

An ordeal of a Harwa



A small hut roofed and covered by the dried hay, with no window or door, is situated on the riverbank of *Sukhlahi* river located in Laxmipur, ward number 3 of Surunga Municipality. It is hard to differentiate whether that structure is a hut for human family or cattle shed. But this is a hut and belongs to a single woman named Geeta Devi Sada. Inside the hut, there is only a small pot, half a packet of salt and a rugged mattress. And, that is all Geeta belongs.



Gita's story depicts an unbearable human suffering due to landlessness, bonded labour and poverty. Her husband (*Mauje Sada*) was a *Harwa* in the family of Surya Narayan Yadav for more than 15 years. As her husband suffered from Tuberculosis she took a loan of around thirty thousand rupees for his treatment. But sadly, her husband died. Consequently, she couldn't repay the loan. In 2010, the owner evicted Geeta, her four daughters and a son from the land and they moved to the above mentioned hut- which is almost like being in homeless situation.

Now, Geeta is in this hut with her two small daughters. Her son has gone to Lahan Bazar to work as labour, her elder daughter stays in a relative's house because she feels insecure to spend day and night in the hut and her younger daughter is still compelled to work in an owners' house. Feeding her small daughters and finding a safe place to stay for family has become the greatest challenge for Geeta. Her marriage was and is still not registered and she does not have citizenship. So, she has not registered her daughters' birth. She is not being able to receive any government supports like monthly allowance given for single woman. She has no idea- what she is going to do to survive!

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Harwa Charwa: The community waiting for Freedom

Nepali dictionary defines *Haruwa* as a person who ploughs the field or simply a 'ploughman'. And *Charuwa* is defined as a person who grazes cattle or simply a 'Cattle Herder'.

Although, the Constitution of Nepal, 2015 has officially abolished bonded labour system in the country, *Harwa-Charwa* still prevails as a pure form of bondage labour in many communities.

It was one of the extreme forms of bonded labor in the country till early sixties (around 2000 AD). Few or each members of *Harwa-Charwa* families were compelled to work on owner's

field as a form of interest for the loan granted, grains provided or land leased for farming to these families. If the owner was kind enough, some families received grains annually as wages for their hard work, but huge number of families remained unpaid for their labour throughout the year(s). In addition, wages given to those some families was totally inadequate and unfair amount of. Families were obliged to work for the particular owner(s) only; they could not work for others. If these families were found working in other's farm they had to go through various types of physical and mental tortures.

At present, the number of families working in this kind of coercive situation has decreased. Some of the *Harwa-Charwa* families can work for others too other than their 'owner'. However, this could not be generalized for all the *Harwa-Charwa* community. These people are still compelled to work in unfairly minimum wages for repaying the interest of their debts. For example: the daily wage of a normal agricultural labourer is up to 10 kg of grains, while for similar work a member of *Harwa-Charwa* community only gets 7 to 8 kg. The amount of wage also depends on their owner's kindness and mood.

Landlessness is the primary cause of plight of *Harwa-Charwa* community. These people are the farmers who spent their whole days in and around landowners land and agriculture but they are denied the right to land. Landlessness ultimately compels them to choose no other option but a bondage life and end up suffering from exploitations and indignity throughout.

Generations of these communities are marginalized to dwell in a brick sized temporary huts mostly in vulnerable and risky areas like river banks, village block, government land, un-registered land. Furthermore, a large section of the *Harwa-Charwa* people do not have citizenship certificate and huge number of children do not have birth registration. Children from these communities are deprived from their fundamental rights of education because of extreme poverty in the family. And, they are living in

double layer of oppression- one is poverty and the other is caste based discrimination as most of the *Harwa-Charwa* families belong to the 'lowest caste'. This situation has clenched them in a vicious cycle of bonded labour and coming out of this is a herculean task.

The Constitution of Nepal and other number of laws has guaranteed every individual with the right to live a dignified life, Right to housing, Right against untouchability and discrimination as fundamental rights and has prohibited all forms human trafficking, exploitation and slavery. Thus, all three tiers of government (i.e. local, province and federal) have crucial role in achieving the envisioned goal of social and economic liberation of *Harwa-Charwa* community.

The government of Nepal despises the existence of bonded labor as an inhuman practice. It has abolished all forms of bonded labor including Kamaiya¹, Haliya² and Kamalari³. State has initiated livelihood improvement programs for freed Kamiya, Haliya and Kamlari too. Although, the Bonded Labor (prohibition) Act 2001 has addressed the issue of *Harwa-Charwa* communities, the ordeal of these communities for liberation remains the same. Therefore, the issue of these people's rehabilitation is still a far cry.

The pertinent steps required for the liberation of *Harwa-Charwa*:

- As per the constitutional arrangement and the order of the supreme court of Nepal, all data related to the *Harwa-Charwa* needs to be collected. The local government should take the lead in collecting and verifying such data.
- All forms of debt of *Harwa-Charwa* families should be exempted by the state.
- A huge number of people from the *Harwa-Charwa* community are landless and homeless. The government should plan and execute programs

- 1 **Kamaiya:** Bonded agricultural labourer of Tharu origin practiced in five mid-western terai district
- 2 **Haliya:** System of hiring ploughmen (haliya in hills, haruwa in terai); usually bonded arrangements with ploughmen working for free to pay of debts to jamindar (Landlord).
- 3 **Kamlari:** System of hiring house worker such as maid in five mid-western terai district; usually bonded arrangements with kamlari working for free to pay of debts to Jamindar (Landlord).

to address their livelihood issue and provide adequate amount of land for housing.

- Education must be free of cost for all the children of *Harwa-Charwa* communities.
- Government should provide vocational and technical training to the youth of *Harwa-Charwa* community and ensure working environment for other's to also join the training.

The Constitution of Nepal, 2015:

Article 29. Right against Exploitation:

(1) Every person shall have the right against exploitation. **(2)** No person shall be subjected to any kind of exploitation on the basis of religion, custom, tradition, culture, practices or any other basis. **(3)** No person shall be subjected to human trafficking or bonded labor, and such an act shall be punishable by law. **(4)** No person shall be subjected to forced labor. Provided that nothing in this clause shall prevent the enactment of a law requiring citizens to be engaged in compulsory service for public purposes.

Article 42. Right to Social Justice: (J)

policies regarding social justice and inclusion: **(6)** Rehabilitation of Kamaiya (bonded laborers), Kamlari, Harwa, Charwa, Haliya, the landless and the squatters by identifying them, and making arrangements of housing, or providing small plot of land or house, employment or arable land for their livelihoods. **(12)** Giving priority to the very poor within all communities, regions, and gender, while providing social security and social justice.

