

How Successful Is the Land Distribution to ‘Freed Bonded-Labourer’ (*Mukta Kamaiya*) In Nepal

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Key words: bonded-labourer, *mukta kamaiya*, land distribution, rehabilitation

SUMMARY

Nepal has a long history of forced/bonded labour system and slavery. An example of the system is *kamaiya* system of bonded-labour that originated in 1950s. The Government of Nepal abolished this system on 17 July, 2000 and freed all the bonded-labourers since the date. The freed bonded-labourers are termed as *mukta kamaiya* in common. About 27,570 families have been identified as *mukta kamaiya*. After the abolition of the system, the government launched different programs for rehabilitation of the *mukta kamaiya* families and individuals. Land distribution is the major component of the program. The latest report shows nearly 2,300 hectares of land has been distributed to 17,174 families, covering 62% of the targeted families. After nine years of being freed, still 40% of the families are dreaming for proper rehabilitation with a piece of land. On this ground, the paper aims to assess, through a desktop research, the success of the land distribution program.

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1. INTRODUCTION

Nepal has a long history of the system of forced/bonded labour and slavery dating back to *Lichhabi* dynasty (100-880) (Karki, 2001). Since then, the system remained in place over the years in a way or another. Individuals/families from so called lower classes or castes or poor people or families were main sufferer of these systems. ‘*Tharu*¹’ community is an example suffered from this system. Individuals/families from this community were/are greatly exploited by the migrant landlords, even small landowners, as bonded-labourer(s) to work at farmlands and households. This system of bonded-labour is known as *Kamaiya* system. The system remained openly in practice until the date 17th of July, 2000, when the Government of Nepal (GoN) declared the abolition of the system through an executive order, a historical declaration, (*URL 1*) and freed all the bonded-labourers including waving of the debts or loan they owed to their landlords. The freed bonded-labourers are commonly termed as *Mukta Kamaiya*.

After the abolition of *Kamaiya* system of bonded-labour from the country on 17 July 2000, the Government of Nepal has been conducting a ‘*Mukta Kamaiya* Rehabilitation and Career/Capacity Development’ program with an aim of arranging adequate housing and bringing improvement in the socio-economic condition of *Mukta Kamaiya* families (*URL 1*). Land distribution is the major component of the program, which aims to entitle each *Mukta Kamaiya* family with a certain piece(s) of land so that each family can have an independent existence in the society and better living condition.

The rehabilitation program including land distribution could not take necessary pace to attain the expected goal. Therefore, the government constituted committees at central and district level to expedite the progress on 18 September 2006 and set a newer deadline to complete rehabilitation program by the end of the fiscal year Fiscal Year 2007/2008, i.e. mid July 2008 (MKRCC, 2007). Even after the new initiative, the government has been failed to attain the complete rehabilitation and the program is still under progress (MKRCC, 2009). A decade of the freedom is about to over but many families are still waiting for proper rehabilitation.

In this context, this paper aims to assess the success of the land distribution program, the major component of *mukta kamaiya* rehabilitation program, in terms of its progress to attain the expected goal and impacts, for example, on uplifting socio-economic condition of the *mukta kamaiya* families. A desktop research has been conducted for this purpose.

¹ *Tharu*: An indigenous community spread all along the *tarai* region, mostly in the western part, of the country. The family titles like *Tharu*, *Rana*, *Dangaura*, and *Chaudhary* fall under this community.

2. FREED BONDED-LABOURERS (*MUKTA KAMAIYA*) AND LAND DISTRIBUTION POLICIES

2.1. Freed Bonded-labourers (*Mukta Kamaiya*)

Though the history of bonded-labour and slavery in Nepal is quite long, the exact origin of bonded-labourers (*Kamaiya*) from *Tharu* community, the interest of this paper, has not been identified yet. It is the subject of discussion, with some finding its origins in the distant past and others identifying the time in the 1950s, when malaria was eradicated from the regions where *Kamaiya* exists today. This latter explanation states that hill people came to the newly available malaria free land which had been cultivated for centuries by the original inhabitants, the *Tharu* people. As the *Tharu* people had no registered title to the land, the newcomers registered the land in their name forcing the *Tharu* people to work for them (OMCT 2005: 37).

