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Tradition in Transition: Tharu Traditional Governing System in Post-Conflict Nepal

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INTRODUCTION

Over the last 20 years, Nepal has faced a series of political challenges that have impacted communities across the nation. From the restoration of democracy in 1990, to the instigation of the Maoist's People's War in 1996, finally leading to the signing of the Comprehensive Peace Accord (CPA) in 2006 - the Nepali government continues to negotiate the future of Nepal's political landscape. The process has been long and tumultuous; with a history of violence and instability, every corner of Nepali society has invested interests in the success of the peace process and the building of a new constitution. While the government continues its struggles in the political capital of Kathmandu, services and resources remain centralized and Nepal's more remote areas have increasingly begun to express their own stake in the process.

During the Maoist movement, it was in these rural areas where much of the activities of the Security and Maoist cadres was carried out. Still, today, very few governmental services reach these areas. In the aftermath of political violence and in the midst of potential change, this study attempts to take a deeper at the effects of the conflict and its resulting restructuring of state on communities at the village level. In line with the notion of a political context, I have focused my study on the role of traditional local governance systems. With the vast diversity of cultures across Nepal, many communities have their own system of local governance; however, this study examines only one of these systems, and that is the *Khyala* system of the ethnic Tharu group, located in the Terai region of Nepal. This study looks at two districts in the Western Terai region. Both the Dang and Bardiya districts are historically populated by Tharu communities. These districts were also locations with a high occurrence of Maoist and Security activities during the People's War. In the Bardiya district, I visited the V.D.C Manpur Tapara and some small surrounding villages. In Dang, I stayed nearer to the District Headquarters, as I was based in Ghorahi and visited a few neighboring villages.

My intent throughout this study is to understand the traditional structure and role of this local institution, the effect of the Maoist movement on this system as well as the role played by local leaders during that time, the role played, or potential for a role, in the peace process in these communities, and the current changes and challenges facing this traditional institution in the context of a changing Nepal. By examining the relationships between this local governing

system and the various governmental and non-governmental actors in these regions, I seek a better understanding of the dynamics of national and local political activities. As a whole, I attempt to convey the link between the changing state at a national level and at the rural level, and its implications for local, traditional, and cultural institutions.

METHODOLOGY

The topic of traditional local governance in the context of a changing Nepal is deeply complex, with roots tangled in a history of distinct cultures, the rise and fall of kingdoms, fluctuating migrations, and the various political movements that are still thriving today. With the vast diversities of cultures across Nepal, it would be impossible to examine the impact of the People's War on local governance systems in every type of community in one month's time. Thus, it was necessary to focus my study on one ethnic group's system. As my particular interest was to understand the effects of political instability of the recent past, it was necessary to obtain information about the present conditions of their local institution, known as the *Khyala* system, as well as the influence of historical context in which these communities are situated.

In order to gain an understanding of how their community and local governance system is situated historically as well as in the present situation of Nepal, I conducted various formal and informal interviews with members of Tharu community, with a particular focus on conversations with *Khyala* leaders. I spoke with Tharu cultural activists, folklore specialists, as well as representatives working with Human Rights organizations that interacted with the Tharu's

traditional *Khyala* governance. In these interviews, I asked questions pertaining to Tharu culture, the structure and history of the *Khyala* system, their role before, during, and after the conflict, and their relationship with the government and NGOs at different points in time. I also referenced literature regarding the People's War and the Peace Process in Nepal, as well as some background on traditional governance.

As most of my informants were members of the Tharu community, it is important to note that there may be pro-Tharu biases in some of the information collected, particularly in discussions about government recognition and preservation of indigenous people's rights. I am also aware of my own biases regarding a weariness toward the notion of federalism along ethnic lines.

Throughout my research, many obstacles arose. The two most prominent obstacles were time limitations and language. The issue of language was overcome with the collaborative help of translators, who with their own language-limitations worked together to translate as best they could. Sometimes, they even had to translate from Tharu language, to Nepali language, and finally to English. The issue of time meant more information needed to be collected in each interview, and that perhaps a few gaps remain, particularly from non-Tharu opinions, thus leaving room for further research to be done.

THE KHYALA SYSTEM

The term *Khyala* is a Tharu word for which the literal translation denotes "game" -- thus, when a *Khyala* gathering is called, in a linguistically literal sense they are calling members out to play the game. However, *Khyala* is not connotative of fun

and games -- in fact, it is a crucial social system that ties together all the members of a given Tharu community, as well as their neighboring Tharu villages. It is a scientific, democratic system that takes place in a public forum, having influence over nearly every aspect of Tharu communities. Thus, today, the term *Khyala* is commonly understood as referring to a system of community meetings.¹

The structure of *Khyala* is integrated into the very structure of the typical Tharu village. Traditionally, Tharus live in what is known as a joint family, in which one family consisted of 20 to 100 members living on a given property. Each of these households is referred to as a *gardhuriya*, and has its own household leader. When a *Khyala* is called, each *gardhuriya* must send the leader of the household to meet. Every *gardhuriya* must participate, for if they do not send a representative for their home, they will be fined (such fees often range from rupees to goats or chickens). In the past, at every *Khyala* meeting the *Badghar*, or leader, would prepare for the meeting by cutting up pieces of radish for each member. When the members arrived, he was able to tell when a family's representative member was not present if there were any radishes remaining after he had passed them out.² The requirement of community participation is true of all *Khyala* meetings, however there are some meetings that are more important to attend than others. The most important meeting of the year occurs around January 15, on the first day of the Nepali month of *Magh*. This annual assembly is known as *maghi dewani*, or *maghi*, and is the New Year of the Tharu calendar. Often, even those who have moved outside the village will return to attend this

¹ Chaudary, Sushil.

² Chaudary, Ram Pursad

gathering.

At *maghi*, members gather to review the progress made on last years plans, and collaborate to create a new plan for the coming year. Plans are made for the village as well as for individual households. It is during this meeting, too, when the leadership of the *Khyala* is reviewed, and if deemed necessary, a new leader is selected. Depending on the district, this leader is referred to by different names. For instance, in Dang he is called *Matawa* in Deukhuri *Kakandar*, in Kailali *Bhalamansha*, and in Bardiya he is referred to as the *Badghar* (as research for this study was conducted in the Dang and Bardiya districts, this position will be referred to as either *Badghar* or *Matawa* throughout the following discussion). Each year his work is reviewed, and if found satisfactory, he again be selected by the members. This leader plays many important roles in the Tharu community, for he is responsible for implementing and supervising all the plans that the *Khyala* makes throughout the year.³

Decision making and the election of new leaders in the past was based only upon common consensus, reached through extensive discussion. Today, however, notions of democratic processes have influenced the mechanisms of the *Khyala* system, and most decisions are made through voting. Still, the notion of common consensus remains an important element that fuels the effectiveness and legitimacy of the *Khyala* system at a community level. In this way, community participation works also to include different voices from around the village, and address the concerns raised by each household. For every problem raised,

³ Chaudary, Sushil

discussions are held and plans are made in order to tackle any issues facing the members of a their community.

