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### **Barghar System in Transition: Experiences from Dangaura Tharus of Western Nepal**

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#### **Abstract**

The Tharus have their own sort of traditional governance system for dealing with their conflicts in each village throughout the western Tarai part in twenty two districts of Nepal. This paper attempted to answer how the perspectives and experiences of Tharu people provide an insight into the perception of indigeneity and modernity in the context of Tharu *Barghar/Bhaalamansa* (Village Chief) system in western Nepal, and what type of confrontation between indigeneity and modernity in Barghar system of the Tharus are practised. I employed interpretivism as a research paradigm and critical ethnography as a research design which includes focus group discussion and interview with Barghars and social elites of Kailali district of Far western Province, Nepal. Human Needs theory, Marxist theory, Subaltern theory, Modern theory and Hybridity theories were reviewed and examined in this study to analyse the Barghar System. The political influence in the customary and traditional Barghar system has caused an imposition that has modified the system in the essence and greed of political leaders. The ethno-hybridisation seen in the existing Barghar system at present is the byproduct of globalisation and political sensibility which has indirectly given the sense of pillage of the system. The findings support policy making in the local as well as federal government level and the policy on local curriculum designers at school level. The Barghars and the social elites were empowered regarding the cultural identity in the continuation of the system in future.

**Keywords:** Customary-laws, Bhaalmansa, Dangaura Tharus, ethno-hybridisation, western Nepal

#### **Introduction**

Nepal is a multi-cultural, multilingual, multi-religious and multi-racial country as declared in the Constitution of Nepal 2015 (Secretariat of Constituent Assembly Nepal, 2015). Indigenous peoples in Asia are recognised or identified prior to the adoption of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) but that does not necessarily due respect the equal dignity and the rights of Indigenous Peoples (IPs) as

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prescribed by the International Human Rights Instruments including the International Labour Organisation (ILO) Convention No. 169 and the UNDRIP (Limbu, 2017).

In some countries, indigenous organisations are recognised indirectly under a legal provision. In the context of Nepal, Nepal Federation of Indigenous Nationalities (NEFIN) can be a part of council of the National Foundation for the Development of Indigenous Nationalities (NFDIN) that recommends a vice-chair of the NFDIN and member of executive council (Limbu, 2017). The total population of Nepal stands at 26,494,504. 125 groups (castes, ethnicities, nationalities/peoples and other religious/linguistic groups) have been identified based on the self-assertion of survey respondents regarding their caste/ethnic/cultural identity. Based on the survey results, indigenous peoples are estimated to account for approximately 35% percent of the country's total population (Subba et al., 2014).

The Tharus are 1.73 million (6.6%) out of 26.49 million population of Nepal that indicates they are the second largest indigenous group in Nepal (Central Bureau of Statistics [CBS], 2012). In spite of being a small country in south Asia, Nepal rooms for more than 126 caste/ethnic groups (CBS, 2012). The ethnic groups are popularly known as *adibasi/janajati* (indigenous nationalities), who comprise 59 groups in the country divided into 5 major categories. Tharus are classified into marginalized indigenous group on the basis of comparing the various events.

With some anthropometric (measurement of physiological and developmental human growth) evidence, some authors claim that the Tharus are one of the ancient ethnic groups in the world (Chaudhary, 2012; Ashokkirti, 2008; McDonough, 2008, 1989 as cited in Sapkota, 2014).

The indigenous people have internationally recognized rights. The rights related to land and resources; cultural, social and economic rights require the customs, customary law and legal system of indigenous people rights. Indigenous peoples are recognized and acknowledged, in relation to collective rights of fundamental importance to indigenous peoples.

ILO Convention No. 169 recognizes the right of indigenous peoples to their own customs and customary law. It emphasizes on considering customs and customary laws while applying the national laws. Similarly, According to Article number 34 of UNRIP indicates that Indigenous peoples have many more rights related to the customs and customary laws in accordance with international human rights standards. In this regard, the article 35 also depicts that each indigenous people have the right to determine the responsibilities of individuals to their communities.

