

My mother and my land

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Discussing land reform and equal land distribution today, I recall the days of my childhood. In 1990, when I was seven years old and getting ready to sleep, my mother and father's conversation would keep me awake. Every day, they would talk about land and food. My mother would sometimes murmur to herself, "we don't have any land, why did I marry a landless person?", or "how can I feed my four children?" On most nights, my mother went to sleep without any food.

My father was part of a joint family of 12 siblings who did not have any regular income. Everyday my uncle worked as a farm labourer and received 50 Nepali rupees (about one USD) per day, but only after working 15 days pro bono first. My mother wished to be separated from the joint family to work on her maternal share-cropping land. My father had no bulls however, which made it difficult to cultivate land even for share-cropping. Although my mother pressured him to buy his own land, even after a year of moving around the village, my father was not able to buy any land. He was very disappointed and said "Bahunle Garda kehi garna paeana", which means 'because of the Brahmins, we could not grow up'. I heard voices saying that Dalits and the landless could not buy land. According to my father, "All the fertile land is captured by Birta and Ghuti." The Birta was a land grant made by the state to individuals usually on an inheritable and taxexempt basis, while Ghuti was a land endowment made for religious, philanthropic and charitable purposes; between these two systems, most of the country's productive land was gone.

When the Brahmin landlords who owned everything in our eastern region decided to leave, reluctant to be neighbors to Dalits, my father took this opportunity and searched for land to buy for 20 days in the Terai area, but returned with empty hands. He then tried to find land in his own Pounthak village. In the midst of worries about land, I recall a gathering of all our relatives praying for my grandfather's return to good health from an illness; they hoped their spiritual quests would help him as there was little money for medical treatment.

After two years, my father was finally able to buy land from an indigenous landlord. Neither fertile nor fenced in, the land was practically useless, but since we had no other options, we bought it in 1992. On the day of the sale, the entire family was very excited, particularly my five uncles, all of whom wanted to work on my father's land.

The caste system in Nepal does not allow Dalits to build houses near to those of Brahmins'. Nevertheless, my father began a new life, raising four young children on barren land between Brahmins and the indigenous community. The poor soil meant that for more than two years we could not grow any vegetables and fruits. The first year of harvest, we were so happy to see our first crops although they were covered with snow. I later saw a tear roll down my mother's cheek after our crops were lost; I had never seen my mother crying before. That whole year, I saw my mother eating only once a day.

The next year, we were able to see the crops. However, we were able to harvest only a small amount of them, which only met our food requirements for three months. This again was due to the depleted quality of the soil. Eventually, my father started up another business, while my mother put all her time, effort, and energy on the land, and three of my uncles went to work in India. One of them, only 25 years old, died in Nagalayan of a high fever, with no one there to take care of him.

Every morning, my mother would get up early while we were still in bed. Both of my parents used to go to the fields. Gradually, our education progressed and we were getting the best results in school. However, we faced various forms of discrimination from the teachers and others. Our land was becoming fertile because of my mother's hard work. After five years, my mother bought buffalo, sheep and goats for their milk and fertilizer. She divided the workload between my sister and I; we cut grass every morning and evening to lessen her work. My two brothers supported my father by plowing the fields and grazing the animals. Due to my mother, we enjoyed working in the fields. We used to carry our books to the jungle, memorizing formulas, poems, and telling stories while cutting the grass. We were thoroughly enchanted by the loveliness of nature all around us. Every evening, my mother made sure we studied until midnight. Only then did she go to sleep, waking us up again at four in the morning.

After 10 years of hard work, our sterile land became so fertile it seemed like a garden with fruits and seasonable vegetables everywhere. Surprised, people used to remark to my mother, "you changed iron into gold". My mother used to give away small amounts of rice and maize to those who had no food to eat. My father's business and our education continued to flourish as well. He used to design all sorts of gold ornaments, pots, statues and ploughing instruments. We were not allowed to participate in any public or religious events in school or in the village. Nevertheless, we continued wholeheartedly in our efforts to pursue an education. After passing the 10th grade, all my brothers and sisters had to leave the village to pursue higher studies. My parents continued working, even though it became more difficult in their old age. For four years, my mother wanted to sell our house and land, but at this time in our country's history, nobody was ready or willing to buy a Dalit's house or land. My mother used to tell us, "As Dalits we have no rights to choose either to buy or to sell land. So fight on through knowledge and education."

