



## **Landlessness in Nepal: Issues and Challenges with special focus on Dalit Community**

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### **ABSTRACT**

*Land occupies a significant position in the Nepalese socio-economic context. It is not just a mere productive resource, rather it is associated with a source of livelihood, identity and socio-political power. Still the Dalits, who hold a significant portion (about 13.8%) of total population, are disproportionately landless and excluded from the agrarian resources due to the structural and historical constraints like caste-based discrimination, dispossession and oppression. The paper highlights landlessness as both driver and consequence of poverty in Dalit community, entrenching bonded labor, food security, social vulnerability, gendered violence and inter-generational exclusion. The study employs the theoretical debate on caste and class and class formation process in understanding exclusion of Dalits, focusing on access to land resource and establishes strong association of caste system with land access and class status. It should include the structural transformations of agrarian relations, social protection, equity-focused land reform and recognition of the heterogeneity among Dalits (various categories among them). Only then Nepal's aspiration of inclusive prosperity and social justice would be achieved.*

**Keywords:** Dalits, discrimination, landlessness, minority, Nepal.

## BACKGROUND

Technically landlessness refers to people without productive resources like Land in agrarian society. Land is a key productive and livelihood resource and has special and multiple meanings in the agrarian landscape. It reflects the socio-economic status, social power, prestige, pride, dignity, and a symbol of prosperity in the society (Müller-Böker 1981; Regmi 1978, 1988; ICIMOD 2000; OECD 2003; CBS 2006). It is also a means of empowerment, poverty alleviation, and good governance (Sharma, 2004). Thus, Sen (1981) argued that command over alternative bundles of commodities and over economic, social, and political opportunities lead to resource entitlement and thus prevents deprivation. Therefore, land can be considered as the key factor for the overall socio-economic empowerment of both individuals and of households. It provides the basis for social inclusion within Nepalese society and enables people to reach their potential. Still today, those who own land have better access to the local labour market (e.g. through increased owner bargaining power) and to the international labour market (e.g. through using land as collateral in order to obtain loans for seasonal migration) (CBS, 2006).

In line with Amartya Sen's concept of resource entitlement, landlessness is a condition devoid of resource endowments, especially land, which may lead to instrumental deprivation or entitlement failure. As Sen (1981: 19) put it, "A family without land in a peasant society may be deeply handicapped." Landlessness leads to several socio-economic deprivations. It creates a condition of capability deprivation, i.e. the inability to participate in social processes, thus resulting in being excluded from the social system. The Nepal Human Development Report, published by the UNDP (2020: 105), affirms that the unequal distribution of land ownership is one of the most fundamental types of wealth inequality. The landless population in Nepal is about one-third of the total population (CBS 2002; UNDP 2004). Landlessness is both a cause and an effect of rural poverty. The Nepal Living Standard Survey (NLSS) 2010/11 concludes that poverty falls with the increase in the size of arable landholding, and it falls drastically for households with more than one hectare of agricultural land (CBS 2012 : 20). The poverty rate among households with 1 to 2 hectares of land was 19.2 per cent whereas it was 6.5 per cent for those households having 2 or more than 2 hectares of land: both figures are below the national average of 25.2 per cent. The poverty rate among rural people having less than one hectare of land was more than 28 per cent, which seems to have significantly contributed to the national average poverty figure.

Compared to other groups, Dalits are much more likely to be landless in Nepal. A study by Gurung, Suwal, Pradhan, and Tamang (2014) showed

