

The Badi Impasse: A Question of Identity

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“We are still treated like dogs,” Manju Nepali observes matter-of-factly. Her voice has a certain unflappable quality to it, and with it, her criticism is relentless, unapologetic, and surprisingly disimpassioned. Manju is a Badi woman, one of some 60,000 Badis sprawled across the tiny landlocked kingdom of Nepal. For thousands of trekkers, soul searchers and adventurers, Nepal’s image as a timeless enchanted kingdom nestled in the Himalayas persists despite its numerous economic difficulties and recent political turmoil. The ongoing Maoist insurgency, the February 2005 takeover by the monarchy, and the warring political parties are the latest of the press-worthy features of the country’s turbulent circumstances, and have overshadowed the daily struggles of its largely marginalized minorities.

Badis are an ethnic minority associated with flesh trade, and consequently, considered the “untouchables of the untouchables” by Nepal’s highly class-based society. Despite the illegalization of the caste system in 1963 and the constitutionally mandated notion of equality for all, the larger part of the Nepali society in practice continues to shun those at the periphery of its moral and economic values. The Badis came to Nepal many generations ago as nomadic entertainers, much like the Roma gypsies of Eastern Europe, and lent their performing talents to celebrate the rites and rituals of the Nepali aristocracy.

In the predominantly Hindu Nepali community, birth continues to dictate one’s placement in society and colors both the constraints and opportunities in life choices. The burden of the centuries-old caste system is felt disproportionately at the bottom of the social structure, of which Badis form the lowest rung. The expectation of the Hindu untouchables’ interactions with others is closely reminiscent of apartheid: they are not supposed to join higher castes at social gatherings, ceremonies, feasts and festivals. They are not allowed to enter homes of the higher caste or use the same public utilities such as wells. The untouchables are often denied admission into places of worship, and barred from scholarship of Sanskrit. Badis are not allowed to marry higher castes or even other “untouchable” castes. The untouchables are often forced to earn their living through manual labor that no other higher-caste Nepalese is willing to do – labor such as cleaning bathrooms and cutting leather –activities often deemed impure by higher castes. Such restrictions have greater repercussions than just the creation of a band of social outcasts, and often result in substantial financial difficulties.

The caste system is the driving force behind the prevalent injustice and exploitation of lower caste minorities in Nepal. “Teachers don’t want Badi kids in school. They look down upon us. Our girls are teased and our children hesitate to go to school,” Manju reports. The caste system has led Badi women to a seemingly unavoidable destiny – prostitution – as a means of survival. With neither education nor wealth, they have few alternatives. To survive and move forward, education and an income generating profession are essential. “There are no Badis in senior government positions in Nepal. So, we have no official support. Access to higher education is the most important means that will deliver us from this pattern of poverty. Currently, 11 Badi students from our community are in universities. Continuing their education has been a tremendous challenge as they have no source of income,” Manju utters yearning for a better, improved life for her people.

In June 2004, the Supreme Court of Nepal called for a study of the projects established by the Nepali government to address the problems faced by Badi communities. A commission was formed representing members from the *dalit aayog* (organization for the upliftment of the untouchables), the Badi community, and ministry personnel to submit a report on their findings of the Badi communities. According to this study, Badi children are not receiving the scholarships provided by His Majesty’s Government. Socially sanctioned means of earning a livelihood increasingly requires some level of education. “Our old profession is losing ground and the demand for our products is diminishing. We were involved in making *Madal* (drums), weaving fishing nets, pulling *rickshaws*, and working in brick kilns, but there is no longer a market for these products and professions,” explains Manju as she describes the challenging days that lie ahead for the Badi community. With the lack of marketable skills to survive in the ever-changing

economy, Badis are steered back into prostitution to make their ends meet. In this manner, illiteracy compounds the problem of social oppression.

The Badi problem is further intensified by the community's lack of access to citizenship. The majority of Badis residing in Nepal are not considered citizens of the country, or of any country for that matter. Citizenship requires official recognition, generally secured in Nepal through a birth certificate or at the very least a father's name and address. A woman is not able to use her identity as bearer and nurturer to transfer citizenship to her child without the identification, and consequently, the cooperation of a Nepali father. The child of a Nepali mother and a foreign father, for example, is not considered a Nepali citizen. A significant number of Badi women continue to engage in prostitution to earn their livelihoods. Children born under such circumstances are denied citizenship, and as a result, denied all civic rights because their fathers are unknown or unobliging. In many instances where the mother does identify the father, he refuses to accept the child as his own because of the social stigma associated with prostitution.

While the constitution's protection against discrimination on the basis of race, religion, sex, caste, tribe or ideological conviction is legally binding, the constitution provides no remedy for discrimination against non-citizens such as the Badis. Such communities are only covered by international human rights laws, which have weak executive power at best. International human rights instruments would hold a country to grant citizenship to individuals born in that country if they are not citizens of another nation. However, the international human rights laws are at odds with the circumstances of the Badis.

Thus, the landless, "fatherless" Badis often have no official existence. Lack of citizenship poses a paralyzing and often insurmountable barrier to social and economic mobility, paving the road to a cycle of poverty. Their non-citizen status leaves Badis fully exposed to violations of fundamental rights applicable to all citizens, including education, land ownership, employment opportunities, social rights, as well representation in the government. Badis remain ghosts, unaccounted for in the public planning for schools, vaccines, and futures. This cycle is inescapable unless the Nepali government takes serious steps to address the citizenship issue while the general population makes a genuine effort to tackle the destructive effects of the country's rigid caste system.

