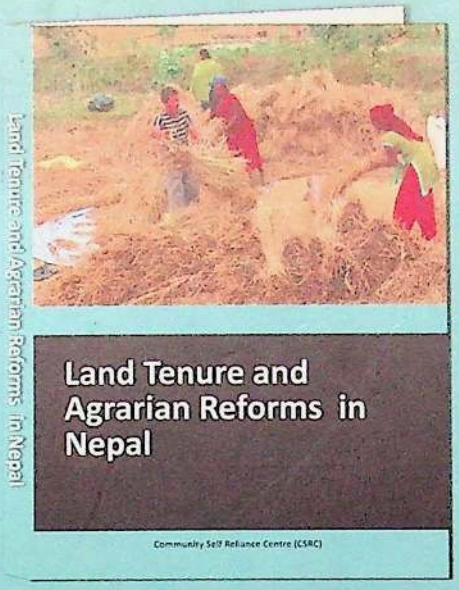


Land Tenure and Agrarian Reforms in Nepal

RARIA

Community Self Reliance Centre (CSRC)



This study, covered 16 VDCs of 16 districts across all development and geo-ecological regions. The total HH covered by this study was 25,199 and the total population was 143, 125, with a mean household size of 5.7.

The study revealed that 22.7 percent of the families are landless, corresponding to the national statistics, which is 22.5 percent (NLSS: 2004). Among these landless, Tarai Dalits are the highest where 50 percent of them are landless, followed by Hill Dalit (40%), Tarai ethnic (22.5%), Hill ethnic (20.9%), Chetri/Thakuri (20.6%), and so on.

Despite a strong lobby against the redistributive land reform argues that the issues of redistribution has become obsolete, the field observations and the interviews and discussion with the range of people have suggested that the redistribution is possible and have underlined the need for such a redistributive land reform.

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Email: landrights@csrcnepal.org
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Dedication!

To those thousands of landless and marginal farmers of Nepal who toiled on the barren field and turned it into the most valuable productive resource but were denied their access and ownership, who are now getting organized, struggling and reclaiming their rights !


Research Area
N
Humla
Darchula
Bajhang
Baitadi
Bajura
Mugu
Dadeldhura
Doti
Aacham
Kalikot
Jumla
Dolpa
Kanchanpur
Kailali
Dailekh
Jagarkot
Mustang
Surkhet
Rukum
Manang
Myagdi
Bardiya
Salyan
Rolpa
Baglung
Kaski
Lamjung
Gorkha
Banke
Pyuthan
Gulmi
Parbat
Syangja
Tahaun
Dang
Argakhanchi
Palpa
Rasuwa
Nuwakot
Sindhupalchok
Dadhing
Kapilbastu
Rupandehi
Nawalparasi
Chitwan
Makwanpur
Kavrepal anchok
Dolakha
Ramechhap
Solukhumbhu
Sindhuli
Okhaldhunga
Khotang
Bhojpur
Parsa
Bara
Rautahat
Sarlahi
Mahottari
Dhanusha
Udayapur
Dhankuta
Ilam
Siraha
Saptari
Sunsan
Morang
Jhapa
INDEX
1. Bhumeshwor
2. Masuriya
3. Pandusen
4. Gamoodi
5. Kanka Sundari
6. Kalika
7. Ganga Paraspur
8. Dhankooli
9. Makar
10. Huwas
11. Bastipur
12. Jogidaha
13. Dangibari
14. Mamling
15. Dhaibung
16. Gati

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This study report is a result of combined efforts of Community Self-reliance Centre (CSRC), its collaborating and strategic partners and National Land Rights Forum. I would like to appreciating land-deprived people for their invaluable time and efforts for providing information and making it possible to publish this report.

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We welcome constructive comments and feedback from scholars, experts, readers and stakeholders in order to enrich the study and the report itself.

Happy reading,

Jagat Basnet
Executive Director
Community Self-reliance Centre (CSRC)
Kathmandu, Nepal

Preface

Many people have worked hard and contributed a lot to bring this report in the present form. I am indebted to all of them. I am obliged to the entire team of Community Self Reliance Centre (CSRC), who not only trusted me for carrying out such a valuable study but also provided a continuous support and cooperation throughout the study period. CSRC coordinated series of interactive meetings with its partners which provided useful inputs and insights.

The entire research team worked hard to complete the information collection process properly with in the given time frame. Data management and analysis were coordinated by Amod Poudyal. He instructed field coordinators on filling up the forms, trained the data entry personnel and analyzed the data as per the request. Overall research was coordinated by Kala Rai. She was very helpful in carrying out serearch successfully. Kumar Thapa and Chahana Chitrakar were always supportive and their ready to help attitude made my work more comfortable in CSRC during the study period. I am thankful and indebted to all of them who, directly or indirectly, were the part of this research project.

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Finally, being a research team leader, and author of this Nepal I take responsibilities for all the shortcomings and weaknesses in the presentation and interpretations. As always, I learnt a lot during this study period. I am thankful to them all who made this learning possible.

I feel contented if this study helps, in any extent, to the land rights movement of Nepal.

- Suresh Dhakal

Table of Contents

GLOSSARY..... xi
EXECUTIVE SUMMARY..... xiv

CHAPTER : 1

INTRODUCTION

1.1 Background.....1
1.2 Objectives.....2
1.3 Study Framework.....2
1.4 The Study Process.....3
1.5 Methods of Study.....3
1.6 Selection of the Study Area.....3
1.7 Data collection Tools and Techniques.....3
1.7.1 Census and Survey..... 3
1.7.2 Key Informants Interviews (Semi-structured):.....4
1.7.3 Focus Group Discussion (FGD).....4
1.7.4 Observations.....4
1.7.5 Case Studies.....4
1.7.6 Literature Review.....4
1.7.7 Consultations and Meetings with the Experts.....5
1.7.8 Review, Reflections and Synthesize..... 5
1.7.9 Organization of the Study.....5
1.7.10 Scope and Limitations.....5

CHAPTER : 2

SOME CONTEXTS OF LAND AND AGRARIAN REFORM IN NEPAL

2.1 Land and Agrarian Reform: A Belated Agenda.....7
2.2 Expansion and Intensification of Capitalism: Changing Production Relation.....8
2.3 Urbanization and Encroachment of Agricultural Land.....9
2.4 Agriculture and Poverty.....10

2.5 Agriculture and Employment....10
2.6 Contribution of Agriculture in National Economy....11
2.7 Deteriorating Food Security and Land Ownership....12
2.8 Maoist s''Peoples' war' and the Issue of Land Rights....13
2.9 Land, Power and Social Justice....13

CHAPTER : 3

STUDY AREA AND THE POPULATION

3.1 Study Districts, Total Households and Population....15
3.2 Female-Headed Households....16
3.3 Caste/Ethnic distribution....16
3.4 Distribution of the Population by Religions....17
3.5 Types of Houses....17
3.6 Access to and Utilization of the Services....18
3.7 Source of Drinking Water....18
3.8 Ownership and Access to the Sources of Drinking Water....18
3.9 Cooking Fuel....19
3.10 Source of Light....19
3.11 Toilet Facilities....19
3.12 Access to Services and Service Providing Institutions....20
3.13 First Contact Place When Sick....20
3.14 Place of Delivery....20

CHAPTER : 4

LAND OWNERSHIP AND LAND HOLDING PATTERN

4.1 Ownership of Registered Land....21
4.2 Landownership Distribution among Caste/Ethnic Groups....21
4.3 Ownership of the House Built Land....22
4.4 Renting of the Agricultural Land....23
4.5 Aankada/Birta Land: The Residual of Feudal Land Policy....23
4.6 Public Land and Squatters....24

4.7 Registered Tenants: *Dartawal Mohi* 24
4.8 Adhiya/ Battaiya: Sharecropping 25
4.9 Cultivating Land in Contract: *Thekka* and *Hunda* 25
4.10 *Haliya/Haruwa* Bonded Labor in Practice 26
4.11 Guthi: A Complicated Form of Land Tenure 26
4.12 Others forms of Tenure Arrangements 27
4.13 Tenure Arrangement and Formal Contract 27
4.14 Land Ownership of Women 27
4.15 Food Sufficiency 28
4.16 Managing Food: The Coping Strategies 29
4.17 Labor Arrangement 30
4.18 Land Transactions 30
4.19 Inheritance and Land Acquiring Pattern 30
4.20 Land Transaction in Last 10 Years 32
4.21 Reasons for Selling the Land 32
4.22 Sources to Buy Land 32
4.23 In Search of Land: Migration and Land Issues 32
4.24 In-migration to the Current Locations of Residence 33
4.25 Location of Origin of the Migrants 33
4.26 Reason for Coming to the Current Location 33
4.27 Conclusion 34

CHAPTER : 5

PROSPECTS FOR LAND AND AGRARIAN REFORMS: FINDINGS AND DISCUSSIONS

5.1 Land and Indigenous People 35
5.2 Land Dispossession: A Cultural Historical and Political Process 35
5.3 Prospects for Redistributive Land Reform 36
5.4 Fixing Land Ceiling: Enough for One, Enough for Many 37
5.5 Redistributive Land Reform has Scope 38
5.6 Guthi Land in Question :A Complex Case to Solve 39
5.7 No Transformation of Land as a Parental Property 39

5.8 Women's Right over Land: Moving towards more Gender Equity Society 40
5.9 Commercial Pressure on Land: Reduce the Pressure, Reduce the Effects 40
5.10 Land Reform Leading to Agrarian Reform 41
5.11 Prevention of Land Hunger: Preventing the Process from Manipulation 42
5.12 Mechanization of Agriculture and Enhancing the Productivity 42
5.13. The Policy Context: Get It Right, Get It on Time.....42
5.14 Community Approach to Land and Agrarian Reform: A Forwarding Looking Agenda 43

CHAPTER : 6

SUMMARY, CONCLUSIONS, AND RECOMMENDATIONS

6.1 Summary 45
6.2 Conclusions 47
6.3 Recommendations.....48
6.4 Get them Right: Get the Right Policy and Get Right Programs.....48
6.5 Go for Community Approach 50
6.6 Ensure Land Rights of the Landless and Housing Rights of the Urban Poor.....50
6.7 Civil Society and Land Rights Activists: Assume the Roles for the Future 50

AN EPILOGUE 52

ANNEX

Annex :1 Household Census/Survey Questionnaire.....53
Annex : 2 Codes for the Household Survey.....63
Annex : 3 Checklist for the Qualitative Information.....64
Annex : 4 Landholding by Companies/Industries.....65
Annex : 5 Major Commissions Formed after 1990.....68
Annex : 6 Research Team..... 69

REFERENCES 70

Glossary

Adhiya	share cropping, usually on a 50-50 basis
Birta	land grants made by the state to individuals usually on an inheritable and tax-exempt basis; abolished in 1959
Chhut-Guthi	Raj Guthi endowments administered by individuals, abolished 1972
Jagir	Raikar land assigned to government employees in lieu of salaries; abolished 1952
Jhara	forced and unpaid labour due government, pre-dated Rakam
Jimidar	an individual responsible for tax collection at village level in the Tarai
	Jimidari the holding of a Jimidar
Jirayat	a plot of taxable land attached to a Jimidari holding as part of the Jimidar's salary cultivated with unpaid labour
Kipat	customary rights, 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
Rakam	unpaid and compulsory labour services due government; abolished 1963
Talukdar	a village level revenue collector in the hill region
Ukhada	a form of Jimidari landownership in only three districts in Tarai: Rupandehi, Kapilavastu and Nawalparasi; abolished 1964
Adhiya	sharecropping regime in which landowner or state takes half the produce as rent or tax
Amanat-Guthi	State religious endowments administered by District Revenue Offices or the Guthi Corporation
Bandhak	Mortgage
Bataiya	Sharecropping as in the western Tarai
Duniya-Guthi	Religious endowments founded and administered by private individuals
Ghaderi	homestead land
Guthi	A land endowment made for a religious or philanthropic purpose
Hali	Ploughman hired on an annual contract
Haliya/Haruwa	System of hiring ploughmen (haliya in hills, haruwa in Tarai); usually bonded arrangements with ploughman working for free to pay off debts
Jamindar	Landlord
Jhora	Refers only to forest cleared and cultivated in Morang, Sunsari & Jhapa districts as referred to in Jhora Lands Act
Kamaiya	Bonded labourer of Tharu origin in five mid-western Tarai districts
Khet	Irrigated hill land where rice may be grown; in the past given to officials

Kipat	Customary or communal land tenure system and rights
Kisan	Peasant
Kut	Rent in cash or kind paid by sharecropper/tenant to landlord or directly to State in past Raikar arrangements
Malpot	Land tax
Mohi	Statutory tenant
Mohiyani hak	Tenancy right
Raikar	lands on which taxes are collected from individual landowners, traditionally regarded as state owned land, by 1964 recognised as private property
Raitani Guthi	Religious endowments owned by the cultivator-tenants
Raj Guthi	Religious endowments under the control of the Guthi Corporation
Sukumbasi	landless
Tainathi Guthi	Religious endowments owned by Government but given to individuals to use
Ailani jagga	Public land
Raikar Jagga	Private land
Saamudayik Jagga	Community land
Sarkaari Jagga	Government land
Bataiya or Kut jagga	Rented or leased land
Maalpot	Land revenue
Maalpot Karyalaya	Land revenue office
Mohi	Tenant
Dartaabal Mohi	Registered tenant
Raajinama	Title deed
Laal-purja	Title certificate

LAND AREA MEASURES

Kattha	20 kattha in one bigha
Bigha	1 bigha = 0.67 ha, or 1.6 acres, or 8,100 sq yard, or 20 kattha or 13 ropani
Hectare	1 hectare (ha) = 1.5 bigha, 30 kattha, 20 ropani
Ropani	1 ropani = 5,476 sq feet, or 0.05 ha or 4 muris
Muri	1,369 sq feet; 4 muris = 1 ropani

CONVERSION IN LOCAL MEASUREMENTS

20 Dhur	1 Kathha
20 Kthha	1 Bigha
4 Paisa	1 Aana
16 Aana	1 Ropani
4 Naali	1 Ropani (in the Western hills)
1 pair of oxen	3 Ropani (in the Eastern hills)

QUANTITY CONVERSION

8 Maana	1 Pathi
3 Maana	1 Kg
20 Pathi	1 Moori
1 Moori	80 Kg (paddy)
	60 Kg (Maize, millet)

ACRONYMS USED

ADBN	Agricultural Development Bank Nepal
APP	Agriculture Perspective Plan
CBS	Central Bureau of Statistics
CFUG	Community Forest Users Group
CPN (M)	Communist Party of Nepal (Maoist)
CPN-UML	Community Party of Nepal (United Marxist Leninist)
CSRC	Community Self Reliance Centre
DDC	District Development Committee
FECOFUN	Federation of Community Forest Users Nepal
FWR	Far Western Region
ILO	International Labour Organization
MDG	Millennium Development Goals
MLD	Ministry of Local Development
MLRM	Ministry of Land Reform and Management
NASC	National Agricultural Sample Census
NC	Nepali Congress
NGO	Non Government Organization
NLSS	Nepal Living Standards Survey
NPC	National Planning Commission
VDC	Village Development Committee

Executive Summary

The question of land and agrarian reform has become the most pertinent post-conflict agenda at this historical juncture while the country is undergoing a restructuring process. State restructuring is about the restructuring of the economic and political power. In Nepal, the land ownership pattern still determines the economic prosperity, social status and the political power of any individual or family. Therefore, the question of land and agrarian reform has been so critical issue at this point of time.

Conventionally, discourses on land reform used to be confined as a mere program to redistribution of the land. This study argues that the questions of land reform should go hand in hand with the question of agrarian reform. Therefore, this study focuses on land and agrarian reform as an inseparable process, to be dealt with an integrated approach. .

Ongoing debates and steps towards progressive land reform has not been adequately supported by the reliable database, therefore, this study aimed to generate primary data on forms and patterns of land holdings, ownership, and land relations in contemporary Nepal; hence, to provide a sound basis for policy makers, academics, and activists on land related issues. More specifically, the study focused on,

- Forms and types of tenure arrangements in different parts of the country,
- Different rights allocated to the tillers - legal rights as well as usufruct/customary rights under those tenure arrangements/ production relations,
- Gender disaggregated landownership pattern in different forms of ownership and tenure arrangements,
- Land transactions, including the inheritance process, land fragmentation, ownership pattern.

The study recognized some of the macro context that might facilitate or shape the ongoing debate and poses some challenges for the intended land and agrarian reforms. We sometimes tend to forget that the expansion and intensification of capitalism imposing changing production relations. At the meantime, we also need to consider the rapid urbanization and encroachment of the land, and further pauperization of the households based on farm activities.

Employment in the agriculture sector is shrinking; it is no more able to create more employment unless a systematic intervention is made in the agricultural sectors. Consequently, contribution of agriculture in the national economy is declining. There was 3.3 percent of growth rate of GDP in 2005/06, where agriculture sector contributed only 1.1 percent. In 1990, agriculture sector contributed 50.9 percent in GDP, which reduced to 38.3 in 2004 and 36 percent in 2008. Hence, agriculture's contribution in GDP is declining by 1 percent annually.

This study, covered 16 VDCs of 16 districts across all development and geo-ecological regions. The total HH covered by this study was 25,199 and the total population was 143,125, with a mean household size of 5.7.

The study revealed that 22.7 percent of the families are landless, corresponding to the national statistics, which is 22.5 percent (NLSS: 2004). Among these landless, Tarai Dalits are the highest where 50 percent of them are landless, followed by Hill Dalit (40%), Tarai ethnic (22.5%), Hill ethnic (20.9%), Chetri/Thakuri (20.6%), and so on.

In terms of land renting out for share cropping, only 6.2 percent of the households reported that they have rented out the land for cultivation, whereas, 20.6 percent of the HH have reported of renting in land for cultivation under different tenure arrangements. This clearly shows that the landowners who do not cultivate but have rented out the land were not willing to provide proper information in this regard. Moreover, only 2.4 percent of them are the registered tenants, who hold the tenants' legal rights. In the study area, 14.5 percent of the households are reported to be sharecroppers, more or less, in a 50-50 basis. Similarly, nearly a 2 percent reported of cultivating land in *Thekka*/contract.

Apparently, 23.3 percent of the households reported of the occupation of the public land and squatting there. Most of these households are landless, whereas a few of them also hold small plots of other lands, as well. Guthi has remained as one of the complicated issues to be solved. The study reported 0.77 percent households cultivating *guthi* land of different forms. Of all, 16.2 percent of women have land registered in their name, where, 6.4 percent own house only, 6.1 percent own land only and 3.7 percent own both house and land.

The study revealed that three-fourth of the households are food deficit households. Among the food deficit households, 56 per cent household work as agricultural labor to earn livelihood, but only one-fourth (25.9%) of them depend entirely on agricultural labor for subsistence, remaining others also go for other supplementary occupations and borrowing. According to the study, 49 per cent of the food deficit household work as day laborers in non-farm activities. Similarly, 12.4 per cent take loans, 9.1 per cent borrow cash or kind.

The study has appraised that redistribution of the land is not only the single issues of the land reform, but it is certainly one of the core issues while dealing with land and agrarian reform. Despite a strong lobby against the redistributive land reform arguing that the issues of redistribution has become obsolete, the field observations and the interviews and discussion with the range of people have suggested that the redistribution is possible and have underlined the need for such a redistributive land reform.

The study suggests to discourage the transformation of land as a parental property, and urges for a policy that allow only one, be that son or daughter, could inherit the agricultural land, the land should not be divided among the sons and daughters. This also helps to ensure the female's access to the land: women's right over land.

Besides, the major challenge ahead is the commercial pressures on land, which has adverse effects on the agricultural productivity and the livelihood of the land dependent households.

Finally, the study recommend to devise such a land reform that will lead to the entire agrarian reform. For this, policy context is instrumental. This study comes up with policy and program based recommendations necessary to consider for ensuring the land rights of landless, hitherto unrecognized tenants, to increase the agricultural production and productivity, protection of agricultural and other land, and to restructure the land administration and land reform offices.

Right Policy, Right Programs

- Create a centralized database: of land and land use patterns, land tenures,
- Land should be registered and own by family, but not by an individual, unless such a system is executed,
- Women's right over the land has so far remained as one the neglected issues, create mechanism to ensure women's right, for the beginning, land should be registered in the names of male and female,

- Land fragmentation should be regulated, further fragmentation should be discouraged,
- Community approach for the land reform and land management should be adopted
- Recognize customary rights to use and manage the resources, most importantly the land resource, also as suggested by ILO 169,
- Prepare a land use plan and implement strictly, also brought in the public land into such land use planning
- Introduce 'one area three products' policy: one animal husbandry or fishery, one fruits or vegetables, and one cereal grain.
- Crate more employment in agricultural sector, along with the increased productivity, and, allocate the surplus labor in off-farm activities.
- Ban on land fallow for two consecutive years for any reasons,
- Recognize and guarantee the users right over the land they are cultivating for long
- Land reforms and restructuring of the land relations should follow and lead the process of the restructuring of the economic sectors of the country, therefore, it has to go along with development, political progression of the country, meaning, country's development and political policy should essentially address the issue of land reform.
- For the effective implementation of these, restructure the land reform and land administration offices.

In addition to these policy related recommendations, some other recommendations are;

- **Community Approach:** Establish a more representative, inclusive and participatory community based land reform mechanism and the process, a representative/elected body for the effective land reform and land management. Strong public will, commitment and participation in formulating policy, planning and executing them will set the basic prerequisite for a successful land reform. And, it has to begin immediately.
- **Recognize the Tenants: Ensure Land Rights:** Recognize hitherto unrecognized tenants, also recognize the customary and traditional communal rights, and ensure the land ownership that embodies rights and duties over it. Adopt right based approach while formulating land tenure/ ownership policy.
- **Civil Society and Land Rights Activists:** Make a broader land rights coalitions including people from different walks-of-life, so as to make the issues more public, more accessible and concerned to as many people as possible, to gain a wider support and engagement in the process. Pressurize the political parties to ensure the pro-poor/ tenants 'land reform' to mention in the constitutions, so that land rights will be recognized as constitutional rights. Help landless, peasants organize around their issues, capacitate them. In this regard, CSRC and NLRF can play vital roles.

Finally, once again, the significance of this study lies in exploring the different types of land tenure arrangements, generating primary data on land relations, and land transactions that are instrumental not only for understanding the present situation of the land relation but also for policy formulation and designing programs for land and agrarian reforms. The data/ information this study has generated is the most recent of this type as of now.

CHAPTER : 1

INTRODUCTION

1.1 Background

In Nepal, the land ownership pattern still determines the economic prosperity, social status and the political power of any individual or family. The political process, which, throughout the history favored a certain class of people, and poorly performed state led land reform initiatives resulted into the unequal, very much skewed land distribution among the land dependent households, institutionalizing the inequalities among the citizens. Therefore, Nepali society historically was a fragmented - economically very much differentiated, socially hierarchical, and politically divided. The land is probably the most important asset in the rural-agrarian economy.

