NEW ANGLE
Nepal Journal of Social Science and Public Policy
Volume 4 Number 1 December 2016 ISSN 2565-5124

Understanding the Land Issues and Agrarian Reform in Post Conflict Nepal

Public land movement in Nepal: Expanding coverage and diminishing achievements

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E-mail: sias-info@sias-southasia.org
Website: www.sias-southasia.org

NEW ANGLE Nepal Journal of Social Science and Public Policy
December 2016, Vol. 4(1), pp. 69-87

Published by
SIAS and NPRN
Available at www.nepalpolicynet.com

PUBLIC LAND MOVEMENT IN NEPAL: EXPANDING COVERAGE AND DIMINISHING ACHIEVEMENTS

Mahendra Sapkota*

ABSTRACT

In many countries of the developing world, the dominant development discourse is being contested by the emergence of different kinds of social movements and the land rights movements in agrarian socieites is not an exception. Despite having a long historical background, critics suggest that the land governance is largely based on state-centric epistemology and less on the pro-poor discourse of movement and struggle. Building on this critique, this paper highlights different issues, challenges and opportunities of the land-based movements particularly in context of western Tarai region of Nepal. The central proposition of the paper is that there are some significant implications and research gaps to be analyzed under the emerging discourse of "land movement" in Nepal. It therefore argues that 'public land management' and 'public land movement' are two mutually contested phenomena with contradicting actors, strategies, policy gaps, empirical dilemmas and shifting of power dynamics.

Key words: social movement; public land movement; public land management; movement actors

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INTRODUCTION

The Nepali state and government have devised a number of land use policies and management strategies claiming them to be for the social justice and equitable distribution of productive resources. Despite the policies and interventions of the state, there are also a number of counterclaims as seen in the everyday practices of the people for the ownership, access and control over the land. Between these two contrasting realities, a research gap prevails to prompt the contestation (Bob, 2011). The paper centers on the issue from the perspective of public land movement in Nepal.

Public land has been a common property issue as it posits the centrality of the collective actions and property rights of the people (Agrawal and Ostrom, 2001; Hardin, 1968). It is a land often owned by the nation or the state or the local community with ultimate territorial and judiciary rights, though it is narrowly perceived as government land. Public land in Nepal means land allocated for use to the general public or community including the path, pond, water-sprout, well and their banks, exit for cattle, grazing-land, graveyard, public inn, temple, place of religious practice, memorials, court-yard, sewerage, market-place, public entertainment and sports ground. Public lands are also mentioned in the Nepal Gazette by Government of Nepal (Acharya, 2008). But there is certainly a definitional politics on the public land regime. First, the construction of term 'public' has not been properly defined in Nepal though it politically represents all the citizens living in a particular area such as district and VDC. Public land, therefore, refers to a territorial property of the local people in such a particular area. It means that public land in one village does not represent the property of the people of other village. Second, closely associated with this issue is the concept of public land management (PLM) – land management by the public for general welfare. The PLM program was implemented since 1990s which theoretically linked back to the governance principles of legitimacy, accountability, fairness and participation (DoLRM, 2010/2011; Kunwar et al., 2008). However, the PLM program in particular and the Public Land Management Guideline 2006 in general could not clarify how and who was taking benefit from the land resource, for how long and which purposes. It also failed to provide the guarantee of security of common property rights, indigenous land rights and resource rights.

Indeed, land movement in Nepal and beyond has developed as an emergent constituent of social movement. By and large, different scholars have argued that the contemporary world is the age of 'movement society' (Della Porta and Diani, 2006). Diani (2000) views a social movement as "a network of informal interactions between a plurality of individuals, groups and/or organizations, engaged in political or cultural conflict, on the basis of shared collective identity" (p. 165). Sapkota (2014) has opined that an understanding of course and character of social movement is dialectical to the collective behavior of people throughout the history. The social movements in the world since the last 200 years have

emerged as the abolishment movement against slavery, suffrage movements of enfranchising women, reform movements and labor movement of reducing exploitations of the workers and civil rights movements. The emergence of different kinds of social movements in the form of agitations, protests, collective behaviors and identity politics have been a common characteristic of contemporary societies. In global context, movement activism in land issues has been central to the peasants' mobilization, rural livelihood, poverty reduction and agrarian change (Bebbington, 1999; Borras and Franco, 2010). In Nepal, land rights movement has become an unavoidable part of this discourse (see also Cox, 1990; Dhungana et al., 2011; Karki, 2002; Sapkota, 2014).

