

Status of Land Reforms, the Legislation, Policies, Programmes, and its Implementation in Nepal

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Introduction

Land is the place where all human and animals performs its activities as well as all natural activities occur. It is also the source where people's need such as food, clothes, shelter and energy comes. The land is fixed and the population is growing, therefore each and every moment land to man ratio is decreasing. If a proper balance between land and population is not maintained social and political stability in the nation would not be possible. The secret of success in maintaining this balance lies on the availability of proper and reliable land records and proper utilization of lands. Because of lack in scientific land recording and proper cadastral system effective land management and land administration become a major problem. So most of cases pending in the civil court are related to land.

Similarly, better services to the public, higher revenue collection and proper utilization of land has drawn a national focus in Nepal. Again, Nepalese economy is based on the agriculture production. Some of the reasons for low productivity of land are lack of basic infrastructure, haphazardly scattered, and unevenly seized parcels and unplanned subsistence farming practices. So, the concern of today is to increase production through modernizing agricultural techniques and to divert the excessive pressure on land to other sectors of the economy.

Due to increasing population, it is being a global concern that there is a need to minimize the effect of environmental pollution. This is applicable in our context as well, otherwise grave consequence to be faced by our coming generation is imminent. Due to landless or *Sukumbasi* problem, encroachment on the public and government land for squatter farming and settlement have been alarming. This has also resulted in environmental problem in the country. Bonded labor or *kamaiya* had been another problem facing in the Nepalese society.

Therefore, a careful consideration in these issues should be seriously addressed for which sufficient knowledge and information about land is essential. This could facilitate the transparent land administration, planning and controlling the activities on land. On this context, a comprehensive and perspective land reform programme is necessary in order to support good governance, social justice, environmental protection, improve productivity of land, poverty reduction and sustainable development.

Organization structure of Ministry of Land Reform and Management

On July 2000, His Majesty's Government (HMG) restructured the organization of Ministry of Land Reform and Management (MOLRAM). Accordingly, the Department of Land Revenue and the Department of Land Reform were merged into one organization under the name of Department of Land Reform and Management. The Survey Training Centre of Survey Department was separated from the department and given the status of the department with the new name, Land Management Training Centre. Again the Archive Section of Survey Department and the Land Information System Project of the ministry were combined to form a new department under the name of Department of Land Information and Archive. With this restructuring, the present organizational structure of the ministry is given in the Annex-I.

Besides, Survey Department, Department of Land Reform and Management, and *Guthi* Corporation has the network of offices in the districts.

Problems and Challenges

The problems and challenges faced during the implementation of activities of ninth five year plan could be listed as follows:-

- Lack of skilled human resources
- Shortage of adequate resources and infrastructure
- Requirement of amendment in existing laws
- Lack of coordination between the related organizations
- Difficulties in access of land by landless and economically poor groups of people
- Hesitation in application of modern techniques
- Existence of dual ownership in practice
- Fragmentation of agriculture land
- Lack of effective implementation of land use planning
- Rehabilitation of land less people still exists.

Legislation

Land Reform activities are governed by the related Acts and Laws. The existing major Acts are listed as follows:-

- ◆ *Birta* Eradication Act 2016 (Third amendment 2049)
- ◆ Land Survey Act 2019 (Eighth Amendment 2056)
- ◆ Land Related Act 2021 (Fifth Amendment 2058)
- ◆ *Guthi* Corporation Act 2033 (Second Amendment 2049)
- ◆ Land Revenue Act 2034 (Fifth Amendment 2054)

Similarly the related Rules are as follows:-

- ◆ *Birta* Eradication Rules 2017 (Sixth amendment 2058)
- ◆ Land Related Rules 2021 (Twelfth amendment 2041)
- ◆ *Guthi* Corporation Rules 2033
- ◆ Land Revenue Rules 2036 (Fourth amendment 2055)
- ◆ Land Survey Rules 2058

Besides these major Acts and Rules there exists 64 Acts which are related with the land. Therefore, Ministry of Land Reform and Management is planning to formulate National Land Policy as well as to formulate Integrated Land Related Act.

Land Reform Policies

In the ninth five year plan of HMG, the land reform policies are specified as follows:-

- ◆ To create appropriate opportunities to increase agricultural production and income by providing the certificate of land ownership to the family of the farmers who are dependent on agriculture.
- ◆ To make balance and productiveness by reforming existing distribution systems of land ownership.
- ◆ To eliminate the tenant system of dual ownership on land
- ◆ To control the fragmentation of land and to promote land consolidation activities
- ◆ To manage agricultural and non-agricultural land use through the development of land use system.
- ◆ To provide sense of security in land ownership through simplified and scientific way in land administration.
- ◆ To disseminate land related data and information of surveying and mapping by giving priority to the sectors where there could be more development and economic activities.
- ◆ To prepare a single land certificate for one landowner based on land ownership records after finalizing the initial area of the land of entire kingdom.
- ◆ To establish modern land information system by networking computer system for optimization of utilization of land information.
- ◆ To maintain the boundary lines of each parcels throughout the kingdom.