As any other policy, land policy was very much important for the ruling class to maintain the old power structure. Land policy, the EU Land Policy Guidelines (2004) 'states that, implicitly or explicitly, the political choices made by concerning the distribution of power between the states, its citizens, and local system of authority'. Therefore, there is always a resistance against the land reform programs. Despite a series of efforts made to address the land issues, Nepal, as any other South Asian countries, suffer from the failures (see for e.g., Alden Wily:2008; Tiejun & Kinchi: 2008).

Still a large number of land/agriculture dependent households are deprived from their primary source of livelihood, i.e. land. However, due to the lack of reliable and updated database, policy makers (for example, Land Reform Commission, concerned Committees in Constituent Assembly in the present context) and the land right activists both have suffered. They are finding it difficult in formulating realistic policy and program in securing the land rights of the tenants partly due to such a lack of reliable database. Complexities of the land tenure arrangements across the country have yet to be assessed properly. This study aims to provide with an updated database on land ownership pattern and different tenure arrangements. The study also informs the reader on the land migratory movement of the people and the land transactions. Through this study, we eventually argue that the question of land should remain at the central stage in the present political transitions supposedly followed by economic and social transformation in the country.

The study brings some of the issues into the context, which is more crucial in this historical juncture, particularly, the post-conflict context, on one hand, and a new nation is to born, on other. How the land policies are so much linked with and important for other issues, like, agricultural development, poverty reduction, and gender equity among others constitute the parts of the discussions. Similarly, land reform questions also matters a lot to environment and climate change, and federalism issues in terms of power devolution and decentralization and governance.

The study has been carried out with a presumption that the issues of land reform - landownership of the land dependent households and the increasing productivity - in order to secure the food security, preventing vulnerability, leading a dignified life and enjoying a active citizenry, has not yet been recognized and well taken up with proper initiatives.

1.2 Objectives

The broader objective of this study was to generate primary data on forms and patterns of land holdings, ownership, and land relations in contemporary Nepal. Hence, to provide a sound basis for policy makers, academics, and activists on land related issues. This study, therefore, intended more to gather information with regard to different forms – formal and informal - and types of land tenure[1] arrangements – system of access to and control over land and related resources - observed in the country and has provided a basis to explore and identify the different critical issues with related to the land reform in contemporary Nepal.

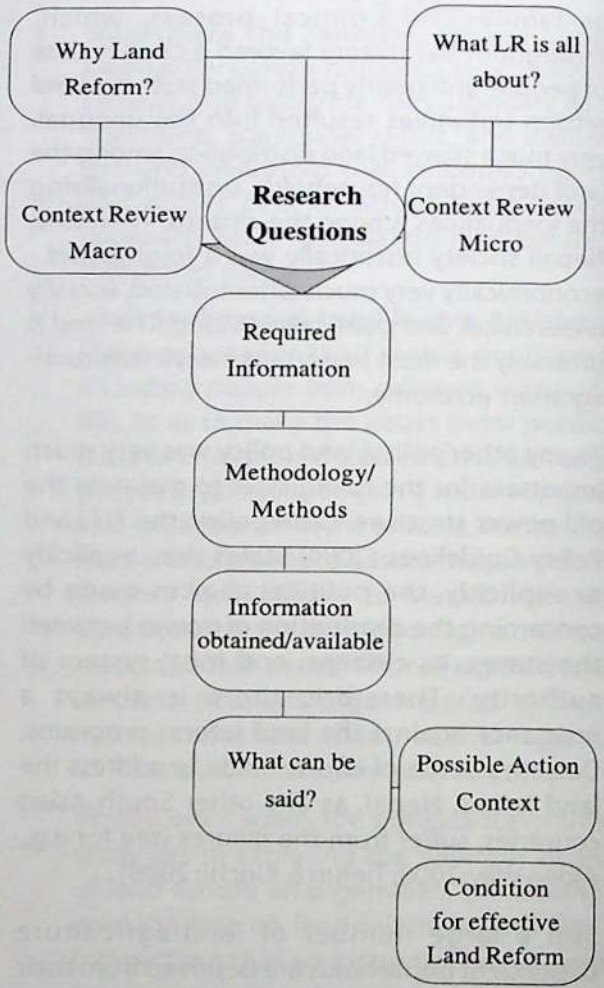
More specifically, the study focuses on,

- Forms and types of tenure arrangements in different parts of the country,
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- Gender disaggregated landownership pattern in different forms of ownership and tenure arrangements,
- Land transactions, including the inheritance process, land fragmentation, ownership pattern, and,
- Based on the empirical information, to come up with some practical recommendations in order to devise a practical land and agrarian reform program

1.3 Study Framework

Following Study Framework (Fig 1) presents the general outline of the study and the context for the study. This was prepared to facilitate the study process as well as to provide a general guideline to the study.

Fig 1 Study Framework

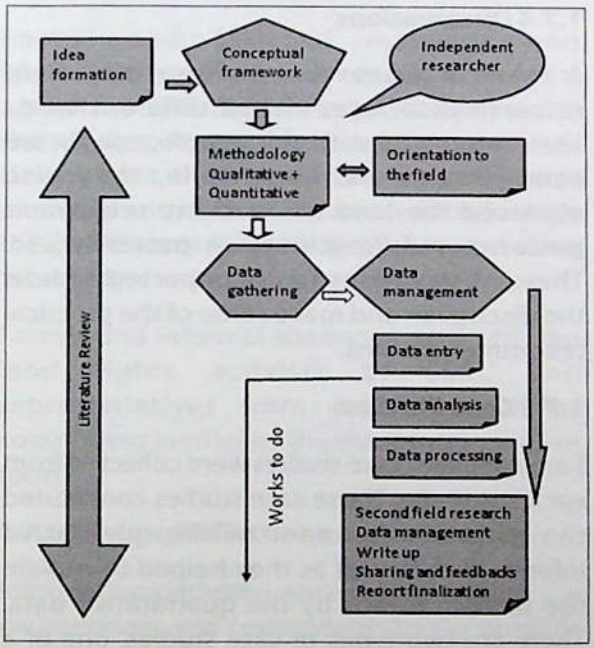


[1] *CBS defines Land Tenure as the system that refers to arrangement or right under which the holder holds or uses holding land. Land tenure relates to: area held in owner like posses sion, area rented from others, area operated on a squatter basis, etc. (CBS, 2004: NLSS Vol 2, pp4).*

This framework guided throughout to formulate some answerable research questions, carry out fieldwork, make literature review, and to prepare the present report in this form.

1.4 The Study Process

Following the study framework, a process was outlined in order to make the research work more smooth and moving. The following figure (Fig 2) illustrates the research process adopted during this study period.



The figure illustrates consecutive steps the research followed. A core study team was formed to drive the research process; meanwhile, required professionals and other human resources joined the process in different phases and for the different lengths of the time.

1.5 Methods of Study

The study framework and the research process highlighted the major activities and the process employed during the study. The following paragraphs present a general methodological aspect of the study. The study adopted general quantitative and qualitative approaches, therefore, data collections tools were utilized accordingly.

1.6 Selection of the Study Area

The study covered three ecological and five development regions of the country, to make the study population more representative and to make the study universe broader. The study districts and the study VDCs were selected randomly from the given geographical regions, however, a few alterations were made purposively to capture some of the critical issues, for example, the squatters problems, Dalits and landlessness, specific forms of land tenure, viz. ukhada/anakada, relocation of the settlements, etc. (See Map of the study area).



1.7 Data Collection Tools and Techniques[1]

1.7.1 Census and Survey

A structured household questionnaire was designed to collect basic individual and

[2] *Information thus collected are largely but partially used in this main report. Rest of the detail information is sed to prepare separate 16 individual reports of the study district. This report uses only the synthesis of most of the qualitative information collected during the study process. Detail quantitative information is presented in a separate volume for further use and analysis.*

household level information. Questionnaire was designed in such a way that the information obtained for this study can be compared with other national studies, viz., National Population Census, National Living Standard Survey, Labor force Study, etc.

The questionnaire had three sections. First section aimed in acquiring individual information, whereas, second sections was designed to gain household level information. Both the sections were used for the census. The third section intended to collect the information on the ownership, transformation of ownership and transactions. This survey was conducted among 10 percent of the households covered by the census. Ten percent sample households were selected through systematic random sampling.

The field researchers first prepared a social map of the study VDC in a participatory way. Then, each house was given a number in the map. And, every tenth house was selected for the HH questionnaire survey. (Questionnaires in the Annex).

1.7.2 Key Informants Interviews (Semi-structured)

Some selected individuals in each study VDC were consulted and interviewed to have in-depth knowledge/information in the related issues. These key informants in the different districts/VDCs were leader farmer, representatives of the political parties working in the local level, civil society members, elderly people, representatives of Dalits, ethnic groups, occupational groups, women, etc.

In some cases, some field researchers prepared timeline of the VDC, land ownership transformation, and settlements history. Similarly, they also prepared time trend of some of the events, like flooding of the agricultural land, drought, landless and squatters' settlements, local peasant's, squatters' movements, etc.

1.7.3 Focus Group Discussion (FGD)

FGDs were of semi-structured in nature as some of the lead questions and checklists for the required information were prepared. Some of the PRA tools were utilized during such FGDs. For example, cause-effects analysis, power-structure analysis, timeline, time-trend, etc.

Some of the critical issues, viz. land rights to the tillers, tenants' rights, land redistribution, community ownership of the land, etc. were also discussed in such FGDs.

1.7.4 Observations

A team of researchers, along with field research associates visited different study sites, interacted with the people, conducted some interviews. Meanwhile, they also observed the land use pattern, settlement patterns, public utilization patterns, etc. These observations have supported to lead the discussion and make some of the practical recommendations.

1.7.5 Case Studies

Some relevant case studies were collected from each study site. Those case studies constituted the major component of the qualitative information, as well as they helped to explain the pattern drawn by the quantitative data. There are two types of case studies, one of a general nature to portray the general patterns of the phenomenon, another one to present some unique cases. They are presented as and when they fit in the analysis or discussions.

1.7.6 Literature Review

A range of published and unpublished literatures produced by various government and non-government organizations and agencies were reviewed during the study period. Some of the major categories of the reviewed works were as follow;

a. Government Plans and Policies
b. Commission Reports
c. Manifesto and Party Documents of various political parties, and their sister-organizations
d. Movements Reports/Documents
e. Analytical works on land related issues

Reviewed works are cited in appropriate places and are mentioned in the list of the reference.

1.7.7 Consultations and Meetings with the Experts

Formal and informal meetings and consultations with the experts and land rights activists constituted an integral component of the study process. The process continued throughout the study. Sharing in various meetings and discussions and feedbacks from the participants has also helped in enriching this study.

Formal and informal sharing in and with the land rights activists at CSRC and representatives from partner agencies contributed in shaping the study in the present form.

1.7.8 Review, Reflections and Synthesize

Information gathered were shared among the enumerators, and respondents to the possible extent in the field level. They were shared, reviewed in different meetings of the field researchers and supervisors, and their personal reflections and opinions were also considered as useful means of validating the information gathered from the field. This was adopted as a part of the participatory research process.

1.7.9 Organization of the Study

The study report has six chapters, with several sub-chapters. The first chapter introduces the study, states the objectives, and describes the methods and process of the study.

Second chapter attempts to set the context for the study. This chapter discusses why land and agrarian reform is an urgent issue of the time and what are the macro contexts exist in the country.

Chapter 3 and 4 are the core chapters of this report. These two chapters present the primary data, mainly quantitative findings from the field. Chapter 3 presents some of the socio-economic and demographic features of the study area while chapter 4 presents the status of the land ownership and land tenure arrangements.

The chapter 5 discusses on prospects for land and agrarian reforms. This is primarily based on the qualitative information generated during the research process. This chapter also paves out a way to draw conclusions and recommendations Finally, the last chapter, chapter 6, offers the discussions, conclusions, and recommendations based on the information and discussions in the previous chapters.

Additional information are presented as annexes. An executive summary, presented at the beginning of the report, summarizes the study.

1.7.10 Scope and Limitations

The study is a first of this kind in the recent years that has specific information from more than 25 thousands households from across the country. This would provide fresh database as well as offer some unconventional analysis and recommendations.

However, due to the nature of the sampled VDCs and localized information from some of the study VDCs, the findings cannot be generalized in all contexts without considering the

variations. Similarly, some of the data are apparently misrepresented; however, they were not caused because of the methodological limitations, but of the subjectivities involved in the information sharing. For example, the under reporting of female-headed households was a definitional problem of household head. Likewise, there is inconsistency between the land rented-in and the land rented out. Those who had given the land to cultivate did not report or concealed the information fearing that they would be obliged to give tenants rights if documented. Some of such limitations are explained where there are reported.

CHAPTER : 2

SOME CONTEXTS OF LAND AND AGRARIAN REFORM IN NEPAL

This chapter tries to establish a broader macro context for the study. Chapter begins with a brief discussion on why has the land and agrarian reform been a pertinent agenda of the time, followed by some of the macro context, for e.g., expansion and intensification of capitalism and changing production relation; urbanization and encroachment of agricultural land. Similarly, this chapter discusses on agriculture and poverty; agriculture and employment; contribution of agriculture in the national economy; and other associated issues. Finally, the chapter concludes with a brief discussion on the landlessness and social exclusion. Thus, this chapter aims to provide a general macro context for the study.

2.1 Land and Agrarian Reform: A Belated Agenda

In the early 1960s Nepal had the highest level of agricultural productivity in south Asia, but by the early 1990s its agricultural productivity was the lowest in the subcontinent. This happened because Nepal's agricultural sector has stagnated, while those of adjoining countries have advanced quite rapidly (www.wis.cgiar) . Growth or stagnation in the production is primarily determined by the ownership of and relation to the productive asset.

Land is a primary productive asset. Land tenure system is one of the important determinants of the land productivity, the primary concern of agrarian reform. Agrarian reforms follow the land reform. Only a successful land reform yields a successful agrarian reform. Land reform, unlike previous discourses, should not be confined as a mere mechanism of land redistribution, but it necessarily includes redistribution or reallocation of rights to establish a more equitable distribution of farmland. Land reform and agrarian reform in our context signify the same process and the same outcomes, as well. Both land reform and agrarian reform aim to achieve greater productivity and production, and at the meantime also aim to ensure distributive justice for landless and small farmers, who constitute the majority of the agricultural productive force. These are the political processes targeting to the goals of economic transformation and social justice.

As we now have a dominant discourse of unequal distribution of land resulting in to unequal distribution of access to and control over property, power, and prestige. Majority of the tenants who till the land and fully depend on agriculture for the livelihood do not own the land, but on the other hand, those who own the land do not work in the farm rather gets the larger share of the produce. Land tenure system hitherto has been a means of surplus appropriation by the dominant class, the large landowners, and the *Birta* holders. The same tenure system has allowed absentee landlordism to exist. This has created a situation where land, the means of production, labor and the capital are detached, or they are differentiated and diverged. Consequently, this has contributed negatively to the agricultural production and productivity. Therefore, one of the objectives of the land reform would be to redistribute the land ensuring social justice and enhancing productivity.

Likewise, despite several political changes and changes of the government, the old power

structure has remained virtually intact. State-led land reform largely failed to redistribute the land to the actual tillers therefore failed to alter the existing power relation. Much talked land reform initiatives of 1964 also failed to meet its expectations. There were inherent lacunas for the speedy enforcement of the act, compensation to the landlords as promised, and extended support for the beneficiaries. Despite some far-reaching impacts it had, it could not fulfill its promise, consequently failed to pave the way for the agrarian reform. 'When the reform is corollary to structural change in the way agriculture is supported towards economic transformation, this becomes agrarian reform' (Willy 2009:4).

Since then, no such initiatives had been taken with regard to the land reform processes. However, there were several commission formed, many of them had no effects at all. Some of the commissions formed after 1990s took some initiatives and also distributed some land, as well, but could not make impact as intended. See the references for the details (Annex 5).

Only the economic explanation and justification for a land reform may not fructify, rather this has also to consider the political and cultural implications. Hence, land and agrarian reform is needed to support and sustain political transition ensuring social justice and economic restructuring and transformation. In sum, land reform has a direct bearing on agricultural production and productivity, consequently in achieving the food security. Also, land reform is considered as one of the determinants of economic restructuring leading to the restructuring of the old power structure, and ensuring more democratic society and polity.

As 'why land and agrarian reform is necessary' is a pivotal question, the context where the questions to be dealt is also equally important. The following paragraphs present an overview of the macro context in general and try to locate the issues of land and agrarian reform.

2.2 Expansion and intensification of capitalism: Changing production Relation

The question of land is directly related to the livelihood of the majority of population through agricultural production. That had been the basic use of land. At the same time, land based resources has been the primary source of economic surplus generated by the ruling elites through the 'sate landlordism'. A handful family held the larger chunk of land but hardly worked in the field, on the other hand, those who survived tilling the land for generations remained landless. This contradiction of ownership created the context for the exploitation of the peasants and laborers. It had been continued till the present day, with a different magnitude, though. Therefore, the questions of ending the unequal land relation and the land to the tillers have always been the central in the land reform discourses.

However, some other questions that set the macro context of the land reform at this historical juncture are so prominent that they simply cannot be overlooked. For example, faster growing urban space and urban population, shifting of rural masses towards non-agriculture sectors, primarily in the industrial based employment, service sectors and foreign labor market, thereby declined contribution of agriculture in the GDP. The present changing production relation can be characterized by the expansion of capitalism, and weakening of the feudal production relations.

Also, the constitution making process is underway; peace process and institutionalization of democracy have dominated the political debates and the

process. Hence, the issues of land reform are to be linked with the overall context and to be able to justify how the issues raised can actually help these processes. How the question of land reform has been a central question in this process, or is established as a central question. What importance will the question of land reform will receive in the process of overall economic restructuring and economic development programs.

At the same time, challenges are there to safeguard the rights of the landless, poor peasants and tenants, and formulate integrated agricultural reform program that will enable the betterment of the people and fight against the adverse effects of the neoliberal economy.

For last six decades, peasants, small farmers and tenants in general fought for land to work and to have rights of ownership over the land they had been tilling. The whole idea behind those fighting was to restore the tenants' rights and as they believed that it was necessary to have the land to be able to support their families and make the lives better.

In this transition towards capitalism, neoliberal, market driven, dominated by financial imperialism and by transnational corporations, land reform and thereby agrarian reform as well as the character of the peasant movement do not remain the same.

Now, though the question of redistribution cannot be dismissed, it is also not enough to simply distribute the land, because in and of itself it is not a guarantee or condition that the farmers will be able to continue and better their lives. It is necessary to think of a new type of agrarian reform, in which not only land ownership is democratized, but agro-industries and agricultural businesses as well, which is wedded with a model of development that prioritizes the internal market and the food supply. In other words, along with the democratization of land ownership, it is necessary to build a new model of agricultural production and a new form of social organization of production in rural areas.

Two broader macro contexts that the issues of land reform should be well welded with the expected restructuring of the country along the line of federalism, and, the writing of new constitutions. Discussions on land and agrarian reform should not be deviated from these two processes.

Notwithstanding, some of the micro context are equally important, when the question of implementation of any program concerns, in particular. For example, landed peoples interest of maintaining old power relations/dyadic relation of dependency through any form of patron-client relations operate at the local levels. Semi-bonded labor arrangements, viz. Haruwa, Haliya, and, unrecognized legal rights, i.e. not legally recognized tillers are so dependent on landed families for their survival.

2.3 Urbanization and Encroachment of Agricultural Land

Urbanization in Nepal has not a long history, and, with a few exceptions, there has not been a planned urbanization process, either. Urban areas grew and expanded in the areas where there were earlier settlements, in the fertile valley, river beds and so on. Rural to urban migration has been a typical migration process for long. This indicates that there has been a continuous and ever increasing trend of shift from agricultural sectors to non-agricultural sectors in the urban areas, like in the industrial and service sectors. However, this has two fold impact in the urban space, particularly in the fertile land. First, expansion of urban space encroach the fertile cultivable land, as the settlements expand on such a flat and low land. Second, due to the availability of opportunities

in such urban centers concentration of population is also so obvious and evident. All those who migrate to the urban places cannot afford proper housing and land of their own, and start living as squatter in the public land, riversides, and so on. In either case, they will have adverse impacts on urban landscape, on agricultural land and public land.

The north-south, rural to urban migration trend became visible after the eradication of malaria in the Tarai and lowland. There was only 2.9 percent of the total population living in the urban areas during 1952/54 census, which increased to be 13.9 percent in 2001 census. The urban polulation has increased by almost three and half times more in 20 years. This will indicate the alarming rates of rural to urban migration. This has been escalated dramatically in the recent years.

Urbanization, in many senses, is considered as the physical manifestation of the structural shift of the employment from agriculture to non-agricultural sectors. Now, the urban areas contribution constitutes 60 percent of the GDP.

2.4 Agriculture and Poverty

According to NLSS (2004), the people living in the absolute poverty are 30.85 percent, which was reduced by 11 percent than that of the previous period. This reduction was only 8.7 percent for the rural areas where people largely depend on agriculture, whereas, it was 12 percent reduction in the urban areas. This means, contribution of agriculture sector in the national economy is shrinking; however, the share of the population still depending on agriculture has remained high.

This indicates the prevalence of poverty, in terms of volume and intensity, is higher in the rural areas, i.e., among the people depending primarily on agriculture. This is further worsening by the low input and investment for the agricultural productivity.

It seems that the incidence of the poverty is high due to the lack of proper growth in the agricultural sectors, but the issues of poverty is further and better explained with the issue of land ownership. This means the challenges of reducing poverty is the linked with the unequal distribution of the land and the insecure tenancy or land ownership structures. Therefore, the question of reducing poverty is directly linked with the question of securing land rights of the majority of the population living under poverty. It is even imperative to secure women's access to the land and land rights for the reduction of the poverty in the family level.

2.5 Agriculture and Employment

Population census, 2001, recorded that 10,482 thousand economically active people, which rose to 11,580 thousand in 2006/07 out of which only 11,012 thousand are employed, and rest are unemployed. Unemployment and hidden unemployment is higher in rural areas, than in urban areas. It is estimated that one-fourth of the people engaged in agriculture are hidden unemployed.

Agriculture sector now is not able to create more employment opportunity in the present context if there has not been any structural changes. Department of Labor and Employment had record of 591400 people going for a job market abroad, which was 182192 in 2005/06 and 167232 in 2006/07, i.e. there were 940824, in three years time. The actual number of people working outside the country mounts far more than the officially recorded number.

The process of land fragmentation also indicates that reducing farm size after a certain level displaces the labor force from it, as they will be so smaller to engage more people in it for the production purpose. The following table illustrates the trend of land fragmentation in the last decades.