There are many individuals, groups and indigenous organizations that possess such aforesaid precious knowledge. Due to the predatory nature of both the state and the market, particularly with the powerful process of globalization and liberalization, many of such knowledge continues to either disappear or be exploited by greedy outsiders, including

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pharmaceutical companies and other multinational companies. The state has been denying granting customary rights to tribal people and promoting intellectual property rights in the forms of copyright, patent, trade mark, plant breeder's right and farmer's right (Bhattachan, 2005).

The concept of indigeneity was adopted after joining the UN Resolution Forum with the declaration of World Indigenous years 1993. Due to support of international levels indigenous ethnic people of Nepal was identified and the Lapsifedi convention (1994) including Constitution of Janajati Mahasang, 2047 (Gurung, 2010 as cited in Magar, 2015) defined the indigenous people for their identity. Similarly, the government formed Rastriya Janajati Bikash Samiti in 1997 under the Ministry of Local Development to work on Janajati issues when incapable to promulgate the given Act on time. The continuation of the Janajati movement forced the government to promulgate Adibasi Janajati Utthan Rastriya Pratisthan Act in 2002. This Act identified 59 indigenous ethnic groups of Nepal (Magar, 2015).

In Nepal, the state policies of the past and present and development programs along with the process of globalization and liberalization both cultural and human security of tribal people have been constantly threatened (Bhattachan, 2005).

The most of the ethnic communities of Nepal have been practiced the traditional local governance system over the centuries. *Bheja*, being practiced in Magar community, *Choho* in Tamang community, *Guthi* in Newar community and traditional *Bhalmansa* system in Kailali district, especially among Tharu community, are some examples of such self-governance (District Development Committee Kailali, 2015).

The Constitution of Nepal 2015 established two commissions especially for indigenous people and for the Tharus. However, it looks that the commissions formed by the government of Nepal has less power, authority and judicial power for dealing with developmental planning like income generating activities, interactive programs and capacity building of indigenous peoples' organizations (International Work Group for Indigenous Affairs, n.d.).

Over the generations, Tharu community has developed the customary laws so as to evolve their lives within. Among them, Barghar/Bhalmansa system is one of the customary systems. This customary law is the foundation of cultural identity of the Tharu community. In this sense, Tharus comprise a traditional socio-cultural system for dealing with their conflicts in their own village or quarter. However, the nomenclature of Tharu customary law varies from eastern throughout the western Tarai. As Chaudhary (2011) pointed out the nomenclatures of the customary law Bargharsystem in Bardiya, Mahtawa system in Dang, Mukhiya system in Bara district, Kakandar system in Deukhuri area of Dang and Barghar/Bhalmansa in Kailali district.

Traditionally, the roles, duties and responsibilities of the Barghars/Bhalmansa were very complex which have been transferred orally from generation to generation. In Chaudhary (2069 BS) the roles of the village chief of the Tharu community are classified in six sectors i.e., leadership role (traditional community leader), Judicial role (conflict resolution),

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Planning and development role (internal and external resource mobilization), Ritual role (celebration of cultural folk dances, ritual supports) Administrative role (good governance) and unity role. The traditional governance system, Barghar/Bhalamansa system, of Tharus has acted as Executive body, Legislative body and Judicial body of the whole Tharu village over the generation.

As being a Tharu, I am in touch with the Barghar/Bhalamansa system of Tharu community in Kailali district. Nowadays, the effectiveness and practice of this organizational system of Tharu is gradually decreasing. I talked with one of the oldest village chiefs (Barghar), Bhagwati Chaudhary, Janaki Rural Municipality, ward no. 6. Since 2032B.S. he has been playing the role of Barghar in his village. He expressed his 34 years experiences about the situation, role, needs, problems and challenges as well as changes of the Barghar System of Tharu community. This jerks me to explore the reality of the Barghar System among Tharus. The paradox of Barghar System in the 21st century, confrontation between the Barghar System and the local governance system, contestant between indigeneity and modernity, blended nature of Baghar system, persistent of indigenous modernity etc. are the major issues of this article. And the distance between the people's aspiration and reality, between being indigenous and being modern, and finding the place in between, is the major concern of this article. In this vein, this article mainly contributes for the policy makers of the local to federal governance as well as researchers and educators for the designing curriculum.