In light of the above, this paper advances the less understood dynamics of land movement from the broader domain of social movement focusing its historical context as well as contemporary trends. Empirically, it aims to analyze the contestations in Nawalparasi, a southern Tarai district of western Nepal which has been a hub of movement activities for the squatters and landless people characterized by some violent agitations and demonstrations.

REVIEW OF EXISTING KNOWLEDGE

Historicity of the land movement

Land based social movement in Nepal must be seen with respect to the disparities in land possession. Despite the rich history of planned development that span more than six decades, Nepal remains at the lower ebb of development indices. Right to land (including access and control) is a crucial dimension of Nepali political economy. It is a matter of social prestige which decides power structure in Nepal's prevailing agrarian relations (Regmi, 1977, 1978; Wily et al., 2009). Moreover, some other scholars (e.g. Sapkota, 2016 et al.; Sharma et al. 2014) argue that land issue in Nepal has witnessed an interplay of class and caste relations. Critics further say that one of the distinctive features of Nepal's (under)development discourse is the unequal and unscientific distribution of common property resources and the land inequality in particular.

Globally, studies reveal that the milestone for the international land movement was the farmers' armed movement in Mexico during 1910-1919. The land movement of Russian peasants in 1905, movement of Chinese peasants in 1920s and Indian peasant's movements in 1970s are some of the other examples to this (see also Bob, 2011). Nepal remains no exception to the rise of social movements, though most of them had been in a way repressed by the state (Manandhar, 2011; Sapkota, 2014). Land-based movements in Nepal have been historically knotted (Nepali et al., 2011; Upreti, 2008). During the seventeenth and eighteenth centuries , agrarian relations in Nepal revolved around the different types of land (jagirs, birtas and rakams) as gifts or prizes to military authorities, royal obedient and Brahmins with the goals of gaining political legitimacy of the rulers (Regmi, 1978;

Stiller, 1976). Following the Shah rule, the practice of "feudalization" of agrarian relations was highly fortified in Nepal's Rana regime (Seddon, 1987, p. 22).

With the dawn of democracy in Nepal in 1951, the agrarian issues and tenancy rights started to exhibit within the class ideology and movements of different communist groups. However, frequent division of peasant's groups, splitting of communist groups and a contradictory relationship between the communists and liberal democrats obstructed the state's attempt to address land issues. Not surprisingly during the 30 years tenure of the Panchayat (1960-1990), the structural issues of land (equitable distribution and land use in particular) remained constant. With the political change in 1990, the landless and poor farmers had hoped for improved access to land. Instead, the landlords again came to power and the middle class farmers captured the leadership of farmers' associations. This problem also caught the attention of Maoists and they launched a civill war against the state. The protest lasted ten years (1996-2006) with a historic second April uprising that brought different issues of oppressed sections of society to the fore. Many studies also claim that land was one of root sources of conflict during the insurgency (Manandhar and Seddon, 2010; IOM, 2016). The Maoists, now on the tragedy of splits, started to lose their ground on the land issue and turned into the reformist which they used to call a reactionary move.

Meanwhile, the people's movement of 2006 demolished Monarchy whereby Nepal entered into a republican system. But the political facet of land is really challenging in 'New Nepal'. Is new Nepal possible without addressing the land issues? The subsequent governments have paid attention in Government Land Reform and it has become a priority as there have been three high level commissions for land reform- Badal, Basnet and Gajurel commisions and thirteen commissions for the resolution of squatters' problem. Sadly, such initiatives apperead as a mere ritual heavily influenced by contradictory political ideological divide and undue interference (Adhikari, 2006; Public Policy Pathshala, 2015; Sapkota et al. 2015).

