

Political Process and Challenges for Land Reform and Agrarian Reform in Nepal

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Abstract

In an agricultural country like Nepal where more than 65 per cent of population is engaged in agriculture, land ownership is both a source of power as well as the chief means of rationing economic opportunity as it determines the distribution of production and income. The control of land, therefore, defines social class relations more fully than does any other institutions. Under this environment, land reform is one of the most important mechanism to restructure agrarian relations and to build a more socially just society as well as healthier political environment. Land reform could have significant potential for reducing poverty by transferring assets to the poor, provide human security and historical injustice.

With the abolition of Rana oligarch in 1950, land and agrarian reforms aimed to eliminate all elements of exploitation and to ensure social equality and opportunity to all sections of the society have been on the agenda of all political parties. However, despite, repeated commitment towards land reform in Nepal, land reform in practice has been a miserable failure as regards to distribution of land among the landless and the land poor and a small elite class continues to oppress majority of the poor Nepali population, to this day. One of the major reasons for land reform failure in Nepal is the inefficient implementation of the laws because of lack of political will, the power of landed interests, and formidable administrative barriers.

This paper examines the political and social elements of land reform in Nepal and explains why the state was unable to embark on a successful restructuring of agrarian relations via equitable land relations. Apart from identifying the emerging challenges to effective land and agrarian reform policy, the paper argues that, unless the political establishment ensures access of poor people - from the different strata of the society who have been historically marginalized - to land and land-based resources, there is always a threat to Nepal's fragile democracy and peace. Successful land and agrarian reform in

Nepal is an imperative for equitable and democratic development, including for the economic, political and social transformation of Nepal as a whole.

Introduction

In most Nepalese societies, the right to land is an important aspect of identity. A country where 65 per cent of population is engaged in agriculture, land constitutes the predominant source of income. Land, therefore, is an important resource since it enables stability and security; and is productive, wealth generating and a livelihood sustaining asset. In agriculture-based economies, where farming continues to be the main economic activity; food security and poverty reduction cannot be achieved unless issues of access to land, security of tenure and the capacity to use land productively and in a sustainable manner are addressed. Therefore, land ownership determines the status and power in Nepal's dominant agrarian production relations (Regmi, 1977:25), and is the principle determinant for classifying people into distinct classes.

Due to the various state-led land grants, unequal socio-economic relations and growing population density, little "free" land is available today, and large numbers of Nepalese people are close to being landless, without access to sufficient productive land to provide for their own livelihood. Government statistics state that 47.31 per cent of land-owning household own 14.70 per cent of land with an average size of less than 0.5 HA, whereas, 2.91 per cent HH owns 17.29 per cent of land with an average size of more than 3 HA (High Level Commission on Scientific Land Reform, 2010).

The characteristics of land owning households in Nepal shows that a large majority of households in need of agricultural land do not own land, whereas, those who own do not make use of their land (CSRC, 2012). Landlessness in Nepal, in fact is a deeply entrenched and widespread problem, rooted in a long history of feudal land governance, political complacency and nepotism, and a heavily taxed, yet ultimately dependent and weak, farmer class. The resultant skewed landownership patterns were compounded by a deeply discriminatory and strictly hierarchical society that excluded women, ethnic minorities and tribal groups, and especially those of lower castes (Wickeri, 2011). This concentration of land in the hands of a few elite classes has resulted in severe exploitation

of the peasantry through excessive labour expropriation (SEEPOR, 2000:70). The concentration of land in the hands of a few translates into political privileges and economic powers which allow owners to shape social conditions to their advantage. Those who are squeezed out by this relation are often indebted and forced to sell whatever land they have and enter into a 'bonded' service with the landowner. The inefficient use of land and labour that comes with a highly inequitable distribution of productive resources limits the ability of the agricultural sector to contribute to national development goals.

In Nepal the vast majority of rural households' access to arable land to meet subsistence needs remains the single most important source of household security and also a tool to reduce households' risk of poverty and destitution. Land reform, therefore, is perhaps the most important arena where the polity could have the greatest impact on the livelihood of the largest number of Nepali population. A change in the land tenure system would have far-reaching effects not only on its agricultural practices but also on its socio-political structure. However, despite reforms that began in the early 1950s accompanied by varying political changes in the country has failed to introduce major reform in landowning system. Different land policies have been introduced during this period to address land related concerns, to improve farmer's tenancy rights, and to establish ownership of the tillers. Unfortunately, government laws, policies and regulations are not able to ensure access of poor people to land and land-based resources because most of these approaches and policies have either been flawed or poorly implemented (Upreti 2008). Thus despite several political developments in Nepal, the subsequent governments have failed to address the feudal agrarian system equitably. On the other hand, the failure of the successive governments to implement radical Land and Agrarian reform policies despite several successful social and political movements depicts serious democratic deficit in Nepal.