### **National and Local Efforts for the Existence of Barghar System**

The Tharus have oral traditions in every aspect of culture including Barghar system. The roles and responsibilities of the Barghars are also transferred over the generation orally. The Barghars pursue to recognize their roles by the unification of Barghars and the formation of their networks at different levels in the community which can be noted in national and local efforts throughout various literatures.

In December 2010, the first national conference of Barghars was held in Bardiya district. This conference issued Barghar's manifesto 'Bhaura Tappa Manifesto 2010' with 20 demands to the government of Nepal. In addition to it, the conference formed a central committee-comprising 31 members- that met on June 2nd, 2011 in Dang and formed the federation of Barghar/Bhalamansa/Mahatawa (United Nations Resident and Humanitarian Coordinator's Office, 2011). The meeting emphasized on allocation budget to government of Nepal and called for ILO convention 169 for institutionalization of Barghar system. UNRHCO uncovered the Barghar system as a traditional governance system among the Tharus.

Some local efforts for the existence of the system in the western region including study area such as in May 2011, NEFIN organized a meeting with Barghars, NGOs, intellectuals and media in Kanchanpur district for institutionalization of Barghar system. Similarly, the Backward Society Education (BASE) has been advocating the rights of Tharu community

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and highlighted the traditional networks of Tharu Barghar system. On 27th April 2019, Office of ward no. 5, Janaki Rural Municipality, Kailali, supported and Human Rights Awareness and Social Development Centre (HURADC) Tikapur, Kailali organized a one-day workshop on Barghar Karyasanchalan (Barghar operating system) with participation of 12 Barghars of corresponding ward. Similarly, on May 8-10, 2019, Child Welfare Organization, Tiakpur, Kailali organized three days' workshop for Barghars of Janaki Rural Municipality, Kailali in which 43 Barghars were the participants. The workshop focused on social harmony and conflict resolution by Barghars in their village

In addition to this, many scholars have completed the research on Barghar system of Tharu ethnic community. Bista (2004) elucidated the origin, ethnic identity, Mahato system of Dang-Deukhuri and cultural aspect of Tharu in brief. Dahit (2009) unraveled the indigenous knowledge, organizational system, medicinal system and food and drinks of Tharus of six districts namely Dang, Banke, Bardiya, Kailali, Kanchanpur and Surkhet. Similarly, (Chaudhary, 2069 BS) traced out the historical marginalization of Barghar system and explored the process of adoptive for their livelihood. Khadka (2016) explored the indigenous conflict resolution processes practiced by the Tharu community living in Nepal's Bara, Dang and Bardiya districts. The academic efforts also support the identity and practices of the indigenous system among the Tharu community.

### **Theoretical Interpretation of Barghar System**

Various aspects of Barghar system from selection of the actors involved in the system to the execution of their roles, duties and responsibilities in their respective areas; I applied the theories such as Human needs theory, Marxist theory, Subaltern theory, Modern theory and Hybridity theory to explore the grounded reality of the Barghar system among the Tharu community.

Human needs theories like Maslow (1943), Burton (1990) and Galtung (1990) are applicable to this study due to the changing situation of the Barghar System among the Tharu community. Tharus' basic needs like security, identity and freedom are not being met and struggling with each other as well as with the government for fulfilling their cultural identity needs. The legislative body of the government can't thoroughly carry out the needs (identity, recognition and security) of the indigenous peoples including Tharu. The dignity and identity have been undermined; as a result, transformation occurs in the role of Barghar/Bhalmansa of Tharus. The roles of the Barghar System have been limited to the cultural role from their administrative, legislative, planning and developmental role. Tharu people believe that if their needs are fulfilled, they will be motivated towards supporting the local governance, peace building and the development of the federal system. Moreover, when the needs are fulfilled, then, the harmonious relationship would be maintained between two groups (Tharu and non-Tharu) and respect for each other.