The Hindu religion becomes a curse

Nepal as a country is multilingual and multicultural with many religions. The Hindu religion has become a curse for the Dalits and even more so for the Janajati. Ancient Hindu manuscripts, including the Varnas, set up the following categories of people: "Brahmins as teachers, scholars and priests; Kshatriyas as kings and warriors; Vaishyas as agriculturists, artisans and merchants; and Shudras as service providers and labourers." Later, this originally spiritual classification became a hereditary social system in India and Nepal. Prime Minister Janga Bahadur Rana, the founder of the 104-year long autocratic Rana rule, promulgated the Muluki Ain (National Code) of Nepal in 1854, which divided all the Nepalese people into a fourfold caste hierarchy following the Hindu philosophy of Manusmriti.

Systematic social exclusion

The attitude of the state towards Dalits and the forces of production contribute to this situation. The realization has surfaced that any relations to production can help to determine the infrastructure of a society. Dalits continue to be the majority of the poor and disenfranchised, deprived of their economic, social, cultural, civil and political rights.

It is commonly held that Brahmins and Chhetris from the hills should not work ploughing the fields because of their privileged caste status as Varnas. Therefore, they started to hire local Dalits as Haliya, Haruwa, to till their land in the eastern Terai region and in the far western hilly area. Similarly, in far western Terai, they hire the indigenous Tharu community both for tilling and domestic housework. Due to poverty, low-caste people in this region are obliged to borrow money from the high-caste community.

If they fail to pay off the interest, they have to work as landless Haliya, Haruwa, Charuwa and Kamaiya. Interest is deducted from their wages.

As a result of this, according to 2000 data, 50,000 households are Haliya, 13000 are Kamaiya and all are without land. Wives are forced to work in the fields while children are forced to herd animals. On 17 July 2000, the government of Nepal announced that the Kamaiya system be banned, the Kamaiya be freed and their debts cancelled. Although most Kamaiya families are free now, the system still persists. Similarly in 2004, the government declared the abolition of the Haliya system of land tillers working as indentured labourers. However, concrete steps to further the process of the rehabilitation of these communities have not been taken.

Denied access to productive resources

Nepal is an agriculturally based society, with 70 percent of the population dependent on agriculture for their livelihood. Land is therefore intricately linked to social status, food security and poverty. Due to the Hindu religion with its caste mentality, the Dalits became the targets of a deep prejudice; as mentioned earlier, Dalits were not allowed to neighbor higher caste families. For this reason, there was historically little possibility for a Dalit to buy land and a house in higher caste areas. Ironically however, the higher caste community had to rely for many things, especially in the service areas, on the lower castes. The lower caste people engaged their skills in making ornaments, shoes and clothing without the benefit of a minimum wage. Even after the restoration of democracy, with expanding modernization, globalization and liberal trade policies, their skills were overlooked. Government officials do not have the mindset to protect their highly developed and exquisite artisan skills. It was also too bothersome to find fertile land for the Dalits. It is thus not only the Birta and Ghuti systems that cause problems, with the higher caste determined to avoid Dalit neighbors and unwilling to sell land to them. The trend now is that many younger Dalits are forced to migrate either to India or the Gulf countries because of debts they incur in their own country.

It is a fact that rural areas remain poorer than the towns and cities in Nepal. During the Rana period (1849-1951) more lands were distributed through the Birta, Ghuti and Raikar (land owned by the state and taxable to it) systems for state, public and private purposes, which as a result made the Dalit and the Kamaiya, an indigenous Tharu community, landless. Although the Birta system was abolished in 1959 and the Ghuti in 1964, the practice was not effectively stamped out.

Dalit access to land

According to the most recent government census of 2001, 1.3 million of 4.2 million families in Nepal did not own land. With approximately four members per family, the estimated landless population was 5.5 million people, of a population of 21 million. Twenty-six percent are mostly members of the Dalit community, while 37 percent are of the Terai (plain area) communities. The 2001 census noted that 75 percent of households have less than one hectare of land, 58.97 percent come under the functionally landless, 11.27 percent have no land even for a homestead and 24.4 percent are arable landless (home but no farmland). Among them, 43.98 percent are Terai Dalits, 15.32 percent Hill Dalits and 20 percent Terai Janajati. Eight percent of the hill indigenous people are landless. Overall, it seems that the highest poverty range is among the Dalits.

Archaic policies

Political activists of the 1940s inspired peasant land uprisings in the rural areas in the 1950s. Land reforms in Nepal started from 1951 and still continue today. After the restoration of democracy, land reform was on every political agenda in every election, but failed in implementation. Although some tangible reform was done by the government after 1990, it barely touched the landless population. Liberation of the Kamaiyas was put into effect by Parliament in July 2000 and the Labour Prohibition and Regulation Act promulgated in 2002. When bonded labour was abolished, the official Ministry of

Land Reform figures show that 541,802 tenants had been registered by 2003. A Supreme Court ruling in 2006 was made, keeping the Haliyas' minimum agricultural wage at 60 Rs, about 1 USD. All 1990 policies however, approved by the state from the previous constitution, are in fact out-dated; and yet the state continues with these policies through minor modifications instead of enacting new, relevant policies.