Table 1 Distribution of household (NH) and area owned by size of land holding (in %)

1961			1971		1981		1991	
Size of holding	NH	Area	HH	Area	NH	Area	NH	Area
Landless	1.43	0.0	0.80	0.0	0.37	0.0	1.17	0.0
Less than 1.0 ha	73.89	24.03	76.77	27.20	66.32	17.33	68.63	30.5
1-4 ha	19.56	35.68	18.39	39.29	28.05	46.13	27.68	50.8
More than 4 ha.	5.13	41.42	4.03	33.74	5.35	36.54	2.51	18.7
Total	**100.00**	**100.00**	**100.00**	**100.00**	**100.00**	**100.00**	**100.00**	**100.00**

Source: Karki 2000

It is observed that the trend and the intensity of the fragmentations have escalated in the recent years, coupled with population growth (i.e., growth in number of families), rapid urbanization, and the less incentives in the agricultural sectors.

2.6 Contribution of Agriculture in National Economy

Nepal's economy is characterized as an agrarian economy, and agriculture is considered as the backbone of the economy of the country, but the investment in agriculture sector has been declined gradually over the years, and is continued to decline. For example, in 2005/06 the growth rate of GDP remained 3.3 where agriculture sector contributed only 1.1 percent whereas the non-agriculture sector contributed 4.6 percent. This was 2.5 percent for 2006/07, where contribution of agriculture sector was only 0.7 percent. The growth rate of non agriculture sector is almost 4 times than that of agricultural sector.

Table 2: Sectoral Contribution to Gross Domestic Product (in %)

Sector	1980	1985	1990	1995	2000	2004
Agriculture	50.9	51.2	49.5	41.7	39.1	39
Mining	0.3	0.4	0.4	0.5	0.5	0.6
Manufacturing	5.6	5.7	5.7	8.4	9.5	8.8
Electricity, gas and water	0.3	0.4	0.6	0.7	0.8	1.9
Construction	7.9	8.5	9.1	9.8	10	11.1
Trade, restaurant & hotel	10.5	10.3	10	11.3	11.2	10.5
Transport and communication	7.1	6	6.2	7.7	8.5	7.8
Finance and real estate	10.2	9	9.1	9.7	10.1	10.1
Community and social service	7.3	8.6	9.3	10.1	10.7	10.2
GDP by Major Groups						
Agriculture	50.9	51.2	49.5	41.7	39	39
Industry	14	15	15.9	19.4	20.7	22.3
Services	35.1	33.8	34.7	38.9	40.3	38.7

Source: Economic Survey, MOF (various issues)

Hence, in 1980, agriculture sector contributed 50.9 percent in GDP, which reduced to 49.5 in 1990, followed by 38.3 in 2004 and 36 percent in 2008. Hence, agriculture's contribution in GDP is declining by 1 percent annually.

In the similar vein, the investment in the agriculture sector is also shrinking. For example, in 1985, agriculture sector drew 39.3 percent of the total share of foreign investment which was reduced to 13.7 percent by 2003.

2.7 Deteriorating Food Security and Land Ownership

Nepal is generally portrayed as an agricultural country. Its more than two-third population still depends primarily on agriculture for their survival. But, due to the improper land policy, inefficient institutional setups, inadequate support from the government and other structural factors, the productivity is low. The agricultural production alone cannot feed the people involved in it. Low productivity appears to be the immediate threat to the food security, but, inequality in the landownership patterns and the landlessness are in the root. This indicates that the issue of food security should not be isolated from the issues of poverty and therefore, be linked up with the ownership of productive land by the genuine tillers. However, the issues of food crisis and food security is yet to be explored more seriously, in the global as well as in the local context. The understanding of the local effects of food crisis and local efforts for the food security, which vary widely, may help to understand the intricate power relations, as well. An analysis by WFP Nepal (2009) shows that there are substantive differences in food insecurity from one area to the next. Poverty, economic activity, agricultural productivity, access to basic services like health facilities and food markets all play a role.

Not long ago, during early 1960s Nepal had the highest level of agricultural productivity in South Asia, but by the early 1990s, its agricultural productivity was the lowest in the Subcontinent. This happened because Nepal's agricultural sector has stagnated, while those of adjoining countries have advanced, in some areas quite rapidly, largely because of the 'Green Revolution'. (www.wis.cgiar.).

Out of total land area of Nepal, only 17 per cent (i.e., 60 83 486 ha) land is arable, of which only 16 6224 ha is irrigated, meaning, still a large areas is rain-fed. Government cut down all the subsidies to the agricultural sector. This is further manifested in and marred by the low productivity. For example, Nepal's average cereal crop yield (1999-2001) was 2,089 kg per hectare, which was quite low than the world average, which was 3,096 kg per ha. Likewise, average roots and tubers crop yield (1996-1998) was recorded 7,958 kg per ha which is also quite low compared to world average, which is 12,958 kg per ha[3]. Still agriculture is contributing about one-third in the GDP, and said to be 76 percent of population are agricultural dependant population, Nepal had imported rice grain of 2150 million rupees. Ministry of Agriculture and Cooperatives reported that there is annual food deficit of 132916 metric ton.

Ever decreasing agricultural GDP compared to the population growth has complicated the issue, not only in terms of food security but also in terms of growing volume and intensity of the poverty. Increased irrigation coverage, supplies of agriculture inputs and fertilizers, better distribution system may solve the problem to some extent, but the basic issues still remains to be the land ownership patterns. Whether those who supplies the labor and toils in the farm get the larger share of benefits or

[3] *See http://encarta.msn.com/fact_631504826/nepal_facts_and_figures.html*

not provide the context for understanding the issue of the food security or insecurity.

Food insecurity, the situation of hunger, is not only about who get to eat a full meal or not, it is rather an issue of basic human rights, therefore, state's responsibilities, hence, an issue of polity. According to a study by WFP Nepal (2009), on the global hunger index score (GHI), Nepal ranks 57th out of 88 countries. With a GHI of 20.6 the severity of hunger in Nepal is *alarming*. The highest prevalence of hunger was found in the Far- and Mid-Western Hill and Mountain regions. The NHIs in these parts of the country are close to or above 30, pointing to an *extremely alarming* situation. The majority of the fifteen sub-regions of Nepal fall within the *alarming* category. Not a single sub-region in Nepal falls within the *moderate* or *low hunger*-categories. This underscores the seriousness of the food security situation in Nepal.

And the same report (WFP Nepal 2009) warns that, to address the hunger issue in Nepal, a substantive and urgent effort is required to ensure food sufficiency, reduce childhood mortality and improve child nutrition in all sub-regions of the country.

It seems so obvious that reducing the food insecurity is directly linked with the growing agricultural productivity and agricultural productivity is similarly linked with the issues of land tenure. Therefore, land is in the centre of –increasing or decreasing – food security.

2.8 Maoist s' 'Peoples' War' and the Issue of Land Rights

Ongoing peace process and settlement of the various conflicts that Maoists 'Peoples War' brought on the surface cannot be resolved without the proper settlements of the land related issues. When Maoists presented a 40 points demand to the then Prime Minister Sher Bahadur Deuba in 1996. Of them, 13 points concerned with economy, including demands like, 'land to the tillers', 'resettle squatters', to 'cheap inputs, fair price for agricultural products', etc.. This was no sooner was followed by the armed struggle led by the then CPN-Maoists. The 'war' ended without resolving any of those issues. Therefore, even if the Maoists have come in the peace process, which yet to be concluded, the chances of reviving of those issues and demands are always there.

Nepal Human Development Report (2004), with the NLSS data, revealed that 23 percent of total families are landless. Among the land-owning households, the bottom 47 percent won only 15 percent of the total arable land, with an average size of less than 0.5 ha, while in the reverse side, the upper 5 percent owns more than 37 percent of such land. This inequality in the land distribution was so sharp and visible (UNDP 2004). Maoists launched a violent struggle with a promise to end such a structural violence.

Moreover, many poor farmers, landless, freed-Kamaiyas, squatters supported Maoists and many of them also joined the armed struggle as they had some of the issues these people were directly concerned with and directly affected by. People still have hope that the demand they supported will be fulfilled some days. Without a thoughtful planning and implementable programs to address those issues, conflicts are always inevitable.

2.9 Land, Power and Social Justice

Probably one of the most important issues, but still not adequately discussed, is the question of land and the power relations. Also, not seriously studied among others, several land based social/political/economic exclusions and discrimination. These provide us with very instrumental context at the local level to understand the problems of political-social-economic exclusions and the question of social justice. There is a strong correlation between

Dalits, landlessness, and exclusions in the social, political and economic spheres. Questions like, why some are always in the political powers, why only some have access to the state resources, and why so many are always poor are to be answered through the exploring how land ownership actually shapes the local political and economic processes at the local level. Thus, land, a key asset, is the key to the expand and exercise the power, and to make the strategic choice. Differentials in land ownership, therefore, is the key to accessing and exercising the power, leading to the unequal power relationship.

CBS 2058 BS accounted that 42,53000 families are landless, meaning they do not have their own agricultural land, and of them, 217075 families do not have land even for building a house. And, these are the most vulnerable families in the country, deprived of economic and political powe social justice has been denied.

In addition to the existing literatures with regard to this aspect, this study also establishes such relations as landownership functions as the basis of social exclusion or inclusion in the given society. This indicates that social inclusion of many marginal farmers, landless and Dalits can be possible if their access to the land is guaranteed. Therefore, the landed class has always been a major barrier for the restructuring of the land ownership thereby the restructuring of the local power relations.

Many have exemplified many of such discriminations (Bhattachan et.at.:2008; Dahal et.al.: 2002; Nepali:2008). Nepali estimates that, one family of 5 members requires 1.02 ha, if need to survive entirely on land, whereas, only 3.1 percent of Dalits have the land up to or above 1.02 ha of land (Nepali: 2008). The situation of Madhesi Dalits are more sever. This has resulted into an unequal dyadic relationship between landed class and the Dalits, which is further complicated and intensified by the Hindu caste system, where Dalits are put in the lowest rung of the ladder. Therefore, Dalits access to other services is historically denied, for e.g., their access to education, health, and obviously in the political position and power. This is true to other non-Dalit landless also, but in a different degree, because they are not considered as 'untouchables' therefore non-Dalits landless may have better access than the Dalits to resources and opportunities.

Land policy reform is expected to alter the policy in the other aspects also to reduce and eliminate the exclusion based on landlessness. On top of all these, Nepal has ample experiences of failed land reform programs and initiatives. Therefore, amidst these prevailing macro-context, Nepal's experiences of why the land reform initiatives failed in the past, including the one of 1964 land reform, which said to have aimed in remolding agrarian relations and mobilizing capital and labor from agriculture to the industrial sectors, provide us enough insights to go for a successful land reform policy and program.

In addition, we can also learn from the South Asian experiences, where there has not been any successful model of land reform, whereas in East Asia, there has not been any unsuccessful case of land reform, whatever ideologies, or institutions the governments claimed to be.

Therefore, complexities of the land reform has to be sought in the complexities of the social-economic and political power generated by land ownership and the age-old unequal power relations caused by the unequal distribution of the land. The question of social justice should be placed in the centre while debating and discussing about restructuring of the society, which is possible, only after the restructuring of the agrarian relations and land ownership patterns.

CHAPTER : 3

THE STUDY AREA AND THE SOCIO-DEMOGRAPHIC FEATURES

This chapter presents socio-demographic features of the study area based on the findings of the research. This chapter, therefore, presents the total household and the population, caste/ethnic and religious composition of the study population and their migratory behavior, particularly focusing on in-migration.

3.1 Study Districts, Total Households and Population

The study area were selected through random sampling whereas study VDCs were selected purposively based on some indicators, for example, the squatters problems, Dalits and landlessness, specific forms of land tenure, viz. ukhada/anakada, relocation of the settlements, etc. The study area represents all three ecological zones and five development regions. The following table presents the study districts, VDCs, total households and the population.

The total HH covered by this study was 25,199 and the total population was 143,125. Hence, a mean household size of the study areas was 5.67, which is quite high compared to the recent national statistics which is 4.9 only (CBS:2008). The study areas selected for this study represent mostly the rural areas; therefore, this variation in the family size is expected.

The HH coverage of Tarai/Inner Tarai and Hill/Mountain were 18,473 HH (73.3%) and 6726 HH (26.6%) respectively. Population distribution were 105,302 (73.6%) for Tarai/Inner Tarai and 37,823 (26.4%) for Hill/Mountain.

Table : 3 The Study Districts, VDCs, Households and Population

SN	District	VDC	No of Households	Population
1	Jhapa	Dagibari	1690	9013
2	Shankhuwasava	Mamling	871	4664
3	Udaypur	Jogidaha	1319	7043
4	Siraha	Bastipur	1152	6502
5	Rasuwa	Dhaibung	1035	5651
6	Sindhupalchowk	Gati	891	4591
7	Nawalparasi	Makar	4806	25073
8	Kapilvastu	Dhankauli	1375	8710
9	Parbat	Huwas	954	5705
10	Dang	Gangaparsapur	2040	12731
11	Dailekh	Gamaudi	729	3774
12	Bardiya	Kalika	2569	13734
13	Kailali	Masuriya	3522	22496
14	Bajura	Pandusen	1093	6070
15	Jumla	Kankasundari	495	3149
16	Baitadi	Bhumeswor	658	4219
Total HH			**25199**	**143125**

Source: Fieldwork 2009

The study areas were selected to represent all the geo-ecological regions, and one VDC from each district was selected as study area, where the population distribution was not accounted while sampling. Therefore, the households and population distribution of Hill and Tarai is not proportionate.

3.2 Female-Headed Households

Household head was defined as the one who did most of the decision-making, who was not away from home for long periods, and took care of the primary responsibilities to run the everyday activities of the family during the study period. Therefore, household head may not necessarily to be the eldest person - male or female - of that particular family. The following table presents the number of female-headed households.

Table 4: Gender of Household Head

Gender	Frequency	Valid %	National Average (%)
Male	22136	87.8	81.4
Female	3063	12.2	19.6
Total	**25199**	**100.0**	**100.0**

Source: Fieldwork, CBS, 2001

This study recorded 12.2 percent households as female-headed households, which is quite low compared to the national average (19.6%). However, despite the orientation of the enumerators, during the study period, it was observed that most of the respondents considered the eldest male member as the household head, even when he was dependent on the rest of his family due to his age/health condition or was living in a foreign country for years. This fact indicates that the actual female-headed households may be more than what is recorded by this study (12.2%).

In general, the female-headed households are in increasing trend. For example, there was only 14 percent of the female headed households during 1998/99, which increased to 19.6 in 2001 census, which now has reached to as high as 22.1percent (CBS: 200; CBS: 2009). The proportion of female-headed households is higher (24%) in the hills as compared to Tarai and Mountain both about 20 percent (CBS: 2009).

3.3 Caste/Ethnic distribution

Distribution of population according to social categories such as caste and ethnicity by and large represented the national scenario, as shown in Table 3. The table illustrates the household and population distribution according to caste/ethnicity and further compares the data with the national average.

Table 5: Distribution of HH and Population according to Caste/Ethnicity

Caste/Ethnic Groups	HH Frequency	%	Population Frequency	%	National Average (%)
Tarai Ethnic	4924	19.5	29107	20.3	9.8
Hill Ethnic	4360	17.3	23231	16.2	27.4
Dalit Tarai	1006	4.0	5491	3.8	4.0
Dalit Hill	2713	10.8	15428	10.8	10.8
Chettri/Thakuri	5288	21.0	30350	21.2	21.0
Brahmin Hill/Sanyasi	4365	17.3	24066	16.8	17.3
Brahmin Tarai	184	0.7	1129	0.8	1.9
Tarai Middle Class	1374	5.5	8299	5.8	12.9
Others	985	3.9	6024	4.2	5.3
Total	**25199**	**100.0**	**143125**	**100.0**	**100.0**

Source: Fieldwork 2009, and CBS, 2001

The largest group among all the categories was the group of Chettri/Thakuri, which was 21.2 percent, which matches with the national average, i.e., 21 percent. Tarai ethnic groups came second with 20.3 percent, which is fairly higher than the national average, i.e., 9.8 percent. It was so because the sample districts in the Tarai/Inner Tarai were the districts with higher presence of Tharu, a Tarai ethnic group. On the other hand, percentage of hill ethnic groups is lower (16.2%) compared to their national average (27.4%) for the same reason. Tarai Middle Caste is also less (5.8%) compared to their national average (12.9%), because of the fact that most of the Tarai districts were from West, where the presence of the middle caste groups are low.

For rest of the groups, the population composition in terms of caste and ethnicity was very much in line with the national average. Therefore, this statistical resemblance allows us to claim that the sample population can broadly represent the national picture as well.

3.4 Distribution of the Population by Religion

One of the criteria of the selection of the study sites was to select those VDCs which could eventually represent the diversity in all aspects. This was equally true in the case of religious distribution of the population. The distribution of the population according to religion is presented in Table 6.

In terms of population distribution, we can see the domination of Hindus over other groups, which was even higher than their national share. According to the table, 90.6 percent were Hindus, 10 percent more than their national average, consequently resulting into a low representation of other groups compared to their respective national averages. Nevertheless, Christians accounted for 0.1 percent more than their national average.

3.5 Types of Houses

The types of houses are categorized here according to their construction. For example, houses made of bricks or stonewall and wooden planks are considered as *pakki* (permanent) types, whereas the houses with walls made of mud and daub, tree branches, mud-bricks, etc. are considered as *kacchi* (flimsy) types. Similarly, if the roofs are of tiles, corrugated zinc, RCC, RBC, then they are considered as *pakki* roofs, while thatched roofs are considered as *kacchi* roofs. When a house has *pakki* walls and pakki roofs, then that is considered a *pakki* house. On the contrary, if a house has a *kacchi* roof and *kacchi* walls, then, that house is a kacchi house. But, if a house has either a *kacchi* roof and *pakki* wall or a *pakki*

Table 6: Distribution of Population According to Religion

Religion	HH Frequency	%	Population Frequency	%	National Average (%)
Hindu	22813	90.5	129674	90.6	80.6
Buddhist	1644	6.5	8838	6.2	10.7
Muslim	324	1.3	2436	1.7	4.2
Christian	176	0.7	912	0.6	0.5
Kirat	213	0.8	1083	0.8	3.6
Other	29	0.1	182	0.1	0.4
Total	**25199**	**100.0**	**143125**	**100**	**100.0**

Source: Fieldwork 2009, and CBS, 2001

roof and *kacchi* walls, that house is considered as *kacchi-pakki* house. Table 7 presents the different types of the houses according to the construction pattern.

Table 7: Distribution of Houses According to their Types

Type of House	No. of Houses	%
Pakki	7183	28.5
Kacchi/Pakki	8536	33.9
Kacchi	8957	35.6
Rented house	460	1.8
Others	40	0.2
Total	**25176**	**100.0**

Source: Fieldwork 2009

According to the table, 35.6 percent were *kacchi* and 28.5 percent were *pakki* houses, while 33.9 percent were *pakki-kacchi* houses. Rented houses and open or tent-like shelters are not categorized under these types.

The study also reveals that there is a correlation between the house types and the caste/ethnicity. For examples, Dalits have reported a rare case of Pakki house, and overwhelming Dalit populations are living in Kachhi house.

3.6 Access to and Utilization of the Services

Now we look into the study population's access to some of the basic services. These are general condition of the study areas, therefore, they are categorized in terms of the types of services only. However, this study has indicated that the access varies along with the landholding categories, i.e., higher the landholding better the access to the services. Even though the service types varies along the geo-ecological conditions, however, it has been apparent that the households with the greater landholding are likely to utilize, for example, the privately owned sources of water, use LP gas or bio-gas, and have toilet facilities at home. However, there are slight variations also according to the distance from the highways, towns, etc.

3.7 Source of Drinking Water

Sources of drinking water vary according to the geographical and geo-ecological regions. However, to portray a general picture of the study population, access to the some of the basic services, including drinking water, is presented here.

Tube-well, dug-well are common in the plains, whereas, stream, dug-holes, taps are common sources of drinking water in the hills.

Table 8 : Sources of Drinking Water

Sources	Frequency	Percent
Tap	9553	37.9
Tube-well	13588	54.0
Covered-well	820	3.3
Stream	479	1.9
Dug-holes/open-well (*kuwa/jaruwa*)	738	3.0
Total	**25178**	**100.0**

Source: Fieldwork 2009

Pipe water is considered safe as a source of drinking water, and, our study shows that 37.9 percent use tap water (see Table 8), where national data shows that 46 percent of the households have access to the piped water. However, tap water in our study may not be as safe as it is considered to be. Highest percentage of households (54%) use tube-well as the source of water as our study VDC in tarai are more populous than the VDCs in the hills and mountains. Other sources of drinking water include, covered- well, open-well, and streams.

3.8 Ownership and Access to the Sources of Drinking Water

Not all the families using these facilities actually own them. Following table presents the ownership pattern over the sources of drinking water.

Table 9 Ownership of the sources of water.

Ownership pattern	Frequency	Percent
Own	11662	50.5
Neighbor	4221	18.3
Public/government	3985	17.2
Community	1618	7.0
Samuhik (group owned)	1625	7.0
Total	**23111**	**100.0**

The table shows that only 50.5 percent of HH own the sources of water, i.e. from the privately owned sources. Nearly a one-fifth (18.3%) of the population uses the sources of water owned by their neighbors'. These two phenomena are common in the plain, therefore, appears with the higher percentage in our study. Most of the hill householders use the community or public sources of water.

3.9 Cooking Fuel

Table 10 Sources of the Cooking Fuels

Sources of Fuel	Frequency	Percent
Firewood	21678	86.2
Guitha/Cow-Dung	1055	4.2
Bio-Gas	1004	4.0
LP Gas	741	2.9
Electricity	659	2.6
Kerosene	11	.0
Solar	6	.0
Others	8	.0
Total	**25162**	**100.0**

Majority of the households use firewood as the sources of main cooking fuel across the country. Our study shows that 86.2 percent households use firewood as their main source of cooking fuel, which is 69 percent in the national level (NLSS/CBS 2004). This is followed by cow-dung, where 4.2 percent households in out study use cow-dung, which is 16 percent in the national level. Firewood is common among rural households in the hills and mountains, and in the inner tarai, as well, whereas, tarai households use cow-dung in a significant proportion.

In our study area, 2.9 percent of households use LP gas and a negligible number of households use kerosene and solar energy as the main source of cooking fuel (only 11 and 6 households respectively).

Table 11 Sources of Light

Sources of light	Frequency	Percent
Electricity	15439	61.4
Kerosene	7602	30.2
Solar Panel	778	3.1
Diyalo and Others	1321	5.2
Bio- Gas	22	.1
Total	**25162**	**100.0**

3.10 Source of Light

Majority of the households have now access to the electricity as a source of light. This does not necessarily may mean that all these 61.4 percent of households who reported electricity as their source of light have legal access, or have paid for that. We included all the households, even if they do not have a permission to use the electricity legally.

Kerosene is the second common source of light with 30.2 percent household using it, followed by solar panel (3.1%) which is becoming popular in the hill and mountain areas. Other sources include diyalo, bio-gas, etc. (see Table 11).