As the traditional Tharu occupation is in agricultural work, it is easy to see this link with their traditional system of local governance. In the *Khyala* system, there are several main leadership components at work. First, is the *Chaudari*, who is responsible for the main irrigation system, and thus holds influence over each community that is connected with a particular irrigation system. Next is the *Badghar*, who acts as the main leader of a particular village community. The *Chaukidar* works as messenger of the *Badghar*, who goes door to door in the village to spread news of deaths and weddings or collect workers for a particular project. Then, there is the *Deshbandhya Guruwa*, who is a major religious leader in the Tharu tradition. There is only one *Desbandhya Guruwa* per region, but each village has its own *Guruwa*, who acts as a village priest, and in turn has a helper, known as the *Chirakya*, to assist in conducting puja (worship) or other religious ceremonies. Particularly in the Dang district, the *Praganna System* designates particular geographic regions in which the *Desbandhya Guruwa* works. In the Dang district, 5 territories have been designated in this way.⁴ There are various kinds of *Guruwa* also at work in the community, such as *Gharguruwa*, who is the priest of one household, though often has many households for which he performs rituals and religious activities (these households are called *Barins*), and finally the *Dhaarharyaa Guruwa*, who performs rituals for women's fertility and any other

⁴ Chaudary, Sushil

sexual problems, working for mothers as well as their children.⁵ Though there may be slight variations in the exact roles each member from village to village, these positions are integral to the social system of the Tharu community, and many are core mechanisms for the functioning of the *Khyala* system.

For instance, when there is work that needs to be done concerning a particular irrigation system, the *Chaudari* will call upon the *Badghars* of the villages to which the irrigation system extends, and request each to send workers from their communities. Each *Badghar* then sends the *Chaukidar* in to the village to collect workers. The number of workers that should be provided by each household is dependent upon the amount of land belonging to a given household. For example, if a person has 20 acres of land, they must send two workers; if they only have 10 acres, they are only required to provide one worker. This system is called *Bighatti*, and in this way works to avoid forms of social injustice, as it creates a balance in which those with little land do not have to provide as much as those with more.⁶

Today, many of the leadership positions are now accompanied by a vice-position, for greater organization and to take on issues as population grows in these communities. Each leader is also compensated for their work with a special salary. Sometimes this payment is received through monetary means; however, traditionally, this payment came in the form of goods and services. These salaries are also decided at the annual meeting of the New Year. For instance, in Sushil Chaudary's village, the *Guruwa* is paid with 5 kg of rice from each household,

⁵ Tharu, Ashok

⁶ Chaudary, Sushil

from which he also allocates a portion to pay the *Chirakya*, while the *Badghar* is paid with a day of free labor, which must be provided by each household. This payment through labor is known as *Begari*, and often comes in the form of help with harvesting or planting in the fields. However, this is not always so much a burden, as Sushil Chaurdary notes, sometimes, if enough workers are present, the work is relaxed and finishes quickly. After all the work is done, there is often a celebration in which the day's work group gathers to drink local *raski* (homemade alcohol), eat, and dance. If these festivities last until the first cock crows, they will slaughter and eat the cock, marking the end of their celebration. Such traditions also indicate the way in which the *Khyala* system is interlocked with every aspect of Tharu culture itself.

The *Khyala* deals with various issues in the community, and whether related to solving disputes or celebrating festivals, the *Badghar* plays a central role in the functioning of all community relations. Though the festival at *Maghi* designates an annual assembly for all *Khyala* members, many other meetings are held throughout the year as different projects progress or new issues arise. Such meetings are held in the home of the *Badghar*. When the *Badghar* calls for a meeting to start, all members come together to discuss whatever issues are raised. Today, many of these meetings are lead by a President. Other post, such as Secretary, now exist as well.⁷ Twenty years ago, this was not the case, as only a *Badghar* was selected to lead. However, even then it was a democratic system, as villagers were able to gather at any point to determine whether or not the *Badghar*

⁷ Tharu, Phula Ram

was doing his job well -- a practice which is continued to this day.⁸

After the committee discusses whatever issues have been raised, the *Badghar* is informed and he in turn passes the information on to the villagers, through the aforementioned process, requesting advice about how to solve the issue. Later, the committee reconvenes and the *Khyala* members again discuss and give their suggestions to the *Badghar*, who makes the final decision about what action to take next. Finally, each representative from the *gardhuriya* returns to their homes to bring news of any decisions made in the day's meeting. In this way, *Khyala* acts as a transparent democratic body and a form of mass communication at the village level.⁹ Hence, the *Khyala* is equipped to engage with various issues that arise throughout the year.

The *Khyala* takes on many other responsibilities throughout the year as well, including the responsibility of creating rules for the community. Here, again, the *gardhuriya* gather together in *Khyala* to discuss rules for the village. They present their ideas to the *Badghar*, who makes the final decision as to whether or not their rules will be acceptable for the community. The *Badghar* also acts as a judge, and if one of these social rules are broken, the *gardhuriya* consult the *Badghar*, who provides the means toward justice for crimes in the community. In some communities, the *Badghar* can also act as a coordinator, as it is he who goes to the government or other NGOs for issues such as fundraising for different social and developmental concerns.¹⁰ The *Khyala* is also responsible for figuring

⁸ Chaudary, Shogat

⁹ Chaudary, Ram Pursad

¹⁰ Tharu, Ashok

out ways to support households who are struggling with economic problems, dealing with issues of migration, building new homes, and other physical and social infrastructural concerns. The *Badghar* plays a crucial role, too, when negotiating issues that deal with concerns of justice, social justice, disputes, marriage and divorce.

Originally, *Badghar* was almost like a king to the village people, and worked only at the village level. Today however, in some communities, there is a *Khyala* committee at the Village Development Committee (VDC) level as well. In areas where *Khyala* reaches this level, they can sometimes work to evaluate government offices, health posts, schools, and other related concerns, and give suggestions to the government officials to be sure that they are effectively serving the community.¹¹

Today, the *Khyala* system has grown to be a more inclusive body. For instance, before, women were not granted the ability to participate in the assemblies. Now, women are not only welcome to join such discussions, but, in some areas, are also eligible to be elected. In the Kailali district, there are two women leaders in the *Khyala* system. Furthermore, people belonging to different casts or ethnic groups, too, can participate in village meetings, as they are now open to anyone living in the village. This system has been accepted by many migrants from other communities who have now settled in these Tharu indigenous areas, though in some communities they still pose a challenge to the *Khyala* (which will be discussed in later sections). The acceptance of this system by non-

¹¹ Tharu, Phula Ram

indigenous migrants is in many ways crucial to the continued functionality of *Khyala*, as each position's role depends on the next and each must be respected by the community for which it serves.¹²

As noted, the *Khyala* plays a part in nearly every cultural aspect of Tharu communities. All cultural activities are managed and arranged by the *Khyala* system; organizing festivals, such as where to bring materials to be used for the celebrations, dividing labor needed to implement festivals, and designating which members are to perform each task all fall under the *Khyala's* duties. Traditionally, all rituals are performed in the house of the *Badghar*. The *Badghar* is also a sort of religious leader, and is responsible not only for performing these rituals but for paying all expenses as well. On the second day of *maghi*, all *gardhuriyas* go to the *Badghar's* house and pay their respects by presenting vegetables and wine. In *Asar Bardum* (June-August), the festival of *Gurai* takes place, during which a very important ritual is performed only by the *Badghar*. All *gardhuriyas* help perform rituals in *Asoj* (September-October), during which the holiday of *Dasain* is celebrated. As a part of *Dasain* celebrations, *tika* is received by all villagers from the hand of the *Badghar*.¹³

Even some aspects of intimate family life are linked to the *Khyala*. For instance, when a couple wishes to get married, a common Tharu tradition is practiced in which the couple runs away from their homes together in order to express their desire to marry. During this time, the *Badghar* goes to their families and negotiates with each side as to whether or not the marriage can take place.