After a long political turmoil, Nepal promulgated a new cconstitution in September 2015. It provisions the state to pursue a scientific land reform program by gradually ending feudal land ownership with the hope of reducing the widespread inequalities in access to land. Under the Directive Principles, Policies and Responsibilities of the State, Article 51 (e) list the policies regarding agriculture and land reform. It has included many clauses:(1) Introducing scientific land reform…(2) Increasing production and productivity…(3) Protecting and promoting rights and interests of peasants…(4) Making proper utilization of land… and (5) Making arrangements for agricultural tools and an access to market. However, these policies are not obligatory for the mandatory jurisdiction and not legally binding. Moreover, the constitution has envisioned a number of fundamental rights aligned with the duties of the citizens (part 3). They

include: Right to live with dignity (Art. 16), Right to property (Art. 25), Right against exploitation (Art. 29), Right to food (Art. 36), Right to housing (Art. 37), Right of women (Art. 38), Right of Dalits (Art. 40), etc. (see Constitution of Nepal, 2015; Part 3 and 4; Annexes: 5,6,7,8 and 9).

Public Land distribution in the Tarai

The main discourse of public land has been rarely brought to the fore in Nepal though the term public land is repeatedly used in Nepali society and polity. As Nepal is ecologically divided into three ecological belts, the Tarai, the Hills and the Mountains, public land is distributed across the region in a varying degree. Gaige (2009) argues that the historical account of Tarai is highly framed with the land politics of the region. Since 1990s, the land reform discussion and land based movements are going together to manifest the land issues including the public land. Despite some initiations regarding public land management, the database system regarding the availability of public land (either in district or in VDC) is very weak. Very recently, Department of Land Reform and Management maps out that the total public land (owned by the government and public institutions both) for the country is 2539629 hectare (ha). The Hill districts have the highest area of government and public land (1937388.62 ha, i.e. 76% of the total public land). Similarly, there is more than 423725 ha (i.e. 17%) public land available in 20 Tarai district while the mountain 16 districts comprise very small portion i.e. 178515.55 ha (i.e. 7%) of the total public land available in the country (DoLRM, 2010/11). The data shows that there is nearly 56,000 hectares public land distributed only in the three Tarai districts - Nawalparasi, Rupandehi and Kapilbastu. The nature and distribution of public land in districts of Central Tarai region is given in the Table 1 below.

Table 1: Nature and Distribution of Public Land in Three Districts of Central Tarai

District									
	Parti Ailani	Bush area	Grazing	River	Public Ponds	Lake	Canal sides	Road sides	Total
Rupandehi	895	5291	260	2680	445		254	436	10,261
Nawalparasi	1613	24038	949	6673	159		254	549	34,235
Kapilbastu	7588			2779	681	432	32	516	12,038
Remarks	Category not available for Kapilbastu								
Total	40634			12132	1285	432	540	1501	56524

Source: Statistically updated with LFP (2003); Kunwar et al. (2008); DoLRM, (2010/11).

Policy gaps and key messages

Reviewing acts and policies of Nepal related to land, it is worthwhile to mention here that there are three obvious complexities. First, the problem is not lack of proper policies, though they are not enough to address the land issues. Second, many policies have become ineffective due to poor implementation. Third, there is duplication and overlapping of acts and policies. There is a huge gap between the formulation of the acts and their implementation because of ideological contestations and varying empirical realities. After the promulgation of new constitution in the country, these acts and policies may further need amendment or adjustment in the federal context in line with the spirit of the cconstitution. In Table 2, the researcher has outlined major acts and their implications in public land management.

Table 2: Policies for public land management (PLM)

SN	Legal provisions	Major schemes/features
1	Land Right Acquiring Act 1951	Started to register the land and take revenue from them; establishment of land reform commission in 1952
2	Private Forest Nationalization Act 1956	Registered individually owned forest as the government forest; created natural resources in favor of government
3	Land Act 1957	Assured ownership of tenant but could not implement; introduced the thirteen-point plan on land reform
4	Birta Abolition Act 1959	Abolished birta; but most of the birta were registered as raikar granting ownership rights
5	Agricultural Reorganization Act 1963	Largely failed; could not recognize the landless people
6	Land Survey and Measurement Act 1963	Attempted to fix the land tax; but could not be able due to lack of scientific data
7	Civil Code 1963	Eighteenth chapter of the Muluki Ain made special references to land management ; contained a number of land-related provisions
8	Lands Act 1964	Multidimensional; attempted to reduce unequal distribution of land through ceiling the land & promoting tenancy rights; different amendments of this act end dual ownership of land