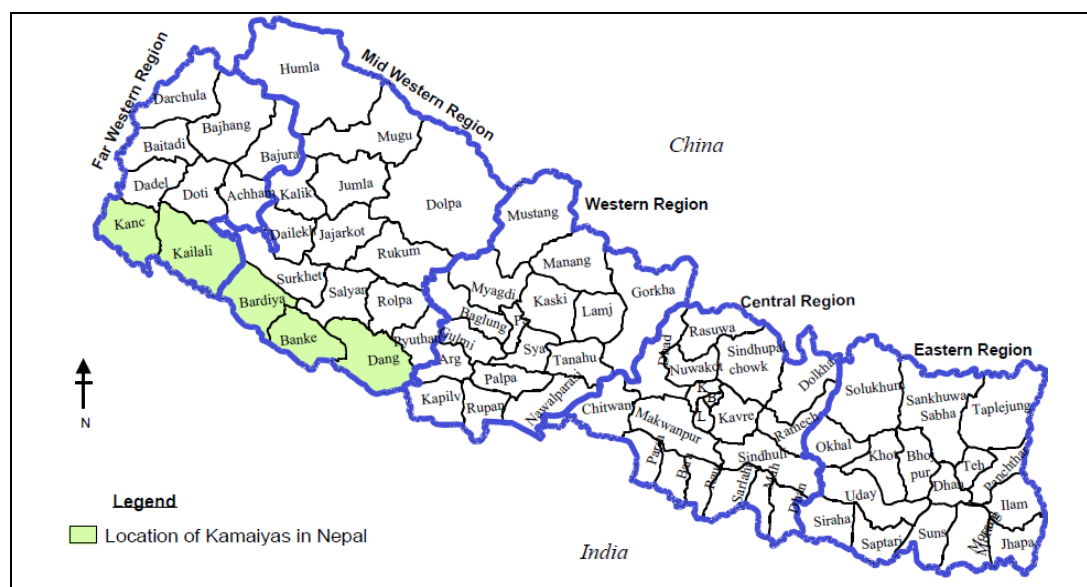


Figure 1: Map of Nepal showing the districts of *Mukta Kamaiya* inhabitants

The *Kamaiya* system was/is spread over five districts namely *Dang*, *Banke*, *Bardia*, *Kailali* and *Kanchanpur* of western *tarai* region of the country. Most of the cases, a family, not an individual, is a unit of the labourer in this system. *Kamaiyas* had to work for landlords, small landowners and other elite families, by whom they were owned, on their farms or households.

As mentioned above, the Government of Nepal abolished the *Kamaiya* system of bonded labour on 17 July, 2000 through an executive order and enacted an act as “*Kamaiya Labour (Prohibition) Act, 2002*” on 23 January 2002 (MKRCC, 2007; URL 1). The abolition of the system brought the identity of the then *Kamaiyas* as *Mukta Kamaiyas* (freed bonded-labourer). *Mukta Kamaiya* families were classified based on the land holdings before the liberation. Cards, as an identity for rehabilitation or other purposes, were provided to each

families based on the class. The basis of classification was as follows (MKRCC, 2007; URL 1):

Class	Description	Card Type
Class 'A'	The family having no land at all and residing at the house provided by the corresponding landlord	Red
Class 'B'	The family occupying unregistered land with a house for living but having no registered land	Blue
Class 'C'	The family having less than 2 <i>kattha</i> ² (677.26 sq. m) of registered land and having own house	Yellow
Class 'D'	The family having more than 2 <i>kattha</i> (677.26 sq. m) of registered land and having own house	White

Table 1: Classification of Mukta Kamaiya family

The enumeration of the *Kamaiya* families took place in 1995 for the first time, as the government was conducting various programs for empowering the *Kamaiya* families/ people since the restoration of democracy in the country in 1990. Then, the second enumeration took place in 2000 right after the abolition of *Kamaiya* system. It was reported that some families had been missing in the data enumerated in 2000 and hence the third enumeration was done in 2002. Ministry of Land Reform and Management (MoLRM) was responsible for these enumerations. The result of the enumerations has been presented in the following table. It includes the *Mukta Kamaiya* families of all classes in different districts. The latest (2002) data has been considered as the final data.