¹² Chaudary, Sushil

¹³ Tharu, Ashok

Once it has been decided, the *Badghar* calls the couple back and the marriage ceremony is held. After a marriage ceremony the bride and groom present a special present to the *Badghar* as a form of respect.

Other leaders of the *Khyala* also play important roles in cultural practices. For example, the *Hareri puja*, which takes place in August, is lead by the *Guruwa*. In this festival, all the households gather and dance into the burning fire. It is believed that by doing so, they can demonstrate their power, and will thus be protected. In these ways, the actors of the *Khyala* system functions not only as a local governance mechanism, but is also a vital mechanism for the preservation of cultural rites and traditions in Tharu communities.

Khyala meetings are called for special purposes, with concerns ranging from social and cultural practices to village and community development. Thus, all dimensions of society are addressed in *Khyala*.¹⁴ It is apparent, then, that the *Khyala* system is plays prominent role in the individual and communal lives of the Tharu people.

KHYALA AND THE MAOIST INSURGENCY

The period during the Maoist insurgency was a time of delicate relations with both government and Maoist forces for all levels of society. Both sides of the conflict repeatedly committed violent crimes against humanity, which took place in the form of forced disappearances, torture, murder, and various other of human rights violations. The people of the Dang and Bardiya districts were exposed to this violence in large quantities. In Bardiya alone, where 52% of the population is

¹⁴ Chaurday, Ram Pursad

made up of Tharu communities, 85% of recorded disappearances were people of Tharu origin. In this district, 135 members of the Tharu community were reported to have disappeared, 123 of which were men, 12 women, and 21 children. All the women and children were from Tharu communities, and most abducted persons were farmers. Others were laborer, students, teachers, and carpenters. Many of those disappeared were also prominent Tharu activists.¹⁵ It is obvious then, that the Tharu community was deeply affected by the activities of both Maoist and security forces throughout the conflict period.

During this time, there was much fear within the Tharu communities, extending across each household and into the social workings of the entire village. In the Dang district, Ram Pursad Chaudary, the current *Matawa* in a village on the outskirts of the district headquarters of Ghorahi, expressed the difficulties of continuing the work of the *Khyala* during this time, as it was dangerous to gather in groups of more than five people without provoking suspicious from either the Maoist or security forces. Since the very foundation of the *Khyala* system relies on the participation of community members, this presented a great obstacle to the continued functioning of the *Khyala*. Thus, it was difficult to continue *Khyala* activities in their own way. For any activity they planned to do, they had to inform security and administration before taking any action. When they attempted to conduct cultural or other planned activities which required them to gather, security forces became suspicious of them, and many community members were arrested and disappeared.

¹⁵ *Conflict Related Disappearances in Bardiya District*, 6

Still, members of *Khyala* continued with some of their important rituals and festivals. Ram Pursad Chaudary, however, acknowledges that this was probably possible in his village mostly due to its proximity to the district headquarters, where more services and protection were available. People who live in villages further away were badly affected and such communities often became fragmented. In Bardiya, one *Khyala* member noted that the *Badghars* were often threatened by the Maoists as well as the security forces to provide shelter for their personnel. Both the government and the Maoists, too, were suspicious of the *Khyala* members' support of the opposition. Maoists also wrote letters to the *Badghars*, threatening them not to mobilize the people's agendas during that time. At the same time, some Maoist groups tried to ban cultural activities, as they felt that these sort of activities would divert people's attention from the Maoist agenda which they hoped to promote in these communities.¹⁶

During the insurgency, the Maoist had also placed a restriction on any sort of political parties, and to be affiliated with one was a dangerous decision. However, the *Badghars* of the *Khyala* system were not a political party, nor were they affiliated with any. Though Maoists tried to dismantle them in some communities, it proved difficult in the face of Tharu cultural recognition. Sometimes, the Maoists also attempted to utilize the *Khyala* leaders to push their own agenda, seeking affiliation or hoping to spread Maoist information through their system. Though some *Khyala* leaders may have personally supported the Maoist, such affiliations were never taken on at any wider scale, as *Khyala* is a

¹⁶ Chaudary, Ram Pursad

social, community oriented system, and not fundamentally political.¹⁷

In the period during the Maoist insurgency, great challenges were imposed upon the *Khyala* system's ability to function within their own communities, yet the problems facing the people they served were rapidly escalating. Alternate services to address these issues were absent, as many official local government offices in these areas were destroyed, while the village secretaries and other officials were displaced, fleeing to the district headquarters for safety. Police stations, too, were demolished during this time. Thus, all resources were centered at the district headquarters and human rights violations were high. In the midst of these obstacles, however, *Khyala* cautiously remained an active presence in the community, and, with limited resources, attempted to maintain its role in assisting with the various new problems that arose in their villages.

PEACE BUILDING AND THE KHYALA

The *Khyala* system's intrinsic position within the Tharu communities manifested in their role throughout the Maoist movement and into the following years. During the movement, if someone in the community had been tortured, the *Khyala* committee would sometimes attempt to report the incident and convince the army and police that the attacked person was in fact innocent. In the village of Manpur Tapara in Bardiya, members of the *Khyala* noted that many people whose families had been affected by the conflict requested the *Khyala* to investigate disappearances and other war-related crimes. *Khyala* members would often try respond by attempting to consult and investigate with various government offices,

¹⁷ Chaudary, Sushil

NGOs, human rights organizations, as well as the Maoists' main office. Still, very few deaths or disappearances were investigated due to the danger of such situations.¹⁸

Today, the *Khyala* of Manpur Tapara remains active in advocating for peace building processes by lobbying to pressure the government to complete the constitution quickly and to avoid another conflict. They say that if another conflict started, they would work to make the people in the community aware of this issue and ensure that they are aware of human rights as well. Many of their plans for the next year are also oriented to post-conflict rebuilding. In this particular village the plan they have outlined in the following year includes:

- 1) Interaction programs with Human Rights and environment consensus.
- 2) Work on cooperative programs with Government and Non-Government Organizations.
- 3) Help with campaigns in the health sector.
- 4) To launch a handicapped health post.
- 5) To support a cooperative in livelihood.
- 6) To train about Convention 169 of the International Level Organization (ILO)
- 7) To launch Agricultural Training.
- 8) To request government recognition and thus obtain a legal identity.
- 9) To preserve Tharu cultural heritage through organizing Tharu games and competitions.
- 10) To increase the capacity of the *Badghar's* leadership in the village.
- 11) To give priority to completing community buildings.