Marxist theory (as cited in Haralambos & Heald, 2006) applies to the Barghar system of Tharu community because the majority of Tharus are labourers as *Kamaiya* (bonded

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labourers), as *Kamlari* (girl servants) in the past and nowadays as tenants. There are the two class landlords (Tharu and non-Tharu) as a bourgeoisie and Tharu Farmers as proletariat in the Tharu community. Due to class struggle between the dominant group and oppressed group, the Tharu farmers have been excluded throughout the history. The dominant group influenced the Barghar system and the actors of this system to protect and conserve the customary practices and processes.

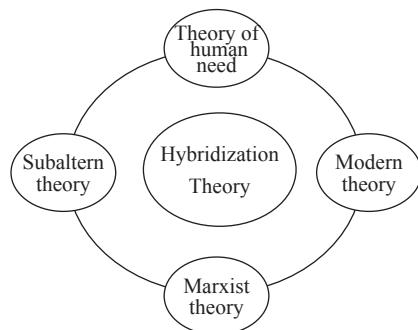
The subaltern theories (Grasmci, 1971 as cited in Patnaik, 1988) and Spivak's concept what Ambesange Praveen (2016) explained is applied to the study because the majority of the Tharus' voices are silent and historically they are marginalized from the mainstream ruling class. The organizational structure of the Barghar system is affected by the ruling society as the formation of separate posts i.e., vice- Barghar and secretary for the documentation of the major decisions of disputes. Tharus have oral tradition for any aspects of the social phenomena, from the selection of the Barghar to the execution of the planning formulated by them, documentation is adopted. And during the selection procedure of the Barghar is replaced by the democratic way in place of common consensus of the household heads of the village.

The very concept of indigenous modernity suggests a binary that cannot be reconciled. Rather, the notions of both the indigenous and the modern are products of the same era and of similar impulses: modernity needed the native to make the case for difference, and vice versa (Scully, 2012). This modernity theory also applies to the study because some of the actors of the Barghar system totally disappeared from the Tharu community- *Lohara* (Blacksmith) and *Darjiwa* (tailor). Due to easy access of agricultural tools in the market, Tharu people felt that *lohara* is not necessary in the Barghar system. Similarly, in the past, the tradition of providing *jarawar* (buying new clothes once a year) by the *kisanwa* (head of household) was popular among Tharu community. But, nowadays, most of the Tharu youths are attracted towards the tailoring profession in each village and ready-made clothes are easily available in the nearby market of each Tharu village. Consequently, selection of the *Darjiwa* post disappeared from the Barghar system.

Hybridity theory of Bhabha (2004) applies to this study in the recent selection mechanism of Barghars and other actors of the system. The long-run fundamental and completely one-way cultural system of Barghars has been hybridized as with the dominance of power and authority. It has brought an unpredictable presence of new procedure and system traditional procedure of Barghar selection. The selection procedure has dual influence on politics and the earlier existing norms and process of the system. The way Barghar selections are affected with political ideology, being within or beyond the mainstream culture of Tharus have frankly addressed the norms of hybridization. The presence of non-Tharu Barghars either male or female in Tharu the community becomes the testimony for the influence of hybridity theory. The following diagram, hence, shows the essence of the aforementioned theories that I have used as an interpretive tool for my writing.

Figure 1

Theoretical Lenses for the Analysis and Interpretation



As the above trio theoretical epitome- human need, subaltern and Marxist theory - of hybridity comprising Barghar system in the study, the logical inclusive application of modern theory has emerged. The mutual theoretical blending within the very issue of hybridization in the Barghar system, so far, I have assumed to be a new theory of hybridization i.e., ethno-hybridization theory. In general, ethno-hybridization refers to the ethnic cum indigenous transaction of cultural modification with the continuation of conventional practices adopting some geo-cultural /extra-cultural sensibilities of practice in the system. The fundamental practice of Barghar system is, as the theory, is not completely eroded but somehow, it has embodied the new practices of other culture.