It has been widely recognized that land ownership has a more profound social function and can have impact upon the quality of the social fabric in a community. Fair and just land ownership enhances an ethic of justice and equity within a community, whereas, skewed land distribution patterns, alienation, or poverty eventually lead to social

discontentment, widespread unrest, and violent venting of frustration and anger (Manpreet 2006). Therefore, unless the political establishment ensures access of poor people from different strata of the society that has been historically marginalized to land and land-based resources, there is always threat to Nepal's peace and fragile democracy. On the other hand, successful Land Reform and agrarian reform in Nepal, is a "must" for equitable development and economic prosperity and thus a necessity for the economic, political and social transformation of Nepal as a whole.

Land Reform in Nepal

State has been historically responsible for land allocation in the name of various land tenure systems. Regarding land-related state policies, initiatives undertaken by the state were started by the Gorkhali rulers. During the Gorkhali regime in 1807-1810, cultivators were permitted to utilize the land as long as they actually cultivated it (Regmi, 1972 reprint 1999:79). But buying and selling of *Raiker*¹ lands were considered a punishable offence. Similarly, in addition to *Raiker* and *Birta*² tenure, *Adhiya*³ and *Kut*⁴ tenure were also introduced for the cultivation of absentee landlords' land and to make sure land revenue was collected to support the state treasury. In fact there were a series of efforts made by the state to reform land tenure between 1807 and 1830, which appeared to have a two-fold objective: to ensure a stable revenue for the government, and to protect local functionaries from the hand of revenue collectors (ibid:144 and 173). However, they were patchy and action was taken only when complaints were received from the victims. Since the state of Nepal represented the larger landowning class, including absentee landlords, the various reform initiatives undertaken by the state remained generally oriented towards serving the interests of the rural elite rather than the land poor (Seddon, 1984:101). On the other hand, despite their hard labour, the tenants were always victims of high interest

¹Lands on which taxes are collected from individual landowners, traditionally regarded as state owned land, by 1964 recognised as private property.

²Land grants made by the state to individuals usually on an inheritable and tax-exempt basis.

³Under the *Adhiya* system, the cultivator paid half of the produce to his landlords, retaining the balance for himself. In addition to this the *Adhiya* system involved two cash levies known as *Ghiukhane* and *ChardamTheki*. *Ghiukhane* was paid in lieu of the wheat crop, which was not traditionally shared between landlords and cultivators. Similarly, *ChardamTheki* was a fee paid by the cultivator on the renewal of lease every year.

⁴Under the *Kut* system, the cultivator paid a stipulated quantity of food grain or other commodities or else a stipulated sum in cash.

loans and thus debt bondage, and forced and unpaid labour. This is how a distinct landless rural proletariat and semi-proletariat emerged in rural and remote villages of Nepal. Different land reforms initiatives from Rana regimes to post-Monarch political change are discussed in the following section.

Land Reform in Nepal During Rana Regime (1846-1950)

The emergence of the Rana oligarchy (1846-1950), through the *Kot* Massacre of 14 September 1846 did little to bring change in the fundamental contradictions existing among and between social classes in Nepal (Bishop, 1990:139-143). They rather consolidated the very system of patronage and appropriation by granting land and taxation rights to the members of nobility, Rana families and their accomplices. This process of 'feudalisation' of Nepalese agrarian relations strengthened the private landowners' economic capacity by diverting revenue away from the state treasury (Seddon, 1987:22). The degree of social deprivation was further aggravated once Janga Bahadur Rana, the first Rana Prime Minister, was able to guarantee succession for the prime ministership passing successively to his brothers before going to his son. In this way, Janga Bahadur attained absolute *de facto* command of the kingdom and founded a family oligarchy in which Rana Prime Ministers were above the law and accountable to neither the King nor the people. Until the end of the Rana regime in 1950, the 104 year old oligarchy did not introduce any measures to positively change agrarian relations that could ensure the rights and livelihoods of ordinary people.