Other goals include helping provide quality education and working to inspire community members to provide service for various government projects. All of these activities, they explained, are designed to specifically target conflict victims as the beneficiaries. In this way, efforts to rebuild and uplift the community are continuing through the *Khyala* system.¹⁹

¹⁸ Tharu, Phula Ram

¹⁹ Chaudary, Indra

In this same community, many other conflict related groups have been formed, all of which are also affiliated with the *Khyala*. In fact, most groups, such as the mothers' groups, victims' groups, and intellectual groups were actually begun by the *Khyala*. These groups grew from the *Khyala's* efforts related to the peace building process. The *Khyala* also facilitates trainings about the rights to basic needs and other fundamental human rights. This sort of awareness building has been the main goal of the *Khyala's* role in this particular community's peace building process. The mediation and coordination capabilities of *Khyala* provides an easy, accessible way to educate and train the community about their rights.²⁰

In other communities, the *Khyala* has not had such a clear role in the local peace building process. However, Ram Pursad Chaudary points out that, "*Khyala* is of great importance in maintaining and promoting a sense of community in Tharu villages. It is an open forum for community people, a place where happiness and sorrows are shared and where people are always ready to support anyone who has a problem. When people request help from the *Khyala*, the *Matawa* supports them at every step of the way. In the *Khyala*, it is the only place where we exchange our sorrow, happiness, and come together." This notion along with the activities of the *Khyala* in the Bardiya district are prime examples of the way in which *Khyala* holds the potential to be an effective tool in the peace process at community level, and also support the wider goals of the peace process by promoting a culture of human rights in their own communities.

²⁰ Chaudary, Phula Ram

KHYALA INTERACTIONS WITH NGOs

The potential of the *Khyala* system has not gone unnoticed, and many NGOs are beginning to recognize the value of working with this traditional system. Particularly related to the Maoist's People's War, one NGO has begun to work closely with the *Khyala* in the Bardiya district, and has conducted some programs in Dang as well. INSEC (Informal Sector Service Center) is an organization concerned with collecting data regarding human rights violations and promoting awareness about related issues. INSEC has offices in districts across Nepal, with the Mid-western regional office based in Nepalgunj, which extends its services to various neighboring districts, including Bardiya and Dang.

Throughout the time of the conflict, many people from the area made their way to Nepalgunj to file reports of human rights violations and disappeared people, seeking support to find their lost loved ones. Over 200 people passed through the INSEC office based there, where data and information was collected to be published in the Human Rights Yearbook. In 2003, INSEC responded by launching a Campaign for Peace to address some of the issues raised during the conflict. The members of INSEC decided to utilize existing groups, including the *Khyala*, to engage in peace building and capacity development trainings.

At this time, the Maoists had declared a ban on the formation of any type of new committees. Thus, recognizing the importance of institutions such as the *Khyala*, INSEC was able to conduct various educational trainings in order to promote human rights standards through this pre-existing traditional institution. They also published and distributed information to the community in large

quantities in order to further promote awareness surrounding these issues. INSEC worked directly with members of *Khyala* to teach them about basic human rights and humanitarian law, as the insurgent groups were continuously violating these rights and the *Badghars* were increasingly facing such challenges in their communities. INSEC reached out to the *Khyala* in hopes that by educating the local leaders, they could then extend this knowledge to the community at large.²¹

The Maoists did not approve of activities such as those conducted by INSEC's Campaign for Peace, but the members of INSEC worked to educate them about human rights and humanitarian law as well. Thus, through this campaign, INSEC was able to help start a dialog with both Maoist cadres and security forces, visiting various places and helping to release those accused of being Maoist cadres as well as members of security forces and locals who had been captured and imprisoned.²² In this way, INSEC's connection with and awareness of the Tharu communities' struggles, established through their work with local institutions such as *Khyala*, allowed them to assist the community's efforts in the fight for victims and their families.

Still, many challenges were faced by the members of *Khyala* and their communities. In the absence of a functioning government, many groups had to take initiative within their own communities, often traveling to the district headquarters to receive programs and bring them back to be implemented in their villages. These groups ranged from student groups and mothers groups, to

²¹ Chaudary, Sushil

²² Chaudary, Sushil

members of the *Khyala*. With the help of organizations such as INSEC, the *Khyala* was able to facilitate many conflict related programs, including human rights education and victim counseling initiatives. Thus, INSEC has successfully assisted *Khyala* in promoting and supporting their involvement in community rehabilitation as well as the community level peace building process.

Though more and more organizations are beginning to recognize the *Khyala* system, not all interactions with NGOs have resulted in positive outcomes for *Khyala* as a functioning community system. Ashok Tharu, from the Dang district, recognized some of the good work done by some NGOs regarding the *Khyala*, but also acknowledges the negative impact of various NGOs working in Tharu communities. He notes that, “NGOs and political parties are destroying this traditional system, as they are forming their own groups without seeking the *Matawa*’s participation in any part of the process.” This, Ashok argues, is one of the main causes of the breaking down of the *Khyala* system as more and more people have begun to turn to these resources rather than those provided by the *Matawa* in their own community. Ram Pursad Chaudary, too, felt that few organizations or NGOs have attempted to work with or recognize the potential of the *Khyala*. Yet at a civil society level, *Khyala* has begun to raise its own voice.

Still, many NGOs support the continuation of this traditional Tharu institution, and have agreed that it is important that the *Khyala* be recognized by the government as a legitimate body for local governance. Often with the help of these institutions, the Tharu community has begun to assert themselves in demanding that this system be recognized by government bodies. In a sense,

these new efforts have taken form as a result of the Maoist movement and can be understood as another element of the *Khyala's* role in peace building and the process of building a New Nepal.

GOVERNMENT AND THE FIGHT FOR RECOGNITION

Past Political Relations

The *Khyala* system has been a part of the Tharu tradition for hundreds of years. In the past, *Matawa* stood as powerful actors in their communities. Asok Tharu, a researcher of Tharu folklore, told a story of a time before the unification of Nepal, when a *Matawa's* influence was strong enough to challenge a King. In this story, there was a king by the name of Punemala. Once he gave land to the as a man as a reward for his national service. However, the King failed inform the Tharu people about this deed, and he did not receive any irrigation for his field. This prevented his crops from yielding any production that year, and so the man complained to the King. The King turned to the *Matawa*, and asked him why he did not lead the irrigation to the new comer's fields. The *Matawa* replied that they did not know he was there, so their social rule was unable to reach him, thus the irrigation system could not be built. The King, then, was forced to recognize the *Khyala's* role in the community. In this way, they were powerful enough to challenge the King, who eventually had to send a letter to finally, formally, inform them of the new member's arrival.

This story outlines the historically influential role of the *Khyala* in areas populated by Tharu communities. However, their rule was still greatly overshadowed by greater governmental powers after the unification of Nepal.

During the King's reign, the *Khyala* of many communities were basically government controlled, as they were able to accomplish more if they were in favor of government officials. During the Panchayat period, the King would try to use the *Khyala* leaders to the advantage of certain officials, under the accurate logic that if one *Chaudari* could be convinced to vote in a certain way, all of the communities under him, too, would likely vote in the same favor.²³

Over the years, much has changed in the structure of the *Khyala* as well. Before the restoration of democracy in 1990, politics were not openly discussed in communities because the political parties were all banned. This made it difficult for the *Khyala* to consider issues such the possibility of electing vice-leadership positions to their committees. After 1990, many political parties, too, attempted to win the vote through the *Khyala* leaders under the same logic used during the Panchayat period. However, in general, after democracy re-entered Nepali politics, people were allowed to practice their traditional systems more openly, and it became easier at the community level to conduct the *Khyala* system in a more democratic manner. More posts were elected, and many subcommittees were also set up to address various designated issues.