that 48.8 per cent of Hill Dalits and 88.2 per cent of Madeshi Dalits have landholdings lower than the national average. The UNDP Human Development Report (2004) states that Dalits, 12.9 per cent of the population according to the 2001 census, occupied only 1 per cent of the total 3,179,000 hectares of arable land in Nepal. Ahuti (2003) points out that those owning 2 ropani (0.1 ha) or less land include 77 per cent of Hill Dalits and 95 per cent of Madheshi Dalits. Studies undertaken by Dahal et al. (2002), Bhattachan et al. (2003, 2009), as well as reports from the Badal Commission (1996) and the ILO (2005), state that being a Dalit is synonymous with being landless and this problem is even more acute in the case of Madheshi Dalits, such as Chamars, Bantars, Musahars, Dushadhs, and Doms. Even when a Madheshi Dalit owns some land, it is very likely either to be unsuitable for agricultural production or to consist only of a patch of ground occupied by a house. Similarly, Hill Dalits, such as Kamis, Damais, Sarkis, Gaines, and Badis, are by and large landless (Dahal et al. 2002). Householders in this position are called marginal cultivators due to their small landholdings (Adhikari 2006). Dahal et al. (2002) noted that the proportion of Dalits having marginal land (less than 0.25 ha) is considerably higher than for non-Dalits. They documented that the average holding among Dalits is 0.12 ha of khet (irrigated land) and 0.225 ha of pakho (dry land). They found that Dalits have the lowest proportion of landholding when compared to other groups (TEAM Consult 1998). There seem to be some contradictions between the figures presented by Aahuti's study cited above and Team Consult's study. Auhuti's study was primarily conducted in Parbat district, whereas Team Consult's study is based on a multi-sited sample which is relatively more representative. However, both studies are indicative rather than being nationally generalizable.

Many of the statistics collected in recent decades relating to land are inconsistent. The same point can be made in relation to statistics on Dalits. Even the total population of Dalits in Nepal shown by the national censuses is hugely debated. However, though statistics on Dalit landlessness differ from source to source, the overall trend is clear. Most sources clearly establish the existence of disproportionate landlessness among Dalits, but do not consider issues of intersectionality. The underlying causes of landlessness of Dalit are also not clearly discussed.

It is essential to contextualize contemporary landlessness in Nepal's history. Only then can debate be properly informed and valid decision-making follows. As we have already seen, the peasantry of premodern Nepal was highly diverse and fragmented. Though there is considerable historical literature on land, it is difficult to find information about the Dalits' relation

to land other than as service providers. Some of the most reliable and authentic resources are M.C. Regmi's Land Tenure and Taxation in Nepal (1978) and Land Ownership in Nepal (1976), in addition to his many other works (e.g. Regmi 1988). These books cover general historical aspects relating to land and peasants. They do not, however, analyse the Nepalese peasantry in terms of caste, class, gender, or ethnicity. Regmi's books are silent on Dalits and landlessness. Regmi wrote his books in the 1960s and 1970s. Consequently, recent debates and issues relating to land remain untreated in them. In short, there remain gaps in the literature in general and even Regmi's groundbreaking work on land is silent about Dalits.

While there are burgeoning studies on Dalits, particularly focusing on caste-based discrimination, court cases, public interest litigation, and other socio-political issues, the question of land has been largely ignored, whether by activists, politicians, or in academia. Thus, this paper, largely based on previous studies carried out by the author, and observations and review of publications, attempts to analyse the issue, causes, and impact of landlessness in relation to the whole Dalit community in Nepal. In particular, the paper attempts to answer following questions:

- i) What is the state of landlessness among Dalits and what are the factors associated with it?
- ii) How landlessness has been affecting the Dalit community and what would be the ways to resolve the issue?

Based on critical inquiry on issues related to Dalits and landlessness, attempts are made based on Ambedkar's contributions to state socialism, caste, and land reform as connected to Dalit diversity. And few policy suggestions and advice for making Dalit friendly land reform would also be sought.

### **ISSUES RELATED TO DALITS AND LANDLESSNESS**

Dalits live with a high incidence of poverty: 43.63 per cent of Hill Dalits and 38.6 percent of Madheshi Dalits are below the poverty line, as compared to the national average of 25.2 per cent (CBS 2012). As discussed above, rural poverty is closely associated with landlessness. In considering this association, it is important to include both absolute landlessness and 'near landlessness'. The reason is that very little can be done to raise the incomes of the near landless (those having 0.25-hectare land or less) through increased agricultural productivity (MoAD 2014: 72). In fact, according to the NLSS-III, the near landless have higher income poverty than the absolutely landless.

It is also critical to distinguish between rural and urban contexts. There is a higher association between poverty and landlessness in rural areas than in urban areas. For instance, according to NLSS-III, the poverty

incidence among rural landless people is 28.5 per cent, which is higher than the national average, whereas the rate is just 16.9 per cent for the urban landless. It is further inferred that the households headed by agricultural wage workers are the poorest with a poverty rate of 47 per cent (CBS 2012). Moreover, poverty is not only dependent on the quantity of land owned, but also depends on socio-economic returns from the types, size, and quality of the land. Access to economic infrastructure, markets, and income opportunities are also critical variables for poverty reduction.