The very first effort towards land reform made by the government during the Rana regime was to update the land records from 1854-1868 (Khanal, 1995:7). The main objective of this initiative was to ensure up-to-date land records to assist tax collection for settling revenue problems faced by the then government. A "Resettlement Programme" for landless poor and other people was started during the Rana regime in 1910. During this time resettlement offices in Hetauda and Biratnagar were established and some families including those emancipated from slavery in 1920 were resettled in Amalekhganj. Similarly, in 1921, the rights to sale of *Raikar* land in all parts of the country were explicitly recognised by the law (ibid). This is probably the first formal recognition that land could be bought and sold by individuals in Nepal.

Overall, until the 1950s, the resistance related to land and land rights were basically limited to the dispute between central government and the rural ruling elite and feudal landlords. In particular, conflicts and contradictions were limited to owners of *Birta*, *Kipat*⁵ and other forms of land tenure system and the central government. On the other hand, until 1950 peasants faced two main problems: 1) Lack of land rights, especially tenancy rights and 2) High interest rate of loan compelling the peasants to pay high rate of production including a free labour (Regmi, 1999).

The Political Change of 1950 and the Issue of Land Reform

The 1950 marked the end of 104 years long Rana oligarchy. After the political changes, the issues and concerns of equitable distribution of land through progressive land reform were raised by politically motivated and organised forces in Nepal and a peasants' association *Akhil Nepal Kishan Sangh* (All Nepal Peasant Association). The peasants had high expectations from the government and the political parties. The first congress of the Communist Party of Nepal (January 26-30, 1954) passed a resolution demanding the "confiscation of land and farm implements from feudal landlords and distribution to peasants and landless people"(CPN, 1954). The strategy suggested by the congress was the introduction of new rules and regulations to impose a land ceiling. Similarly, in the 1959 general election the Nepali Congress Party introduced a slogan "*Jamin Jotneko; Ghar Potneko*" (Land belongs to tillers and house belongs to the one who smears it) (INSEC, 1995:155-164). This slogan became very popular among poor peasants and land poor people throughout the country, and as a result the Nepali Congress Party got a majority of seats in parliament. However, the newly elected Nepali Congress government could not come up with strategies which could guarantee the land rights of poor and landless people in the spirit of their election slogan. Nevertheless, this slogan provided an opportunity to create awareness among the land-poor people so that they could start to think of the struggle for land rights in their own way.

⁵Customary land tenure system, including as recognised/granted by Ranas to an indigenous group, recognising its collective right to the land and right to practice its customary land system (Wily et al. 2008).

In this context, a more organised land rights movement was started after the establishment of the Communist Party of Nepal on 15 September, 1949. The very first two lines of the declaration of the Communist Party of Nepal read as "*Pahad Parbat Khola Nala Jamin Sabko; Malik Hami Dash Banau Kina Hisha Shabko*"⁶(CPN, 1949). In the 1950s, the land rights movement in Nepal was focused on unequal social relationship and unequal distribution of land. Similarly, the movement emphasised on abolition of all rules and regulations which had created an additional burden on the small farmers and landless poor in the name of *beth*⁷ and *begari*⁸ (unpaid forced labour) or collecting unreasonable taxes and claims for 'land to the tiller' from absentee landowners. In several movements in the subsequent years, many fake debt and land mortgage documents were torn up and food grain was distributed among poor people, collected by capturing the granaries of the feudal landlords. Shrestha (2032 BS: 28) states that the government used nomadic tribals and the Indian Army to suppress these movements. However, these movements pressurised the government to form a "Land Examination Commission" in 1952 and "Land Reform Commission" in 1953 (ibid).

People having the problem of landlessness could only receive official recognition following the 1950 political change (Pandey 1987:3). In 1951, the government introduced the Nepal Rights and Security Act with the objectives of providing security to the tenants and bringing about equity in the rents to be paid to the landlords by the tenants. But the Act could not be implemented successfully. The government legal initiatives such as abolition of the *Jagir*⁹ land tenure system in 1952 can be taken as positive steps towards solving problems of land and land rights in Nepal. Similarly, the Tenancy Right Acquisition Act was introduced in January 1952, but was not officially adopted (Scholz, 1977:23). The Government also formed the first Land Reform Commission in 1953 and, in 1954 the government prepared the Land and Cultivators' Records Act.