9	Land Administration Act 1971	Authorized the respective Chief District Officer (CDO) for protection of government and public land
10	Pasture Land Nationalization Act 1974	Nationalized pasture lands as government lands
11	Range land nationalization Act 1974	Nationalized range lands as government lands
12	Land Acquisition Act 1977	Gave authority to the government of Nepal to acquire any land at any place for any public purpose, subject to compensation
13	Land Revenue Act 1978	Collection and recovery of land revenue; defined public land and government land and prohibited personal registration upon them
14	Forest Act 1993	Allowed the government to acquire public or private land within the boundaries of forest; mandatory role to DFOs
15	Local Self-Governance Act 1999	Devolution of power to local bodies – the VDCs, DDCs and Municipalities; keeping inventory role of the bodies to protect public and *ailani* land and other common property resources
16	Public Land Management Guideline, 2006	Provision of having a group of 10 to 15 members as a PLMG; landless HHs as prioritized members who have land less than 10 kattha (0.82 ha) land in their name; only Tarai-centric approach
17	National Land Use Policy (NLUP), 2015	Consideration of sustainability and environmental aspect of land management; different categories of land but fails to address the scientific management of public land in terms of productivity and public ownership

Source: Adapted with FAO, 2012; MoFSC 2006; MOLRM, 2014

Public policy is a dynamic innovation and it needs regular revision and updating in the changing policy context. Formulation of laws and policies along with legitimacy is thus a crucial dimension of policy regime. For example, in its preliminary assessment, the Ministry of land reform and management identified sixty-two acts and land-related statutory laws. Eight of the sixty-two acts were related directly to land management issues; seven adopted to end the traditional land tenure system; nine related to land management and remaining thirty nine have minor

references to land transactions (FAO Nepal, 2012). A careful analysis of these legislation, although they use words such as 'land' or 'land revenue' suggests that they do not provide a solid ground for inducing land reform initiatives. These laws are not exhaustive for the public land either. On the basis of above mentioned acts and laws, one can wonder seeing a number of gaps, overlaps, duplication and contradictions both at the policy and the institutional level.

METHODOLOGY

Methodologically, study of public land movements has not been stablished as speciifed social science research paradigm. However, some studies reveal that it is an issue of public policy involving the dimesions of local institutions, tenure security, livelihood, common property and decentralization (IFAD, 2012; Steimann and Geiser, 2012; Ostrom, 2002). The present study was conducted in the Nawalparasi district, one of the largest public land occupying districts in the western Tarai region of Nepal. In the district, two Village Development Committees- Narshai and Sukrauli were selected; former from road side and later from the remote area.[1] The study followed secondary literature to articulate the findings of primary data obtained from the field.

Though some empirical experiences of the authors have been presented, the methodological epistemology was primarily social constructive. It is hypothesized that the social realities are infinite and they have been shaped by existing power dynamics of the society. Thus, the analysis is based on the critical perspective, primarily the critical discourse analysis – what Foucault (2002) and Gramsci (2009) rightly perceive as the voices of the bottom. The participants for this research were purposively selected from the representatives of PLMG members, government and non-government stakeholders who were involving in PLM directly or indirectly. The research participants had been grouped into four categories based on their nature of involvement.



Figure 1: Conceptual framework for the study of public land movement

Following Flick (2013), an interpretive paradigm was used to serve this purpose. Through this method, an in-depth data collection was done at personal (research participants) level as well as at the organizational (GOs, NGOs, PLMGs) level.