The current fiscal year is the final year of the ninth plan and HMG is in a state of finalizing the tenth five-year plans. Therefore, after evaluation from the results and achievements of the ninth plan Ministry of Land Reform and Management proposed to include the following major sectors in the policy of the tenth plan.

- ◆ To distribute the land acquire from the land holding limitation
- ◆ To control on land fragmentation and to motivate land consolidation
- ◆ To develop and improve land use zoning
- ◆ To manage the problems of landless (*sukumbasi*) and bonded labor (*kamaiya*)
- ◆ To establish land records in scientific way and to reform in land ownership pattern.
- ◆ To update all the data/information related with surveying & mapping
- ◆ To develop National Geographic Information Infrastructure
- ◆ To manage effectively the *Guthi* activities and to secure its property.
- ◆ To prepare a land records of female land owners
- ◆ To develop adequate human resources.

Programmes

The land reform programmes was launched in 2021B.S. It has certainly brought awareness in the people. The programmes such as relieving peasants from burden of loans, freed from local exploitation, fixed ceiling on land holding and providing agricultural credit through compulsory saving schemes have given social security and justice. Although there have been certain achievements, but due to lack of both political commitments and administrative efficiency the programme has witnessed losing momentum. Therefore, HMG realized that there is a need to consider seriously on land reform programmes. Accordingly, in 1996 a ten points time bound package programme was designed. They are:

- ◆ Abolition of dual control on land
- ◆ Settlement of the remaining cases on land holding ceiling
- ◆ Protection of public and governmental land.
- ◆ Settlement programmes for *sukumbasi* people
- ◆ Implementation of agricultural development programme for uplifting *kamaiyas*
- ◆ Providing agricultural credit facility
- ◆ Application of Land use planning
- ◆ Development of Integrated land information system
- ◆ Implementation of Land consolidation programme
- ◆ Protection and improvement of *Guthi* land

The objective of this reform programme was to introduce a new dimension in land reform programme and expected to achieve the following results:-

- ◆ to increase agricultural production by proper utilization of land
- ◆ to increase employment opportunities in agricultural sector
- ◆ to divert pressure of the population from agriculture to other sectors of the economy

Again, due to political instability and the slackness in administrative efficiency, most of these programmes would not materialized and from the evaluation of achievement of the programme which were implemented, it clearly indicated that they are also not progressing as per the expectations. Therefore, HMG decided to reengineer the current land reform programme. And on *sravan 32, 2058 BS*, Prime Minister announced to implement a Revolutionary Land Reform programme. After the announcement of the programme, necessary land reform legislation has been approved by the parliament. This has already obtained royal ascent. The major high lights of this new legislation are a revised land holding ceiling, provision for land use planning and land consolidation. The objectives of these measures are to acquire land for the landless as well as to improve on the productivity and the production of land. This, in turn, directed towards the following.:

- ◆ Poverty reduction
- ◆ Environmental protection
- ◆ Good governance
- ◆ Social Justice

To address these issues, the following programmes are considered for renovation / re-strengthening.

- ◆ Reengineering of Cadastral system
- ◆ Land Information System and Archive
- ◆ Land Use Planning
- ◆ Land Consolidation
- ◆ Ex-*kamaiya* rehabilitation
- ◆ *Sukumbasi* rehabilitation
- ◆ National Geographic Information Infrastructure
- ◆ Human Resource Development

Program Implementation

To fulfil the objectives of Ministry of Land Reform and Management and to support the announcement of revolutionary land reform program, the ministry planned to implement the following programs through its line and functional agencies.

Survey Department

- To establish a national network of control points throughout the country.
- To prepare cadastral plans for all districts.
- To prepare topographical base maps.
- To prepare administrative and land resources maps.
- To establish a National Topographical Database (NTDB) through digital technology.
- To carry out international boundary survey works and to fulfil other international commitment of Nepal regarding surveying and mapping.
- To maintain central land record archive.
- To co-ordinate surveying mapping and GIS activities in Nepal.

Land Management Training Center

To conduct the following training courses

- ◆ Basic Surveying Course
- ◆ Junior Surveyor Course
- ◆ Senior Surveyor Courses
- ◆ Special Courses on Surveying and mapping such as Cartography and Map Reproduction, Photogrammetry, Survey Computation etc.
- ◆ Special Courses on Land Management Course

Department of Land Reform and Management

- ◆ To formulate National Land Act
- ◆ To formulate an Integrated Land Related Act
- ◆ To distribute the land obtained from the land holding ceiling program to agricultural labors, landless people, real small peasants etc.
- ◆ To develop an evaluation criteria to make it object oriented and factual based for the land evaluation operation
- ◆ To provide land management services through one door system by restructuring the organization and by strengthening and reforming the land record ownership.