Poudel (1980:4-5) and Elder et al (1976:11) state that exceptionally heavy rainfall in 1953 all over the country caused flood, erosion, and landslides, and thousands of farm

⁶ The mountain, river, rivulets and land are ours; we are masters why should we be slaves, we all have share in it.

⁷ Beth meant the supply of field labour to landlords and local officials.

⁸ porterage services to landlords and village officials

⁹Raikar land assigned to government employees in lieu of salaries.

families became homeless and landless. To address this problem the government of Nepal introduced the Rapti Valley Development Project in 1956 following malaria eradication in Terai¹⁰. This is known as a first organised initiative of the Nepal government for the resettlement of landless people. This programme was initiated because until 1950 it was very difficult to resettle people in Terai because of various reasons such as malaria, snakes, risk of robbery near the Indian border, plus resistance from the local landlords. The Rapti Valley Development Project distributed 41,027 *Bigas*¹¹ of land for 5,233 families (Poudel, 1980: 4-5). However, since the Resettlement Officials were free to choose beneficiaries, as they desired, this programme did not serve its intended purpose. Pant (1979:18-19), pointed out that some officials themselves became resettled in the Terai. In addition to this, the larger areas of high quality land were distributed to the political allies of the ruling classes and their supporters. Therefore, the project lacked social equity and socio-economic accountability and transparency for distributing land.

Similarly, the major reform done by the then government just before the Panchayat regime was the promulgation of a thirteen-point programme in 1956, and formal redistributive land reform was started in Nepal with the introduction of the Land Act 1957 (Acharya, 1993:7) with a legal process for establishing security of tenancy and preventing eviction. This law recognized *Raiker* land as private property (Jha, 1995:2). Likewise the *Birta* land tenure system was abolished in 1959 and Agriculture (New Provisions) Act was introduced in 1960. However, evidence shows that all these measures were largely ineffective due to lack of government capacity to implement reform. Concern was raised within civil society that the status quo for safeguarding the interests of high-caste ruling classes was not being effectively challenged by these Acts and regulations (Chapagain, 1999:3).

Land Reform during the Panchayat Regime (1960-1990)

King Mahendra on 15 December, 1960 dissolved the democratically elected B. P Koirala's Cabinet and the parliamentary system calling it corrupt and inefficient in

¹⁰ In the southern part, the plain area of Terai region covers the 17 percent of the total land of the country

¹¹1 Bigha = 0.67 ha

dealing with state's affairs and introduced the partyless Panchayati System under his own leadership. In response to a fledgling land rights movement initiated by tenant farmers, in 1961 the absolute monarch started land reform as a means of legitimising his autocratic partyless Panchayat political system.

The very first effort on land reform made by the state during the Panchayat regime was the abolition of the *Rajya*¹² and *Ukhada*¹³ systems in 1961 (Acharya, 1993:7). Similarly the *Rakam*¹⁴ land tenure system was also abolished in 1963 and the Agricultural Re-organisation Act, 1963 was introduced. The main objective of this Act was to acquire land by putting a ceiling on land ownership. However, this Act was abrogated in the following years (Zaman, 1973:11). Some of the important legal processes initiated by the state so far on land issues are the Land Reform Act of 16 November 1964 and Land Rules of 22 November 1964. According to the Preamble of the Land Act 1964, the basic objective of the land reform legislation was to improve the standard of living of the actual tillers and to provide encouragement for the maximisation of the agricultural production. The following programme components were included in the 1964 land reform programme:

- I. Impose ceiling on land ownership, seize land above ceilings and distribute it to the tillers and landless people;
- II. Abolish *Jimidari* system;
- III. Provide security to the tenants and regulate the rent payment system; and
- IV. Collect savings compulsorily, intercept outstanding loans and make institutional arrangements for credit operations.

In the beginning, this Act introduced a legal ceiling for land ownership for landlords and tenants in Nepal. According to the Act, 17 Ha, 4.11 Ha and 2.67 Ha were the legal demarcations of land ceiling respectively in Terai, Hill and Kathmandu. Likewise ceiling on the tenancy was allocated to 2.67 ha, 1.02 ha and 1.51 ha respectively in Terai, Kathmandu valley and Hill. In addition to this, according to this Act, a person or a family is also entitled to hold land for homestead to the extent of 2 hectare in Terai and inner

¹² princely state award for royal family members and relatives

¹³ A form of Jimidari landownership in only three districts Rupandehi, Kapilavastu and Nawalparasi

¹⁴ Unpaid and compulsory labour services due government.