[1] See CBS, 2011, 2012; District Profile of Nawalparasi district and VDC profiles of Narsahi and Sukrauli) for detail socio-economic and demographic context of Nawalparasi district and Narsahi and Sukrauli VDCs

The data analysis process was guided by the strategies of Huberman and Miles (1998) which processed through data reduction, data display, drawing conclusion and verification. These include the debated issues regarding PLMG vs. non-PLMG conflict, central government vs. local government (or bodies); State actors (GOs) vs. non-State actors (NGOs), the networks of the PLMGs with land-right movement organizations, etc. Taking critical elements from the different theories and case studies, a conceptual framework was used for the study (as demonstrated in Figure 1) where it is hypothesized that the public land movement is a cyclic process and it has different dimensions of causes and consequences.

DISCUSSION AND ANALYSIS

Key actors and institutions

The role of movement actors and institutions has been highly acknowledged in social movement discourse because Social Movement Organizations (SMOs) can direct and affect the whole ideology and strategy of the movements. With this general assumption, the researcher went to the field and carried a stakeholder mapping in the region. He conducted office visits to all concerned district level stakeholders: government bodies (DDC, DFO, DAO, District Survey Office, District Bar Association, District Land Revenue Office; civil society/ movement groups (district/ VDC land right forums, public land management groups, etc) and non-governmental development organizations (BASE-Nepal, Indreni, NECOS, RIMS-regional office, MSFP-regional office, etc.). Moreover, the squatters and farmers (tillers) in the region were involved in different associations such as District Land Rights Forum (DLRF), Village Land Rights Forums, All Nepal Farmers' Association, All Nepal Landless Squatters Association, among others that has helped to raise the voice of squatters and farmers. During this visit, the researcher felt a huge gap between the NGO-based research and academic research. While the former focuses on action and implementation, the latter switches delves into theorization of social events. This research was neither dominated by popular NGO culture nor by the so-called armed chair academic persona.

In Nawalparasi district there were twenty-three public land management groups (PLMGs). In Narsahi VDC, it was observed that VDC has recommended 12 PLMGs to DFO for manage the PLMG as a public land. This VDC was situated in the south-eastern part of the Nawalparasi, 40 minute bus drive followed by half an hour walking distance from the national highway nearby Bardaghat. It was seen that most of the PLMGs were inactive due to lack of substantial economic resources and internal elite interventions within the PLMGs. Before the management of public land in Narsahi VDC local formal and non-formal institutions (mothers' club and youth clubs) were mobilized for public land management promotion activities. Most of PLMGs were managing public land situated at the bank of Narayani River and the management strategy was often plantation. Before the management of

public land by PLMGs public land was used for cultivation by local community people. When the researcher discussed with VDC staff and PLMG members about why most of public land was managed by plantation they told that it had two major advantages to community. First, it prevented river cutting by Narayani River. Second, there was no forest resource in this region to fulfill their fire wood needs which has now been fulfiled by the plantation.

The claim of Narsahi VDC about the public land was somewhat ironic. What was ridiculous was that the public land of about 7 bighas which was supposed to be under the jurisdiction of the VDC had been registered in the district land revenue office to the name of local Krishna Pranami Guthi. It clearly indicates the quality of database management. The impact of ukhada bhumi and gaun bloc andolan was observed in the Narsahi VDC.[2] There were about 50 HHs institutionally linked to this movement which was getting organizational support from the land right movement forum of Nawalparasi district. The movement was simply claiming that all the ukhada and unutilized government and public land should be distributed to the landless poor in the villages. So, they virtually opposed the management strategies of the PLMGs. One of the participants in the movement said:

> Can a tree give us the food for our family and the education to our kids? No, it is impossible. There is no other support for our livelihood. When can we get permanent type of support or the land with tenure security? Therefore, land management by the group has not worked for the people like us [the poor]. We want the land in our own name for our own legal safety. The government and other NGOs should not curtail our rights.