### Methods and Procedures

Indigenous philosophical worldviews are my basically research worldviews which guidelines the whole study. In order to address these concerns, this study is built on interpretive research paradigm Cohen et al. (2007) which considers "understand the subjective world of human experience." The paradigm whatever is applied facilitates the researcher to construct the reality through prolonged process of interaction with the participants in the research site. The interpretivist researchers believe in relative realities in the form of 'multiple mental construction' (Guba, 1990, p. 2). As an interpretivist researcher, I view socio-cultural reality as being co-constructed by individuals who interact and interpret their world in an active way. The ontological position of this paradigm rejects the idea of absolute reality and adopts the principality that reality is constructed intersubjectively. Employing a qualitative design and methodology, I approach the reality attached to the cultural/traditions of Tharu community through critical ethnographic way and maintain my focus on Barghar system in Tharu Community. The paradoxical situation of indigenous people is explored through critical ethnography because it not only describes the phenomena but also changes them for the better. It critiques and works for transformation of discriminatory practices by maintaining critical reflexivity (Johnson, 2017). As May (1997) pointed out, critical ethnography goes down the surface, disturbs the status quo, and unsettles both neutrality and taken for granted beliefs through qualitative interpretation of data. Qualitative research/ naturalistic enquiry refers to a set of interpretive activities (Denzin &

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Lincoln, 2005, p. 6). It includes various strategies for systematic collection, organization and interpretation of textual material obtained while talking with people or through observation. Here these characteristics of a qualitative research study are of cardinal importance since the major focus of this study is the exploration of Barghar system in Tharu Community.

The selection of the research site and participants was based on a purposeful strategy in which the researchers 'hand-pick the cases to be included in the sample on the basis of their judgement of their typicality or possession of the particular characteristics being sought' (Cohen et al., 2007). This strategy was used to access the participants who have in depth knowledge about the issue in question (Ball, 1990). For the data collection task, in-depth interviews were conducted with the sampled Tharu four social elites and eight Barghar/ Bhalmansa of Janaki rural municipality in Kailali of Nepal. I have gathered the data until the saturated sample. Along with this, in-depth interview and focus group discussion (FGD) with the Barghars and social elites, and personal reflection as Tharu were the major data collection tools and techniques of this study. In-depth interviews allowed me as a researcher to delve deep to elicit feelings, perspectives and complete pictures of the issue from a relatively small number of participants (Boyce & Neale, 2006). The informants (Barghars) and social elites freely expressed their ideas, views and internal experiences on the issues which helped me to gather the information.

In addition to in-depth interviews, I received rich data from the focus group discussion with the sampled Barghars and social elites until the saturation of data. As Creswell (1998) mentioned that the FGD can quickly and cheaply identify core issues of a topic and enable the subjects to express their own words in group. This jerked me to select this tool for data collection in which I observed reactions to the research questions and emotional intensity of the respondents. For this, I played the role of a moderator and facilitated the creation of a proper environment for the discussion. Then I encouraged the participants to share their ideas, feelings, beliefs, perspectives towards the *Barghar* system. In this way, I gathered the detailed information from the intensive interaction in FGD. Thematic approach was used to organize, summarize and make sense of the data obtained from aforementioned tools.

### **Results and Discussion**

I have interviewed with the Barghars, Tharu elites of Kailali district concerning the problems and issues related with the customary laws and practices of the *Barghar* system. Conversation with non-tharu Barghar, Sohan Sharma (pseudo name), sampled rural municipality, was the symbolic expression of eroding the *Barghar* System of Tharu community. The non-tharu Barghar is selected purposefully for gathering entire data. In addition, I have conducted the focus group discussion with *Barghars* of Janaki Rural Municipality, in which newly elected Barghars (Youths) and more experienced Barghars were participated in that discussion.