Terai, 0.8 hectare in the hills and 0.4 hectare in the Kathmandu valley. The land reform proposal was initially introduced in 1951 during the time of the first interim government of B. P. Koirala, though it was actually adopted in 1964.

The demarcation of land ceilings introduced by the Act is being criticized for not being fair and justifiable (ANPA, 1999:45). The poorer peasants of the hills considered the gap between Terai (where three crops can be cultivated in a year) and hills (where more than a year is needed to harvest a crop) discriminatory. In addition to this, the provision of the Land Reform Act 1964 for a ceiling to land ownership did not come true in practice. As the implementation was weak, many large landowners were able to circumvent the land ceiling fixed by the Act. The then landlords fabricated ways to continue control of their land. The land ownership right was transferred into the name of their relatives and in fictitious other persons' names by using *Haruawa*, *Charuwa*, *Haliya* and *Kamaiyas* (Pandey, 1987:3). Similarly, a very big area of cultivable land was put in the name of commercial agriculture for which the ceiling did not apply.

It has been argued that the introduction of the Land Reform Act in 1964 was due to pressure from aid donors, particularly by the US who advocated land reform in Asia as deterrence against communism (Ghimire, 1992:30). Therefore, it can be said that the Land Reform Act 1964 had the intention of maintaining political vested interest rather than a genuine motivation for bringing agrarian reform to Nepalese society. Hence, not surprisingly, the land reforms in terms of confiscation of land from big landlords and redistribution to the landless and land poor peasants were unsuccessful.

After introduction of the Land Reform Act 1964 by the HMG, the Nepal Resettlement Company (NRC) and Landless Peoples' Problem Solving Commissions were the major land reform initiatives that were implemented during *Panchayat* rule in Nepal.

Poudel (1980:6-9) states that NRC started its first programme in Nawalpur of Nawalparasi district in 1965/66. Other NRC projects were launched during the same period in Banke, Bardiya, Kailali, Kanchanpur, Jhapa, and Sarlahi. However, the resettlement programme was flawed in implementation. Pant (1979:20-21), argues that before 1972, the percentage of landless families who were distributed land by the

Government was 50 to 60% of total people but after 1972, due to interference from political authorities, only 5 percent were genuine landless people. On the other hand, although the Landless Peoples' Problem Solving Commission was the first effort made by the government to address the issues of landless people, this commission distributed land to a very few genuine Sukumbasis¹⁵.

Upreti (1981:82-83), in his study pointed out that resettlement processes for *Sukumbasi* were highly politicised by the *Panchayat* system and it were mainstream political workers, existing landlords and ex-army man who were provided with land in order to ensure loyalties to the monarchy, and to safeguard the Nepal-India border. Further, the landless peasants were assured of land titles by the *Panchas* during the period of General Referendum conducted in 1979/80 (Upreti, 1981:87). Therefore, it can be said that neither of the programmes of land reform introduced during the panchayati system was successful in addressing the landlessness problems of socio-economically marginalised peasants and landless people.

Evaluating the land reform carried out during the panchayati system, Integrated Development Systems (IDS) (1985) in its study "Rural Landlessness in Nepal" notes that the distribution of landholding was still much skewed in Nepal and the situation had not changed despite the reform measures performed. The study pointed demographic pressure, historically defective land tenure system, and ineffectiveness of land reform of 1964, heavy reliance of small farmers on private moneylenders in absence of institutional sources of credit, underdevelopment of non-farm sectors and migration of seasonal laborers as the sources of rural landlessness in Nepal.

Political Process and Land Reform in the Post-1990 Period

With the end of 30 years long panchayati system and the restoration of multi-party democracy in 1990, the land issue again flourished and the expectations of landless people and poor peasants were raised. However, various measures undertaken could not move beyond the boundary of limited party interest and no substantial efforts were seen to solve the landlessness problem in the 1990s.

¹⁵ Landless peoples

As for the Nepali Congress which led the government for most of the years after the 1990 restoration of democracy, it missed the opportunity to implement land reform programmes and never owned the redistributive land reform agenda, despite repeatedly making references to the late BP Koirala's vision of "Land belongs to tillers and house belongs to the one who smears it" (Kharel, 2009).