Political Relations Today

The *Khyala* system is not officially recognized by the government, nor by any other state-affiliated development bodies. Even though the *Khyala* works closely with the people in their communities each year to discuss and create plans for different development projects, through the practice of common consensus,

²³ Chaudary, Sushil

their agendas are not taken into consideration at the official government level. When the District Development Committee (DDC) or Village Development Committee (VDC) organizes a plan, they do so without consulting the members of the *Khyala*. Yet, the District Development President is aware of the influence of the *Khyala* leaders, and will often turn to them to assist with actually implementing the VDC's plans. In this way, the *Khyala* leaders still play a large part in the development of their communities, but recognition is paid instead to the District Development President. These officials are often from different communities and thus do not hold cultural ties to the *Khyala* system.²⁴

Ram Pursad Chaudary cites the decrease of *Khyala*'s capacity to the recent changes in government, and in some ways as a result of the Maoist movement. Earlier, he notes, all development in the village was coordinated and mobilized by *Khyala*, but after democracy in 1990 and after the People's War, this began to change. He feels that the *Khyala* system has been isolated nowadays, as it is not recognized by the state and the official local governing bodies do not interact with the *Matawas*. Development activities have been almost entirely taken over by political parties, and people, too, are more political, only wanting to work for their party's development efforts. The *Khyala*, then, has been limited to only make internal plans surrounding activities such as village festivals and rituals.

In the Dang district, Shogat Chaudary, a prominent Tharu activist, claims that by excluding the *Matawa* from the decision making process, yet still utilizing

²⁴ Chaudary, Sushil

him to gather the villagers when work needs to be done or announcements need to be made, the VDC is suppressing the *Matawa's* political power and using him for their own agendas. When the *Matawa* wishes to implement the projects planned by the *Khyala* members, rarely is there any assistance or help from the government. Many members of the Tharu community fear that if the *Khyala's* capacities continue to be impeded by such government disregard, the foundations of the Tharu community itself may begin to collapse, and its rich and distinctive culture may begin to fade.

The Fight for Recognition

Nepal has a predominately centralized government, yet many communities are located far from the cities in which most government activities take place. Still, the State's center continues to make policies and apply them to all areas of Nepal. However, Nepal is a country rich in a diversity cultures, many of which inhabiting the rural areas which make up 80% of the population. The people of these areas have their own distinctive cultures and their own political desires, and wish to preserve their right to practice their cultures and participate in the political sphere.²⁵ This mission has emerged with great strength in the Tharu community, particularly concerning the inclusion of the *Khyala* system in governmental institutions.

After the peace process began with the signing of the Comprehensive Peace Accord (CPA) in 2006, *Khyala* once again began to function more openly. However, due difficulties faced during the Maoist's People's War, the *Khyala*

²⁵ Chaudary, Shogat

system in many communities had lost much of its strength and in some communities had already begun to crumble. In the Dang district, 60 *Matawa* from *Khyala* groups all around the area gathered to conduct an assembly, in which Ram Pursad Chaudary acted as president. There, discussions were led to address the possible role of the *Matawa* in Nepal's changing political area. They recognized the great role that the Tharu identity would have in finding a place in the new constitution. They felt that now was the time to make the government aware of their cultural values, believing that this was the best way to secure rights in the new constitution. Thus, they began working to assert their identity as Tharu and to reinforce the *Khyala* system in those areas where it had begun to weaken. They decided that they would not only continue this age-old tradition, but would also pressure the government for recognition. If able to achieve this goal, they believed they would be able to accomplish more in their villages.²⁶

Tharu activists argue that the *Khyala* system is very scientific, liberal and democratic, but the centralized state powers limit them to only cultural practices. Shogat Chaudary points out that the interim constitution says Nepal should be divided into Federal states, and he believes that local people should get the right of decision making power in this new system. This would allow them to continue their work more effectively, just as they have already been for years working on development and other problems in their communities. As of now, they play no part in processes such as making recommendations for citizenship, scholarships, or other related decisions. Shogat Chaudary claims that if the government were to

²⁶ Chaudary, Ram Pursad

recognize the *Khayala* system, local people can feel that their own local government is also effective. For these reasons, many Tharu activists are demanding that the *Matawa* be granted more decision making rights.

Shogat Chaudary also believes that though the *Matawa's* role was minimized during the conflict period, after the signing of the CPA their role is looking up. Some NGO leaders are assisting the Tharu people as they attempt to raise their voice to find a place in the Federal system that is currently being considered by Nepali Congress. The belief that the *Khyala's* role should be political is being embraced in the Tharu community, but still the government has not yet recognized their role as such. He asserts that, "Nepal is in the process of changing, becoming a New Nepal, and in this process the Tharu people are demanding recognition for their traditional local governance." They believe they should be guaranteed political rights because their system is a democratic one, run by the people of their own villages. If they were to be given such recognition, they believe they would be able to better enjoy their rights in their own place. The *Matawa* has a strategic position, as he has inside access to all the villagers' problems, conditions, and opinions. Someone from the district office cannot understand the villagers in such an intimate way. Further, the *Khyala* system provides social power, for in this system power is not centralized. Such decentralization is a sign of fundamental rights.²⁷ For this reason, Shogat Chaudary claims that if the *Matawa* were to be recognized by the government, it would be helpful, too, to the peace process in these areas of Nepal.

²⁷ Tharu, Ashok

Further, Shogat Chaudary argues that, ancestor to ancestor, the Tharu and their *Khyala* system have been oppressed by the state policy. Even though Tharu people may not have had formal education in the past, they have their own indigenous knowledge, and have been able to develop their communities through building canals and by making use of the *Guruwa's* knowledge of herbal medicines in order to survive the time when Malaria was rampant in this region. While others migrated away, they continued to live and struggle through this deadly disease. Through the *Khyala* system, their ancestors worked hard to develop this area, yet today the Tharu people are still not enjoying their political rights, as they do not receive scholarships or government positions. Shogat Chaudary claims that the Tharu people have great grievances with the government, pointing out that many Tharu people helped political parties at various points in the past, yet the parties never returned to help the Tharu community, which is deprived of government resources. Thus, Shogat Chaudary asks: "Our ancestors sweated a lot of blood to develop this area, and lost many people for this reason -- why would they not get the right to political power?"

ILO Convention 169 and the Khyala System

In the context of rebuilding Nepal's political structures, acknowledgement of the exclusion of indigenous nationalities has become a major issue on the national political agenda.²⁸ This issue extends beyond serving the Tharu people, as Nepal has recorded 59 indigenous nationality groups across the country, constituting 37.2 percent of the countries total population. According to a 2001

²⁸ "Decent work for Indigenous people in Nepal"

census, Tharus are the second largest indigenous nationality, occupying 18.2 percent of the total identified indigenous groups in Nepal -- composing 6.8% of the total population of Nepal.²⁹ Despite these numbers, the Tharu people and other indigenous groups remain largely excluded from the government. Today, pressure has risen in the Constituent Assembly (CA) to address these inequalities while rewriting the new constitution. These discussions have even entered the debate about the proposed models for a federalized nation.