3.11 Toilet Facilities

In terms of sanitation, having toilet at home is considered as one of the major indicators. In the study are, 43.7 percent of the households have reported that they have toilets at home, meaning, still a majority of the households do not have toilet facilities.

This proportion largely represent the rural context, as our sampled households come from the rural areas.

3.12 Access to Services and Service Providing Institutions

Rural peoples are deprived from basic services and facilities. We asked the responding households if they visited/wanted to have any service facilities and approached them, and, we found that only 16.7 percent of the households visited to agro-vet, 22.5 percent visited to banks and 80.4 percent visited to the health posts. There was a pattern that, the same households tend to use the several facilities available to them. Therefore, large number of household visiting banks also visited agro-vet and to the health posts, too.

From the agricultural point of view, only 16.7 percent of the households visiting agro-vet indicate the poor agricultural services within the access of the people.

In terms of caste/ethnic categories, Tarai Ethnic, Chhetri/Thakuri and Brahmin/Sanyasi have accessed those services more frequently than Tarai Dalit, Tarai Brahmin and Hill Dalits.

3.13 First Contact Place When Sick

Even if, 80 percent of the households reported that they accessed the health posts at least once in the last year, for only 58.2 percent of the households reported health posts as the first choice to approach when they are sick. Following table (Table 12) illustrates the first contact places for of the households when they get any health related problems or when they are sick.

Table 12 : First contact place when sick

Service providers	Frequency	Percent
Health Centre	14590	58.2
Private clinic	6514	26.0
Dhami/Jhankri	3662	14.6
Health worker	278	1.1
Others	39	.2
Total	**25083**	**100.0**

A significant number of households (26.0%) visit private clinic when they get sick or any health related problems. This shows that privatization of the health services have spread even in the rural areas significantly. Due to the lack of proper monitoring, services provided by these private clinics to the rural masses might yield adverse effects in financial terms as well as in health seeking behavior.

It is note worthy that nearly a 15 percent of the households reported that their first contact place would be *Dhami/jhakri*, the traditional healers.

3.14 Place of Delivery

During the delivery time, a crucial time when a woman needs a close support and trained health workers' facilities, 83 percent give birth to a child at home. Only 15 percent go to health centre or health posts, and 2 percent give birth to child outside the house but not even in the hospitals, either.

For majority of them (44.6%) mother-in-law help during the delivery, however, 29.7 percent call for a *sudeni*, a traditional birth attendance, to attend a delivery, which is also not considered as safer. Only 8 percent got services from trained doctors or Health Assistant, and 4percent of them got services from health workers, like ANM, nurses, etc. 13.6 percent of them reported that, they had a support from their neighbors during the last delivery period.

Hence, the study area selected represent the country in general in terms of socio-economic conditions and the socio-demographic processes. The following chapter will present the primary information with related to the land and land relations, in particular.

CHAPTER : 4

LAND OWNERSHIP AND LAND HOLDING PATTERN

We now present the situation of land ownership, land holding patterns, and the land tenure system in practice in the study sites. This chapter also presents the food security situation of the households according to different land holding categories. Finally, this chapter presents the pattern of land transactions.

Here, ownership refers to the land owned with all legal authority and documents, and with all the rights to inherit, divide, sell, or use for the desired purpose. However, land holding refers to cultivating or occupying the land without having full authority or legal documents to use all the rights as landowners. For example, a squatter holds the land but does not own that land.

4.1 Ownership of Registered Land

The ownership of registered land is the only secured land ownership in our context. This study shows that only two-third of the holding (66%) is registered land. Table 13 presents the land ownership pattern of the owner-cultivators of the registered land.

In terms of ownership pattern, 22.7 percent of the families were found to be landless. Nepal Living Standard Survey (NLSS) 2003/04 accounts that 77.5 percent of agricultural households with land, i.e. 22.5 percent of households have no agricultural land of their own (CBS 2004). Findings of this study, hence, very much corresponds with the national scenario. NLSS 2003/04 also indicated that landlessness of the agricultural households increased by nearly 6 percent in the last decade. In 1995/96, during the first NLSS, number of agricultural households without having any land of their own was 83.1 percent, which decreased to 77.5 percent in 2003/04. The average holding had also reduced from 1.1 ha to 0.8 ha (Ibid).

Table 13: Own Registered Land (Owner-Cultivator)

Land size	No. of owner HH	%
Landless	5712	22.7
0.01-0.5 ha	12577	49.9
0.51-3.0 ha	5969	23.7
3.01-5.0 ha	438	1.7
Above 5 ha	503	2.0
Total	**25199**	**100.0**

Source: Fieldwork, 2009;

Based on this finding, in the national level, an estimated 1,35,104 ha of land above the ceiling can be acquired if the ceiling is fixed by 5 ha. If the ceiling is further lowered to 3 ha and effectively imposed, an estimated 2,29,678 ha of above the ceiling land can be acquired.

Agricultural households not having any land of their own depended on sharecropping, plowing another's land in a semi-bonded contract, viz. *Haruwa, Haliya*, etc., or, cultivating the land which they did not own. 941 households, which is 3.7 percent of the total study population, owned more than 3 ha of land, which is, in some cases, are underreported for various reasons.

4.2 Landownership Distribution among Caste/Ethnic Groups

The caste/ethnic distribution of the households provides us with a social dimension of the landownership pattern. Table 14 illustrates the landownership distribution among different caste/ethnic groups.

The study revealed that 22.7 per cent of the households are landless. In terms of caste/ethnicity, 50 per cent of Tarai Dalit and 40 per cent of Hill Dalit are landless, which is the highest among all. More than 87 percent of Tarai Dalits and nearly 91 per cent of Hill Dalits, including landless, own less than 0.5 ha of land. This can better provide a context for the study, why Dalits are poor and powerless, why they are excluded and their rights are denied. Thus, the access and ownership of the land is a prerequisite for the study of and analysis of the power relation.

Table 14: Landownership Distribution among Caste/Ethnic Groups (in %)

Caste/Ethnic Groups	Landless	0.01-0.5 ha	0.51-3.0 ha	3.01-5.0 ha	Above 5.0 ha	Total
Tarai Ethnic	22.5	44.7	24.7	3.6	4.5	100
Hill Ethnic	20.9	54.9	22.8	0.9	0.5	100
Dalit Tarai	50.1	37.5	11.2	0.6	0.6	100
Dalit Hill	40.2	50.7	8.0	0.5	0.6	100
Chettri/Thakuri	20.6	50.0	26.5	1.5	1.5	100
Brahmin Hill/Sanyasi	12.0	59.7	25.5	1.1	1.7	100
Brahmin Tarai	10.9	51.6	36.4	1.1	0.0	100
Tarai Middle Caste	11.2	35.6	44.5	3.9	4.8	100
Others	31.7	40.5	24.1	1.7	2.0	100
Average	22.7	49.9	23.7	1.7	2.0	100

Source: Fieldwork 2009

Tarai Brahmin (10.9%), Tarai Middle Castes (11.2%) Hill Brahmin/Sanyas (12.0%) have the lowest ratio of landless population compared to others.

It is apparent that the land distribution is very much skewed among the Tarai ethnic and Tarai middle castes. Among the Tarai Middle Caste groups, 22.5 are landless (44.7 % owning less than 0.5 ha) and 4.5 per cent hold more than 5 ha of land (8.1% owning more than 3 ha), similarly, among Tarai Ethnic groups, 11.2 percent are landless (35.6 % owning less than 0.5 ha) and 4.8 per cent own more than 5 ha (8.7 per cent owning more than 3 ha) of land. This skewed distribution may suggest the possibilities of the redistributive land reform whereas at the meantime may also complicate the issues of the land reform, in the Tarai region in particular.

4.3 Ownership of the House Built Land

It will be relevant, in this context, to see how many of the families have built their house which they personally owned. The study shows that approximately, two-thirds of the total HH (66.1%) had ownership of the land where their houses were built, and one- third of them did not have full ownership of the land where they had built their houses. Table 15 presents the different types and ownership or holdings of the land where they had built their houses.

Table 15: Ownership of the Land of House Built Land

Land type	No. of HH	%
Own Land	16632	66.1
Public Land/unregistered land	4380	17.4
Landlord's land	770	3.1
Relatives' land	814	3.2
Guthi	772	3.1
Gaublock	1728	6.9
Birta	23	.1
Ankanda/ Ukhanda	39	.2
Total	**25158**	**100.0**

Source: Fieldwork 2009

As it becomes clear from the table, one third of the families are still deprived of the ownership rights of the land where they have been living for years. One of the issues raised by those families was to change the present holding into their ownership.

4.4 Renting of the Agricultural Land

According to the study, 1571 households (6.2%) reported that they have rented out their land to others on various bases, which is somewhat similar to the NLSS 2003/04 report, which showed 7 percent of the total landowners rent out some or all of their land to others (CBS 2004). Table 16 illustrates the household renting out land and the land sizes.

Thus, according to the study, only 6.2 percent of the HH reported that they have rented out their land for cultivation, but 20.6 percent of the HH reported of renting in land for cultivation under different tenure

Table 16: Households Renting out Land and Land size

Land size	No. of renting out HH	HH in %
0.01-0.5 ha	775	49.3
0.501-3.0 ha	632	40.2
3.01-5.0 ha	54	3.4
Above 5 ha	110	7.0
Total HH renting out the land	**1571***	**100.0**
*1571 is equivalent to 6.2 % of the total responding households.		

Source: Fieldwork, 2009

arrangements. This clearly shows that the landowners who do not cultivate but have rented out the land were not willing to provide proper information in this regard.

There can be some other factors for such discrepancies between the renting-out and renting-in of land. For example, one may have rented out the land to more than one cultivator, or, a few cultivators of Guthi land might also have been included in this land renting-in category. Nevertheless, it is not surprising that the landowners voluntarily hide such information. Table 17 illustrates the distribution of land size of the renting-in land.

Table 17: Renting-in Land and Land Sizes

Land size	No. of renting in HH	%
0.01-0.5 ha	2916	56.2
0.501-3.0 ha	1956	37.7
3.01-5.0 ha	74	1.4
Above 5 ha	242	4.7
Total renting-in land	**5188***	**100.0**
*5188 is 20.6 % of the total responding households.		

Source: Fieldwork, 2009.

Thus, such a discrepancy, in rented land, is not only due to technical errors, but also due to the attitude of the owners who are not willing to recognize the tillers as the tenants and give any share of the rights to them. This will further complicates the issues of tenancy rights, as only one-third of the tenants are recognized by the owners.

However, this type of inconsistency is not particular to this study, but a common for all such studies. For example, NLSS II has accounted that 7 percent rent out some or all of their land to others. On the other hand, 31 percent rented-in some land from others. (CBS 2004).

4.5 Aankada/Birta Land: The Residual of Feudal Land Policy

Ukhada, a form of Jimindari landownership that was said to have been abolished in 1964, is even today found in three districts of Tarai, namely, Rupandehi, Kapilvastu and Nawalparasi. The tenants in those three districts are forced to work on the land without any guarantee of tenancy rights. One recent study (Bhushal: 2008) estimates that there are about 8515 Ukhada tenants who have been tilling the land without having any ownership

rights. The present study also included two districts where Ukhada problem was apparent, a picture of which is presented in Table 18.

Table 18: Size of Ukhada Holding by Households

Land size	Ukhada holding HH	%
0.01-0.5 ha	2992	88.8
0.501-3.0 ha	373	11.1
3.01-5.0 ha	3	0.1
Above 5 ha	1	0.0
Total	**3369***	**100.0**
*3369 is the 13.4 % of responding HH		

Source: Fieldwork, 2009.

From the table, it becomes evident that 3369 (i.e., 13.4%) of the responding households have been cultivating Ukhada land of different sizes. Of which, 89 percent of the households hold less than 0.5 ha land. Only 4 households reported that they hold more than 3 ha of such land.

4.6 Public Land and Squatters

The study revealed that 22.7 percent of the households did not have their own land, meaning, they were landless in terms of having their own registered land. However, households have been holding different types of land for many years. 23.3 percent of responding households reported that they have been living in public (*sarbajanik*) land and as squatters (*sukumbasi*). The landholding status of the responding households is shown in Table 19.

Table 19: Households Holding Public Land

Land size	No. of HH	%
0.01-0.5 ha	5196	88.4
0.501-3.0 ha	527	9.0
3.01-5.0 ha	120	2.0
Above 5 ha	37	0.6
Total	**5880***	**100.0**
*5880 is 23.3 % of the responding households.		

Source: Fieldwork, 2009

Out of 23.3 percent of the responding households who have been holding public land 88.4 percent of them held less than 0.5 ha. However, 157 households (i.e., 2.6%) held more than 3 ha of such land, of which 37 households (i.e., 0.6%) held more than 5 ha. Although there were some indications that even the households owning registered land had occupied such public land, such cases were hardly reported during the study. Nevertheless, none of the households utilizing and cultivating Ukhada or Public land had any legal ownership status, rather they were fighting for the same.

4.7 Registered Tenants: *Dartawal Mohi*

Mohi are statutory tenants, who are registered and recognized, and whose tenancy rights over the land they are tilling is recognized and protected. It is said that the 4th amendment in 2053 BS(1997) and 5th amendment in 2058 BS (2002) of the Land Act of 2021 BS(1964) abolished the dual ownership over the land and, *mohi* issues were finally resolved. However, in reality, such dual ownership is still in practice. This study showed that, 614 (2.4%) households were still recognized tenants but did not have their share of the land they are entitled to, Table 20 presents the number of registered tenants-*mohi*- and the number of years they have been tilling the lands.

Table 20: Registered Tenants According to the Years of Cultivation

No. of Years	No. of Registered Tenant HH	%
Less than 10 Years	359	58.4
11-20 Years	95	15.5
21-30 Years	43	7.0
Above 30 Years	117	19.1
Total	**614***	**100.0**
*This is 2.4 % of the total registered tenants.		

Source: Fieldwork, 2009

Majority of the tenants (58.4%) had been cultivating the land under the recognized tenure arrangement for less than 10 years, however, 15.5 percent of them had been cultivating for 11-20 years, 7 percent for 21-30 years, and, 19.1 percent for more than 30 years. This clearly shows that the issue of dual ownership and *mohiyani* has not been resolved yet.

4.8 Adhiya/ Battaiya: Sharecropping

Sharecropping is a common practice, which is commonly known as *Adhiya* and *Battaiya* in the hills and Tarai respectively. This study showed that 14.5 percent of responding households maintained that they do sharecropping. Usually, the total produce is equally divided between the owners and the sharecroppers. There might also be some other forms of arrangements, for example, sharing of seeds, fertilizers, byproducts like hay straw, etc., and in some cases, sharecroppers may have additional obligations to the landowners along with occasional free labor. Sharecropping is a common practice for years in all parts of the country. This may also indicate the presence of absentee landowners, i.e., owners who do not cultivate the land, but employ certain households under sharecropping arrangements, so that the sharecroppers do not hold rights to claim tenancy rights over the lands. Table 21 presents the households according to the number of years they have been doing sharecropping.

Table 21: Sharecropping Households

Years	No. of sharecropping HH	%
1 Year	574	15.7
2-10 Years	2294	62.6
11-20 Years	514	14.0
21-30 Years	136	3.7
Above 30 Years	146	4.0
Total	**3664***	**100.0**
*This is equivalent to14.5 % of the total responding households.		

Source: Fieldwork, 2009

According to the table, almost 16 percent of the household was doing sharecropping just for one year, whereas nearly 63 percent of the households had been doing sharecropping for 2-10 years. About 8 percent households have been living with sharecropping for more than 20 years. However, this does not necessarily mean that they have been doing sharecropping with the same landowners. Usually landowners change the sharecroppers frequently to avoid the chance of sharecroppers claiming any tenancy rights after some years of cultivation of the same field.

4.9 Cultivating Land in Contract: *Thekka* and *Hunda*

Another form of tenancy arrangement is cultivating land in contract, i.e., in *thekka* and *hunda*. Under such arrangements, landowners contract out their farmlands to cultivate for which the cultivators get certain amount of the produce. This is common in the hills as well as in Tarai, but this study found that only 1.8 percent of the responding households were cultivating under such contract arrangement. The number of households doing cultivation under *hunda* or *thekka*, and the number of years, are presented in Table 22.

Table 22: Households Practicing Hunda and Thekka

No. of Years	No. of HH in Contract	%
1 Year	56	12.4
2-10 Years	277	61.3
11-20 Years	43	9.5
21-30 Years	28	6.2
Above 30 Years	48	10.6
Total	**452***	**100.0**
*This is equivalent to1.8 % of the total responding households.		

Source: Fieldwork, 2009

Even though a small proportion, this also indicates the presence of absentee landowners from a different angle, who neither cultivate the land by themselves nor manage a regular

supervision of the agricultural activities. In such cases, this becomes the safest way of securing products from the land. They just contract out for certain amount of grain, and the rest is taken care by the cultivators. This practice very much favors the landowners, as, in such arrangements, the tenants cannot claim any tenancy rights over the land they cultivate.

4.10 Haliya/Haruwa Bonded Labor in Practice

Haliya/Haruwa is a form or system of hiring ploughmen as contract laborers but consists of certain elements of bonded arrangement, where the ploughmen usually work for free to pay off the debts (see Dhakal, 2007 for a more detailed discussion on this). Officially, the system was supposed to have been abolished together with the abolition of *Kamaiya* system, but it persists in practice. In the process of the research, we came across 28 households who were living as *Haruwa/Haliya*, and a few of them were on debt bondage. Table 23 illustrates the number of *Haliya/Haruwa* households and the number of years they have been living as *Haliya/Haruwa*.

Table 23: Number of Households of Haruwa/Haliya

No. of Years	No. of Haruwa HH	%
1 Year	1	3.6
2-10 Years	11	39.3
11-20 Years	5	17.9
21-30 Years	6	21.4
Above 30 Years	5	17.9
Total	**28***	**100.0**
*This would be equivalent to 0.1% of the total households.		

Source: Fieldwork, 2009

The table indicates that there are still households that are forced to enter into this exploitative system, as that remains the only option of the livelihood for some of them, particularly the Dalit families. Twelve households had started as *Haliya/Haruwa* within the last ten years, while five households had been serving as *Haliya/Haruwa* for more than 30 years. Among the 28 *Haliya/Haruwa* households, 8 households had *Haliyachal*, a piece of land, often degraded one, given to ploughmen for cultivation until they serve as *Haruwa/Haliya*.

4.11 Guthi: A Complicated Form of Land Tenure

Guthi land is one of the most complicated forms of land tenure arrangement found in Nepal. Guthi is actually a form of land endowment made for religious or philanthropic purposes. Today it remains as an institutional landlordism with arbitrary use of power by the Priests and Mahantas over the tenants. Again, it is the tenants who suffer, as they do not have any legal authority over the land they have been cultivating for years. Table 24 illustrates the households holding Guthi land for different periods of time.

Table 24: Households Holding Guthi Land

No. of Years	No. of HH with Guthi Land	%
1 Year	5	2.6
2-10 Years	59	30.6
11-20 Years	8	4.1
21-30 Years	2	1.0
Above 30 Years	119	61.7
Total	**193***	**100.0**
*This is equivalent to 0.77 % of the total households.		

Source: Fieldwork, 2009

In this study, 193 households reported that they were cultivating Guthi land, which was about 0.8 percent of the total responding households. Among them, 119 HH, i.e., 62 percent of the households had been cultivating Guthi land for more than 30 years. There are variations in Guthi system itself, which was observed in our study areas as well, and the tenure arrangement varied accordingly. Also, in all the study districts, Guthi tenants had been campaigning for claiming their rights over the land they had been cultivating for years.

4.12 Other Forms of Tenure Arrangements

It is interesting to record that there existed several other forms of tenure arrangements. Most common among them was the system of mortgaging land against loan, where the loan giver/money lender cultivates the land until the loan is paid back. For this, the loan receiver usually does not have to pay any extra interest.

Table 25: Households under Other Tenancy Arrangements

No. of Years	Frequency	%
1 Year	330	31.4
2-10 Years	597	56.8
11-20 Years	75	7.1
21-30 Years	19	1.8
Above 30 Years	30	2.9
Total	**1051**	**100.0**

Source: Fieldwork, 2009

The number of households cultivating land under other forms of tenure arrangement was 1051, (i.e., 4.17%). In addition to the cultivation of mortgaged land, tenants cultivating land belonging to the schools and temples (but not Guthi) are also included in this category. A few of them also mentioned that they cultivated their relatives' land when the relatives were out of the village or country. In such cases, sharing of the produce varied from case to case.

Almost 57 percent of the 1051 households had been cultivating such land for 2-10 years. Similarly, 31 percent of the households had started to cultivate such land since only a year ago, whereas 30 households, i.e., 3 percent of the households have been cultivating such land for more than 30 years.

4.13 Tenure Arrangement and Formal Contract

Since such a substantial number of households had no ownership certificates of the land they were cultivating or occupying, and, many households had been cultivating others' land under different tenure arrangements, it was important to find out how many of them actually had the legal documents to prove them as the official tenants of such land. The study revealed that 72.8 percent of the tenants/ cultivators did not have any such formal documents. Only 12.2 percent possesed a receipt given by the landowners (*bali bujhaeko Rashid),* and, 4.3 percent have retained the receipt of the tax/levy paid to the authorities. A very few (3.8%) had a provisional certificate as the tenants (*mohi ko asthai nissa*), and less than one percent claimed that they were mentioned as tenants in the Field Book in the government offices.

4.14 Land Ownership of Women

In the recent years, the question of women's landownership has been in focus. Access to and control over land by women is viewed by many as one of the indicators of women's empowerment. This study revealed that 16.2 percent of the households had some lands in women's name (Table 26). NLSS has shown that 10.83 percent of households had land under women's ownership in 2003/04 (CBS 2004). This has presumably increased over the years, particularly in the urban areas.

Table 26: Distribution of Households having Women's Ownership

Description	No. of HH	% in total	% within group
House	1621	6.4	39.8
Land	1526	6.1	37.5
House + Land	927	3.7	22.8
Total	**4074**	**16.2**	**100.0**

Source: Fieldwork, 2009

According to the table (Table 26), among 16.2 percent of women having land registered in their name, 6.4 percent own house only, 6.1 percent own land only and 3.7 percent own both house and land. This is 39.8 percent, 37.5

percent, and 22.8 percent of 16.2 percent respectively.

Similarly, among the different caste/ethnic categories, Tarai Brahmins and Hill Brahmins had the highest proportion of women having land registered in their names, with 29.5 and 27.2 percent respectively. This was followed by Tarai middle caste (21.7%), hill ethnic (16.9%) and Chettri/Thakuri (15.3%). Tarai Dalits had 12.9 percent and Hill Dalits had 9.7 percent households having the land registered in women's names. The lowest of all was the Tarai ethnic group, where only 9.1 percent within the group had land registered in women's names. This, in general, follows the pattern of land ownership among these caste/ethnic groups. However, this may raise a question: can the land ownership of women alone be an indicator of women's empowerment? Our data does not necessarily support this hypothesis. Other important indicators would be the quality of land and the decision making power within households.