In addition, to address the broader issues of landlessness and land management in Nepal, in 1995 the CPN (UML) government formed a high-level commission for suggesting land reform measures in Nepal. The commission was popularly known as "*Badal Aayog*" (Badal Commission). One of the important features of the Badal Commission report is the introduction of a new land ceiling. According to the report the maximum area of land one family should have is 3 hectare in Terai and Inner Terai, 2 hectares in Mid-hills, 4 hectare in high-hills and one hectare in Kathmandu valley. It aimed at restructuring of agriculture sector and stressed on agrarian reform but the recommendations put forward by the Badal Commission were never implemented.

The stalemate land issue again got into the agenda of Nepali congress government under the leadership of Sher Bahadur Deuba in 2003. Deuba's agenda of land reform came at a time when the Maoist was gaining popularity on its stand on land redistribution. However, Deuba's attempt to fix the ceiling at 10 bighas could not yield much for the poor landless. When the then king Gyanendra took the power within his grip and imposed a state of emergency on 1st of February, 2005, he announced government's 21-point priority programme which also included the issue of land reform. The government brought the concept of Land Bank with the backing of the World Bank. However, the programme was not popular among the landless and tenants and the government's programme was opposed by many NGOs (Basnet 2008).

The Issue of Land: 2006-Present

The return of multiparty democracy in 1991 could not address the issues of land reform in an effective manner because of inter-party wrangling and intra-party factionalism despite the assurances of successive governments. The Maoists capitalized on these failures and with their slogan "land to the tiller" during Nepal's decade-long civil war,

were successful to garner huge support from diverse populations particularly, the ethnic minorities who were traditionally excluded from the benefit of land tenure system. Land reform and other related issues were included in the 40- point demand paper submitted to the government by the Maoists before starting their armed-conflict in February 1996¹⁶. Baburam Bhattarai in his analysis of the political economy of Nepal in the 1990s is of the view that “in a semi-feudal agriculture-based economy like Nepal the principal strategy of land reform would be to destroy completely the feudal, semi-feudal and bureaucratic capitalist relations prevalent in agriculture.” (Bhattarai, 2003: 158).

The issue of land was also a major agenda in the Comprehensive Peace Agreement, signed by the government of Nepal and the Chairman of the Communist Party of Nepal in 2006 that formally ended the decade long civil war. The peace accord called for the adoption of the scientific land reforms programmes in order to end feudal land ownership and to provide land and other economic and social security to the economically backward classes including landless, bonded labours and pastoral farmers¹⁷.

The Interim Constitution of Nepal 2007, also provides for adoption of scientific land reform programmes ensuring land to the economically backward classes, including the landless, bonded labourers (Kamaiyas), tillers (Haliyas), farm labours and shepherds (Haruwa and Charuwa). Under the constitution, the state policies are to be intended to develop the agriculture sector as an industry by encouraging farmers and increasing productivity, and by creating conditions for economic progress of the majority of the people who are dependent on agriculture (Article 35.6). As per the constitution the state is also required to pursue a policy of providing a minimum required piece of land for settlement to the liberated bonded labourers having determined their exact numbers (Article 35.15).

¹⁶ Demand number 27 reads: Those who cultivates the land should own it. (The tiller should have right to the soil he/she tills.) The land of rich landlords should be confiscated and distributed to the homeless and others who have no land.

¹⁷ Agreement 3.7 of the CPA calls for ending feudal land ownership and formulate the policies for scientific land reforms. Similarly, agreement 3.10 calls for adoption of policies to provide land and socio-economic security to backward groups like landless, bonded labourers, tillers, Haruwa-charuwa and other such groups, which are socio-economically backward.

As discussed above, the call for land and agrarian reform as a rallying cry has long been a tool used by politicians for garnering support in Nepal and the trend continued in the Constituent Assembly (CA) election held in 2008. The issues of land and agrarian reform were manifested in the Manifestos of all the major political parties towards the CA election. Nepali Congress Party stated that it would priorities social security and development of landless people, *Kamaiyas* and other marginalised groups and also proposed land reform based on scientific policy and political consensus for equality and prosperity of Nepalese people. The Communist Party of Nepal (United Marxist Leninist) proposed to implement Scientific Land Reform that brings change in the existing semi-feudal production relations and also stressed on protection of housing and employment rights of *kamaiyas*, *haliyas*, *haruwas*, *charuwas* and other marginalized groups. Similarly, the Communist Party of Nepal (Maoist) in its election manifesto stressed on various provisions of land reforms like, land to the actual tillers, ending all forms of feudal mode of production relations, execution of Revolutionary Land Reform for rapid economic growth, issuing land ownership certificates in the name of both women and men, ending feudal relation in agriculture absentee landlordism and granting free land to tenants, landless and the poor peasants.