The Sukarauli VDC was in the south-western part of the district. It would take about 15 minute bus drive from district headquarter (Parasi) and about 40 minute drive from the national highway crossing Bhumahi bazar. In the VDC, 12 PLMGs have been formed in different years for management of public land. Among them some PLMGs are inactive, some are affected by local conflicts while Janchetna and Janajagaran PLMGs are working smoothly. Likewise, Hariyali community forest and Janajagriti PLMG both managed public land by plantation but the non-PLMG member still use this land for grazing their cattle which have destroyed

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[2] Ukhada is particular issue of land in Tarai region. Under this system, "the tillers have no formal contract with the owners and are likely to be expelled at any point of time if discovered". Numbers of Families cultivating Ukhada land around 5000 families in three districts of Nepal, namely; Nawalparasi, Rupandehi and Kapilbastu. Gaun Bloc is system of informal tenure where a larger plot of land was allowed for a group of people to settle temporarily without any permanent land registration and mapping of the land as used to be in Raikar. The whole bloc of land is registered in the name of the village (Gaun); however, the local people reside and cultivate the land without any legal tenure security.

planted trees . Hariyali and Janajagriti have large amount of land suitable for farm crops. Janajagriti has nearly 4 bigha of open land and also Hariyali has nearly 2 bigha of such land. There are no livelihood activities performed by the PLMGs because non-PLMG member still oppose the PLMG formation starting the practice of open grazing in PLMG land. Even the VDC secretary was not willing to make an assessment of the status of public land and the concerned PLMGs. Talking to this; the secretary of Narsahi VDC expressed his fear to have any contracts with the PLMGs and or their supporting organizations. He further remarked:

> "Please do not ask me about public land. The VDC [government] is still confuseded about this property. It is left barren and uncultivated while most of the poor people can't get even a small piece of land for cultivation. I don't know actual status of public land in the VDC, but I have ever heard about the conflicts between PLMGs and non-PLMGs and thereby the selfish role of political leaders in the village."

The emerging networks are also crucial dimension of the land movement in general and public land in particular. They can be of many structural forms: lose or strong, formal or non-formal, strategic or ideological and institutional or non-institutional. To ease the analysis, the researcher had categorized them into state actors and non-state actors (accordingly interviews and FGDs were conducted). The state-actors include the government, bureaucracy, security forces, etc. while the non-state actors refer to civil society groups, NGOs and the public land movement groups including the PLMGs. It is quite evident that public land contestation is being aggravated by the inefficacy of the different actors. Even among the state actors there is no clear-cut policy and strategies to address the land issues. They remain just as bureaucratic extension of the state. On the other hand, the role of non-state actors is also not clear. Instead, the people blamed them to be politically divided and not showing professional standard at work. The contestation between the PLMG members and non-PLMG members could be also leveled as non-state activism, likely to be fuelled with the non-governmental actors in the region.

Indeed, the researcher discussed about the conflict between PLMG and non-PLMG members). It was mandatory to inform all community members for taking a public consensus on what kind of activities could be done in public land. But, the non-inclusive nature of PLMG structure, emerging interests of the elites and their manipulation in the local community, the policy complications and dual role of state actors (particularly the VDC and DFO) were making PLMGs ineffective due to conflict with the non-PLMG members. More importantly, it could breed the internal conflict of land movement among the local movement actors, land rights forums in particular.

Approaches and strategies

The public land movement in Nepal is highly debated in terms its approaches

and strategies. Though peaceful in nature, there was heterogeneous setting of the land movement in Nawalparasi and had been localized with many issues as discussed below.

The strategy of public land management seemed to be the dominant one among the other strategies. It did not require in-depth planning, participation and structural changes to work with. Therefore, most of the governmental bodies including VDC and DFO had focused in the management of public land. In this scheme, the international donor agencies and their collaborative NGOs preferred plantation, and developed forest and greenery. They would claim that plantation of trees in public land could enhance the direct access to products of locals forest dependent people. Following the management strategy, the distributive approach was also popular in the region but it is now being assimilated with the management strategy. The liberal democratic party Nepali Congress and the progressive United Marxist Leninist advocated for re-distributive approach focusing on the role of market rather than that of the state. On the contrary, the revolutionary approach slightly differed from the re-distributive approach advocated by the ultra-leftist groups, including the Maoists. This became quite popular in Nepal in the first quarters of the 1990 and later in the Maoist movement too. However, the Government of Nepal, in recent year has been following management strategies in the welfare model of liberal democracy. The strategy has been characterized by reformist approaches to improve the land governance system. While it does not talk about inequality in the land distribution and class relations in the production factor of land, it extensively discusses about land reform with the compensation to the lords.