Land entitlement is key to securing socio-economic and political security (CBS 2012). Directly linked to the lack of access to land is the question of insufficient food supply. Many Dalits do not produce enough food even for one month of the year (Jha 1998). The problem of food insufficiency is more acute for Dalits than for others (NDC 2005; NNDSWO 2006).

Landlessness is associated with, and seems to cause, a variety of social problems. There is greater political and social exclusion at the community level; Dalit girl-children are much more likely to be school dropouts; accusations of witchcraft and violence against Dalit women seem to be higher than against women from other communities (Chitrakar 2005). According to NNDSWO and LWF (2004), the majority of Haliyas, bonded labourers in Far Western Nepal, were poor and landless Dalits. The various forms of bonded labour (haliya, haruwa, charuwa, etc.) are directly interlinked with landlessness and Dalit identity. Landless Dalits often find it difficult if not impossible to acquire citizenship certificates. Exclusion from resources and from government services have certainly contributed to social conflict involving Dalits (Blaikie et al. 2000; Upreti 2004; Yami 2007). Beyond Nepal, other studies also indicate that marginalized and excluded groups fall into livelihood and food insecurity as a consequence of the depletion of resources and inaccessibility to land and that this in turn can be a major cause of violence and genocide (Ohlsson 2000; Suleri 2005).

In a similar vein, de Haan (1998) has emphasized the relational roots and multidimensional character of deprivation. Landless people, e.g. daily wage labourers of scheduled caste in India, are likely to be poor, illiterate, and unhealthy, particularly the females. They also have little social capital and thus find it difficult to exercise their constitutional rights. The deprivation can't be just seen as a description of outcomes, rather focus should be on exploring the processes and institutions (for e.g. the gender-caste ideologies which interact and reinforce each other), that perpetuates deprivation in the society and leads to systematic social exclusion. Agarwal (1994) argued that property rights, especially to land and houses, have a wide range of implications for socio-economic and political empowerment; she also pointed

out that land entitlements can reduce violence against women. Conversely, anti-female violence is more likely to be faced by landless women and, as in South Asia generally, it is more likely to be faced by the landless. There are numerous reports in Nepali news media of Dalit women being accused of witchcraft. The accused are frequently beaten in public and even fed human excreta.

The limited access of land among Dalits is combined with highly inequitable land distribution. It is seen as the major reason for their poverty and the factor that has prevented them from enjoying the fruits of development. Marginalization and exclusion equate to a lack of development opportunities. Viewed from the 'accumulation by dispossession' perspective, the privileged groups centralize wealth, resources, and power by dispossessing public and private entities of wealth or land. Moreover, large development works aimed at transforming the agricultural economy of the country into an industrial and non-agricultural economy dispossess those who rely on marginal lands for their livelihood. Dalits are especially likely to inhabit such vulnerable and marginal lands as opposed to the other caste groups who live in comparatively safer zones (Fernandes 2008).

Dalits are also much more vulnerable to economic and other shocks. They live in close proximity to risky landscapes (e.g. landslide-prone areas). They are less likely than others to own land or resources in safe zones. Consequently, they are much more likely to face a sudden collapse of their livelihood due to natural disasters. Furthermore, the limited opportunities that have emerged from recent political and social changes have benefited elite Dalits and failed to reach those who are really in need of assistance.

### **Understanding Dalits Heterogeneity from Ambedkar's contribution**

Dalits do not form a single category but rather are heterogeneous, as reflected in the 1854 Muluki Ain. Moreover, they are spread throughout the country with no major clustering. Though no single comprehensive synthesis is available, scattered studies have demonstrated that Dalits have differential access to land resources with all the consequences mentioned above. Lower and marginalized sections within the Dalit community, such as Badi, Gandharva, Halkhor, Musahar, Tatma, Dhobi, Bantar, etc., undoubtedly face even greater disadvantages than other Dalits.

Hindu society is based on the caste system. The hierarchical inequality of castes creates a feeling of gradual hatred between lower and higher. At the same time, it propagates feelings of graded inferiority at every level. It thereby creates privileged and deprived sections within society. The landlessness of Dalits is also directly connected with the process of

deprivation and marginalization as a result of the caste system (Ambedkar 2018).