Protecting the rights of indigenous groups is not unique to Nepal's governmental goals. This concern has been raised in countries around the world, and one organization, known as the International Labour Organization (ILO), has created legislation to address these issues. In many conversations concerning the *Khyala's* fight for recognition, the ILO Convention 169 was repeatedly referenced throughout this study. The provisions made in this document promote great hope for the future of such institutions in the emerging national systems.

The International Labour Organization (ILO) Convention 169 was created in 1989 after research was conducted in Latin America. Researchers were curious as to why so many indigenous people were working in the industrial field, while other groups were not. They found that because the state had captured much of their homelands, their own political structures were not recognized by the government, and that they did not have access to proper education, many indigenous people were forced to leave their homes to work in the industry in order to support their families. Thus, the ILO Convention 169 determined that

²⁹ Chemjong and Dhakal, 32

governments should be committed to protecting indigenous peoples, and hence the state should respect their cultural activities and their language.³⁰

The ILO Convention 169 outlines various strategies and requirements designed to uplift the peoples of indigenous communities, covering issues pertaining to a range of social, political, and economic concerns. However, the provisions made in Articles 2 as well as 5-7 are particularly relevant to the struggle for government recognition by *Khyala* and other traditional governance groups. Those particularly relevant include:

Article 2B, which proclaims that actions should be taken to create measures in which “the full realisation of the social, economic and cultural rights of these peoples with respect for their social and cultural identity, their customs and traditions and their institutions” are considered. Article 5 requires that provisions be applied in such a way that,

- (a) The social, cultural, religious and spiritual values and practices of these peoples shall be recognised and protected, and due account shall be taken of the nature of the problems which face them both as groups and as individuals;
- (b) The integrity of the values, practices and institutions of these peoples shall be respected;
- (c) Policies aimed at mitigating the difficulties experienced by these peoples in facing new conditions of life and work shall be adopted, with the participation and co-operation of the peoples affected.³¹

Along the lines of these requirements, interaction with the *Khyala* system in Tharu communities would prove essential to the government’s ability to comply with these regulations. As previously mentioned, the *Badghar* or *Matawa*’s strategic position within the community gives them an intimate understanding of

³⁰ Chaudary, Sushil

³¹ Convention 169

the “difficulties experienced by these peoples in facing new conditions of life.” Further, the argument for inclusion of *Khyala* in the application of such provisions is supported by Article 6, in which it states that for any action related to or effecting indigenous peoples, government must,

- (a) Consult the peoples concerned, through appropriate procedures and in *particular through their representative institutions*, whenever consideration is being given to legislative or administrative measures which may affect them directly;
- b) Establish means by which these peoples can freely participate, to at least the same extent as other sectors of the population, at all levels of decision-making in elective institutions and administrative and other bodies responsible for policies and programmes which concern them;
- (c) *Establish means for the full development of these peoples' own institutions and initiatives, and in appropriate cases provide the resources necessary for this purpose.**

Thus, the ILO Convention 169 explicitly recognizes the value and importance of traditional local institutions, and designates the inclusion of such institutions as necessary in order to respect and promote indigenous peoples’ rights. These arguments are directly in line with those made by Tharu activists like Shogat Chaudary, and are vital in supporting the *Khyala’s* efforts for governmental recognition. Likewise, the *Khyala’s* traditional role in the development activities of Tharu communities are again given priority in Article 7, which states:

The peoples concerned shall have the right to decide their own priorities for the process of development as it affects their lives, beliefs, institutions and spiritual well-being and the lands they occupy or otherwise use, and to exercise control, to the extent possible, over their own economic, social and cultural development. In addition, they shall participate in the formulation, implementation and evaluation of plans and programmes for national and regional development which may affect them directly.³²

In Tharu communities, already the *Khayla* system has been working for years to fulfill the desires of their communities related to development, but, as previously noted, the interference of official government bodies has increasingly impeded upon their ability to continue to do so in an effective manner. Furthermore, such

* Italics added for emphasis

³² Convention 169

interference has also ignored the cultural and spiritual value of the *Khyala* as traditional institution, and thus been insensitive to the needs and desires of the local people -- all of which the *Khyala* is closely linked. As formerly discussed, the *Khyala's* current relationship with government largely ignores the development plans made by local members, and little to no assistance is provided. This article directly challenges these issues, and deems the efforts of local institutions, like the *Khyala*, as necessary for the successful development of indigenous communities.

Under these articles, then, it has been asserted that indigenous people should have a right to alternative ways of governing, since their communities and values are not always compatible with, and are often oppressed by, formal government systems. The historical discrimination against indigenous people, too, has forced them into a disadvantaged position in which, often due to socio-economic challenges, have been excluded from participation in formal government. The ILO Convention 169 attempts to acknowledge and overcome these challenges in a culturally sensitive manner. Under these provisions, indigenous peoples reserve the right to play larger part in the decision making process in their own communities, as well as preserve their own unique cultures. Thus, many of the arguments presented by informants in the above discussion of government inclusion are directly supported by this convention.

In 2007, Nepal officially became a signatory state of the ILO Convention 169, thus committing to the protection of indigenous peoples across the nation. With the government's decision to include this convention in the process of

restructuring the nation, the hopes of many indigenous groups, including members of the *Khyala*, have risen. Moreover, the debate surrounding the application of these guidelines in the future of Nepal has expanded even deeper into discussions about the prospect of a Federal Nepal.

Federalism and the Inclusion of Khyala

Throughout this study, various informants, including the *Badghars* themselves, expressed their desire to take part in structuring of the so called New Nepal. The face of the New Nepal has yet to be crafted, and various parties are asserting their stakes in the process. This new approach to decentralizing government very much grew out the demands presented by the Maoists throughout the People's War. In the context of this study, the demands made at the onset of the People's War on February 4, 1996 in the 40 Points Demand submitted by Dr. Baburam Bhattarai of the United People's Front Nepal are particularly relevant to the notion of indigenous inclusion in Nepal's changing government. Though the topics addressed in this document encompass various social and economic discrepancies in between different sections of Nepali society, three points stand out as particularly poignant for the rights of indigenous institutions and a notion of federalism; namely points 20, 25, and 26, which state:

20) All racial exploitation and suppression should be stopped. Where ethnic communities are in the majority, they should be allowed to form their own autonomous governments.

25) Regional discrimination between the hills and the Tarai should be eliminated. Backward areas should be given regional autonomy. Rural and urban areas should be treated at par.

26) Local bodies should be empowered and appropriately equipped.³³

In this way, the issue of ethnic and indigenous rights entered the mainstream

³³ Upadhyaj, Ujjwal, 67-68

political sphere with the initiation of the Maoist insurgency. After the signing of the Comprehensive Peace Accord and the integration of Maoist representatives in the interim government in 2006, talks of Federalism as a means of overcoming centralized government and systematic inequalities took the form of serious possibility. Today, this discussion continues to juggle proposed divides along lines of geographic regions versus lines of ethnic autonomy. Consequently, it can be said that much of the efforts toward recognition of institutions such as *Khyala* have grown out of, and been made possible by, the resulting changes in Nepal's government following the People's War. The emergence of the Maoist Movement opened a forum in the political arena in which these issues have begun to be acknowledged, and the continuing debates surrounding the federalization of Nepal have presented an opportunity for institutions like the *Khyala* to seek their place in official governing systems.