Though there was dominance of management strategy within the public land governance, it was not 'full of consensus'. People were only supporting this scheme in the hope of getting some material incentives to support their livelihood needs. The state could not invest huge money to uplift their living standard nor could it usher land reform or distribution and ensure the prices/wages of agricultural productions. Further, there was low level of understanding between the PLMG and non-PLMG members for open grazing so non-PLMG members started grazing over the public land managed by the PLMG. It used to happen particularly since the end of winter till the end of summer season. Plants and crops were destroyed by the cattle and in some cases by the activists of non-PLMG group. No one could oppose the activities of non-PLMGs. In social hierarchy, people outside of the PLMGs were having direct access to local administration, security forces and district administration. The Dalits, particularly the Tarai Dalits were kept at the least. The VDC and DAO have maintained non-intervening policies between the conflicts of PLMG vs non-PLMG. Political parties and local NGOs were found to be 'dual player'. The 'sarbadaliya sahamati' (all party consensus) became a major factor in delaying the process of conflict management . The sahamati

was undefined political propaganda that penetrated into the local developmental affairs and social life. It was the major cause of inactiveness of the PLMGs.

Issues of Mushars, Botes and Majhis were largely neglected while making PLMGs in the Nawalpur region. Gradually, a mass movement from the grassroots levels led by marginalized groups evolved. The movement has now been known as a broader campaign of MMBKSS-Majhi Musahar Bote Kalyan Sewa Samiti (Majhi Musahar Bote Welfare and Service Committee). The MMBKSS was formally established in 1994. Since its inception, it has been working as one of the leading organizations for public land movement in partnership with different non-governmental and civil society organizations. In addition to MMBKSS, district land rights forum (DLRF) of Nawalparasi is an important actor at district level that works in close collaboration with National Land Rights Forum (NLRF) and Community Self Reliance Centre (CSRC). As reflected in the case study 1, land issues for the marginalized communities like Musahars of Nawalpur region are so critical that could breed the movement at any time. The use and management of public land by such groups in particular could be very effective for the collective well-being and livelihood sustenance.

Case study 1: The Musahars and threat of the livelihood

> Collecting forest products, fishing, and ferrying were the main livelihood strategies of the Musahars, who belong to an indigenous fishing community in the Nawalpur region. They used to fish and ferry freely between the wide stretches of river from Deughat in the north, to the dam near Tribeni-Bhainsalotan along the south-western boundary of Chitwan National Park adjacent to the Indian border. Bhausar Ghat and Leda Ghat (which now fall under the jurisdiction of the CNP) and Sigrauli Ghat and Madwya Ghat (now called Narayanghat) were important ferry points in the past. The mukhiya or chautariya (local leaders of traditional fishing communities) decided on the use and management of such ferry points. These ghats or ferry points were never treated as private property. They were common property and could be used by everyone. There used to be one chautariya (i.e. village head) for every two or three villages. The chautariya was given authority papers over the ghats. These documents are still with the community. As one landless fisherman from Musashar community stated:
>
> It was like a heaven. We used to be free. We could hunt, make boats and fish freely. Now, we are neither in the forest nor in the village. Instead, we are treated with many titles: the Dalits, the anti-wildlife, the destroyers and the people of slums. We, indeed, are a true lover of nature! But, the VDC, forest office and national [Chitwan] park management have neglected us in many respects. Where we should go?

In this connection, the researcher argues that for the poor people, the PLMG was

not strategically targeted. It was just giving superficial impacts over the administrative ineffectiveness of the government at the time of absence of elected local bodies. Most importantly, there was no alternative for the poor to go beyond the 'PLM' program. People were largely engaged in the livelihood support programs for which they were provided some small grants. Buffaloes, cows, goats, chickens and pigs were also distributed for immediate relief and to ensure the participation of people in the management of public land primarily by the forest plantation. Slogans of poverty reduction were used as a mere rhetoric and somewhere also celebrated the 'reduction of poverty' crossed by 'the increase in inequality'. Neither the state nor the non- state actors had the practical solutions to this problem. Different types of training related to leadership building, capacity enhancement and vocational training etc were provided to the local people. In some PLMGs the issue of women inclusion was well addressed; and few others were solely led and organized by the women (the case of Sukrauli). But, the decision making in all the PLMGs were extra-legal affair where pre-determined ideas were proposed and passed. The elites met earlier before the meeting and reached a consensus which later became the 'decision' of the assembly. A number of 'successful stories' were also published in papers. On the other hand, leadership and participants were two contrasting forces to dismantle the sustainability of the public land movement. Accordingly, setting of agendas, mobilization of people and sharing of the benefits had been distorted.