Ambedkar's theory of graded inequality and caste annihilation is a useful lens for looking at differential access to land in the context of caste-based social structure and hierarchy. In his works such as *Theory of Caste System*, *Theory of Origin of Untouchability*, *Philosophy of Hinduism*, and *The Hindu Social Order*, etc., he highlighted how the graded and structural inequalities of caste are founded on the principle of unequal assignment of economic, educational, and civic rights in a graded manner across the castes. He demonstrated how caste is interrelated with inequality in income, resources, and other indicators of human development (e.g. nutrition and education). In *Annihilation of Caste* (2018 [1936]) he advocated the destruction of caste as the only way for society to achieve equality, liberty, and brotherhood. At the same time, he criticized any state system based solely on democracy (i.e. majoritarian rule) and argued that socialism without a commitment to rights would be dictatorial. A good society, he suggested, cannot be built without democracy equipped with both rights and socialism (Rodrigues 2012). Ambedkar placed great emphasis on a strong state where equality of rights are central. He acknowledged both individual rights and group rights, although his priority was to improve and protect group rights. In doing so, the supremacy of individual rights is also taken into account.

Ambedkar also accepted the Marxian notion of class struggle, although he felt that it should be redefined in the Indian context by adding the concept of non-violent peaceful means and state socialism. He believed that the Buddha's path and teaching for peace and causes of suffering (Dukkha) would be the basis of socialist society as it did not accept the idea of God or the soul and supported state socialism and community life. According to his idea of state socialism, major industries should be owned by the state and run by the state. Basic industries should be run by the state or by corporations established by the state. The state should have a monopoly on insurance. Agriculture should be organized under the state as a cooperative sector with compensation for the owners. The members of such cooperatives should be organized without any discrimination on the basis of caste (Government of Maharashtra 1987 pg.443).

His views need not be viewed as a form of authoritarian socialism. His approach included a commitment to a liberal socio-political system acknowledging the need for a positive view of deprived groups. Political power is the main means of progress of the social revolution of the Dalits. For Ambedkar, there is real freedom where there is no exploitation, no oppression of one class over another, no unemployment or poverty, and where people are

free from the fear of losing their jobs, homes, and food as a result of their actions (Government of Maharashtra 1987). Ambedkar was clear that strengthening land-pooling and handing over land to the tenants would not be able to address the problems of landless workers. For this, the creation of collective farms would be required.

The key features of Ambedkar's state socialism are the importance of economic life and the institutionalization of socialism through constitutional means. Fear of hunger, fear of homelessness, fear of losing one's savings, fear of children being expelled from school, fear of being dependent on philanthropy – all these undermine the significance of fundamental rights. In simple majority politics, the political future of state socialism is unlikely to prevail. The solution, for Ambedkar, was the adoption of state socialism by means of constitutional law while also maintaining the parliamentary system. In this way, the parliamentary majority would not be able to suspend, amend, or repeal the constitutional law that guarantees state socialism (Ambedkar 2008: 20–2).

### **Landlessness among Dalits today**

The real picture of landlessness in Nepal's Dalit communities is still not fully known. Like a proverbial iceberg, what we can see and what we know is only a fraction of what we need to know. At present, there are no clear, disaggregated official statistics showing landless status among Dalits. The data discussed above, drawn from diverse sources, are mostly about twenty years old. The census collects land-related data but the landlessness status of different social groups has not been further analysed. The Decadal Agriculture Census also collects land-related data but it focuses only on agriculture land holdings. It lacks information on land ownership among social groups including Dalits.

The 2015 Constitution devolved land-related powers to lower tiers of the governments (i.e. to province and local levels). The provinces are still struggling to exercise their powers and have not updated land-related data. The local levels raise land revenue, and so should have data; however, they just record without producing data for use. The federal government, through its survey department and land revenue offices, generates land data, which is now being digitized. These offices are also not responsive to the need for analysing landlessness by social groups.