However, formal and legal status of the Barghar System, Tharus generally adjust their traditional governance system internally as a social matter. Such system forms an integral part of their cultural identity. The rules and procedures of Barghar System are generally



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known by all who are involved in the system. The most importantly, this system is accepted by the community. However, it is difficult to pinpoint the date or period of adoption of Barghar System among Tharu community. This customary systems of the Tharus are in declining stage as Roy (2005) claims that 'customary law-making and law reforms are often lost on most national-level policy-makers and jurists'. Further, he argued that the customary laws of the indigenous people are static as well as outdated and irrational for the society. Similarly, the continuing practices of these modes of disputes resolution system is eroding among Tharu community. As Srivastava (1958) argued in his study to reach the goal of assimilating with *Kshyatriyas* caste, the Tharus were striving to direct the socio-cultural order changes in the community. Further, he claimed 'acculturative process with the Hindus' through tribal council and *panchayat* system transformed in the village level. Moreover, in 1930 the 'Social Reform Movement' was the major factor in which the educated Tharus played a vital role aimed at destroying some of the old traditions and customs.

The political influence in the customary and traditional Barghar system has caused an imposition that has modified the system in the essence and greed of political leaders. Neither the earlier existing Barghar system nor its spirit is totally eroded nor has the newly hybridized system got both reliability and validity. As Turner (2017), there is 'liminality' between the existing Barghar system and politically influenced Barghar system which has unspeakably brought a sense of paradox. This paradox has raised a question even upon the unquestionable leadership of the traditional Barghar system issuing the blending of politics within. As Subaltern theory, voice of the Tharu is historically marginalized and oppressed by the mainstreaming ruling class, the selection process has been influenced by the ruling class election system i.e., Multi Democracy system instead of consensus of Tharus for the selection of Barghars. Most of the informants claimed that there is a voting system as well as mass consensus to elect the new Barghar, paradoxical situation of the electoral phenomena for the system as Bhabha's hybridity theory.

The Barghar system, which is the governance institution of Tharu communities in the Tarai with a traditional head and staff, is still prevalent (Nepali et al., 2018). The formal legal status of Barghar system in Nepal is not formally acknowledged by the constitution or by other national laws. Tharu people expect that states with federal systems containing autonomous provinces or states should contain the accommodation and protection of Barghar system. The major issues related with identity and rights of indigenous people are not fully addressed by the constitution of Nepal 2015 what the Indigenous Peoples' Network for SDGs (2017) claimed. Recently, some of the rural municipality has addressed the existence of identity of Tharu Barghar System. Janki Rural Municipality of Kailali district has organized the workshop (2076 B.S.) for networking the Barghars of its whole wards. But the legalization of Barghar System can't be accommodated by the authority. Most of the Barghars demanded that the Barghar System should be legalized to protect and accommodate the identity of the Tharus. Guneratne (1998) argued that modernization facilitates the development of ethnic consciousness after the 1950s while increasing the situation of communication and expansion of the technologies in the developing country like Nepal. As a

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result, of modernization on consciousness of the Tharu ethnic group, 'the pan-Tharu' identity emerged throughout Nepal. In this regard, I argued that customary laws of Tharu people have been influenced due to the consequences of modernization.

The traditional representation of Barghar system is basically to enhance the one way cultural and social mobilization within Tharu community without having any documentation procedure. But at present, the existing role of Barghar has politicized and connected with various intensities and greed. The ascribed roles of Barghars from rural municipalities (Local Bodies) are to acquire legal identity, their representation in ward/local level's planning, approach to planning and implementation, expectations of incentives and perk from Barghar, Chirakiand Chaukidar and their participation. In line with this, Srinivas (1969, pp. 6-7) pointed out the mechanism of *Sanskritization* through which the castes underlying in lower status totally adopts the customs, ritual, ideology and way of life of higher ones. Its consequences are on only the 'positional changes' in the system not the 'structural changes' in the society.