Positive initiation but no concrete action

The People's Second Movement in April 2006 created a ray of hope especially for the indigenous landless Dalits and Muslims, women. The government addressed the land issue in the Comprehensive Peace Accord of 2006 and the interim Constitution of 2007. The three year interim plan committed to provide land to 200,000 landless including 13,244 Kamaiya families. Land laws from the mid-1990s sought to abolish tenancy altogether. They sought to create national farming with owner-operations. They waived 20 percent registration fees when land was registered in the name of women, Dalits, Janajati and members of martyr families. Recently the High Commission claimed that 492,000 hectares of land was held by the government which they were not using, while 422,000 hectares of land were needed for landless people. On the other hand, the largest landless group, the Kamaiya, mainly represents the Tharu indigenous community predominantly in Banke, Bardiya, Kailali and Kanchanpur. Their condition has been one of bondage; entire households worked for food for a landlord under indebted conditions from which they could not easily escape. The government has settled half of the Kamaiyas, but failed to meet their basic needs by not providing education, health and housing properly. Also, by simply providing land for housing, they have no other regular income to meet their basic needs themselves.

The Ministry of Land Reform and Management had a three year interim plan, from 2007/08-2009/10. Policies were included in the third year of the plan for land distribution, with priority on the landless, unmanaged dwellers, indigenous Madheshi and women. Towards this end, on 21 August 2008 the Land Reform Commission was established. The Commission has put forth recommendations to bring about change in tenancy rights, labour, land ceiling, land ownership and productive use of the land.

Despite much political debate however, the government has yet to come up with any concrete action, except for the modification of the Guthi system.

Failure to implement national and international human rights law Nepal is a state party to the International Covenant on Economic, Social and Cultural Rights and a signatory to the International Convention on the Elimination of All Forms of Racial Discrimination, as well as to the ILO Convention no. 169. Despite these international commitments, the socio-economic condition of the Dalits is much lower than the other castes. They still face the 125 forms of caste-based discrimination violations based on the existing Hindu social order. According to findings by Action Aid Nepal, 54 forms of violation are related to denial of entry, services, access to common resources, kinship relations and participation. Nine are related

to labour discrimination, 20 to dominance, and another 20 to atrocities, social boycott and attitudes towards untouchables. Eighty-one are related to occupation, educational institutions, political rights, government policy and programs, donors, religious and cultural activities.

Despite numerous constitutional and other provisions ensuring social equality and the right to be free from any discrimination based on occupation, caste, and ethnic groupings--such as article 14 of the 2007 interim constitution and the 2004 declaration that Nepal was an untouchability free nation--caste discrimination goes on. Efforts of human rights organizations should be directed particularly to provide access and control over natural resources so as to respect and fulfil people's rights. This can be accomplished through social movements to pressure government by way of debate and discussion. A wide-range discussion is needed for the social transformation of society, as well as focused discussions in different national and international forums. Right to food should be a prime part of the political discussion. Scientific land reform is becoming top on the political agendas in Nepal after the 2006 peoples' movement. It is true that access to land is directly connected to food insecurity and poverty. The state has not been able to do anything to ensure food security for the poor, especially the landless Dalits. Nepal being an agricultural country, land is considered the prime means of production. Historically there has been unequal land distribution with most of the land occupied by the high caste people. Access and control over productive sources are not only conducive for a good livelihood, but also link up with one's social dignity and status. All of the causes behind this situation are due to lack of access to resources and control of the means of production.

The right to land means access to land and to productive resources, related to the right to food. Improvements in the right to land and the alleviation of hunger however, have not been translated into action. The international community needs to demonstrate more concern, particularly for the landless Dalits as they fight for their right to land. It is a ridiculous situation that although the government understands the underlying reasons for reform, they cannot be accepted because of the complex, social, and power relationships in operation. We see law and policies put on paper, but not into practice. Crusty, oldfashioned, patriarchal Hindu male leaders rule the government. Our Republic only looks like a Republic, but is actually ruled by an elite class and caste cartel. They should be implementing existing policies and national and international human rights law through an inclusive process with respect to every aspect of the country's development. It is necessary that the government shoulder the responsibility of mapping out the Dalit and indigenous peoples' situations in terms of the functionally landless, arable landless and entirely landless. Hunger and shelter are not the only needs of the Dalit and indigenous peoples. Availability and accessibility of natural resources without any discrimination is the most important concern. Their identity and human dignity status needs to be addressed by all of society. Their actual needs should be identified and an action plan figured out. This could easily be done through consultation with them and non-government organizations. Accordingly, the government should make land provisions transparent and without any discrimination, taking into account individual households, rather than generalizing the issue.