The government has distributed land to ex-bonded labourers (e.g. Haliya, Kamaiya) and other landless squatters, but there is no reliable data on that either. The Land Reform and Squatter Commissions formed at different times also applied piecemeal approaches and failed to produce a

comprehensive picture of landlessness. The latest 2020 Land Issue Resolving Commission (LIRC), now dissolved, collected data on landless Dalits and squatters. According to its annual report (LIRC 2020), it is estimated that there are 406,502 households (HHs) of landless Dalits and squatters in 287 local government units in all seven provinces. However, the report did not disaggregate Dalit and non-Dalit squatters and therefore did not publish an actual picture of landlessness among Dalits.

The Nepal Living Standard Survey (NLSS) has regularly collected land ownership data. However, it is a sample survey which obviously could have limitations for further data disaggregation into sub-categories. The last NLSS-III was conducted in 2010/11 with 5,988 HHs as a representative national sample from 499 primary sample units. The report generated by CBS (2012) presented the relationship between landlessness and poverty, but it did not analyse landlessness by different social groups. A further analysis of the NLSS-III data by CSDA (2014: 23-4) did attempt to do this. According to that report, about one third of Nepal's population (32.9%) do not own any agricultural land. In other words, only 77.1 per cent of the population own agricultural land. The situation of Madheshi Dalits is the worst of all: over half of them are landless (51.8%), whereas only 16.1 per cent of Hill Dalits are without land.

Table 1 below presents landlessness data of Dalit by province extrapolated from NLSS-2010/11 figures. The data were stratified by ecological zone and rural/urban location. Later, they were disaggregated by district and province and compared with national census data. The overall data may not be truly representative. However, it confirms the extreme landlessness of Madheshi Dalits in Nepal. The data show that Dalit landlessness is more concentrated in Province 2 as compared to other provinces. It is followed by province 1 and province 3. In Province 2, there is about 18 per cent Dalit population of whom 95 per cent are Madheshi Dalits. It is evident that Madheshi Dalits face a huge and pressing problem of either absolute landlessness or near-landlessness.

A long list of interacting factors lie behind these high levels of landlessness: (1) historic privileges and the socio-political distribution of land; (2) the strong link between caste and occupation, meaning that Dalits had relatively less interest in landownership; (3) the strong orientation towards landownership of the caste hierarchy; (4) the historical distribution of land by former kings based on nepotism, favouritism, and so on; (5) the formerly prevailing system of bonded labour and extreme exploitation, in which Dalits were usually the labourers; (6) the effectively legal and practical ban on Dalits owning land in the past; (7) the frequent dispossession and

seizing of Dalit land by moneylenders; (8) the usual extreme poverty and indebtedness of Dalits, meaning that they were never able to buy land, and, if they did, they were frequently obliged to sell it; (9) caste-based discrimination meant that Dalits usually occupied, and still occupy, the most marginal land (i.e. the least agriculturally fertile and the most vulnerable to landslide damage).

**Table 1**  
*Dalit Landlessness according to Province*

Province	Population*	Population (%)**	Landlessness (%)**	Dalit population*	Dalit population (%)*	Dalit landlessness (%)**
koshi	4,534,943	17.1	26.42	422,203	9.31	43.69
madhesh	5,404,145	20.4	31.64	880,876	16.3	58.41
Bagmati	5,529,452	20.9	49.02	312,967	5.66	37.04
Gandaki	2,413,907	10.3	22.55	425,330	17.62	22.81
Lumbini	4,891,025	15.5	19.34	688,167	14.07	20.87
Karnali	1,168,515	6.1	20.12	267,824	22.92	25.5
Sudurpaschim	2,552,517	9.6	10.42	330,296	12.94	22.42
<b>Overall</b>	<b>26,494,504</b>	<b>100</b>	<b>29.39</b>	<b>3,327,663</b>	<b>13.14</b>	<b>29.74</b>

Sources: Author's calculations based on Census-2011\*, NLSS-2010/11\*\*, and CBS (2012)

### **Land Reform Policy from Ambedkar Perspective**

Land reform has been the primary concern of the state since 1951 during the popular movement for democracy to fight against the Autocratic Rana regime. Attempt was to create the broader basis of socioeconomic transformation guaranteeing social reform and justice leading to prosperity

Despite several sincere efforts, it is not being translated into practice in true sense and Dalits have not been able to benefit from this. The state did

not address the true question of Dalits' other inputs to land (e.g. ploughing). The Constitution of Nepal 2015, Clause 40 ('Rights of Dalit') says: "The State shall provide land to the landless Dalit in accordance with law." So far, this has not been implemented.