Districts	Number of Mukta Kamaiya Families (Class: 'A', 'B', 'C' & 'D')		
	1995	2000	2002
Dang	1,856	1,166	1,426
Banke	1,060	1,345	2,316
Bardia	5,037	6,949	14,499
Kailali	5,557	5,895	9,762
Kanchanpur	1,642	3,045	4,506
Total	15,152	18,400	32,509

Table 2: Total number of Mukta Kamaiya families, all classes (data compiled from MKRCC, 2007)

2.2. Land Distribution Policies

Abolition of *Kamaiya* system of bonded-labour brought a big challenge to the Government of Nepal for the rehabilitation of *Mukta Kamaiya* families. The condition of the families was so vulnerable that nearly 85 % of the families were landless and homeless. To address this challenge the government launched some rehabilitation programs. The programs included (URL1; MKRCC, 2007); providing land including timber and a small amount in cash for

² 1 *Kattha* = 338.6 sq m, (1 *Bigha* = 72,900 sq. ft. = 20 *Kattha*, 1 ft. = 3.2808 m)

building a house; skill/career development programs through skill-based training, grouping, scheme for mobile fund, earning scheme, compulsory saving scheme, education and awareness scheme, establishing Employment Contact Centre etc. to/for the *Mukta Kamaiya* families/ individual; and Land Banking . In this paper, the focus has been given to the land distribution, the major component of *Mukta Kamaiya* Rehabilitation Program, and the policies adopted by the government in this regard.

Based on the fact that majority of the *Mukta Kamaiya* families were in quite vulnerable condition, it was crucial to provide shelter to the landless and homeless families' right after the abolition of the *Kamaiya* system. Therefore, the government made a policy to provide land with title to each of the landless families, that fall under the category of Class 'A' and Class 'B'. The number of families that fall under this categories were identified as 27,570 (MKRCC, 2007) in 2002 (Table 3). In this table, the data from 2002 is additional to the data enumerated in 2000.

District	Class A			Class B			Grand Total
	2000	2002	Total	2000	2002	Total	
Dang	215	87	302	230	173	403	705
Banke	174	944	1118	776	27	803	1921
Bardia	2691	3778	6469	1310	3772	5082	11551
Kailali	2488	1270	3758	2620	2597	5217	8975
Kanchanpur	2462	1461	3923	495	0	495	4418
Total	8030	7540	15570	5431	6569	12000	27570

Table 3: Landless *Mukta Kamaiya* families (Class 'A' and Class 'B')

The policy of land distribution set following criteria (Table 4), based on the location of land, to determine the area of the piece(s) of land to be distributed to each family (MKRCC, 2007). Only one criterion applies per family.

S.No.	Location Description	Land Area per Family
1.	Land within municipality or adjacent to highways	Max. 1 <i>Kattha</i> (338.63 sq. m.)
2	Land around highways	Max. 2 <i>Kattha</i> (677.26 sq. m.)
3	Land in rural areas	Max. 5 <i>Kattha</i> (1,693.15 sq. m.)

Table 4: Basis for determining area of land to be distributed to each family

The policy identifies following sources of land for the distribution (MKRCC, 2007):

- The state or bare land registered in the name of the Government of Nepal or any Development Committees under the government and suitable for settlement

- Outskirts of forest land without forest cover occupied by the *Mukta Kamaiya* families informally and suitable for settlement
- Forest land suitable for settlement but not delegated to any Group of Community Forestry
- Riverbanks or reclaimed / abandoned land from changed river course, suitable for settlement
- State Land gained from evacuating illegally occupied by the adjacent private owners or informal settlers
- Land already distributed but not used due to various reasons
- Land acquired by different commissions in the past for the purpose of settlement but not used purposefully
- Surplus land gained/acquired by imposing land ceiling
- Land purchased by the government and registered in the name of District *Kamaiya* Settlement Committee

3. PROGRESS OF LAND DISTRIBUTION PROGRAM

As per the land distribution policy as mentioned in the earlier section, maximum of about 4,700 Hectares of land would have been needed to distribute all 27,570 *Mukta Kamaiya* families. The pace of land distribution program is very slow. As of the end of the Nepali year 2065 V.S. (Mid April, 2009) only 17,174 families have been distributed the land, of course with title, the total area of land distributed being about 2,300 hectares (MKRCC, 2009). The latest status of the distribution is in the Table 5.