4.15 Food Sufficiency

Different households own and/or cultivate different categories and types of land, however, for majority of them agriculture was the primary occupation and thereby the means of livelihood. Yet, the agriculture-depending households could not survive the whole year with the food they produced. Some landless families could not grow any food at all. Such problems are illustrated in Table 27 which gives the distribution of households according to their food sufficiency level.

Table 27: Levels of Food Sufficiency of the Households

Level of Food Sufficiency	No. of HH	%
No production	4922	19.6
Upto 3 months	5830	23.2
Upto 6 months	4979	19.8
Upto 9 months	3067	12.2
1 year	5117	20.4
More than 1 year	1219	4.9
Total	**25134**	**100.0**

Source: Fieldwork, 2009

According to this study (although there were a few households who denied to give this information), only 25 percent of the total households could survive with their own production, and the remaining 75 percent of them were food deficit households. About 20 percent of the households did not have any kind of land to produce their own food. Twenty-three percent could survive only up to 3 months with their own production, 20 percent up to 6 months, and 12 percent up to 9 months in a year. However, 20 percent of the responding households maintained that they were food sufficient households, and 5 percent reported that they produced surplus food, implying that, at the time of the study, only 5 percent could make some surplus capital by investing in the agriculture. This study also revealed that 63 percent of the total households had to depend on extra source of income for their livelihoods. The level of food sufficiency shows a strong correlation with the land ownership pattern, which, in turn, also corresponds to the caste/ethnic identities of the responding households.

It was found that 53.6 percent of Tarai Brahmin households, 42.7 percent of Tarai Middle Caste households, and 32.6 percent of Tarai ethnic households were food sufficient. At the same time, only 7.2 percent of Tarai Dalit households were food sufficient, where 45.8 percent among them did not grow any food at all, and 21.5 percent of them could hardly survive up to 3 months with their own production. This indicates the skewed land distribution in the Tarai districts, and in particular among the different Tarai caste/ethnic groups.

In the hills also, 32.1 percent of Hill Brahmins and Sanyasis and 25.5 percent of Chettri/ Thakuri households were food sufficient and a few of them produced surplus food. On the other hand, only 19.2 percent of the Hill ethnic and 7.6 percent of Hill Dalit households were food sufficient. Among the Hill Dalits, 31 percent did not grow any food at all and 37.5 percent could survive hardly up to 3 months with their own production. This also reveals that the land distribution among different caste/ ethnic groups and within the Dalits themselves is also very much skewed.

4. 16 Managing Food: The Coping Strategies

From the above section, it was clear that 75 percent of the households were food deficit households, and could not produce enough food for their survival. This implies that they must have something to do to earn their bread, at least to serve their daily hand to mouth problem. Table 28 shows the different coping mechanism/strategies of the food deficit households.

Table 28: Coping Strategies of Food Deficit Households (multiple answers)

Activities/ Strategies	Households	Total %	% of Cases
Agricultural labor	10617	25.9	55.9
Wage Labor	9297	22.7	48.9
Loan	5069	12.4	26.7
Business	3256	7.9	17.1
Borrowing	3716	9.1	19.6
Forest products, tubers, etc.	84	0.2	0.4
Govt. & other Services	1614	3.7	8.5
Foreign job/employments	3835	9.3	20.2
Relatives	1152	2.8	6.1
Sons, Daughters	164	0.4	0.9
Other	2224	5.4	11.7
Total	**41028**	**100.0**	**216.0**

Source: Fieldwork. 2009. Note: multiple responses, i.e., each HH having multiple strategies.

According to this study (see Table 28), one fourth of the food deficit households (25.9%) manage their foods primarily by working as agricultural labor. However, 55.9 percent households reported that they work as agricultural labor to earn livelihood. Similarly, 22.7 percent earn their food by primarily working as day laborers, nevertheless, 48.9 percent of the food deficit households are working as day laborers. Among these food deficit households, 12.4 percent tale loans, 9.1 percent borrow cash or kind, where 7.9 percent of them earn from business to buy the food.

Income from remittance occupied the fourth position as a means of source of income to buy food, and it was in the rising trend. A few households (0.2%) also reported that they collect forest products, like tubers and other wild fruits or roots to supplement their food.

Hence, the study indicated that still majority of the rural households primarily depend on agricultural activities even without having their own land to till or without any tenure security.

4.17 Labor Arrangement

Even though nearly a three-fourth of the households primarily depending on agriculture were food deficit households, a majority of them were stuck in agricultural activities, many as agricultural laborers. Meanwhile, many of the households had to employ other laborers in the peak of agricultural seasons. The study accounted that 48.4 percent of the households, particularly with smal holding sizes, primarily depended on family labor. More than one-fourth of the HH managed through labor-exchange system[4], and 2.7 percent of the households reported of collective labor management practices, through semi-permanent labor gangs, who accomplished the agricultural activities of the gang members on a rotational basis. Sometimes, even the contractors supplied such labor gangs to accomplish a particular piece of work on a contract basis. Among the responding households, 20.5 percent said that they hired the laborers on daily wage basis, while 40 percent of the respondents maintained that they actually hired such wage laborers in different scales. A very few of them managed by hiring seasonal labor migrants from India, *Haliya/Haruwa,* or labor supplied by contractors.

4.18 Land Transactions[5]

Following sub-chapters present the findings with regard to the land transaction in the recent years. Two major ways of acquiring land are either by inherit as a parental property or by buying new land. There can be various ways of losing the land over the generation, but, this study focuses only on selling of land in last decade and the reasons for that.

4.19 Inheritance and Land Acquiring Pattern

After describing the land holding/ownership pattern and different forms of tenure arrangement, we now briefly present the patterns of inheritance and land acquiring. As we saw earlier, land was either registered in women's names, in men's names or was owned by both jointly. According to this survey, 82 percent of the total land was owned by males, 15 percent by females, and the remaining 3 percent was owned jointly.

Most of the women owning land maintained that they either bought the land from their own income or inherited the land as parental property, while some claimed that they received the land as parental gifts (*daijo*) during or after their. The different sources of female owned land are given in Table 29.

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[4] *Such labor exchange system is widely prevalent in hill districts, and known as parma, porima, pareli, etc. in different hill districts, or among the hill population of Nepal. However this practice prevails also in Tarai.*

[5] *This part of the analysis is based on the responses from 10 percent of the households selected through systematic random sampling.*

Table 29: Sources of Land Registered in Women's Names

Sources	No. of HH	%	% of Total Cases
Inheritance of parental land	141	32.7	38.7
Own Income	171	39.7	47.0
Sukumbashi Aayog/ Kamaiya Aayog/	21	4.8	5.8
Basobas Company/ Govt Support	34	7.9	9.3
Daijo	48	11.1	13.2
Others	16	3.8	4.4
Total	**431**	**100.0**	**118.4**

Source: Fieldwork, 2009

Hence, in terms of the land registered in female's name, nearly one-third (32.7%) of the households reported that they had inherited the land as their parental property, whereas, 39.7 percent claimed that it was through their own income (own income may also partly imply the income of their husbands). 11.1 percent of the responding households maintained that the source of the land in women's name was the parental gifts (*daijo*) during or after marriage. Some other sources of the land registered in women's name were the Sukumbasi Aayog, Kamaiya Aayog, Basobaas Company, and so on, as shown in Table 29. The table also shows that 18.4 percent of the households having land in female's name had acquired land through more than one sources.

Registering land in women's name is an increasing tendency in the urban areas, where about 30 percent of the land is registered in women's name in recent transactions. According to NLSS II, this is much lower in the rural areas (CBS 2004).

This statistical fact may suggest that even the daughters have begun to receive land as parental property and which is presumably in the growing trend. At the same time, a substantial portion of study reported that women have acquired land through their own income (also include spouse income, in many cases, though), this suggests that women are being gradually recognized as independent asset holders.

In case of men, more than half of the responding households reported that they acquired land as parental property, followed by the sources like their own incomes, and land grants from the governmentTable 30 illustrates the different sources of land acquired by men.

Table 30: Sources of Land Registered in Men's Name

Sources	No. of HH	%	% of Cases
Purkhauli Sampati	1219	52.20	65.90
Own Income	690	29.60	37.30
Sukumbashi/Kamaiya Aayog	150	6.40	8.10
Basobas Company	66	2.80	3.60
Prepared by oneself	84	3.60	4.50
Others	126	5.40	6.80
Total	**2335**	**100.00**	**126.20**

Source: Fieldwork, 2009

According to the table, 65.9 percent of the land registered in men's name was inherited as parental property. Another 29.6 percent responded that the land was bought with their own income. 6.4 percent had received land from the government, distributed by Sukumbasi Aayog/Kamiaya Aayog or Basobas Company. 3.6 percent of the responding households maintained that they 'prepared' the land they now owned by clearing the forest and the bushes. Other sources included, *Aputali, Daijo,* received as tenancy rights, *daan,* (a religious donation, received only by priests, etc.). 26 percent of the responding households had acquired land through more than one ways.

Similarly, 81 households (3%) reported to have land registered jointly in both the male's and female's names. In such cases, 40.7 percent reported that such land was acquired as parental property, 35.8 percent had bought with their own incomes, and 12.5 percent had

received the land from Sukumbaasi Aayog, Basobas Company, and other forms of government grants. Likewise, 3.7 percent of them had land as *daijo* (parental gift to brides during or after her marriage). A total of 26.6 percent of the households had more than one sources to get the land thus registered.

Overall, 7.2 percent of the responding households had received land under government's initiatives, during land distribution to the squatters, flood, and landslides victims, freed Kamaiyas, etc. At the same time, 2.6 percent (64 HH) of the sampled households also responded that they had given or lost the land for the public interest, for example, to construct market places, roads, canals, schools, temples, and so on.

4.20 Land Transaction in Last 10 Years

Land transaction in the last ten years has seen both ups and down. Political and policy environments have restricted but in some cases facilitated the land transaction in these years. 10.6 percent of the households reported that they sold the land in the last 10 years, while 18.7 percent reported of buying land in the same period.

Of the 10.6 percent of the total land sold, 2.5 percent was *ghar-ghadri*, 2.6 was irrigated *khet* land, 3.1 percent was rain-fed land, 1 percent *bari* land, and the remaining were forest, bush, grazing land, etc. On the other hand, of the 18.7 percent of the land bought, 8.6 percent was *ghar-ghaderi*, 3 and 4.6 percent was irrigated and rain-fed *khet* respectively, and, 2.6 percent *bari* land.

Out of the total land sold or bought of different types, nearly 90 percent was less than 0.5 ha, while only about 10 percent was reported to be of more than 0.5 ha. Practice of registering land in the women's name was also increasing, for example, only 0.3 out of 2.5 percent of the *ghar-ghaderi* sold was registered in women's name, whereas, 2.4 out of 8.6 percent of *ghar-ghaderi* bought was registered in women's name.

4.21 Reasons for Selling the Land

When exploring the reasons for selling land, it was revealed that 11.7 and 21.3 percent of the total respondents sold the land to pay back the bank loans and loans from the moneylenders respectively. 14.5 percent reported that they sold the land to manage money for health treatments of the family members, and for 11.4 percent of the total respondents it was to build new houses. Likewise, 8.6 percent of them needed money to buy land in other places, while 8.1 percent reported to invest in their children's education. Other reasons for selling land included buying household goods/amenities, making financial investments, starting business, migrating out of the current place of residence, and so on.

4.22 Sources to Buy Land

Revealing the sources to buy land, majority (52%) of the respondents maintained that that was their own income, not inherited as their parental property. Borrowing loan was the second most practiced option (19.9%), where 8.6 percent took the loans from relatives and friends, 6.7 percent accessed the banks, 2.4 percent borrowed from the *Bachat Samuha* (saving credit groups) or cooperatives, and 2.2 took the loan from the moneylenders. Similarly, 8.3 percent reported that buying land for them was the reinvestment of the money they had made by selling the land in other places. Meanwhile, 3.4 percent who had sold their *ghaderi* land had bought farmlands. Significantly, 7.2 percent had bought the land with the money from remittances. Remaining 4 percent managed from several other sources other than the ones mentioned above.

4.23 In Search of Land: Migration and Land Issues

The Nepal Labor Force Survey (NLFS II) has estimated that about 33 percent of the population of all ages had migrated to their current location (CBS 2009) and 80 percent of

the total migrants were from rural areas (Ibid.). Most of the migratory movements within the country has been with regards to the search for a better life. From every migration, migrants desire to have a better life than in the place of destination than in the place of origin. This study also looked into the migration history of the households, as a broader context for the study.

4.24 In-migration to the Current Locations of Residence

The study areas had a mixed population, and many of them were recent migrants to the present place of residence. The following table (Table 31) illustrates the years of living in the current place of residence.

Among the Tarai dwellers, 56.3 percent had migrated to the present place of residence within the last 30 years, while 85.7 percent of the HH in Hill/Mountain had been living in the present place for more than 61 years, compared to only 29.2 percent in Tarai.

Table 31 : Years Living in the Current Location of Residence

Years	Frequency	%	In Hill/ Mountain	In Tarai
1-10 Years	4982	19.8	5.9	24.9
11-20 Years	3466	13.8	3.5	17.6
21-30 Years	2678	10.7	2.1	13.8
31- 40 Years	2179	8.7	0.9	11.5
41-50 Years	454	1.8	1.2	2
51-60 Years	230	.9	0.7	1
61 years and above	11128	44.3	85.7	29.2
Total	**25117**	**100.0**	**100.0**	**100.0**

Source: Fieldwork, 2009

This clearly shows that there had been north to south or Hill to Tarai migration trend over the past decades. Tarai thus has remained a popular and common destination for the hill migrants. However, migration from south, i.e. cross-border migration has also been taking place during the last decades.

4.25 Location of Origin of the Migrants

Nearly one-third of the migrants had actually come from within the districts, i.e. short distance migration. Actually, 12 percent of them have that they moved within the same VDC, mostly in the process of family separation. These types of migration take place when people from the hilltop begin to settle down in the lower part of the village where soils are fertile and other facilities are available. Neo-locals usually tend to set up in the nearby areas where they have their parental land and property as well as their social networks.

However, 33 percent of the households had migrated to the present place from outside the district, while 2.4 percent of them had migrated even from outside the country. Nearly one-third (32%) of the responding HH stated that they did not know where they had come from, meaning they were living in the current place for long.

Table 32: Place of Origin

Location of Origin	Frequency	%
VDC	3031	12.4
Within District	4988	20.3
Out of District	8105	33.0
Out of country	581	2.4
Do not know	7833	31.9
Total	**24538**	**100.0**

Source: Fieldwork, 2009

4.26 Reason for Coming to the Current Location

There can be multiple reasons for moving to a new place. Table 33 illustrates the reasons for coming to the current location of residence. For most of them it was a quest for a better life, sufficient livelihood opportunities, while for a few, it was the structural reasons. Several of them had more than one reason to come to the present place of residence (see Table 33).

For any migration, potential migrants gather as much information as they can with regards to the place of destination. In this case, relatives were the most instrumental in passing the

Table 33: Reasons for In-Migration

Reason to come to this Place	Frequency	%
Buy land	3658	16.1
Land distribution	3598	15.9
Job found	1627	7.2
Job transferred	379	1.7
Relative	5212	23.0
Old land	1812	8.0
Education	2011	8.9
Marriage	574	2.5
Environment	1223	5.4
Land for sharecropping	1688	7.5
Do not know	6093	26.9
Others	**2862**	**12.6**

Source: Fieldwork, 2009; CBS, 2001

information to their own people wanting to migrate. Therefore, one of the most prominent reasons for migrating was having a relative in the area (23%). Otherwise, 32 percent maintained that they migrated to the place either because there was land to buy or because the government was distributing land, or because land for squatting was available. In addition, 8 percent had their ancestral land and 7.5 percent had come as they saw the opportunity for the sharecropping.

About 27 percent of the households could not trace their place of origin, and had been living in the present place for generations.

4.27 Conclusions

Hence, this chapter presented the existing land holding and ownership patterns, including women's ownership over land resources, and different forms of land relations in practice in the study areas. The chapter also illustrated the pattern of land transactions and associated activities, such as the reasons for selling the land and the arrangements of the financial resources to buy new land. The chapter further incorporated data on level of food sufficiency and labor arrangements for the agricultural activities; and provided with a fresh look at the labor migration pattern, along with socio-demographic features of the study population. Hence, this chapter constituted the core of the study.

It is difficult to draw any concrete conclusions based on such a descriptive database and information, as it requires a rigorous analysis placed in context. However, pattern of land ownership and land holdings, forms and pattern of tenure arrangements, low level of food sufficiency, etc., suggest that there is a need for urgent interventions for correcting the unequal land relations, insecure tenants' rights, and low productivity. It is necessary, as there is no other short-cut way, to increase the productivity of land to secure the food security of the majority of the agriculture depending households. This information will be supplemented with the qualitative information in the following chapter, then, we will be able to draw more defendable conclusions and practical recommendations.

Information presented in this chapter has provided a basis for the discussion on some of the pertinent issues related to the land and agrarian reforms in Nepal. It is hoped that these information help shaping up many relevant issues for discussion and debates, viz., redistributive land reform, ensuring tenants' rights and the rights of the cultivators along with commercialization of agriculture land, preventing commercial pressure on agricultural land. Preventing further fragmentation of agricultural land should be dealt with high priority for which devising a legal, social mechanism of inheritance of land as parental property needs to be worked out at the policy level. What is also desired is an effective community approach for proper land use, planning and zoning. These issues are further elaborated and discussed in the following chapter.

CHAPTER : 5

PROSPECTS FOR LAND AND AGRARIAN REFORMS: FINDINGS AND DISCUSSIONS

Findings from the field, quantitative as well as qualitative, are further discussed in this chapter. The previous chapter presented the finding of the quantitative, study whereas this chapter focuses on the findings from the qualitative information. Based on these discussions, conclusions are drawn and recommendations are made. Discussions are presented under different sub-headings.

5.1 Land and Indigenous People

Landless and resource poor farmers, whether they are from Jhapa or from Bardiya, or from Sankhuwasabha, have common opinions that the land is for them is a basic asset, for livelihood and living a dignified social life, as well as to maintain their culture. For them, land and agriculture is not only an economic activities, but lots of cultural aspects are involved in it. Therefore, urged to comprehend land people-relation beyond the economic rationale. Caplan observes, "far-reaching changes....occur when a non-indigenous central power introduces policies which are at variance with the customary system of land tenure" (Caplan 1967).

Agricultural communities have a special relationship to the land and territories they inhabit. This is more prominent among the indigenous communities. For them they have a deep spiritual relationship to their land. The land, for them is not merely a possession and means of production. It is noteworthy that, for many of such indigenous communities, land is not merely a commodity that one can acquire but a 'material element' to be enjoyed freely. (see ILO 2009).

ILO convention 169, the Article 13 maintains that the term land shall include 'the concept of territories, which covers the total environment or the areas which the peoples concerned occupy or otherwise use' (ILO 2009). Similarly, Article 25 of the UN Declaration on the Right of Indigenous Peoples states that 'indigenous peoples have right to maintain and strengthen their distinctive spiritual relationship with their territorially-owned or otherwise occupied and used lands, territories, water and coastal areas and other resources and to uphold their responsibilities to future generations in this regard'. Therefore, as has been argued elsewhere (Wilmsen:1989), the relations of indigenous people to land cannot be understood only in a normative, rule-centered, functionally specific terms. These issues have not been discussed adequately yet, even at present where discourses on land reform is gaining momentum.

5.2 Land Dispossession: A Cultural Historical and Political Process

The above issues of land and indigenous people are further exemplified with the cultural historical processes of landlessness. As in the case of indigenous population, landlessness is a politico-historical process. There were many cases recorded from the field that how a particular family lost the land once they used to cultivate and own. Whether Tharus from Bardiay of western Nepal or Rajbanshi from Jhapa, of the eastern Nepal have common stories to tell on how their ancestors lost the land ones they owned. Dalits from Parbat or from Bajura and Baitadi, they have the common question to ask

"despite plowing the field for generations why should not have the land of our own?"

Informants during the fieldwork maintained that many families could not register the land during land measurement survey in their name, even if they were the first cultivators of that land. Some others were denied the tenancy rights, and were dispossessed from the land they had been tilling for years and even generations.

In most of the cases, the unfavorable state land policy, as discussed in the previous chapters, ceased the ownership from the indigenous people. Similarly, due to several caste-based tradition, exploitation and exclusions eventually made Dalits landless.

Hence, landlessness is an outcome of long-term cultural-historical and political process, which, demand further in-depth studies.

5.3 Prospects for Redistributive Land Reform

The preceding chapter, based on primary information from the field, seemingly raised the question of the redistribution. The issue of redistribution has remained as a central question of land reform in Nepal, probably the most desired, debated and doubted notion among the supporters and critique of the land reform in Nepal.

The field observations and discussion with the range of people have suggested that the redistribution is possible and have underlined the need for such a redistributive land reform.

As many argued doubting the redistributive reforms, we also repeatedly asked, whose land and which land are to be redistributed. In addition, the quantitative data from survey do not show much scope in this regard. However, field observations and the qualitative information gathered suggested the possibilities of availability of the land for redistribution.

In any case, imposing a land ceiling is a primary task for any land reform initiative in any given circumstances. Therefore, land above the ceiling will be acquired, which, can be one of the sources of the land for redistribution. This study has figured out that if a ceiling of 5 ha is fixed, 1,35,104 ha of land can be acquired, and, if the ceiling is lowered to 3 ha, then, about 2,29,678 ha of land can be acquired.

Likewise, government land, public land, degraded forest land, etc. that have been lying fallow and unused or under-used should be utilized for the productive purpose. Similarly, *Guthi* (trust land, which can be of any kind), schools, temples, or land occupied by any government or non-government offices that are lying fallow, unused, or underused should be brought under the productive use. Such land can be redistributed for the cultivation purpose, for which, different policies can be formulated.

Second, land of absentee and unidentified landowners, dubious holding, government holding, which are not utilized for productive purpose or underutilized, can be pooled and brought under the land zoning planning, and to be redistributed. Absentee landownership still exists and at high levels (see for e.g. Upreti et.al. 2008; Alden Wily:2009), and this is well illustrated during the fieldwork, as well. This study team has estimated that about 20 per cent of the arable land is lying uncultivated, which quite corresponds to the national estimation.

Third, land reclaimed after the river training (*nadi uukas*), river, even degraded forest or bush land, if they do not interfere/disturb the watersheds in a landscape scale, and do not threat the immediate environment, can also be used for the redistributive purpose

Fourth, State/local functionaries should buy the land of those farmers who voluntarily shift away from agriculture by providing justifiable

compensation. Such land can later be sold to the willing famers of the same village. Or, the local authority can utilize it for the public purpose, or to give out land for lease for the different productive purpose. Such land will be redistributed to those willing farmers in a prioritized basis, meaning the neediest one gets the land first. He or she can pay the loan in a ten years time in an installment basis, with his own production and finally, he gets the full ownership over land. For example, one cultivates the land for ten years and he deposits the half of each crops/production, then, supposedly, that family would pay the price of that land, and would get the full ownership of the land. The money thus incurred should be invested at the local level to enhance the agricultural development, for example, irrigation, capacity-building program for farmers (i.e. knowledge and technology transformation), agricultural roads, and so on.

