into account of the people's struggle for daily survival, which in turn requires a study focusing on an alternative perspective (Giri, 2009a).

In Nepal, the bonded labour practice was banned and rehabilitation programmes were announced over a decade ago, but the problem continues; in fact, it has shifted from adults to children (Giri, 2009a; 2010b). As such, I felt that it was relevant to understand the *haliya* and *kamaiya* practices from a different angle even if it is known as an intolerable slave-like practice. Instead of just saying bonded labour is intolerable, I planned to explore the 'continuum model' further to see how children working in bonded circumstances understand varying degrees of costs and benefits. To make sense of volumes of fieldwork data, I applied the 'balance model' approach of Hobbs and McKechnie (2007) because I was drawn in by the authors' argument that even to ban the worst forms of child labour, there must be alternatives that are acceptable to the children themselves in order to ensure that positive aspects of their work such as sustenance are not suddenly removed. As advocacy groups put pressure on the government of Nepal, it only insisted on a blanket ban of bonded labour disregarding the fact that the 'solutions to child employment will vary from culture to culture, and that no universal solutions will be found' (Hobbs and McKechnie 1998: 41-42). Hence, more than a decade later, the lives of bonded labourers have not significantly changed, and this study has sought to draw an attention for bottom-up policy interventions.

In the post-2000 era, as this research shows, the most frequently mentioned aspect of Musahar and Tharu children's work is getting food/foodstuffs for themselves and their families. So, on the surface, it appears that these children approached their work instrumentally. The social stigma of becoming a *haliya* or a *kamaiya*, and the possibilities of being physically, psychologically, or sexually mistreat-

ed by their employers also shades a further negative light on their daily work activities. Indeed, some of the costs did include the issues of homesickness, heavy workload, and sometimes not getting proper food/sleep/leisure, or sustaining other forms of bad treatments. Besides their employers often flouting verbal agreements (e.g. new clothes, the promise of letting them study), some bonded children also felt the caste-based discrimination.

Yet, Musahar and Tharu children are fully aware of their limited choices. Work is an inevitable part of their daily life, and being a *haliya* or a *kamaiya* is still better than any other activities (even though everyone else may deplore the use of bonded labourers). Besides receiving food, clothing, and a certain amount of family income, their labour contract also has other potentials like developing interpersonal skills, making a future network with 'high-status' people, or even employers' mere promise of education is attractive to them (Giri, 2010a). Above all, being able to support their family seems to provide the overwhelming sense of satisfaction (Woodhead, 1999; Giri, 2006; 2007). So much so that child bonded labourers often force themselves to ignore negative encounters, and proudly take their work as an important part of their growing up, which not only allows them to fulfill their indisputable family duty, but also potentially enhances their future prospects (Giri, 2010a; 2010b).

Given the costs and benefits of *haliya* and *kamaiya* work, the 'balance model' framework helps to envisage why Musahar and Tharu children continue to work in slave-like practices. Accepting that the global consensus is crucial on freeing people from (debt) bondage, this study also makes it clear that if bonded children are haphazardly removed from their work places, they may end up in similar situations as thousands of child workers did in Africa, Asia, and Latin America in the 1990s. There are numerous examples of the negative affects of insensitive anti-child labour campaigns from Morocco to Mexico, or from Nepal to Niger (Giri, 2009a). Researchers argue that a monocularly paternalistic understanding of children's work has often made them more vulnerable to abuse than offering due protection (Hobbs and

McKechnie, 1998; 2007; Liborio and Ungar, 2010). Indeed, not finding less exploitative alternatives naturally forces Musahar and Tharu children to accept bonded labour contract, which is perhaps why they do not mention far too many physical and psychosocial risks that human rights activists claim from this intolerable form of child labour.

Yet, it must be stressed that the truth and falsity regarding costs and benefits of bonded labour may be less self-evident because of the static nature of 'balance model' as well as the changeable viewpoints of vulnerable workers. In fact, Musahar and Tharu children, who are forced to work at early age in poor working conditions, may be in the state of 'false consciousness' (Burman, 2005) - believing that regardless of the difficulties they face at the hands of their employers, the *haliya/kamaiya* contract is acceptable to them. Other researchers further stress that even if children outline certain benefits within the limited choices 'it is not acceptable to let them work in a context which, for example, affects normal growth or is associated with pathological problems' (Woodhead, 1999: 11). This study does not in any ways exalt the continuation of bonded child labour, but it endorses effective rehabilitation programmes as proposed by Liborio and Ungar (2010: 334):

Interventions are required to address economic and political factors that create exploitive modes of production, poverty and social exclusion among working children and their families, challenge cultural values and personal beliefs regarding children's economic activity, and provide meaningful substitutes that provide children with the same resources they find through more exploitive forms of economic activity.

Unfortunately, as Nepal is undergoing multitudes of socioeconomic and political upheavals since the mid-1990s, the possibilities of Musahar and Tharu children becoming completely free from *haliya* and *kamaiya* work may not be that easy. Hence, while opposing the slave-like practices, it truly appears worthwhile to make a sense of bonded labourers' daily life-worlds from an alternative perspective.

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ⁱⁱ Out of 23 million Nepalese in 2001, the ethnic Tharu people (6.4%) live mainly in the western Tarai districts of Nepal, and the Musahar population (0.78%) is concentrated in the east-central Tarai districts (Giri, 2009a).

ⁱⁱⁱ In this short paper, it is difficult to include a detailed discussion regarding the history of child labour debates, but readers may consult, for instance, Giri (2009a) for details.

^{iv} However, even with the more advanced methodologies and techniques available for estimating child labourers globally and a near universal ratification of ILO Convention (N.182), the numbers and nature of child labour continues to be debated – the latest ILO report estimates 215 million child labourers worldwide (ILO 2010).

^v Around the same time, the United Nations Inter-Agency Working Group on Child Labour held a series of workshops in order to find new ways of conceptualizing child labour. Meanwhile, the 1997 report of UNICEF also argued that 'to treat all work by

children as equally unacceptable is to confuse and trivialize the issue and to make it more difficult to end abuses' (Giri, 2009a: 206). It went further to stress that 'it is important to distinguish between beneficial and intolerable work and to recognize that much of the child labour falls in the grey area between these two extremes' (ibid.).

^{vi} In arguing the soundness of their 'balance model,' Hobbs and McKechnie (2006) have gone further to stress that even child soldiers and child prostitutes, whatever evils these children may have to face, they are at least able to get food and clothes to survive, and, therefore, 'an acceptable intervention programme does not simply involve removing the children from the army or the brothel, it must also provide food, clothing and alternative meaningful activities' (p.199). Although the authors make a strong point in support of their 'balance model' approach, other researchers may find such an analogy controversial because studies show that child soldiers and trafficking of children for sex involve far too many risks than any meagre benefits (Liborio and Ungar, 2010). In analyzing empirical data with the aid of balance model as a framework, however, this study does not condone bonded labour, but it aims to offer Musahar and Tharu children's viewpoints, which would otherwise remain muted.

^{vii} One crucial difference between the *haliya* (Musahar) and the *kamaiya* (Tharu) families is that some parents and children in the latter work for their own ethnic group, who are rich like any other *kisan* or socio-politically powerful employers in Nepal (Giri, 2009a).