The tenure of the Barghar and other actors of the Barghar system is still prevalent for one year, though Chaudhary (2069 BS) found that the tenure was changing (2 years) due to learning and experienced newly appointed Barghar about the whole system. The *Likhandariya*, one of the most important actors of the Barghar system for keeping the records and the minutes of financial transaction during the meeting (*Khyala/Jutehla/Kisnai*), has been replacing the post, by name 'the secretary' for keeping the records of the village meeting for various purposes. The discussion and conversation were held in typical Tharu language but the minuting language is the mainstreaming language. As Srinivas (1969) notified the Harijans, one of the castes of India, changed their livelihood due to modernization. The 'disquieting positivist spirit', social mobility, social rationality in the sense of good impact in their future lifestyle is the major concern of modernity which can be directly observed in the vivid aspects of Barghar system of Tharu community. Due to media exposure and increasing industrialization has resulted in the spread of literacy acts as a vital force to modernize the Barghar system from the selection procedure to the operating system of the Barghar by rationality as well as the calculus of choices that shapes the behaviour.

Globalization seemed to exert an increasingly hegemonic impact on localized human system (Ludlow et al., 2016). This sort of transitional hegemony in Barghar System as with the influence of globalization, has a brought a sense of double bind in Barghar system- the confrontational issues between classical and modern transition. Continuity and instructive parallel can be traced in encounter by Barghar system with the modernized ruling class of Nepal, during the 21<sup>st</sup> century. These dynamics of struggles have evolved since the half of the 20<sup>th</sup> century. Persistent of Barghar system among Tharu community is the evidence of their articulation capacity with the outsiders as some non-Tharu Barghars are also accepted by Tharu.

As Bhabha, hybridization succinctly adopts the norms of dynamism and to some extent the prevailed norms and system. He equally says that "the excess or slippage produced by

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the ambivalence of mimicry (almost the same, but not quite) does not merely 'rupture' the discourse". The hybridization seen in the existing Barghar system at present is the byproduct of globalization and political sensibility which indirectly has given the sense of pillage of the system.

In the international context, Allen (2006) argues that indigenous identities are being transformed by their institutional engagement with modernity and their contemporary identities now constitute an amalgam of pre-modern and modern characteristics. In this regard, The Australian 'modern societies keep order by using anthropoemetic ('vomiting out') and anthropophagic ('ingesting') techniques for excluding or absorbing alien 'others' (Havemann, 2005). Tharus have spent a long time with the mainstreaming society such as school education, touch with media, marketplace as a result amalgam state emerged due to this modernizing perspective among Tharus. Due to industrialization and social influence of modernization to the indigenous people of Russian north, rapid social changes are prevalent (Finkler, 1996). Most of the Barghars are elected who are over 40 years, matured, experienced people in that area since youth are attracted towards the income generating activities not involved in free services provided by the Barghars. Likewise, Dangol (2010) studied Sangh Guthi, the social organization of the Newar communities of Nepal, preserving the culture and traditions. Due to the impact of modernization the traditional working principles are replaced by modern working principles. These Guthi organizations are reshaped accordingly with the motive to resemble to the modern clubs and organizations. *Jyapu Maha Guthi* and *Jyapu Samaj*, like new types of Guthi, emerged in the Newar community whose structure is drastically changed because of Modernization. There is a decline of many Guthis and the participation of youngsters and female youngsters in the festivals, dances and musician's role played.

The informants claimed that the social structure of the Tharu community and their social organization is communal. Sharing and caring is the basic principle of the Tharus household head as well as Barghars of the village. As Oberg (1955) argued on the social structure of lowland tribes of south and central America - homogenous and segmented tribes. Similarly, Goldenweiser (1914) indicated the structure of social units of north American Indians and their relationship to social organization - Individual, individual family, the maternal and the paternal family, the clan, the gens, the phratry and the confederacy. In this regard, Suparman (2007) added the social organization of Indian Americans is directly affected by immigrants like Siouzes and pawnee. The immigrants' culture brings drastic changes in the traditional people - Indians because of the modernization in various aspects of social life of the Indians of America. Immigrants from hilly regions and the modernization changes the lifestyle of the Tharus. The emergence of non-Tharu as well as female Barghars among Tharu villages is seen because of aforementioned reasons. Informants emphasized on non-Tharu Barghars conduct their duties as Tharu traditional Barghars except in cultural activities of the Tharus.