District	Total Families	Already Distributed	To be Distributed
Dang	705	705	0
Banke	1921	1921	0
Bardia	11551	4831	6720
Kailali	8975	5567	3408
Kanchanpur	4418	4150	268
Total	27570	17174	10396

Table 5: Status of land distribution in different districts to *Mukta Kamaiya* families

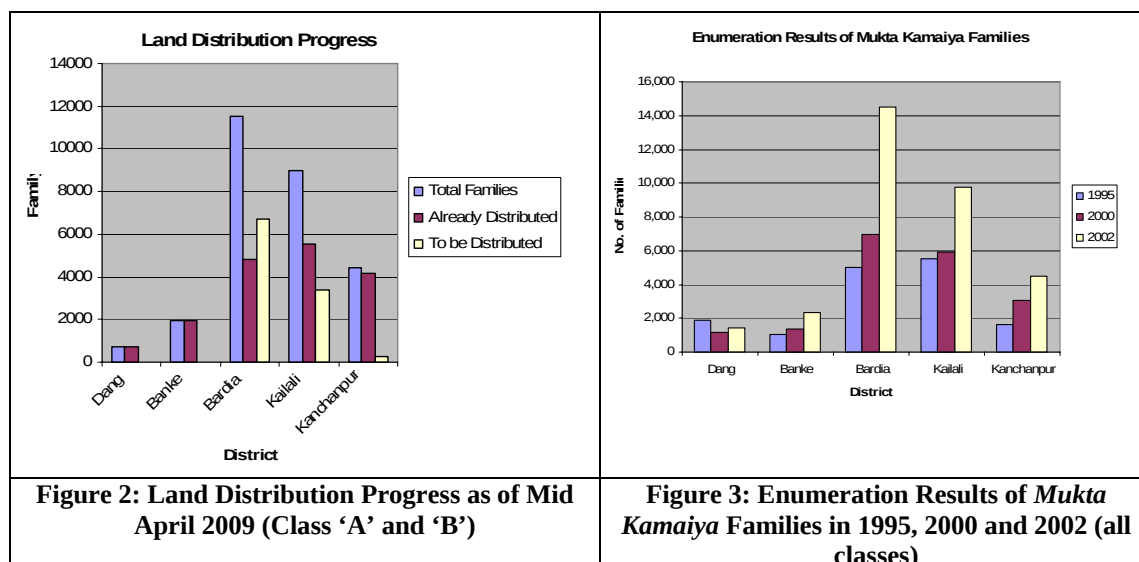
4. ANALYSIS AND DISCUSSION

This section aims to analyse existing situation as mentioned in earlier sections and then to discuss for assessing the success of the program, main issues being as follows:

4.1. Pace of the Progress:

The progress of land distribution seems quite slow. In nine years of abolition of the system only about 62% (with reference to Table 5) of the families have been distributed the land.

The delay in distribution in one hand failing to provide in time rehabilitation to the families suffered for decades and dreaming for improved living condition from sever poverty and backwardness, on the other hand the number of landlessness is increasing year by year. If the data from three enumeration years 1995, 2000 and 2002 respectively is evaluated, it gives the clear picture of the continuous.



In this context, (MKRCC, 2007) identifies two reasons behind it. The first one is the members of joint families wished to live separately and hence to be registered as separate family than previous one, and the second one is non-*Mukta Kamaiyas* but landless people from other communities attracted from the benefits of the rehabilitation program and with fraud documents registered themselves as *Mukta Kamaiya* family. There can be other reasons to this case. In 1970's and 1980's, in the context of landlessness of hill migrants to *tarai*, (Shrestha, 1989) mentions that some of the hill migrants came to *tarai* as landless and capital-less. The government resettled them in some places of *tarai*. Later some of them sold the land acquired from the resettlement scheme and moved to the other places as a sort of professional landless class. As the number of *Mukta Kamaiya* families kept on increasing in each enumeration, some of them might have repeated the same characteristics.