As part of state restructuring, the principle mandate for the Constituent Assembly was to draft a new constitution, with provision for land reform and providing constitutional guarantees for the land-deprived (Bhandari and Linghorn, 2011). But the tenuous political compromise involving political parties with widely varying views on how land reform should move forward kept the discussion on the issues of land reform at a standstill. The proposal of the Maoist party to distribute the confiscated land to the actual tillers without compensating the owners was vehemently opposed by Nepali Congress which repeatedly makes references to BP Koirala's vision of "Land belongs to tillers and house belongs to the one who smears it", because most of the land the Maoist confiscated belongs to Congress stalwarts (Khadka, 2010). The other political forces favored moderate land reform that pays at least reasonable compensation to the land which is above agreed upon ceiling. However, at the end the Constituent Assembly dissolved on 27th of May 2012 without promulgating a constitution and the political cloud of mistrust and suspicion prevalent in the state indicates a wider political failure in consensus-

building and the issue of land reform becoming sidelined amidst political wrangling (Bhandari and Linghorn, 2011). The Maoist party since the armed struggle has been mentioning that land must be in the ownership of the tenants and should be distributed to the landless and slum-dwellers by seizing the land from the feudal landlords. But the Maoists too could not come up with the radical land and agrarian reform programmes despite being in the government, twice under the leadership of Babu Ram Bhattarai and Puspa Kamal Dahal “Prachanda”. Instead, the Maoist-led Government forcibly evicted *Sukumbasis* residing in different places in Kathmandu without offering any alternative accommodation and relocation plan.

Even though the Government of Nepal instituted land reform commissions in 2008 and 2009, both of which produced land reform reports, there remain doubts about their implementation. Despite the commitments made by political parties and government of Nepal, Comprehensive Peace Accord (CPA) and Interim Constitution, for scientific land reform; no progress has been observed. Land reform remains a politically sensitive topic in Nepal because changes to the land tenure system impact the economic and political power base centered in Kathmandu (Wickeri, 2011). As the existing power relations have heavy influence on exercising these policy and regulations in favour of elites and the landlords, government laws, policies and regulations are not able to ensure access of poor people to land and land-based resources. The resistance on the issue of land reform by some of the most powerful elites and the landlords is a common phenomenon everywhere, and therefore, should not be taken as an excuse for not implementing the land reform policies. It is the responsibility of the government to form a coordinated and sustained programme of land reform despite determined opposition in order to ensure land-owning democracy. However, it is surprising to see that no change has followed following the decade long civil war on the issue of land and agrarian reform even when we had “Revolutionary”, “Democratic” and “Communist” parties in the government.

Emerging Challenges to Effective Land and Agrarian Reform Policy

Nepal today faces many complex challenges like land grabbing, rapid urbanization, adaptation and mitigation of climate change, increased natural disasters, and growing food insecurity. Many of these challenges have a clear land dimension: unequal access to

land; insecurity of tenure; unsustainable land use; and weak institutions for land administration. These challenges have posed another challenge in establishing a national, comprehensive land reform policy.

The trend in acquiring land by national elites and companies in Nepal for purposes other than agriculture is on rise. Agricultural lands are being converted to non-agricultural use such as for residential and industrial development. There is also an increasing trend of holding land for economic benefit and these lands remain fallow for years. Investing in land and land grabbing that began in Kathmandu in mid 1990s has now expanded all over Nepal. However, there is no national database on the land grabbing and real estate activities that affects the access to public land, agricultural production and productivity (CSRC, 2012). It has been reported that 80% of the remittance money coming into Nepal was being used to purchase land for the purposes of housing development (Basnet, 2011).

On the other hand, since agriculture has not created opportunities for rural people, most of the economically active populations have migrated to city centres and other countries in Gulf, Malaysia and Korea as migrant workers. This rising migration trend in Nepal has created a shortage of labour force leaving only senior citizens, women and children in the villages. This has created two problems at rural Nepal: i) reduction in agricultural production as productive lands remains fallow because of shortage of agricultural workforce; and ii) added the burden to women and children¹⁸. On the other side, in urban areas, the rising population has outpaced development of residential areas and the unregulated practices of land plotting are leading to sprawling, unplanned urban development, land disputes, and insecure tenure (Acharya, 2009).