After the restoration of the multiparty system in Nepal, politicization is set up in the Barghar system like other ethnic traditional organizations. As Dhakal (1996) carried out the study on the Magar community to explore the cultural traditions of Magars, *Bheja*

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system, which helps to keep the community intact and functioning. The chairman of the Bheja, *Mukhiya*, and each household being the member of the Bheja, fulfills the community demands - religious act, agricultural production, resource management, dispute mediation, community solidarity and household entertainment - on the basis of consensus of the members. Further, he claimed that the Bhejasy stem is the victim of increasing politicization and partisanship in the Magar community. The overall consequence is fragmentation and weakening of Bheja because of attraction towards new and imported cultural norms and values with modernization. However, the Barghar system being politicized, Tharus continues their traditional governing system in a conventional way adopting some western as well as mainstreaming culture in selecting Barghars by social consensus and sometimes electoral way.

Ethno-hybridity in Barghar/Bhalamnsa system is my concern which shows on confrontation between the indigenous and traditional governance system. The key informants' perspectives emerged from depth interviews, focus group discussion with Barghars and social elites indicates that there are not only the consequences of modernization and sanskritization or westernization, hybridization in the Barghar system but also the amalgamation of the various aspects in the system. I claimed that Ethno-hybridity, ethnic cum indigenous, continuation of conventional practices and adopting the geo-cultural/extra cultural practices of the ruling class. In other words, the system doesn't completely erode its structure, positional changes, somehow it has embedded the new practices of culture. From the aforementioned analysis and interpretation through different sociological theories, Ethno-hybridity on vivid aspects and sector of Barghar system can be observed. As the Barghar system has been hybridized in which ethnic cum indigenous such as in organizational structure of the Barghar system (conventional vs modern), Selection procedure of the Barghars and other actors (consensus vs election), role, responsibilities and duties of the actors of the system (oral vs written), execution of the ascribed duties of the actors (tenure, keeping records and writing minutes) and linkage with local bodies on development activities (Barghars vs elected representatives).

### **Conclusion**

The blending nature of traditions is evolving among the Dangauratharu community of the western Nepal. Contestation over rights, culture, security and self-determination are the features in interaction between Tharu traditions and the state. There is tension between the Tharus' attachment to their tradition and adopting modernity. Due to confrontation, thorough engagement, warfare and conflict of Tharus with the non-indigenous world, ethno-hybridity can be seen among the Tharu community. As Bhabha, Marx, Maslow and Spivak, the search and essence of identity is connected with the very group. Similarly, modern theory stresses more on the coincidence of indigenous identity and norms and the influence of modernity together.

The existing Barghar system, their role and responsibilities and its connection with their original practices have modified and transposed due to recent geo-cultural and geopolitical

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emergence in Nepal. However, the inclusion of Barghars and other actors in some cases evoke the emerging influence of modernity and politics like Bheja system of Magars (Dhakal,1996) and Guthi system of the Newars (Dangol,2010). Local to international indigenous leaders, activists, NGOs, and INGOs have been advocating on the rights of indigenous peoples of Nepal. The efforts of the concerned agencies established the legal mechanism for the protection of indigenous peoples in 1989, in the form of ILO convention 169. In the context of Nepal, the commissions formed by the constitution 2015 of Nepal have less authority and power to acknowledge and address the rights, ethnic identity, customary laws and practices like Barghar system. The various efforts from the Tharu leaders and activists on behalf of maintaining the customary Barghar system so as to retain their legal identity show the demand for the continuity of structuralists' view.

Hence, Tharu identity is possible adopting the major and primary customary practices of Barghar system without mixing the entities of modern and political trends in the mainstream traditions and structural continuation of the system becomes possible legal institutionalization in the constitution of Nepal. The findings have wider implications in the policy making on the customary laws of the ethnic groups including Tharus' and provides the contents for the local curriculum designers-traditional governance system of Tharus of Nepal. In addition, Barghars and social elites of Tharu community are empowered to their cultural identity embedded in the Barghar system and support in conserving and protecting the traditions with identity.

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