Many supporters of the ethnic model of the federal system believe that this would provide greater opportunities for increasing the decision making capacity of local institution, as it would better account for cultural practices in a specific area. This would help to avoid the breaking down of indigenous cultures due to historically dominant caste influences that have for so long directed all national policies, neglecting cultural diversities around the country. Further, by recognizing regional ethnic majorities, some argue it would be easier to respect the provisions necessary to protect indigenous peoples rights, such as those outlined in ILO Convention 169 as it would open a space to give ethnically linked governing customs priority in that region's official governing system.

Tharu activists, too, take on the belief that *Khyala* has potential to play a key role in the future federal system of Nepal. It is argued that *Khyala* could be very useful if incorporated into a federal state, because they are an active group with a strong foundation of social and cultural roots. If it were given the chance to function legally as a component of local governance it would prove effective in fulfilling many spheres of government responsibility. From development efforts to local justice, *Khyala* has for years taken on these responsibilities into its system even without government assistance.³⁴

Further, some people see this opportunity as a chance to participate in the peace process. When asked about how the *Khyala* system might be able to support the peace process, Bhawan Lal Chaudary, a *Matawa* from the village of Sishaniya in the Dang district replied, stating that, “Our nation is going to be reconstructed and voices are raising that [the] country should be [a] federal system. In that case, *Khyala* members [would] get a chance to interact in [the peace process].” Thus, it can be said that some also consider the successful inclusion of institutions such as the *Khyala* in the new federal system as a key element to the process of attaining and sustaining peace in Nepal.

The topic of dividing the states along ethnic lines is a controversial issue, however, and though it may prove beneficial to this particular system, various other implications, both negative and positive, may be presented by such division. Thus there is still much to be considered about the pros and cons of ethnic federalism at a broader, more holistic level. Still, even if it is determined that the

³⁴ Chaudary, Sushil

federal system should be divided according to geographic regions, the members of *Khyala* feel that there is potential for their system to be integrated into the structure of the new federal states. Either way, there is hope in the formation of the new constitution, as it has been deemed necessary to protect culture, language, and customs of the diverse peoples of Nepal.

CURRENT CHALLENGES FACING THE KHYALA

The importance of the *Khyala* system to Tharu communities has been expressed with great vigor by all those who have informed this study. However, though the rising struggle for government recognition has in some ways empowered the *Khyala* to assert itself and raise awareness of its importance, many challenges still threaten the preservation and continued functionality of this traditional system. These challenges have risen due to various changes in the context in which *Khyala* works.

For instance, the original design of the *Khyala* requires each *gardhuriya* to send one representative to each meeting. In the past, Tharu households were made up of joint families, spanning from 20 to 100 people living together on a given property. This made it easy for one member to attend each *Khyala* meeting. Today, however, many families are separating from the joint household system due to the changing economy and other outside influences. Often, members of a community even emigrate to the cities in search of greater economic opportunities. These changes are altering the very structure of the community, and has proved challenging to the *Khyala* system. Most all of the development initiatives implemented by *Khyala* greatly depends on volunteer work, which has

become increasingly difficult for smaller families to provide.³⁵

If emigration of Tharu people away from the communities presents a challenge, the migration of non-Tharu into these areas has been equally, if not more, taxing to the *Khyala's* efforts to maintain and preserve Tharu culture. Shogat Chaudary notes that, "One decade ago, Tharu people were the majority population in this area, with 58% belonging to this ethnic group in the Dang valley alone. Today, this number has decreased to 31% and continues to fall." This, he says, is because a large number of hills people have immigrated to the valley. Shogat Chaudary fears that this is causing a loss of Tharu culture, as well as creating a situation in which their mother tongue is slowly being forgotten. He feels that the *Matawa* system today is what is holding the culture together. He further points out that "this particular village [Ghorahi] is a Tharu village, and 10 years ago you could see Tharu people praying to Tharu gods, but today that tradition is disappearing from the area." He describes that when non-Tharu migrants move into the area, they only follow the rule of the *Matawa* regarding issues such as building a canal, or other irrigation related issues -- they do not follow or respect the various other festivals, language, and cultural related issues in the Tharu community. As the *Khyala* system is deeply intertwined in such cultural activities, the slowly growing disregard for their role in these communities threatens not only *Khyala* as a system of governance, but also as a system of cultural preservation.

Even the notion of cultural preservation has begun to deteriorate. Ashok

³⁵ Chaudary, Sushil

Tharu laments that, “many people say they want to preserve the Tharu culture, however their focus tends to be on dress and other ornaments. People don’t feel that these kinds of traditional system are the main base of culture. The new generations disobey these kinds of systems, as they believe it is old and in this age there is no need for traditional systems. They do not know that foundation is the most important thing for any organization -- this is cultural foundation.” In the nearby village of Beshai, the *Matawa* had, in fact, been dismissed for this very reason. The villagers no longer obeyed him, and thus the community decided to abandon the *Matawa* system and create an alternative village committee. Even so, when asked about the value of the *Khyala* system and the prospect of government recognition, they agreed that it was an extremely important that recognition be achieved. Regardless, they said, they had no plans to reelect a new *Matawa* for their village.³⁶

Though the changing political landscapes have presented an opportunity for *Khyala* to assert itself, the emergence of power help by political parties has also proved to be an obstacle to the *Khyala*’s strength in its own community. In the beginning, if there was a problem, people would consult the *Matawa*. Today, however, more and more people are turning to the political parties to resolve issues. This is an example of the way in which the *Matawa*’s leadership capacity is disappearing in the villages, as it becomes more and more dominated by politics.

Ram Pursad Chaudary, too, is worried that people are not so serious about

³⁶ Chaudary, Buddhiprakash

this practice, even though it is democratic. He fears that because there are now state level local government systems, maybe people are less interested in the *Khyala* way. Gradually, the frequency of *Khyala* meetings is decreasing; they used to have meetings once a month, and for every festival, and they used to work on any small community project and development effort, but today that is changing.

Nowadays, Ram Pursad Chaudary feels that people are becoming more individual, yet he believes it is important that they should not forget the traditional role of the *Khyala*.

Both the influence of political parties and non-Tharu peoples in these areas are challenges to the *Khyala's* cultural and governing strengths, according to Ashok Chaudary. He notes that the *Matawa* is not only chief but also a religious priest. The Tharu people follow the social rules and worship religious deities as led by the *Matawa*. Non-Tharu people, too, follow will sometimes social rules, but do not participate in religious festivals or events. These days, he says, it seems this system is going to be broken after the party system in Nepal. He feels that new comers to the area try to overlap traditional rule, and political parties as well as NGOs support them, slowly breaking down the system. In this way, “the interaction between Tharu and non-Tharu people is going to be overlapped by political parties.”