Over a third of Nepal's 75 districts suffer from high food insecurity with chronic food insecurity affecting up to 80 per cent of the population in heavily-affected areas such as the western Terai (Faiia, 2012). Many districts in Nepal which were in food surplus few years back are now in food deficit, similarly, many districts are slowly facing the problem of food shortage. According to the World Food Programme data, there was 316,000

¹⁸ http://www.ngofederation.org/index.php?option=com_content&view=article&id=66:small-peasant-agriculture-and-land-reform-in-nepal-politics-of-contestations-and-contradictions&catid=36:president-blog&Itemid=27According

metric tons food deficit in 2010, an increase by 139 percent from 2009 and claims that around 3.7 million Nepali populations are at risk of food insecurity (Sapkota 2011).

Several factors have distorted food production in Nepal. As more and more land is taken up by the construction of houses, factories, industries, there is less and less land for farming. Deforestation, degradation of the soil due to excessive use of fertilizers, pesticides and insecticides, periodic scarcity of water for irrigation are other factors causing food production to fall. Nepal is one of the most vulnerable countries to the impact of climate change. Climate change in Nepal has not only caused the fall in food productivity but has also changed the pattern of farming system and food production.

Conclusion

Land is an important resource for the majority of Nepali population since it enables stability and security; and is productive wealth generating and a livelihood sustaining asset. Therefore, effective land reform policy could well be the most effective approach to alleviate poverty. An effective land reform program must boost efficiency and promote equity and so land ownership should be targeted towards those who use it most productively.

However, the political process of Nepal throughout the history has favoured a certain class of people, and poorly performed state led reform initiatives resulting into the unequal, very much skewed land distribution among the land dependent households, institutionalizing the inequalities among the citizens (Dhakal, 2011). The present problems of land ownership are therefore that arose from largely political happenings in the past. High hopes have been invested in the land reform process but evidence so far suggests that despite several political changes in the country, state led land reform has largely failed to redistribute the land to the actual tillers. The new and revolutionary political powers despite their rhetoric, have failed to transform the traditional political structures. Loopholes in land tenure legislation, slow implementation at the bureaucratic level and lack of political commitment on the land reform have facilitated the large landholders to evade some of the provisions in land ceiling reforms.

The political context and the people's movement (Jana Andolan II) of 2006 had provided great opportunity to address the century old land based inequalities and discriminations. The Interim Constitution of Nepal provided provision to end land related inequalities and this was to be institutionalized by the Constitution that was to be drafted by the Constituent Assembly. However, the parties continued engaging in their personal feuds and rivalries and changing alliances which widened mistrust among themselves. As a result the constituent assembly was dissolved without promulgating the constitution pushing the country back into a state of confusion and increased conflict between the political parties' view to end the ongoing political crisis. While ongoing political instability certainly impacts the government's ability to deal simultaneously with the multiple causes and problems associated with landlessness, landlessness is a factor contributing to that instability (Wickeri, 2011). Highly unequal land ownership breeds social tension and political unrest and inhibits economic growth. Therefore, unless the political establishment ensures access of poor people from different strata of the society that has been historically marginalized to land and land-based resources, there is always threat to Nepal's peace and fragile democracy.

However, in the present changed scenario, land and agrarian reforms should not only aim at addressing age old unfinished forms of land and agrarian issues, but should also address various aspects of land rights, land grabbing, climate change mitigation and adaptation, food security, and absence of agricultural work force due to migration of economically active population. Similarly, a mere increase in land holding without other complementary sources does not guarantee poverty alleviation and increase livelihood options and quality of life of the poor. The state, therefore, must implement series of supportive measures geared towards the needs of the beneficiaries (Kay, 2006: 475) and make agriculture an attractive sector. In Nepal various constraints including low technology, insurance and credit, lack of transportation are insurmountable. Under these circumstances, land reform should be followed by various support mechanisms like public transport facilities, subsidized inputs like fertilizers, seeds, farm tools.; credit facilities, public storage facilities and agricultural research. which would enable the households benefit from the program and bring improvement in their livelihood.

Land and agrarian reform is not only about land distribution and ensuring access to land, but it is also about ensuring social justice, social security, sustainable peace, and the economic well being of the majority of Nepalese population. Therefore, Nepali politicians, academics, and civil society must play their respective roles in constructing a coordinated and sustained programme of land and agrarian reform.

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