Land thus incurred should not be allowed to remain fallow or underutilized. Such families should work according to the community level plan to increase the agricultural productivity. Otherwise, the local level authority would seize the land.

Fifth, Land distribution should not be arbitrary; this has to follow a landscape level land use and agrarian reform planning. That means, in one landscape unit there can be more than one local political unit like VDC, in the present context. However, the priority should be given to those who have been living there for long time, and are marginalized, and willing to cultivate the land. The recipient family should be an agriculture dependent family. They should get priorities in such land; however, there should be a provision of right to safe habitat for all. In the areas where they have been living there for long time, or also alternative way outs to be sought, for example, to the squatters living in the river beds, narrow towns, along the highways, etc. should be shifted to another areas. Similarly, families living in vulnerable geographical areas, for example, landslide prone zones, etc. should be shifted to the safer places.

Likewise, the land thus obtained should be distributed to those families who are marginalized and excluded, but have been living in or near the area for years, the priority should be set by a participatory process by the community themselves, with a facilitation of the local level land committee.

While redistributing the lands, community ownership, community management, and community rights are given the high priority. Land thus redistributed shall not be allowed for the fragmentation or further division, the minimum size of the land to be maintained in an individual (or individual household) possession, however, the ownership can be transformed, sold under the given law of the country.

With a scientific land use planning, land pooling, collective farming with a private ownership over the production shall be provisioned. Different ethnic groups, cultural groups shall have right to maintain their communal and customary land rights to perpetuate their cultural life and collective identities.

5.4 Fixing Land Ceiling: Enough for One, Enough for Many

The question of redistribution draws the issues of the land ceiling in the context. Based on the observations and the information gathered suggest some aspects of the land ceiling fixation.

First, land ceiling shall be fixed considering the factors like, land productivity, potentials for increasing the production and productivity, average subsistence need for a family, etc.. Therefore, land ceiling may vary according to the geo-ecological variations, soil types,

average precipitation, and other climatic conditions. In addition, to be considered are the land use types, for example irrigated land, rain-fed land, grazing land, average family size, and so on.

Second, state holds the right to confiscate the land above the ceiling, and the land that is left fallow and uncultivated for two consecutive years.

Third, if an individual entrepreneur, groups, or cooperative want to do the commercial farming in larger areas where lands are available for leasing shall be possible with the permission of the local land committee abiding by the land use regulations. However, such cultivators shall pay additional tax to the state/local authority. The tenure of such holding should be fixed for a certain period; contract can be renewed. However, tenure period may vary according to the nature of the land use. Certain number of employment should be generated for the local people, who were engaged in agricultural labor previously in the same area. Such labor should provide with the facilities as provisioned by the labor law of the state.

Fourth, land ceiling shall also be fixed for the schools, temples, Guthi, etc., which are, usually yielding less production, compared to other private farm. Need of the concerned institutions/organization should be considered.

Fifth, forest coverage should be delineated in order to protect the watershed and land mass. Degraded forest area and if there is inadequate forest coverage in a given region, then they shall be planted and protected as forest. However, thus protected forest areas to be best utilized for the livelihood of the people who protect it.

Sixth, lower and higher limit of the ceiling to be fixed by the central government or by the federal state, which will then be implemented by the local land committee, or local authority, for example, VDC in the present context. The land use pattern shall also be framed/designed by such committees with close coordination with the local state authority. However, crop specialization, and special land use planning to be prepared in a landscape scale with the community initiatives.

Finally, those individual who acquired the land through such a redistributive process shall bear some collective/community responsibilities, as well. If the community or local land committee decides to go for the communal farming intending to grow more and gain more profit, then, individuals are expected to participate in such process.

5.5 Redistributive Land Reform has Scope

An everlasting debate with regard to land reform is the question of fixation of ceiling and redistribution of over the ceiling land. It is obvious that no one can impose any ceiling or limits to knowledge wealth of an individual. However, land is such a unique capital (in terms of means of production, also) which cannot be extended or increased with a human wish. Therefore, equitable redistribution of such capital, not demeaning but promoting the social justice should be the responsibility of the state. In this light, the question of fixation of ceiling and redistribution become so common. The observations and information from the field has suggested that there is scope for redistributive land reforms.

We have the opportunity because one of the agenda agreed upon by all the political actors is the unequal distribution of land particularly due to the state policy (state landlordism) needs to be corrected in favor of poor peasants and small farmers. Historically deprived groups like Dalits should have access to the productive land. Therefore, the most viable way out is to fixing the ceiling and redistributing the land

that exceeds the upper ceiling, and the public or government owned land lying unused.

One of the examples how the land can be obtained for the redistribution is the land occupied by different individuals, in the name of company or industries (see Annex). There can be several of such areas where land is occupied by different individuals, but not utilizing for the stated purpose.

Moreover, theoretically, all land belongs to the state. Therefore, any state can promulgate such policy in order to ensure social justice, increase productivity, and guarantee the livelihood of its people. Therefore, buying the land (i.e., paying compensations to the land above the ceiling) by the state which is actually owned by the state is principally incorrect.

Similarly, there is a marked disjuncture between the land (in terms of ownership) and the labor depending on the same land. Those who work on land do not own the land, but on the other hand, those who own the land do not work on land. This has to be altered, and the families that work and are depended on the land should have the ownership of that land. When land is concentrated in one or certain families, the power and prestige are also engendered accordingly in those same individuals or families. Therefore, the fixation of land ceiling and redistribution of the land to the peasants appear to be the most desired method to obliterate the old power relation and to build new one favoring the social transformation. Thus, this should be considered as the non-violent revolution, as it holds the potentiality to revolutionize the entire society.

As mentioned elsewhere in this report, the ownership, even if it is insufficient for a household to survive with, increases the bargaining power of the family members in the labor market, which is very important aspect for the empowerment and livelihood.

5.6 Guthi Land in Question :A Complex Case Solve

Guthi, a specific form of land tenure had several merits. This is one of the unique traditions of the country, where a trust (usually of temples for religious purpose, etc.) owns land and different tenants cultivate the land. However, the meaning and essence of Guthi have been deteriorated, and hold a little meaning nowadays.

Those tenants who have been tilling the land since generation are still devoid from their rights. Discussions in the field (for e.g., in Dailekh, Rasuwa, Jhapa, etc.) with the Guthi tenants demanded that the government should take an immediate actions considering their problems. Discussion, interviews, and observations in the field suggested that the Guthi tenure should be abolished.

There is a lack of updated information on the status of the Guthi land, revenues generated from them, and information of their tenants. Community should own and administer the Guthi, the trust, rather than by a certain families. Tenants' ownership rights of the Guthi land has to be ensured, however, that should not hinder the cultural practices and processes of the community.

Land occupied or owned by temples, including orchard, gardens, ponds, etc., should be registered as *raikar* tenure arrangement. However, a certain ceiling should be imposed for them, too. The community will later manage such land.

5.7 No Transformation of Land as a Parental Property

Land is inherited as a parental property as their rights. This tradition of inheritance of land as the parental property has been one of the major causes of land fragmentation. If the ceiling is imposed, then further land

fragmentation should be discouraged. Therefore, suggestions during the fieldwork, indicated that parental property shall not be divided among offspring in order to discourage the land fragmentation and to prepare the human resource for other than agricultural sectors from the very beginning. Elder son or daughter should hold the land for cultivation purpose; only if he or she denies taking the responsibility of cultivation, then another one would get chance. However, remaining sons or daughter should get their share in other forms, for example, in cash or kind instead. If nobody wants to do the agriculture, then the state or the community holds the right to reclaim it.

Hence, no one shall be allowed to occupy the land without cultivating, or allowing the land to be underutilized. In addition, land ownership to be entitled to the family, not to an individual. For that, a family code is given to each family, and that can be tracked out even if the land is owned in the different part of the country.

5.8 Women's Right over Land: Moving towards more Gender Equity Society

It was a learning moment for the study team that there has been increasing awareness and ethos on women's property rights, thereby the ownership of the land. Thanks to the land rights movements. This is an indication of the awareness that there shall not be discrimination among the citizens based on their gender identity. Therefore, alike the right activists, even the people in the study area stated that there should not be any discrimination on land inheritance and ownership of land by women or a person of different sexual orientation (third gender).

Our primary data poses some serious reconsideration on the discourse on land ownership question, if it is the land registered in women's name. This fact warned us, well in advance that while talking about the women's right over the land, there are several other issues that are to be sorted out. On top of anything, gender relations across different ethnic, caste, and cultural groups are not uniform; therefore, a policy has to be able to allow different programs for the different groups. Land right issue is one of the integral components of the gender empowerment. Therefore, this should not be treated in isolation.

There were some discontents among some informants with regard to women's right over the land. They said that their everyday experiences do not require such a separate ownership over the land. Some female informants also shared the similar viewpoints. However, several cases from the field suggest that it is necessary and useful to have women's ownership over the land, as this not only increases the women's decision making power, but also enhances their roles as a functional head of the households where most of the male are migrants workers.

In a number of sharing workshop in Kathmandu, participants univocally pointed out that there has to be asset redistribution in order to reduce the inequality, and the land reform could be one of the major strategies. However, there has not been adequate discussions and initiatives towards this directions. Reports from the field strongly suggested that the inequality in the society cannot be reduced unless the inequalities between men and women reduced first.

Therefore, women's access to control over the productive resources, agricultural land, in particular, is very important. The issues of women empowerment remain merely a slogan unless it is tied up with the issue of the women's land rights.

5.9 Commercial Pressure on Land: Reduce the Pressure, Reduce the Effects

This is going to be a very tricky question to be dealt with while promulgating and

implementing the land use policies. Growing population pressure, in the urban areas, in particular, thereby pressure for the land. The fertile land in the major urban areas has already been shrinking. Therefore, to prevent further encroachment of the fertile land in the urban landscape but also to promote commercial use of land that can generate more employment and more revenues, land zoning shall be followed strictly.

To reduce the commercial pressure on agricultural land, and to discourage the arbitrary land use practices, land policy shall be promulgated to with regard to land use planning, thereby, land zoning. Such land zoning demarcate the land areas for different land use purposes, for example, agricultural land, settlement development area, industrial area, forest areas, public places and so on. The land delineated for one purpose shall not be used otherwise. This is primarily intended to prevent the encroachment of the agricultural land.

Due to the lack of a clear policy for urban development and regional planning, agricultural land has been arbitrarily encroached, primarily for settlement purpose. Based on the experiences of some displaced households by large industries, it can be argued that if some individuals or business houses or companies wants to hold the larger area of cultivable land, either from local cooperatives of individual farmers or by the state, certain numbers of employment to be generated to the locals, who were previously depended on the same land for their livelihoods, the displaced one would not have been as vulnerable as they are today.

Possible foreign investment cannot be stopped in all sectors. But, any foreign individual or companies cannot have the land ownership rights, however, they can lease in the land for certain period, following the national/state policies.

In case of national industries, according to the nature of the industry, level of investment of the capital, capacity to generate employment and revenues, the land shall be granted for longer term according to the land use policy and industrial policy of the country. The tax they got to pay to the state will be less than what shall be imposed to the multinational or foreign investors. Nevertheless, land use planning is developed in a landscape level. And, the protection of environment and ecological justice shall not be compromised or negotiated for financial benefits.

5.10 Land Reform Leading to Agrarian Reform

The study was begun with an assumption that the land reform policy and program shall also comprise the reform in entire agrarian sectors. It should also include the program of increasing productivity, intensification of crops, an expansion of agricultural sectors.

Experts and right activists alike maintained that increased employment generation in agricultural sectors, more working days for family members who largely depend on the family labor for farming, and development of infrastructure should come under the overall package of land reform. Those labor force dependent on agriculture but partially employed shall be shifted to non-agricultural sectors in periodic basis.

Agricultural loan, inputs like fertilizers, technology, agricultural road, agricultural market, etc. shall also be provision in land reform program otherwise, simply confined to the slogan of land to the tillers or redistributive land reform do not yield anything.

Hence, the argument that the land reform agenda should be the pivot of overall rural transformation seems to be the possible and practical.

5.11 Prevention of Land Hunger: Preventing the Process from Manipulation

Since land being a scarce resource, there is always a growing demand for it. One of the major challenges is to discourage and stop the land hunger. If family Identification Card system is introduced, and land belonged to the family not to an individual, then land hunger can be discouraged to some extent, as there is a clear tendency that the people tend to hold the land in the fertile plain or in the commercially viable areas, while leaving land fallow back in the hills.

At the meantime, there is also a tendency that, usually manipulating the political connections, people would occupy or get the land when there is resettlement program, etc. in order to get better land than the previous one.

Only when community shall be made responsible for protecting and utilizing the land under its jurisdictions, the prevention of the land hunger can be effectively prevented. This question is also related to the land use planning/zoning, if that is drawn out and implemented strictly, the arbitrary encroachment can be discouraged.

5.12 Mechanization of Agriculture and Enhancing the Productivity

For the increased production and productivity, the farming system should be mechanized. Mechanized farming system is beneficial from two vantage points. One, it releases labor from agriculture, which can be engaged in industrial or any other non-farming activities, two, this can increase the production by 40 percent. Thus, the mechanization can be very cost effective in the long run. Usually a question is raised against the gradually fragmenting land, redistribution or lowering the ceiling. But, these are two different issues.

According to an estimation, at least 500 acres (1 ha=2.47acre) of land is to be cultivated simultaneously or together for the mechanization of the farming system for the rice-wheat system (Karki 2010). Land use planning and zoning as well as the community approach as discussed above can be a solution. Land zoning help concentrate the land into different parts according to their use categories. Then, even though a family may own a small parcel, but they can be brought under collective farming or 'farming together' system. If this can be done 2.5 acres (1.5 bigha) of irrigated land will be enough for an average family to survive for the whole year with its own production.

At the same time, possibilities of leasing the land for the large scale faming should also not be ignored. This will not contradicts with the argument for the land redistribution, if proper land zoning and community approach is adopted. Agrarian reform therefore is an integral part of the land reform, for which government policy and the land administration should be restructure accordingly.

5.13 The Policy Context: Get it Right, Get it on Time

Land use policy for the effective land reform should be prepared as an integrated component of entire agrarian reform, which, then, should be integrated with the rural economic reform. Land policy reform isolated from the overall economic transformation policy cannot be sustained.

Land fragmentation, particularly by division of the parental property, to be discouraged through policy. For which, inheritance of land as only one shall inherit parental property: that could be son or daughter.

Similarly, policy should guide for the land use to be environment friendly, and ensure the environmental justice.

Land ceiling, ownership and compensation are primarily a policy issues. Land shall not be

considered as any other form of private property, rather it should be treated as natural sources like any other sources owned by the state, shall be brought under the law of the land, which allow the fixation of the ceiling for the land, but not liable to pay the compensation of the excess land above the ceiling.

As any other form of private property, a progressive tax shall be introduced on land and land based production, however, this, in no means, should discourage the production and productivity.

Land ownership will be granted to a family, but not to an individual. The entire family shall participate in any decision made with regard to selling/buying or any other use of the land. This will solve part of the problem, this provision should not be taken as the solution that fixes every problem. Moreover, how to maintain gender equity is also partly addressed, but how the participation in decision making in the family determines the level of equity.

Land Administration and Management need a restructuring. An overall reform in the land administration is urgent, administrative decentralization in its place; the local representatives should also have their role in the administrative processes. Land revenue office at the moment is confined in ownership transformation.

In some of the discussions informants and the experts have suggested that even if the power should be devolved and decentralized, some basic policy to be prepared in the central level and implementing responsibility will of the state and province. Citing the example from India, it was suggested that if the entire power is given to the states or province, it would again be a political game. In those areas, indicating to Tarai, where poor and landless people are far behind influencing political processes, there will be chances that the landless would not secure their rights.

5.14 Community Approach to Land and Agrarian Reform: A Forwarding Looking Agenda

Finally, while discussing about the restructuring of the land ownership and tenure arrangement to introduce a sustainable land and agrarian reform, an innovative notion has entered into the discourse: the community approach of land reform. It signifies two aspects, one, community should lead the land reform program, and the next, the community should own or take responsibility to utilize the land for better management and better production.

Information from the field and discussions with the land rights activists and experts underlined that tenant and the real farmers can manage and implement the land reform in the actual practice; they take the lead the state support the process. For which, communities themselves draw out the framework of the land reform at the local level.

Community ownership and management shall be possible, only if the communities take the responsibilities. The communities themselves hold decision making right and powers, and the outsiders – experts, institutions, government authorities – can facilitate the process.

All the land related issues, ownership and tenure arrangement issues, land use and utilization planning, are prepared by and with the local communities and later implemented with their own initiatives.

Effective implementation of agrarian reform program shall be possible only when the communities are granted the rights of planning and implementing such plans.

The guarantee of the livelihood of the marginalized and vulnerable families should be the responsibility of the community, thereby the state.

A community based land committee should be elected democratically, and will be inclusive in its form and content. However, a separate policy required for such an arrangement.

Hence, both, the information from the field and the experts' opinion see the possibilities of the community approach for the effective land reform.

Moreover, Nepal has already a tradition, experiences, and practices of community based natural resource management systems. Lesson learned from those experiences can be useful while formulating such policies and programs, nevertheless, diversities and variations are to be well considered.

CHAPTER : 6

SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

This concluding chapter summarizes the findings, draws on conclusions, and presents some recommendations.

6.1 Summary

This study covered 16 VDCs of 16 districts across the country. The study districts represented all development and geo-ecological regions. The total HH covered by this study was 25,199 and the total population was 143,125, with a mean household size of 5.67. Female-headed households were 12.2 percent, quite low compared to the national proportion. This was partly and/or probably due to the definitional problem of household head.

Caste/ethnic and religious composition of the population, co-incidentally, was very proportional to the national composition; however, there were some variations primarily due to the limitation of the sample design. However, the study is more representative and feasible to generalize the information in the national level.

In terms of house types, 28.5 percent live in *pakki* house, 34 percent in *kacchi/pakki* house, and 35.6 percent in *kachhi* house, remaining in rented in house. Only, two-third of the families has full ownership over the land on which they have built their house.

Interestingly and importantly, a 70 percent of the households reported that they had migrated to the present place of residence in last 60 years. One third of all migrants had migrated from outside the district. Among the Tarai dwellers, 56.3 percent had migrated to the present place of residence within the last 30 years, while 85.7 percent of the HH in Hill/ Mountain had been living in the present place for more than 61 years, compared to only 29.2 percent in Tarai. Hence, there had been north to south or Hill to Tarai migration trend over the past decades, obviously, Tarai being a popular and common destination for the hill migrants. However, migration from south, i.e. cross-border migration has also been taking place during the last decades.

The reasons for migration are primarily for the better livelihood. About 23 percent respondent mentioned the main reasons for migration were the relatives already living in the area. Otherwise, 32 percent maintained that they migrated to the place either because there was land to buy or because the government was distributing land, or because land for squatting was available. In addition, 8 percent had their ancestral land and 7.5 percent had come as they saw the opportunity for the sharecropping.

The study revealed that there is 22.7 percent of the families are landless, corresponding to the national statistics, which is 22.5 percent (CBS 2004). Among these landless, Tarai Dalits are the highest where 50 percent of them are landless, followed by Hill Dalit (40%), Tarai ethnic (22.5%), Hill ethnic (20.9%), Chetri/Thakuri (20.6%), and so on.

Only 6.2 percent of the households reported that they have rented out the land for

cultivation, whereas, 20.6 percent of the HH have reported of renting in land for cultivation under different tenure arrangements. This clearly shows that the landowners who do not cultivate but have rented out the land were not willing to provide proper information in this regard. Moreover, only 2.4 percent of them are the registered tenants, who hold the tenants' legal rights.

Similarly, 3369 (i.e., 13.4%) of the responding households have been cultivating Ukhada land of different sizes. Of which, 89 percent of the households hold less than 0.5 ha land. Only 4 households reported that they hold more than 3 ha of such land. This cannot be generalized for the whole country as two of the sampled VDCs had this problem.

In the study area, 14.5 percent of the households are reported to be share-croppers, more or less, in a 50-50 basis. Similarly, nearly a 2 percent reported of cultivating land in *Thekka/* contract.

Apparently, 23.3 percent of the households reported of the occupation of the public land and squatting there. Most of these households are landless, whereas a few of them also hold small plots of other lands, as well.

Guthi has remained as one of the complicated issues to be solved. Study reported 0.77 percent households cultivating guthi land of different forms.

The study revealed that 16.2 percent of women have land registered in their name, where, 6.4 percent own house only, 6.1 percent own land only and 3.7 percent own both house and land.

In the study area, only one-fourth of the households produce enough for the entire year or more, meaning, three-fourth of the households is food deficit households. According to this study, one fourth of the food deficit households (25.9%) manage their foods primarily by working as agricultural labor. However, 55.9 percent households reported that they work as agricultural labor to earn livelihood. Similarly, 22.7 percent earn their food by primarily working as day laborers, nevertheless, 48.9 percent of the food deficit households are working as day laborers. Among these food deficit households, 12.4 percent take loans, 9.1 percent borrow cash or kind, where 7.9 percent of them earn from business to buy the food.

In these backdrops, the questions of the land and agrarian reform were discussed. Redistribution of the land is not only the single issues of the land reform, but it is certainly one of the central issues while dealing with land and agrarian reform in Nepal. While there is a strong lobby against the redistributive land reform stating that there is no over the ceiling land to redistribute, therefore, the issues of redistribution has become obsolete, still the field observations and the interviews and discussion with the range of people have suggested that the redistribution is possible. They have underlined the need for such a redistributive land reform. The government has to reset the ceiling of the land, and, there can be some over the ceiling land.

Absentee landlords' land and uncultivated land, reclaimed land after stabilizing the landslides or river training, etc. can be redistributed. However, the community should take the decision and lead the process.

The study discourages the transformation of land as a parental property, and urges for a policy that allow only one, be that son or daughter, could inherit the agricultural land, the land should not be divided among the sons and daughters. This also helps to ensure the female's access to the land: women's right over land.

Moreover, the commercial pressures on land have posed a major challenge yielding the

adverse effects on the agricultural productivity and the livelihood of the land dependent households.

Finally, there has to be such a land reform program that will lead to the entire agrarian reform. For this, policy context is so much important.

6.2 Conclusion

The country is in the transition and we tend to have everything right, right now and right here. The question of land reform and agrarian reform is associated with paving a road to a long way towards the economic wellbeing of the country, and stabilizing the democracy. Therefore, it has to be treated with utmost priority. However, we cannot wait for a long and expect with all the good intention that someday a benevolent leader emerge and he or she would tackle and solve this issue. Amidst this troubled time, we need to have some concrete promises and they are substantiated in the reality so that we can grow some confidence that the process has begun.