Shifting power dynamics

Nepal's development politics is characterized by continually changing pathways of struggles for power, resources and identity. With this struggle, the agendas and concerns of the land movements are highly contested. An unanswered question remains in this respect. The power dynamics in the land movements appears more contested because of the contradiction existing between various kinds of internal and external factors. There are differences in the ideological foundations and networking of institutions that have shaped the agendas and policies of the land movement or land-based mobilizations. They include both the specific movements as well as general movements around the land issues.

Regarding the land-based discourses, there are a number of contesting views and perspectives. First, the land distribution and reform strategies of the government have often been incongruent with the land management and administration. They were not treated in a holistic way, but in a more fragmented manner. Therefore, it averted the possibility of scientific plan or collective policy. Second, the debates between PLMGs and non-PLMGs were obvious ones, also described in earlier sections. But, the conflict between these two parties were not so simple or mere superficial. Indeed, this was the structural confrontation because of the roles of elites and changing class relations. Third, the PLMGs also contradicted with the other land right forums. The PLMGs

were induced and funded by the NGOs wherever the land rights forums did not get such funding. Further, the PLMGs had a strong focus on land management and plantation which has been opposed by other land right forums. The forums demanded land reform and distribution. Fourth, it remained highly debatable whether the state or the community should be the prime authority of the public land. There was also a possibility of third approach–leading by adopting mixed strategies which would ensure the roles of state as well as the community. The involvement of market or private sector could be further important in the changing context of social change. Fifth, the heterogeneity in the movement was prevalent–though there were a number of particular issue-based and agenda-based movements. We can term these movements as 'specific movements' which have their own interests: land, land right, public land, land-based and land reform. On the other hand, there are some other social movements which are not only focused on land issues but give more importance to political-agrarian issues and rights of people. These are general movements-which have a large network structurally rooted in social life. The Maoist's movement, peasant's movement and agrarian movement fall under this domain.

In recent years, the social campaigns led by MMBKSS and DLRF have heated the debate between conservation policies and land rights over the public land in Nawalparasi district. As a result, these campaigns have increased indigenous people's chances of getting improved access to livelihood resources from the Chitwan National Park and its protected surroundings. The campaigners put the issue of land rights on the agenda and suggested for fostering cooperation with other landless communities including Dalits and Tharus, and with other civil society organizations. The main issues raised were:

- Resettle marginalized groups with their territorial rights, if not in the public land
- Provide land certificates to those residing in unregistered land
- Provide land to the squatters and landless people
- Protect indigenous rights of the marginalized communities
- Women-friendly land governance
- Issue fish-collecting license to the women and grant 100% waiver on it

CONCLUSION

The disagreements in the land issues suggest the contestation over the land rights framework in Nepal, where the main strategy for securing land right is either by the progressive and strong government instruments (including policies) or by the power of social movements. The roles of land based social movements in addressing the concerns of the rural poor cannot be denied. They have strongly manifested their presence at the level of village as well as the state. It can be said that these movements have succeeded in

widening the deliberation on land issues over the national land rights movement. Their manifestation is, however, a little complex, because the characteristics of land movements in general and public land movement in particular are less concerned with class and economic issues. There is not deliberate attempt at diversifying the structural side of the context. Rather, it largely focuses only on the 'management' of public land. In this context, no one theory or particular perspective is solely able to make comprehensive analysis of it. Unlike in traditional movements, some new issues and dynamics have become crucial for the analysis of the land contestation in a multi-disciplinary construct. Moreover, the stereotype approach of bureaucratic planning and insignificant legal reforms in many ways are undermining the change in power relations in rural society, which have made the spaces for land movements always contested, fluid and multidimensional.

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