Department of Land Information and Archives

- ◆ To design a computer system to replace the current manual system in district land revenue office
- ◆ To capture the land related data from the registers to build the digital database.
- ◆ To operate parallelly the computer system and traditional system
- ◆ To design a spatial database system
- ◆ To scan the field books and cadastral maps of various district office to archive in an electronic media.

Guthi corporation

- ◆ To mobilize the local people for the preservation of religious program of *Guthi* and *Math Mandirs*.
- ◆ To establish a *Guthi* records in a central level.

Land use Planning Project

- ◆ To update the existing land use maps
- ◆ To prepare large scale land use maps
- ◆ To prepare District Profile

Kamaiya Development Program

- ◆ To implement skill development activities for creation of self employment
- ◆ To implement various awareness programs
- ◆ To provide settlement, drinking water and health facilities for rehabilitation
- ◆ To implement programs for establishment of Group Mobile Fund to create self-income by restructuring the group division.

Status of the Programmes.

The status of the major activities of the ministry are as follows :

Land Resources Mapping Programme

Topographic Survey Branch of Survey Department carried out land resources mapping programme of the country in the 1980's with the assistance of the Government of Canada. Mapping covering whole country on the themes Land Utilization, Land Capability and Land System at the scale 1:50 000, Geological maps at the scale 1:125 000 and Climatological maps at the scale 1:250 000 as well as detailed reports were also published.

Topographical Base Mapping Programme

Topographic Survey Branch of Survey Department received UNDP assistance in 1970's for strengthening its capacity on surveying and mapping. This has provided infrastructure for carrying out all topographic mapping programmes. Preparation and publication of topographic base maps were initiated in 1989 with JICA assistance for Lumbini Zone topographic mapping. Then in 1992, Government of Finland supported to conduct topographic base mapping of the remaining 13 Zones of Nepal to cover the whole country. The mapping has been completed on December 2001.

National Geographic Information Infrastructure Programme

Survey Department has initiated a National Geographic Information Infrastructure Programme (NGIIP) to support sectoral GISes with necessary data, technical standards and building physical environment and capability for Geographic Information handling. As a basic contribution to the programme digital topographic database for the whole country will be ready by the middle of 2002 with the assistance of the Government of Denmark and Finland. More support from the European Commission is forthcoming to pursue the NGIIP Programme.

Cadastral Survey Programme

Mapping and recording of land ownership was initiated in 1965 to support the land reform programme. By the ninth plan period whole of the privately owned land in the country, except in the very densely built-up settlement blocks in the urban areas has been surveyed and land ownership certificate issued to the land owners. However, re-survey with more improved technology like numerical methods and preparation of parcel plans are felt necessary for accurate delineation of the parcel boundaries.

Land Information System (LIS) Programme

MOLRAM has initiated LIS Programme since the last six years using HMG/N resources along with some support from Government of Sweden basically to support for transfer of technology. Much has been done in the sector but not to the full satisfaction. The major reason being lack of adequate expertise and the resources.

Land Consolidation Programme

The land improvement and consolidation scheme was conceptualized since long, so a concept paper was developed based on the study work carried out in 1999. However, adequate know-how and other resource have been eagerly felt for its successful implementation.

Land Use Planning Programme

Haphazard land use practices being practice in Nepal. So, the ministry has established land use project in 2001 to look into the issues of land use policy.

Sukumbasi Rehabilitation Programme

The *sukumbasi* problem was being addressed in the past by providing small parcel of land to the landless. However, land being limited, this approach has been considered not so sustainable, therefore MOLRAM is looking at alternate programme for *sukumbasi* rehabilitation.

Ex-*Kamaiya* Rehabilitation Programme

The *Kamaiya* system of agriculture labor prevailing in five districts (Dang, Banke, Bardiya, Kailali and Kanchanpur) of Western Nepal was considered a social crime to be addressed by the Government. The Government abolished this system in 2002 AD. The government has given first priority to the families with landless and homeless to provide 0.17 hectare of land along with 35 Cubic Feet of timber and Rs.10 000 to each family for their shelter. The major problem is to provide skills to these ex-*kamaiyas* and provide them means of livelihood and assimilate them in the society. In this context, ILO has been giving form support to this programme.

Conclusion

It seems that the Government has a clear concept on Land Reform activities for the upliftment of people in Nepal. But, due to political instability, administrative inefficiency, lack of skilled human resources and prominent resource gap, the progress so far made for the land reform programmes has not been as desired. Therefore, proper consideration in these issues and effective implementation of land reform programmes is essential in order to gain support from all the concerned sectors and to obtain positive attitude towards the programme from the related people. To fulfill these requirements, the resources from the HMG/Nepal alone could not be adequate and so it is felt necessary to obtain bi-lateral / multi-lateral assistance for some of the sectors of the ministry.

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