At the same time, the macro and micro contexts are so complicated that to promulgate a realistic land reform program is really turns out to be a hard nut to crack. The whole nation is waiting for a new constitution with lots of expectations. At the same time, landless, peasants and right activists who played an instrumental role during the people's movement fear that if their issues will be recognized properly. If the state fails to take initiatives for the land and agrarian reform and resolve the age-old problems, the state is going to be more weaker, vulnerable. After all, land, though assigned to individuals or religious institutions, ultimate property rights have always been vested in the state (*cf.* Regmi 1976).

Finally, as we are well aware that there will be a restructured system of governance, which probably will alter the present power structure and power sharing process and mechanism. Therefore, any recommendations to be made become complicated, as we do not know the structure and process of power sharing modality in the federal states that are yet to emerge.

But, there are very little have been done so far. All the political parties seem to have placed land and agrarian reform as a high priority agenda. Government reiterates its promises. There have been very little in the actual practices. The first High Level Land Reform Commission formed during the Maoists led government, after a huge pressure from the landless, tenants and small farmers could not prove its efficiency, and eventually ended up after the replacement of the Maoist led government, before producing any substantial outputs. After the premature ending of the commission, there has been a new commission in the place. Due to the nature of its formation and composition, and the attitude of the government towards the issues of the land and agrarian reform, there is doubt that the present commission will hardly produce any substantial bases for the policy formulation and programs. In such a context, present study can be a supplementary documents to many the efforts towards land reform. This study has generated primary information on land holding, land ownership and land acquiring and transactions patterns which is incomparable to any other existing sources to study on the land tenure system in the country at this time. This study also offers new perspectives on redistributive land reforms and community based approaches for the land and agrarian reforms.

The empirical data and our observation, suggest that there is prospect for a redistributive land reform. It is not only possible but also necessitated by the given context of our time. Unlike many but consistent arguments that there will hardly be any land

to redistribute, our study indicates that there are possibilities of availability of the land for such redistribution. The question of redistribution also addresses the issues of land management, increasing productivity and community based approach to the land and agrarian reforms.

The question of redistribution draws on the issues of fixing the land ceiling following certain criteria. Land ceiling shall be fixed considering the factors like land types and productivity, potentials for increasing the production and productivity, average subsistence need for a family, etc.. Therefore, land ceiling may vary according to the geo-ecological variations, soil types, average precipitation, and other climatic conditions.

One of our recommendations urge for a properly executed land use planning or land zoning, and that should ignore the political boundary, for example, VDC or district boundary in the present context; rather it should be planned in a landscape scale, in an ecosystem scale. This should further links with a very crucial aspect: the climate change issues. Landscape zoning or considering climate change issue, for example, importance of linking highland and lowland for the sustainable management of the environment and harvesting of agricultural productivity, know no constructed boundaries like that of ethnicity, caste, and even the current currency of the regional categories.

Therefore, it is proposed that the issues and program of land reform, considering the bases of restructuring of the federal states, or power sharing among and between them demand an intensive investigation.

6.3 Recommendations

Recommendations are based on the findings of the study. The study recommends four major areas to be addressed in order to implement land and agrarian reform, they are the issue of ownership, increased productivity, land use planning/zoning, including protection and conservation of the agricultural and other lands, and, lastly but importantly is the restructuring of the land administration. However, the recommendations are presented under different broader themes.

6.4 Get them Right: Get the Right Policy and Get Right Programs

The finding from the field and the discussions suggested that state-society relation thereby society – citizens relations are best exemplified in the land policy. Changes in the economic capabilities of the people, ensuring citizens right, and promoting inclusive approach in overall processes is possible only through land policy of the country. Even sustaining the political changes is possible through the right land policy, the policy that ensures the land rights of the landless and marginal farmers, land rights of women and rights of indigenous people. Many landless people can make their voice through their access to land. Therefore, a pro-poor land policy is very much needed. This sub-section make some policy related recommendations.

- Create a centralized database. At the beginning, it may sound ambitious, but without this a practical land and agrarian reform cannot be implemented/achieved. We can never go beyond the rhetoric of land reforms and towards a realistic approach unless we have a reliable database.
- Land should be registered and ownership should be recognized with a family identification, individual cannot own the land. However, land is the primary assets that a family value most, therefore, there has to be equal rights for both women and men to hold and use that asset. This is also to ensure the land right of women.

- Once the upper and the lower ceiling of different categories of land is fixed, the land should not be allowed to be fragmented. Agricultural land, in particular, should be inherited as a parental property by the first child of the family – daughter or a son.
- Community approach for the land reform and land management should be devised, and implemented.
- Still in some parts of the country, particularly among the shifting cultivators and pasture users, have no ownership rights, except customary rights to use and manage those resources, therefore, 'normative' and 'legal' approach may ignore their rights over the resources, the policy should recognize 'aboriginal' forms of tenure and their customary rights as well. That could be communal rights or rights of families. This becomes more relevant when the country is moving towards a federal state structure. For example, the ILO 169, Article 13, 15, 16 in particular; and Article 25 of the UN Declaration of the Rights of Indigenous Peoples, are more relevant in this aspect.
- Land use planning should be prepared and implemented very strictly, and, such land use planning should be done in a landscape scale, therefore, sometimes, it may even ignore the political boundaries, of different states, for example.
- Land use planning designed in a landscape scale should have upland and lowland linkages; any land use plan and development activities should not disrupt the ecosystem of the regions.
- Public land should also be brought under this land use scheme, and, should be utilized for different land use purposes, for the collective and community benefits.
- Along with the land use planning, there should be a planning for 'one area three products' policy, this will be helpful particularly to supply the technical inputs as well as to harness the resources to the highest possible level..
- As there are strong links with agricultural, thereby the economic policy and development, there should be policies to increase agricultural productivity as well as creating more employment within the agriculture sector, and, at the mean time there should be policies to dislocate surplus labor off the agricultural sector and to engage them in off-farm activities
- Land should not be allowed to live fallowed for two consecutive years, which, otherwise will be confiscated by the state without any compensations. Therefore, those who are unable to do the farming, they can sell their land either to other cultivators or the state. The land later will be sold to the farmers cultivators.
- The government should provide loans to the farmers to buy the land or any agricultural equipments to increase the agricultural productivity. And, the farmers will pay the loan back in an installment basis. Before, s/he pays the entire loan, he will not have the full ownership of the land. However, the loan and the ownership will be transferable.
- For all above mentioned recommendations, country need a very strong, efficient, and result oriented land administration, which is lacking at the moment. Land administration and land reform offices are occupied merely by collecting land revenues. Therefore, restructuring of the land reform and land administration offices are to be restructured and capacitate to carry out the actions recommended.

6.5 Go for Community Approach

Community approach has now appeared to be must therefore recommended for the effective land reform and land management. Many of the policies issues outlines above can be well taken up by the community level, including the issues of making and updating database, management of the public land and devising the land use planning.

- Community based land reform mechanism and the process can be and should be more representative and participatory. Such mechanism will be freed from shortfalls that the government suffered earlier in very many cases with regard to formulating policy and implementing them.
- For such a community based land reform program, there can be/has to be a representative/elected body with some representatives from the local/regional bodies. Government's departments, offices in the land and agricultural sectors that operate at the local level can also represent in such mechanism.
- Community approach, once established, resolves many of the problems with regard to effective land reforms. Even the rights held by the centre and the power exercised by the states or provinces should also be prepared in a participatory policy making process, which should be included in the community approach. Therefore, need to make a coordinated effort to go for the community approach.

6.6 Ensure Land Rights of the Landless and Housing Rights of the Urban Poor

The study shows that one-third of households do not have full ownership over the land where they have built their houses. More than one-fifth of the households are landless. There are unsolved problems of squatters, and freed-Kamaiyas, etc.. At the meantime, there is 20 percent of the households who cultivate landowners' land but only less than one-fifth of them have some kind of proofs of such cultivations. Therefore, there are a number of issues to be resolved and ensure the land rights of the tenants and access to the landless. Identify the issues and prioritize and act accordingly.

- As outlined in the policy section, the customary and traditional communal rights have to be recognized. Their rights to the resources have to be ensured, this has to be go hand in hand with the restructuring programs, and policy formulation of the federal states.
- In addition, land rights should not be understood or limited to private ownership over certain piece of land. It is not land itself that is owned; rather it also embodies rights and duties over it. Therefore, along with ensuring the tenancy rights, and land to the tillers, as for many of the peasants, land reform means land to the tiller, for a country, this is also a process of building a fundamental institutions to strengthen the national economy.
- The ownership of a small piece of land or a house of one's own give enormous strength to a landless/homeless families. At the least, it helps them to increase their bargaining power in the labor market. In the rural areas land for redistribution is still possible to the landless families, and they should be granted the ownership over the land they have been occupying for years. Whereas, in case of the urban poor and squatters, housing scheme should be prepared.

6.7 Civil Society and Land Rights Activists: Assume the Roles for the Future

Specially at the present movement, one of the highlighted post-conflict agenda, the land and agrarian reform, which has already gained a

wider political recognition has been jeopardized. Due to unclear political scenario, land rights issues, though very crucial in every aspects of restructuring the state, has been obscure. Revitalize and radicalize the issue, now has been in the civil societies' hand. Therefore, civil society organizations should take initiatives, collaborate with GOs and NGOs, and let not the issues die out.

- Make a broader land rights coalitions including people from different walks of life, so as to make the issues more public, more accessible and concerned to as many people as possible, to gain a wider support and involvement in the process.
- Pressurize the parties to ensure the pro-poor/tenants 'land reform' is mentioned in the constitutions, so that land rights will be recognized as a constitutional rights.
- Pressurize the parties and bring them into one front, at least, to accept the land reform as a common minimum program while writing constitutions and including land rights issues in it. Preparing for and setting of such a political context is important.
- Establish the land reform and agrarian issues as a prime agenda for many of the development initiatives in Nepal, and orient the donors to work accordingly in the land issues.
- Government and different commission formed to address the issues of land and agrarian reforms in the country should work in a close coordination with the land rights activists, peasants organizations, and experts. Rights activists and organizations should cooperate to the government in drafting land reform program and formulating policies; working as a watchdog for the effective implementation of the policy and programs.
- Help landless, peasants organize around their issues, capacitate them. Strengthen already existing networks, like, National Land Rights Forum, and help to increase the international solidarity.
- At the least, pressurize government to implement the national and international laws, conventions that Nepal has also been the signatory.

Finally, These recommendations are general guidelines that help to devise the further actions. Recommendations should be translated into practical programs/activities. Further, the issues of the land and agrarian reforms have to be corroborated with/to the restructuring of the state, from unitary to the federal structure. This might complicate as well as facilitate the process of land and agrarian reform in a greater deal, and demand a closer and intensive look into this aspect.

AN EPILOGUE

The country is under a rapid transition, and new constitution of the country is being drafted. Different sections of the population tend to have everything right, right now and right here. The question of land reform and agrarian reform is associated with paving a road to a long way towards the economic wellbeing of the country. Therefore, it has to be treated with utmost priority. However, we cannot wait for a long and expect with all the good intention that someday a benevolent leader emerge and he or she would tackle and solve this issue. Amidst this troubled time, we need to have some concrete promises and they are substantiated in the reality so that we can grow some confidence that the process has begun.

At the same time, the macro and micro contexts are so complicated that to promulgate a realistic land reform program is really turns out to be a hard nut to crack. The whole nation is waiting for a new constitution with lots of expectations. At the same time, landless, peasants and right activists who played an instrumental role during the people's movement fear that if their issues will be recognized properly.

Finally, as, we are well aware, that there will be a restructured system of governance, which probably will alter the present power structure and power sharing process and mechanism. It should not be overlooked that the restructuring of the state is derived through the restructuring of the assets, and, land is the key assets for the majority of the rural households. Therefore, any recommendations to be made become complicated, as we do not know the structure and process of power sharing modality in the federal states that are yet to emerge.

Similarly, one of our recommendations urge for a properly executed land use planning or land zoning, and that should ignore the political boundary, for example, VDC or DDC boundary in the present context; rather it should be planned in a landscape scale, in an ecosystem scale. This should further links with a very crucial aspect: the climate change issues. Landscape zoning or considering climate change issue, for example, linking highland and lowland for the sustainable management of the environment and harvesting of agricultural productivity, know no constructed boundaries like that of ethnicity, caste, and even the current currency of the regional categories.

Therefore, it is proposed that the issues and programs of land reform, considering the bases of restructuring of the federal states, or power sharing among and between them demand an intensive investigation.

ANNEX

Annex 1: Household Census/Survey Questionnaire

Research questionnaire prepared for national level research coordinated by Community Self Reliance Centre (CSRC) on Land Tenure and Land Ownership in Nepal. All the information generated in this research will be used solely for academic purpose by CSRC and its partner organizations working on land rights issues.

SECTION : A

1.1 Introduction

1. District:
2. VDC/Municipality:
3. Ward No.:
4. Community:
5. Household Number:
6. Household Head:
7. Cast/Ethnicity:
8. Household Head Sex: Male ☐ Female ☐ Third Sex ☐
9. Religion:
10. Respondents Name:
11. Relation with Household Head:

1.2 Personal and Family Information

S. No	Name	Sex 1. M 2. F	Age (completed age)	Birth registration (15 years and below)	Citizenship (16 years and above)	Current education	Completed Level	Marital status
	12	13	14	15	16	17	18	19

Age at marriage	Present resident	Reason for residing out of village	Skill		Occupation	Affiliated organization				
20	21	22	23	24	25	26	27	28	29	30

SECTION : B

2.1 Housing and Facilities

1	Type of house	1. Concrete		2. Half-concrete		3. Mud		4. Rent/Other's house		5. Others					
2	House on land	1. Own		2.Public/Government/ Parti		3. Landlords		4. Relatives		5. Trust					
	6. Block	7. Birta		8. Aakada/Ukhada											
3	Source of drinking water	1. Tap	2. Tubwell	3. Well	4. River	5. Water spurt		6. Biogas							
4	If it is tubewell, well, tap then	1. Own	2. Neighbour	3. Public	4. Community	5. Communal									
5	Source for cooking	1. Electiricity	2. Firewood	3. Cowdung	4. Kerosene	5. Liquid gas	7. Solar	8. Others							
6	Source for lighting	1. Kerosense	2. Electricity	3. Biogas	4. Solar	5. Diyalo	6. Others								
7	Toilet	1. Yes	2. No												
8	Regular services used in a year (could be more than 1)	1. Agriculture and Vetenery Srvice	2. Bank, Cooperatives, Finance	3. Health service	4. Others										
9	Where do you visit first for the health problem?	1. Helaht Post	2.Dhami/Jhakri/traditional healers	3. Private Clinic	4. Health assistant	5. Others									
10	Where did you deliver you last baby?	1. Home	2. Halth ost/Centers	3. Others											
11	If it was on home, who helped you?	1.Docotr/Nurse/Health Assistant	2. Sudeni	3. Helath Service Volunters	4. Mother in-law/Family members	5. Neighbours/ Others									
12	Does anybody in your family have eye problem?	1. Yes	2. No	If No, go to question no. 16											
13	If yes, what is the problem?	1. Hurt while working	2. Hurt in school	3. Unclear visibility	4. Akha pakeko	5. vision not clear									
	6. Motibindhu	7. Jalbindhu	8. Blind	9. Others											
14	Where did u go for the treatment?	1. Nowhere	2. Healthpost	3. Hospital	4. Eye hospital	5. Eye Camp	6. Dhami/Jhakri								
15	Why did you fail to attempt for treatment?	1. Do not knew about it	2. Lack of money	3. Not important	4. Helath centers at distant	5. Others									
16	If in case your family suffers from eye problem, where would you contact first?	1.Dhami/ Jhakri/Gurau	2. Healthpost	3. Hopital	4. Eye hospital	5. Nowhere	6. Others								

2.2 How long have you been staying in this place? If it is from generations use code 999.

1. Before..... Years

2.3 If you or your ancestor migrated from other place, from where did you migrate?

1. Inside VDC/other region of same village
2. Inside the district
3. Outside the district
4. Outside the country
5. Do not know

2.4 What were thereasons to migrate in this place for you or your ancestors to migrate?

1. Able to buy land
2. Land were distributed
3. Opportunities of employment
4. Due to service movement
5. Due to relatives
6. Already had land in the place
7. Due to childrens' education
8. Due to marital reasons
9. Due to good climate/weather
10. Able to get land for sharecropping
11. Do not know
12. Others

2.5 Land Ownership, food security, livelihood

2.5.1 Land ownership measurement (use local unit for measu rement for land area)

Unit of area	House land/Registered/Own cultivated			Rented out			Aakada/Ukhada/Block/Guthi/Birta		
1. Bigha-Kathha	Bigha	Kathha	Dhur	Bigha	Kathha	Dhur	Bigha	Kathha	Dhur
2. Ropani-Ana	Ropani	Ana	Dhur	Ropani	Ana	Dhur	Ropani	Ana	Dhur

Public/Government/Parti			Rented in			Total land owned		
Bigha	Kathha	Dhur	Bigha	Kathha	Dhur	Bigha	Kathha	Dhur
Ropani	Ana	Dhur	Ropani	Ana	Dhur	Ropani	Ana	Dhur

2.5.1.1 If you cultivate others land, on what basis do you rent and from how many years?

On what basis	From how many year? (write in years)
Registered tenant	
Sharecorrping	
Mortgage	
Haliya/Haruwa	
Trust land	
Halichal	
Thekka/ Hunda	
Others	

2.5.2 Livestock Ownership

Cow		Ox		Male buffalo		Buffalo		Goat	
Local	Hybrid	Local	Hybrid	Local	Hybrid	Local	Hybrid	Local	Hybrid

Pig		Duck		Chicken		Others		Others	
Local	Hybrid	Local	Hybrid	Local	Hybrid	Local	Hybrid	Local	Hybrid

2.5.3 Do any of your female members own any land or house?

1. Yes 2. No If no, then go to question no. 2.5.3.2

2.5.3.1 If yes, 1. House 2. Land 3. Both

2.5.3.2 Do you have any livestock in female members' name?

1. Yes 2. No If no, then go to question no. 2.5.4

2.5.3.3 If yes, what are they?

1. Chicken/duck 2. Goat 3. Cow/Ox 4.Buffalo 5.Pig 6.Others

2.5.4 How many months are sustained by your own cultivation?

1. Three months 2. Six months 3. Nine months 4. Whole year 5. Enough to sell as well
6. No production

2.5.5 How do you manage for the deficient months? (could be more than one)

1. Agriculutral labor 2. Labor in other secotrs 3. Loan 4. Small entrepreneur
5. Borrowing 6. Forest food 7. Government support/grant
8. I/NGOs, Government services 9. Overseas earning 10. Help from relatives
11. Send children for domestic work 12.Others

SECTION : C

This part of questionnaire is only for 10 percent sample. This part will be asked on every tenth house

3. Additonal information on land ownership and livelihood

3.1 Land ownership (bigha-kathha-dhur or ropani-ana-paisa)

S.N	Land types	Land			Male ownership			Female ownership			Joint ownership (male and female)		
Unit 1. bigha-kathha-dhur 2. Ropani-ana-paisa		B/R	K/A	D/P	B/R	K/A	D/P	B/R	K/A	D/P	B/R	K/A	D/P
1	House/House land												
2	Irrigated land												
3	Aakase pani khet												
4	Non-irrigated land												
5	Khoriya land												
6	Grazing land/Barren land												
7	Garden (fruits)												
8	Busy land jhadi/butyan												
9	Forest land												
10	Fish pond												
11	Others												

3.2 Source of male owned land (could be more than one)

1. Inherited property
2. Personal earning
3. Government grant/distribution
4. Charity/donations
5. Tenants share
6. Trust land
7. From Sukumbasi Aayog
8. From Freed-Kamaiya Aayog
9. From Settlement company/aayog
10. Heirless property
11. Dowery
12. Self made
13. From landlord
14. Other sources

3.3 Source of female owned land (could be more than one)

1. Inherited property
2. Personal earning
3. Government grant/distribution
4. Charity/donations
5. Tenants share
6. Trust land
7. From Sukumbasi Aayog
8. From Freed-Kamaiya Aayog
9. From Settlement company/aayog
10. Heirless property
11. Dowery
12. Other sources

3.4 Source of jointly owned land (could be more than one)

1. Inherited property
2. Personal earning
3. Government grant/distribution
4. Charity/donations
5. Tenants share
6. Trust land
7. From Sukumbasi Aayog
8. From Freed-Kamaiya Aayog
9. From Settlement company/aayog
10. Heirless property
11. Dowery
12. Other sources

3.5 Did you or your family receive any kind of land as compensation, gift, births, jhagir, private guthi, harjana?

1. Yes 2. No If no, then go to question no 3.7

3.6 If yes, could you please give some more detail?

S. N	Which type of land or	Area		
Unit 1. bigha-kathha-dhur 2. Ropani-ana-paisa		B/R	K/A	D/P
1	Bitha/Jhagir			
2	Guthi			
3	Resettlement			
4	Distribution from Sukumbasi Aayog			
5	Distribution from Freed-Kamiya Aayog			
6	Compensation for flood victim			
7	Donation/Gift			
8	Charity			
9	Others			

3.7 Did the government or any agency ever ban to use your or your ancestors land?

1. Yes 2. No If no, then go to question no. 3.9

3.8 If yes, for what purpose those lands were retain by whom?

S. N	By whom	How much			For what purpose
Unit 1. bigha-kathha-dhur 2. Ropani-ana-paisa		B/R	K/A	D/P	1. For road construction
1	VDC				2. For irrigation cannel
2	School				3. School, temple construction
3	Government agencies				4.For market placement
4	Market committee/Users committee				5. For police station
5	Others				6.For playground
6	Others				7. For cultivation
7	Others				8. Others

3.9 Did your family sell any land within this 10 years time period?

1. Yes 2. No If no, then go to question no 3.12

3.10 If you sold then which type of land and how much land did u sell? Who owned that land? (could be more than one)

S.N	Land types	Land			Male ownership			Female ownership			Joint ownership (male and female)		
Unit 1. bigha-kathha-dhur 2. Ropani-ana-paisa		B/R	K/A	D/P	B/R	K/A	D/P	B/R	K/A	D/P	B/R	K/A	D/P
1	House/House land												
2	Irrigated land												
3	Aakase pani khet												
4	Non-irrigated land												
5	Khoriya land												
6	Grazing land/Barren land												
7	Garden (fruits)												

3.9 Did your family sell any land within this 10 years time period?

1. Yes 2. No If no, then go to question no 3.12

3.10 If you sold then which type of land and how much land did u sell? Who owned that land? (could be more than one)

S.N	Land types	Land			Male ownership			Female ownership			Joint ownership (male and female)		
Unit 1. bigha-kathha-dhur 2. Ropani-ana-paisa		B/R	K/A	D/P	B/R	K/A	D/P	B/R	K/A	D/P	B/R	K/A	D/P
1	House/House land												
2	Irrigated land												
3	Aakase pani khet												
4	Non-irrigated land												
5	Khoriya land												
6	Grazing land/Barren land												
7	Garden (fruits)												
8	Busy land jhadi/butyan												
9	Forest land												
10	Fish pond												
11	Others												

3.11 What were the reasons to sell those land? (could be more than one)

1. Pay bank loan 2. Pay landlords loan 3. Build house 4. Buy land in other place
5. Invest as a loan 6. Invest in share market or other financial secotr 7. For business
8. Childrens education 9.Medical treatment 10. Buy household appliances
11. Celebrate festivals 12. For any emergencies (eg marriage, death)
13. Thinking to migrate 14. Unprofitable agriculture
15. Lack of labor force for agriculture 16. Pressure from family member
17. Religious purpose 18. Overseas employment 19. Others

3.12 Did you buy any land within this 10 years time period?

1. Yes 2. No If no, then go to question no 3.15

3.13 If yes, which type of land and how much?

S.N	Land types	Land			Male ownership			Female ownership			Joint ownership (male and female)		
Unit 1. bigha-kathha-dhur 2. Ropani-ana-paisa		B/R	K/A	D/P	B/R	K/A	D/P	B/R	K/A	D/P	B/R	K/A	D/P
1	House/House land												
2	Irrigated land												
3	Aakase pani khet												
4	Non-irrigated land												
5	Khoriya land												
6	Grazing land/Barren land												
7	Garden (fruits)												
8	Busy land jhadi/butyan												
9	Forest land												
10	Fish pond												
11	Others												

3.14 How did you manage to buy that land?

1. Own saving
2. Loan from bank
3. Loan from relatives
4. Loan from landlord
5. Loan from group/cooperatives
6. Selling jewellary
7. Selling house of other place
8. Selling land of other place
9. Earning from overseas employment
10. Pension
11. Others

3.15 Have you rented-out your land to others? Depends upon question no 2.5.1

S.N	Land types	Rented-out land			On what basis					
Unit 1. bigha-kathha-dhur 2. Ropani-ana-paisa		B/R	K/A	D/P	Tenancy	Sharecro -pping	Contract	Bataiya	Mortrage	Others
1	House/House land									
2	Irrigated land									
3	Aakase pani-khet									
4	Non-irrigated land									
5	Khoriya land									
6	Grazing land/Barren land									
7	Garden (fruits)									
8	Busy land jhadi/butyan									
9	Forest land									
10	Fish pond									

3.16.1 If you have rented-in any others land how much and on what basis? Depends on question no 2.5.1 and 2.5.1.1

S.N	Land types	Rented-out land			On what basis					
Unit 1. bigha-kathha-dhur 2. Ropani-ana-paisa		B/R	K/A	D/P	Tenancy	Sharec-ropping	Contract	Bataiya	Mortrage	Others
1	House/House land									
2	Irrigated land									
3	Aakase pani khet									
4	Non-irrigated land									
5	Khoriya land									
6	Grazing land/Barren land									
7	Garden (fruits)									
8	Busy land jhadi/butyan									
9	Forest land									
10	Fish pond									
11	Others									

3.16.2 If you are cultivating others land, what types of proof do you have? (could be more than one)

1. Crop payment receipt
2. Tenants temporary paper (nissa)
3. Tax receipt (tiro tireko rasid)
4. Field book
5. Nothing
6. Others

3.17Except from land have you rented-out any livestock to others?