Considering the landlessness situation and exclusion in multiple spheres, Ambedkar's contribution (state socialism and graded inequality) seems highly appropriate. The caste system is the basis of economic inequality and graded inequality due to the historical privileges means that some were allowed to own economic/land resources and others were not. That system of persistent inequality and poverty regulated by formal and informal institutions still exists and continues.

At a minimum, a Dalit-friendly scientific land reform would include the following three phases i) Before Land Reform, ii) During Land Reform, and iii) After land reform:

### **Before land reform**

i) Abolition of feudal and semi-feudal land ownership and related informal institutions such as Balighare, Khaliya, Haliya Pratha etc.: As mentioned above, traditional caste-based relationships are grounded in exclusion, marginalization, and exploitation, which together have trapped Dalits in poverty.

ii) Landlessness and portfolio of Dalit Occupation: Its detailed statistics and associated portfolio of occupation and professions should be updated for further interventions,

### **During the Land Reform**

iii) Distribution of land: Land entitlement should be guaranteed to landless Dalits with special priority according to constitutional provisions. Studies of past land reform efforts and the measures taken by the Sukumbasi Ayog (Squatters Commission) have revealed that land was distributed to relatives, favourites, and powerful people rather than to the actual intended beneficiaries.

iv) Land monitoring: Dalit focussed land monitoring should be done especially whether they are getting land or not. Land ownership and entitlement are being transferred or not. The disbuited land are aerable or not, fit for agriculture and housing.

### **After the land reform**

v) Post land reform measures: These should address substantive issues of landless Dalits and should aim at the overall socio-economic restructuring of Nepali society. Disaggregated and digitized land data is crucial for informed policy reform and implementation.

vi) Bonded labourers, such as Haliya, Khaliya, Haruwa, Charuwa, face specific types of issues. Support programmes should be targeted at bonded labourers, focusing on institutional reform. Agricultural extension services are needed to support land-poor and bonded labourers. Where they are granted land, there should be special protection measures designed to guarantee retention of land entitlement for a certain period of time (e.g. 5-10 years).

vii) Social justice for the landless and the land poor at the face of land-based feudalistic exploitation and land-based discrimination against Dalits. Dalits need protection and socio-economic security.

### **CONCLUSION**

The post-2015 era has created high aspirations among the general public regarding the issues of prosperity and socio-economic security, especially among Dalits, because of the constitutional commitments mentioned above. Since landlessness and limited land access are the major cause of Dalit marginalization and economic vulnerability, it is essential for policymakers and other development actors to address these issues.

Though attempts have been made to uplift Dalits, there is a lack of systematic data. Consequently, context-specific solutions have not been developed, meaning that those efforts have generally had an insignificant impact (Zaman 1973). Policy discourse based on the principles of ‘Reaching the unreached’ and ‘Inclusive transformation for all’ is all very well, but if it doesn’t include land reform, it is unlikely to be successful. Redistributive land reform should be devised in such a way that all have equitable access to land. Post land-reform measures and social security schemes need to be implemented in tandem with land redistribution.

As modern social classes develop, it is evident that caste has strong associations with class. Employing an Ambedkar Perspective (Graded Inequality) and Intersectionality perspective are useful ways to understand the heterogeneity of the Dalit community. One consequence is that different categories/sections among Dalits require differential treatments and multiple social equity measures. In this situation, the insights of Ambedkar on the functioning of caste need to be supplemented by the seminal work of Harvard Professor William Wilson on the concept of ‘underclass’. Wilson (1987)

defines an underclass as a lower class with cumulative disadvantages and multiple levels of deprivation (social, economic, cultural, and psychological). This most disadvantaged section of society has to face unemployment, joblessness, and chronic poverty, all of which has obvious parallels with the reinforcing ways in which Dalit disadvantage is reproduced, in spite of considerable developmental advances for the society as a whole. There are systematic similarities with the situation described by Wilson, in terms of historical privilege and non-privilege (disadvantage), structural and institutional racism/casteism, racialized/casteized property and wealth, prejudice and stereotypes, and spurious religious justifications.

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