Unfortunately, the hand-to-mouth existence characteristic of the Nepali populace has not left many resources for reform of the seemingly minor social injustices that line the lives of the Badis, but Manju has not given up. "Some years ago, I couldn't be speaking to you like this," Manju speaks with enthusiasm. Attitudes in society have seen some positive changes, commensurate with the slow but notable upliftment of the Badi community. The numbers Manju quotes certainly demonstrate reason for optimism and persistence. According to Manju, the number of Badi prostitutes in western Nepal has fallen from what she remembers to be 300 to roughly 150 today. Manju and other fellow Badi women have initiated a women's organization – SAFE Nepal –with the intent of strengthening women and transitioning those who have left the profession. SAFE aims to empower these women with skills training to pursue income generating projects. The nature of the pressure surrounding Badis' choice for trade has also somewhat reversed, as there is a building resistance in the community against Badi children becoming prostitutes. Manju resolves, "Those that were ruined have been ruined; that is done. But we won't let our children face the same fate".

Manju is proud to say that all Badi children in her village, both boys and girls, go to school. "There is no discrimination between our sons and daughters. In fact, our daughters are even more special because they are the bread-earners of the family." She credits SAFE Nepal for initiating programs for Badi children. SAFE envisions a society where Badi children can live without any discrimination and are socially integrated. SAFE first started providing young Badi girls with educational opportunities so that they would not take up the inherent profession of their mothers. The organization instigated projects that provided a healthy environment for these children, along with teaching them values of equal respect and dignity. With the support of SAFE and other like-minded organizations, Badi children in western Nepal are now encouraged to pursue at least a minimal level of education.

In recent years, the Badi community has received a significant amount of attention from various non-profit organizations, the media, as well as the government. Awareness campaigns are now broadcasted on national television, documenting the citizenship problems faced by Badi children. News magazines, both

national and international, have picked up stories on Badi women. The Supreme Court of Nepal believes that the aforementioned report issued by its commission in June 2004 will be useful in launching various programs to help the Badi community gain better access to educational and employment opportunities.

All of these developments are steps to move in the right direction; steps to educate the Badi children, to empower the Badi women and provide them with alternative income generating activities, and to integrate this “untouchable” caste with the rest of the community. As a Badi woman who has lived in the community for well over 40 years, Manju sees some light at the end of the dark tunnel. When asked what she thinks about the different initiatives, Manju is quick to express her gratitude. But there is still a long way to go. The crux of the problem according to Manju lies in the Badi children’s access to citizenship, without which the future is bleak.

On March 2005 the Supreme Court issued a directive to the administrative bodies to grant Badis citizenship. This came on the heels of aggressive lobbying by public interest groups and appears to be a considerable victory. However, everyone is not optimistic about the impact of the directive and its viability as a solution for the Badis’ many problems.

As Sapana Pradhan-Malla explains, “the law had been in place; it had simply not been implemented consistently. Nothing new has been created here.” Sapana is a prominent attorney in Nepal and an ardent advocate for women’s rights. President of the Forum for Women, Law and Development, Sapana is working to expose the gender discrimination embedded in Nepali laws and practices.

While a groundbreaking decision with tremendous promise for the Badis, the Court’s order simply invoked the constitutional provision that children born in Nepal of unknown fathers be recognized as citizens. The provision has ordinarily applied to orphans and abandoned children, but most Badi children have an active parent—their mothers—even if their fathers don’t claim them. Under Nepali citizenship laws, that doesn’t count for much. As Sapana points out, “It is ultimately a question of identity.” Sapana emphasizes the larger legal and social implications of ignoring the maternal linkage to the child in terms of citizenship rights. By ignoring the mother to determine her child’s citizenship status, current citizenship law undermines a woman’s citizenship and personhood.

The government directive is also met with skepticism by Manju, who does not expect it to change the lives of Badis drastically. Manju agrees that gaining citizenship is a priority for the Badis and cites it as the single most important step for the community’s upliftment, but she does not necessarily see the citizenship cards materializing as a result of the government directive. The Badis have met much resistance on a local administrative level in applying for citizenship. In the past many local Chief District Officers have used biased judgments in handing out citizenship documents to the detriment of the Badis, so it is not surprising that Manju is less than optimistic that the Court orders will trickle down as intended.

There is clearly much work to be done to establish equity for women and minorities in front of the law. Nevertheless, the government directive provides a unique window of opportunity to begin the cycle of a much-needed change. For one thing, the Supreme Court has explicitly interpreted the existing citizenship law in the Badi context and found a loophole through which many Badis can immediately qualify for citizenship. Again, with citizenship comes the legal opportunity to own land, to go to school, to hold a skilled job, to vote, and to someday run for elected office. There are still tremendous challenges on the road to integration, and in some ways changing the society’s outlook may prove more elusive than convincing the government to recognize the Badis as citizens.

Undoubtedly the Badi problem exposes the obsolescence of Nepal’s constitution and the ugliness of its social hierarchy, and challenges the country’s lawmakers and citizens to make some fundamental reforms in both policy and attitude. The momentum is building. As Badis attain higher levels of education and as citizenship opens doors to legal employment, the government, the media and non-profit organizations together can play a critical role to empower the Badis and to mobilize the nation to welcome and finally recognize them as countrymen. The Badis have waited for many generations to share in the privileges and challenges of the kingdom, and a reform is long overdue.