1. Yes 2. No

3.18 Except from land have you rented-in any livestock of others?

1. Yes 2. No

3.19 If you are cultivating your own or others land, how would you manage the required labour force for the work? (could be more than one)

1. Rent labours 2. Parma 3. Family labours 4. Group/communal labour system
5. From migrated labours 6. From labour agents (thekdale apurti garne) 7. Haliy/Haruwa
8. Seasonal labours from India 9 . Others

3.20 Production and productivity

3.20.1 How many times you harvet from your own land

1. Once a year 2. Twice a year 3. Thrice a year 4. Four times a year

3.20.2 How many times you harvest from others land

1. Once a year 2. Twice a year 3. Thrice a year 4. Four times a year

3.21 Last year's major crops and production (use production in KG)

3.21.1 Production in own land

Khet (Irrigated land)		Khet (Rainwater)		Bari (Non-irrigated)	
Major crops	Total Production	Major crops	Total Production	Major crops	Total roduction
Rice		Rice		Maize	
Maize		Maize		Millet	
Wheat		Wheat		Mustard	
Barley		Barley		Barley	
Potato		Potato		Phapar	
Mustard		Mustard		Potato	
Masuro (kind of pulse)		Masuro (kind of pulse)		Sugarcane	
Others		Others		Medicinal herbs	
				Others	

3.21.2 Production from others land

Khet (Irrigated land)		Khet (Rainwater)		Bari (Non-irrigated)	
Major crops	Total Production	Major crops	Total roduction	Major crops	Total Production
Rice		Rice		Maize	
Maize		Maize		Millet	
Wheat		Wheat		Mustard	
Barley		Barley		Barley	
Potato		Potato		Phapar	
Mustard		Mustard		Potato	
Masuro (kind of pulse)		Masuro (kind of pulse)		Sugarcane	
Others		Others		Medicinal herbs	
				Others	

3.22 Have you filed any kind of application related to land?

1. Yes 2. No If no then, go to question no 3.23

3.22.1 If you have filed application related to land then for what purpose?

1. Claim tenancy
2. Land distribution
3. Transfer tenancy rights
4. Land registration
5. Guthi raitani
6. Boundary related
7. Claiming rights on temporary certificate
8. Others

3.23 Do your family have any loan ?

1. Yes 2. No If no then go to question no. 3.26

3.24 If you have, for what purpose? (could be more than one)

1. Build or buy house
2. Buy land
3. Buy livestock
4. Buy appliances (tractor, motorcycle)
5. Pay off other debt
6. Invest as loan
7. Invest in share or other financial market
8. Start business
9. Childrens' education
10. Medical treatment
11. Buy household appliances (TV, regrigirator)
12. Celebrate festivals
13. Emergency cases (marriage, death)
14. Overseas employment
15. Others

3.25 What was the source of the loan?

1. Bank/Finance Institution 2. Relatives/Neighbours 3. Landlords 4.Groups/cooperatives 5. Others

3.26 Have you ever thought of borrowing loan in near future?

1.Yes 2. No If no, then go to question no 3.29

3.27 If yes, for what purpose?

1. Build or buy house 2. Buy land
3. Buy livestock 4. Buy appliances (tractor, motorcycle)
5. Pay off other debt 6. Invest as loan
7. Invest in share or other financial market 8. Start business
9. Childrens' education 10.Medical treatment
11. Buy household appliances (TV, regrigirator) 12. Celebrate festivals
13. Emergency cases (marriage, death) 14 Overseas employment 15. Others

3.28 If yes, what will be source for the loan?

1. Bank/Finance Institution 2. Relatives/Neighbours 3. Landlords 4.Groups/cooperatives 5. Others

3.29 Is there anyone from your family went for overseas employment?

1.Yes 2. No

3.29.1 If yes, in which sector have you planned to invest the income? (could be more than one)

1. Debt payment 2. Buy land
3. Build house 4. Start business
5. Childrens' education 6. Family member's marriage
7. Buy jewellay 8. Buy home appliances 9. Others

3.29.2 In your opinion, what local (village or district level) initiatives could be done for land reform?

1.....

2.....

3.....

4.....

5.....

Thank you for your support and your time!
Enemurator ..... Date .....Checked by .....Checked date .....Comments from eneumerator.....

Annex 2 : Codes for the Household Survey

Column No. 19: Marital Status			
1. Unmarried	3. Polygamy/Polyandry	5. Widow/widower	7.Seperated
2. Single marriage	4. Remarriage	6. Divorce	

Column no. 21: Current resident			
1. Home	2. Inside the district	3. Outside the district	4.Foreign country

Column no. 22: What are the reasons to reside outside the village					
1. Service (Salary)	3. Medical treatment	5. Marriage	7. Porter	9. Wage labor in other sectors	11. Overseas employment
2. Business	4. Study	6. Domestic worker	8. Labor work in industries	10. In search of work	12. Employment in India
13. Medical treatment	14. Others				

Column no. 23-24: Skill				
0. Non-skilled	3. titching/Tailoring	6. Electrician	9. Village veterinary assistant	12. JTA
1. Carpenter	4. Driving	7. Photographer	10. Sudeni	13.AHA/CMA
2. Mason	5. Repairing	8. Aguwa farmer	11. Masika	14. ANM/Nurse
15. Musical instrument player/singer/dancer	16. Sketching	17. Weaving skills (bamboo baskets, straw mats)	18. Radi, pakhi bunne	19. Others

Column no. 25-26: Occupation (only who are more than 10 years old, major occupation in first column, secondary occupation in second)					
1. Own agriculture	5. Employed in NGO	9. Overseas employment	13. Service work	17. Sell firewood	21. Traditional work
2. Own business	6. Employed in private office/private industry	10. mployment in India	14. Bistarit arthik kaam	18. Student	22. Politics
3. Employed in government/cooperation agency	7. Labor in Industry	11. Self employment	15. construction labor	19. No work	23. Porter
4. Agriculture labor	8. Fishing/Netting	12. Pension	16. Domestic worker	20. Cottage industry	24. Others

Column no. 17,28, 29, 30: Organizational affiliation			
1. School management committee	5. Child club	9. Mothers group	13. Guthi
2. Sub-health post committee	6. Youth club	10. Small agriculture/farmers group	14. Political party
3. Community forest users' group	7. Players club	11. Haat bazaar management committee	15. Other committee/group
4. Other users' group	8. Saving and credit group	12. Cooperatives	16. Others

Annex 3 : Checklists for the qualitative information collection

Proposed tools and issues to be addressed for qualitative information were prepared in a participatory way by the field research associates during the methodology (orientation) workshop in Gaidakot. Research associates were open to add on list if significant/interesting/puzzling issues encountered in the field.

Methods/tools	Information/Issues
FGD/ Group interview Key informant interview, Informal discussions, Observations	How will the livelihood of people changes thereby transforming the society with the land reform?
	Opportunities and challenges of land reform at local level
	Land-use policy, land types, cropping pattern, production and productivity
	Land and agricultural culture, relation with customs and traditions, identity of land and indigenous people
	Gender perspective of land reform
	Women empowerment and land reform, rights over land and its relation with domestic violence
	Land ownership, land reform, and its inter-relation with food security
	Land ownership, land discussion and conflict
	Social exclusion and marginalization due to landlessness
	How is some families losing their land and continuously becoming landless? Process of becoming landlessness
	Rural migration and landlessness
	Diversifying livelihood and land ownership
	Movement for land reform in local level, attempts in previous dates
	Movement for cultural identity at local and national level and relation of land ownership
	Power relation between landlord and state, , web of power relation
	Town development, Resettlement company, Sukumbsi aayoug, Freed-Kamiaya aayog and its outcomes
	Aboriginal land system and land relation (Ukhada, Aakada, Births)
	Absentee landlordism
	Tillers eviction, rehabilitation from land, land auction
	Natural disaster – flood, landslides, landlessness and rehabilitation
	Forest area, grazing land, public land encroachment, public land utilization, national parks, protected areas and displacement, exclusion from the resource access
	Land of national level figures, leaders
	Conflicting cases filed for land ownership
	Recommendations to High Level Land Reform Commission
	Suggestion to political parties and the leaders
	Land ceiling, compensation etc in the local context,
Timeline	Village History: migrations, settlement development/expansion, land encroachment, attempts and movements for land rights, change of local settings/landscape alternation, irrigation initiation and effect in productivity, introduction of improved seeds, fertilizers, etc.
Seasonal calendar	Cropping system, agricultural/farming activities, seasonal migration for labor, cultural traditions, festivals, busy and free time of villagers
Problem tree	Social exclusion, difficulties, obstacles due to landlessness, its process and causes
Mobility map	Agricultural, farming activities, agricultural inputs, information and market, seasonal migration for labor, land movement
Social/resource map	Community problem, land use pattern, resource mobilization and access over it
Power relation mapping	Power relation among community people, organizations and power centers, its type, service centers and access and control
Access and control mapping	Access and control over land from gender perspective: A gender disaggregated analysis
Case studies	Unique/distinct type of cases/incidents, indigenous land use practices (customary law and practices), land ownership sues, local land rights/peasants resistance movements, conflicting cases of land ownership and land management, process of landlessness (cultural, historical and political), social capital, safety nets, land occupied by the industries, or particular families, land under educational and religious institutions/*guthi*, their use and effect

Annex 4 : Land Holding by Company/Industries

Name of the Industry	Proprietor	VDC/ District	Date of Approval	Total Land in use (Bigha)	Ceiling exemption (Bigha)	Targeted for (Bigha)	Current Land Use (Bigha)
Nakkalbanda Tea Estate	Mahesh Prasad	Nakkalband, Jhapa		65-0-0		200-0-0	65-0-0, Tea plantation, Factory
Loknath	Shyam Chaudhary	Gaurijung, Jhapa	2046	208-0-0		208-0-0	61-0-0, Tea plantation
New Giri	Prem Giri Krishna Giri	Sanischare ,/Buttabari , Jhapa		63-2-8-1/2		300-0-0	63-2-8-1/2, Tea plantation, Factory
Haldibari	Bandi Parajuli Baburam Parajuli Sitaram Parajuli Ganga Parajuli	Haldibari, Jhapa		81-5-19		93-0-0	80-0-0, Tea plantation
Kechana		Kechana, Jhapa		46-15-13		500-0-0	20-0-0, Tea plantation
Raj	Raj Kumar Acharya	Jyamirgadi, Jhapa	2047	93-15-15		300-0-0	70-0-0, Tea plantation
Bansal	Bansighar Lohariwal	Jyamirgadi, Jhapa	2045	193-11-1-1/2		500-0-0	150-0-0, Tea plantation, Factory
Jyamirgadi	Krishna Bahadur Bhattarai	Jyamirgadi, Jhapa	2046	60-18-0		190-0-0	60-18-0, Tea plantation
Shyam Sundar	Shyam Sundar Agrawal	Tangandubba, Jhapa	2045	130-0-0		400-0-0	64-3-14, Tea plantation
Kuwadi Devi	Mahesh Agrawal	Tangandubba/ Kumarlod, Jhapa	2046	320-0-0		420-0-0	80-0-0, Tea plantation
Chandragadi	Bishnu Raj Pokhrel	Chandragadi, Jhapa		80-0-0		200-0-0	60-0-0, Tea plantation
Bahumukhi Krisi Firm Pvt. Ltd		Dangihaat, Morang	2036	63-2-8	90-0-0		34-14-5, Horticulture 38-1-3, Livestock, Fishery, Paddy 0-7-0, Forest
Morang Caning Company Pvt. Ltd		Parakhopi, Jhapa	2042	106-6-12	106-6-12		44-5-12, Horticulture 52-16-0, Other crops 0-4-0, Factory not operating 9-1-0, Rivers
Morang Sugar Mills Ltd		Biratnagar, Morang	2023	546-10-2	546-17-6		509-9-2, Sugarcane 28-9-10, Other crops 11-11-10, Factory
Gijara Khadsari Mills Pvt. Ltd		Nepalgunj	2042	180-0-0	180-0-0		95-12-11-1/2, Sugarcane 3-15-3, Other crop 4-10-9, Factory 4-2-0, Forest 71-19-16, encroached

Sudhafal Ras Pvt. Ltd		Parakhop/ Sanischare, Jhapa	2041	116-3-12	116-3-12		8-0-0, Horticulture 87-7-2, Other crops (18-0-0-rubber) 20-1610 Parti
Mahabir Krisi Udyog		Kangduwa, Dhankuta	2044	323-0-3	323-0-3 R		234-0-3, Horticulture 74-0-0, Forest 15-0-0 parti
Radhepur Firm		Indrapur, Nepalgunj	2027	75-2-19	74-18-19		26-8-1, Horticulture 39-17-7, Other crops 1-14-10, Residence 5-10-16, Fishery, Hatchery 1-12-5 parti
Guranse Basnet Falful Udyog		Bhirgaun, Dhankuta	2045	492-11-0	492-11-0 R		400-0-0, Tea 92-11-0 parti, rivers
Himali Krisi Udyog		Hattikhark, Dhankuta	2036	468-9-1-0	468-9-1 R		95-13-3, Few fruits 372-11-2, Forest
Risal Canning Company Pvt. Ltd		Itahari, Sunsari	2032	55-2-7	59-9-12		25-15-7, Horticulture 22-1-0, Other crops 3-0-0, Factory 4-6-0 (360 hh sukumbasi residing)
Kanchanjanga Alaichi Firm Pvt. Ltd		Khaijanim/ Ikhuwa, Taplejung	2047	958-4-1-1 R	958-4-1-1		653-5-1-1, Alaichi 5-0-0, Factory 300-0-0, Forest
Gita Faluddhan Firm Pvt. Ltd		Chaturale, Nuwakot	2044	1257-12-2-1 R	1257-12-2-1		286-11-2, Horticulture 23-5-3-2 Other crops 2-0-0, Fishery 942-11-0-3, Forest
Uttarbahini Agle Thumki Falful Udyog		Nigale, Dhankuta	2037	499-12-2 R	500-0-0		5-0-0, Horticulture 404-13-3, Forest 89-14-3, sold to Tourism dept , Tripuresor
Uttarpani Bahu-Udesya Krisi Firm		Faduwa/ Chungmang, Dhankuta	2034	1151-11-0	1151-11-0		135-0-0, Horticulture 70-0-0, Other crops 9-8-0, Residence 93-0-0, Forest
Sangrila Bahu-Udesya Krisi Firm Pvt. Ltd		Dangpa/Sudap, Threthum	2037	397-6-3 R	397-6-3		5-0-0, Horticulture 115-0-0, Alaichi and Tea 0-14-1, Factory 276-8-2, Parti
Himalya Tea Garden and Farming Pvt. Ltd		Damak, Jhapa	2027	576-6-7	600-0-0		347-7-14, Tea 58-0-2, Fishery 37-11-14, Factory 5-10-17, Rivers 83-17-0, Forest 43-19-0, Parti
Giribandhu Tea Estate		Sanischar, Anarmani	2048	381-14-10	500-0-0		363-7-10, Tea 8-2-0, Other crops 7-15-0, Factory 2-10-0, Pati

Satighatta Tea State		Nakkalband Jyamirgadi, Jhapa	2029	255-18-8	500-0-0		208-19-1/2, Tea 10-18-0, Sukumbasi and Fishery 10-3-15, Factory 6-9-5, Rivers 4-10-0, Forest 14-18-71/2, Parti 65-1-6, (napug- bikri satta patta)
Sanjiwani Byabasaya Pvt. Ltd		Sanischare/ Parakhopi/ Budhabare, Jhapa	2043	78-5-5	74-15-5		14-1-10, Herbals (not properly) 5-1-5, Factory 23-1-10, Tenants reside 18-15-5, Other tillers 17-5-15, Other crops
Budkaran and Sons Tea Company Pvt. Ltd (First Tea State)		Mahespur, Jhapa	2029	299-8-2 20-4-10 (not in the name of industry)	500-0-0		256-19-5, Tea 8-12-0 Bamboo 8-14-10, Factory 45-6-17, Parti
Mittal Tea State		Gherabari/ Kechana/Waluwari, Jhapa	2029	455-17-4	500-0-0		391-15-19, Tea 10-2-15, Factory 11-16-0, Rivers 22-19-0, Forest 19-3-10, Parti 25-6-0, Ailini 2-14-2, Not in the name of state 19-5-0, Government confiscated

Annex 5 : Major Commissions Formed after 1990

Commission led by	Established Date	No. of working districts	No of district committees	No. of identified squatter families	No. of land ownership certificates distributed	Total area of land (ha) distributed	Activities
The Housing and Physical Planning Minister	25/11/1991	25					Presentation of report along with data collection and working policy
Shailaja Acharya	16/11/1992		22	54170	10278	1555.3853	
Rishiraj Lumsali	15/12/1994	72	54		58340	14883.3624	
Buddhiman Tamang	6/5/1996		25				Data collection
Prakash Chandra Lohani	-		-	-	-	-	-
Chanda Shah[1]						886	
Tarani Datta Chataut	15/6/1998		75		31995		Papers prepared over a period of 9 months: 85299
Other commissions Land{ XE Mminister Siddharaj Ojha; State Minister Gangadhar Lamsal, Aftab Aalam, Ramjanam Chaudhary	2/12/1999 to 15/7/2001	Total no. of applicati ons 277,140	No. of families decided to be provided with the land papers: 30381	Only 33 district committe es were active out of the proposed 66 committe es.	No. of squatters{ whom the certificate was distributed: 6202	No of remaining certificates to be distributed: 24179	

Source: Land Reform Ministry, Compiled from various sources by the author

[1] *This commission had also annulled the registration of 54 Ropanis (2. 7 ha)of land that had been distributed by the previous commissions.*

Annex 6 : Research team

S.N.	Research Team		Remarks
1	Suresh Dhakal	Research Team Leader	
2	Amod Poudyal	Quantitative Analysis Expert	
3	Kala Rai	Field Research Coordinator	
4	Balkrishna Deuja	Research Supervisor	
5	Kalpana Karki	Research Supervisor	
6	Birbhadra Sapkota	Research Supervisor	
7	Kumar Thapa	Computer/Information Management	
8	Barsha Rajbhandari	Computer	
9	Parvati Pandey	Computer	
10	Jyoti Shashankar	Computer	
11	Renu Deuja	Computer	
12	Ashu Rayamajhi	Computer	
13	Badri Basnet	Computer	
14	Indra Raj Lama	Computer	
15	Birman Lama	Computer	
16	Durga Rajbhandari	Computer	

Field Research Team

SN	Districts	VDC	District Coordinators	Field Facilitators
1	Baitadi	Bhumeshowr	Sarswoti Nepali	Naryan Sarki
2	Bajura	Pandusen	Nariram Lohar	Rana Bahadur B.K.
3	Kailali	Mashuriya	Tika Bohara	Khusiram Chaudhary
4	Bardiay	Kaliaka	Hima Sunar	Dhana Khadka
5	Dailekh	Gamaudi	Gita Koirala	Kuber Adhikari
6	Dang	Gangaparashpur	Sunil Chaudhari	Gudiya Chaudhary
7	Kapilvastu	Dhankauli	Nirajan Lamsaal	Kamala Neupane
8	Nawalparasi	Mathar	Bikram Khanal	
9	Parvat	Hubas	Lalmani Bhandari	Rojina Ghitang
10	Rasuwa	Dhaibung	Biswas Nepali	Kamal Acharya
11	Sindhupalchowk	Gati	Gyanendra Raut	Sarita Thami
12	Udayapur	Jogidaha	Ganesh Ram	Nanairam Subedi
13	Siraha	Bastipur	Amit BK	Pawan Sadaya
14	Jahapa	Dangibari	Shuvaraj Chaudhary	Laxmi Rokka
15	Sankhuwasabha	Mamling	Subash Gautam	Samjhana Rai
16	Jumla	Kanak Sundari	Bishnu Pokharel	

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