Ashok Chaudary further points out that some sustainability issues are raised concerning the *Khyala* system in the modern age. Though the *Khyala* is supported by its historical effectiveness and other cultural foundations, there are

some changes that would be necessary for modernization and capacity building. He explains that the old *Matawas* are mostly not literate or skillful, and non-Tharu people *are* literate and skillful; thus, Tharu people may become powerless. If Tharu leaders are given non-formal programs and trainings, they could sustain their organization. However, with the current lack of government assistance, such efforts have been widely neglected.

CONCLUSION

Almost a year and a half ago, Ashok Tharu gave a speech at the Martin Chaudari organization in Kathmandu regarding the importance of the *Khyala* system. At that time, his speech was not accepted, as his main argument in that speech was to preserve the system and that all sectors should support this system legally - at a national and international level. Now, he says, people are beginning to accept this notion, and more and more attention is being paid to the plight of indigenous peoples and their institutions.

Throughout this study, a number of issues were raised regarding the importance of the *Khyala* system as a tool for cultural preservation, village development, local governance, and peace building in Tharu communities. When considering the historical and cultural significance of this system in Tharu society, it is clear that this traditional institution presents great promise in these areas, and further has potential to take a role in the government on a wider scale if permitted to function within the proposed federal system. However, there are still many obstacle to overcome, and the members of the *Khyala* and its supporters continue to advocate for its inclusion in the new constitution.

In many ways, it can be said that the space in which these discussions have emerged was created as a result of the efforts put forth by the Maoist's People's War and the subsequent initiatives to engage in a peace process that is redesigning the structure of Nepali government. In this newly developing arena, Ram Pursad Chaudary proclaims that "now, a message has been given to the state that Tharu people are also able to govern society themselves, as they have for so long been practicing a form of government that encompasses all social, economic, and civil problems in their communities." With this mindset, Tharu communities have begun to assert their rights. Backed by the provisions of ILO Convention 169, as adopted by Nepali Congress in 2007, great hope has been imbued in the struggle for preservation of their own culture and its institutions.

In the midst of these efforts, the *Khyala* system is facing various other challenges. These obstacles should also be considered when thinking about the prospect of federalization, the application of the provisions of ILO Convention 169, and the efforts toward sustainable peace in Nepal. Particularly in the debate about federalization of Nepal, great concern has been raised regarding the socio-cultural implications of dividing states along ethnic lines. Though such a layout could potentially benefit the capacity of the *Khyala* in predominately Tharu regions, there is risk, too, of alienating non-Tharu's inhabiting these areas.

However, though the *Khyala* system is inherently a culturally-specific institution, Sushil Chaudary argues that if *Khyala* were recognized as a legitimate body by the government, it would imply that everyone should have the opportunity to participate, asserting that while the *Khyala* members are fighting

for an inclusive national government, they cannot themselves be exclusive. Thus, he insists that not all *Badghars* need be of Tharu descent to lead the community effectively. Further, he cites it as Tharu custom to take on an “adoption culture,” in which people who wish to assimilate with Tharu communities are easily adopted into the social systems and are allowed to enjoy the benefits provided by *Khyala*. If the new comer accepts the Tharu rules, he can easily become a full participant in the *Khyala* system.

Still, others argue that this, too, may be detrimental to the preservation of Tharu cultural traditions. Ashok Tharu notes that, “in some villages, there are non-Tharu *Matawa*, which is a sign of inclusion....perhaps it should be that not only Tharu people may be *Matawa* of a village, but still the tradition should continue.” However, he says, with non-Tharu *Matawa*, the problem of carrying out cultural festivities is raised, as non-Tharu people do not prefer the Tharu traditions. There are three villages in Dang that have non-Tharu *Matawa*, and in these villages cultural rituals are not being preformed. So, “for preserving these kinds of rituals and folk ceremonies, it is important to select a Tharu person as *Matawa*.” Efforts to preserve cultural customs are a vital concern of the Tharu community, and a fundamental right as designated by ILO Convention 169.

These issues of identity politics are imbedded in the discussions surrounding the notion of a New Nepal, and will continue to prove an obstinate obstacle to the efforts of the *Khyala* system as well as various other ethnic and indigenous peoples’ struggle to find their place in changing landscapes of Nepali politics. The necessity of preserving and promoting cultural diversity and still

ensuring fully democratic and inclusive institutions has become a balancing act for the writers of the new constitution. Still, consideration of the value and potential of systems such as the *Khyala* of the Tharu people is crucial to the success of future efforts toward building an effective model of culturally sensitive and inclusive government.

The successful inclusion of traditional institutions like *Khyala* may prove essential to the integrity of the peace process of Nepal, as it would help bring insight from the very people for which the Maoist People's War claimed to be fighting for. The intimate relationship between the members of the *Khyala* and the people it serves presents great advantages toward addressing the realities faced by members of the community before, during, and after the People's War; thus opening gateways to understanding the effects of the war, the current needs of the people, and the true desires of the community in terms of future development. The insight that could be provided by the *Khyala* system, then, holds potential to work toward sustainable peace in these communities, and continue to uplift its people from a history of oppression.

Further research should be done in order to understand the exact implications of a federal system along ethnic lines, and the ways in which the *Khyala* and other indigenous institutions may fit in to different models of federal structures. Referencing the question of inclusion of non-Tharus in the *Khyala* system, Sushil Chaudary acknowledges that if *Khyala* were made a legitimate governing body, it, too, would in many ways become a new practice. Changes would need to be made to promote compatibility between *Khyala* and larger

governing bodies regarding the various levels of local and national government standards. Such amendments may also carry consequences for traditional roles of the various actors in *Khyala*, which, too, would require more inquiry into how these changes might affect Tharu communities. Additionally, more in-depth studies on this topic may help to understand these possible effects and to develop strategies to address the issue of protecting and preserving traditional cultural practices in an every modernizing world.

GLOSSARY OF TERMS

Badghar - Used to refer leader of the Khyala in Tharu communities, particularly in the Bardiya district (In Dang, this position is known as *Matawa*, in Deukhuri *Kakandar*, in Kailali *Bhalamansha*)

Barin - Level of household at which certain *guruwas* work.

Begari - Payment through labor in the Tharu social system.

Bighatti - System of dividing labor according to amount of land owned by one household.

Chaudari - A position in the Khyala system which is in charge of one irrigation system feeding to many villages

Chaukidar - A position in the Khyala system; often works as a sort of messenger for the *Badghar*.

Chirakya - Acts as an assistant of the *Guruwa*.

Dhaarharyaa Guruwa - A special religious person who deals mostly in female issues of fertility, or any sex-related issues.

Desbandhya Guruwa - The regional religious leader of Tharu Khyala system.

Gardhuriya - Refers to the traditional joint-family households in Tharu communities

Guruwa - A village specific religious leader in the Khyala system.

Khyala - A Tharu term, for which the literal meaning is “game,” but is actually understood to mean “meeting.”

Magh - A month of the Nepali calendar

Maghi dewani - The Tharu new year

Matawa - *See Badghar*

Praganna System - Designated geographic regions in which the Desbandhya works.

Panchayat Period -

Puja - A form of worship.

Raksi - A local, homemade alcohol.

Tharu - An indigenous people native to the Tarai region of Nepal.

Tika - A sort of blessing in which colored (usually red) rice is placed on the

forehead of the person being blessed.

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