At the same time, the counter effect of the delays should not be ignored such as increasing overhead costs of the government, worsening socioeconomic conditions of the targeted families, and societal conflicts.

Timely change in policy is a must for the success of the program. Referring to the case of South Africa, as summerised from (Valente, 2009), In South Africa, land redistribution took place in 1990s through land reform programs but the progress moved with slow pace. Several policy implications and problems were identified as hindering factors in its progress. Then significant changes in land reform policies such as providing support to improve skills and (on- and off-farm) infrastructure support, public small-credit scheme, government initiative in

purchasing land and then redistributing, identifying focus areas and providing necessary support from related government organisations.

4.2. Impact on State Land

The government policy for acquiring land for distribution is mainly based on state land as the source for land acquisition. The state land, here, means the land registered in the name of government or any other governmental entities. In principle, it does not mean the public land. Nonetheless, as experienced by the author back home, most of the land types listed for redistribution are used as public purpose mostly for grazing cattle. Though, the provision of purchasing and using surplus from land ceiling has been identified as the source, their contribution is quite minimal. The contribution of purchased land is about 14.5 hectares (MKRCC, 2007) whereas the amount of surplus land from land ceiling is invisible, may be no any contribution. Thus, almost the state land is being distributed. Dependency on state land may result on scarcity of grazing land, deforestation, flooding etc.

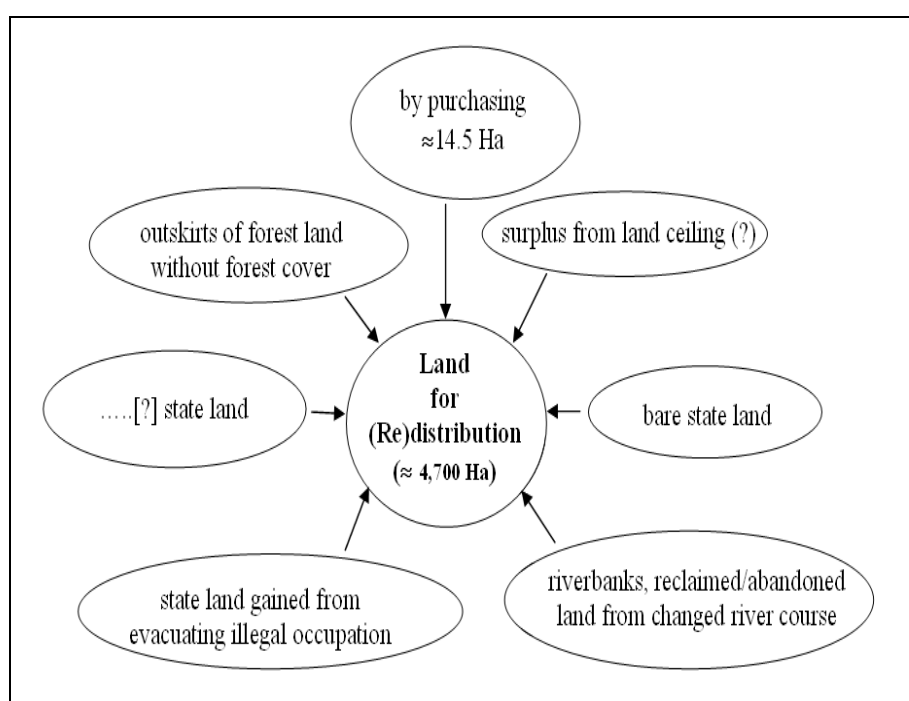


Figure 4: Sources of Land required for distribution to *Mukta Kamaiya* families

4.3. Impact on Socio-economic Condition

Unfortunately, the author could not find any data on current socio-economic conditions of *Mukta Kamaiya* families, even in the reports published by the Government of Nepal. Nonetheless, experiences from some authors have been referenced to assume, how would have land distribution contributed in enhancing socio economic conditions of the targeted families.

Equity on land distribution would have positive impact on socio-economic condition. Family size, location of land, value of land has not taken well care. To maintain the equity in terms of family size, (McCune, 1948) mentions that in Korea the land distribution was based on the number in the family and the number in the said family with labour power. Men, eighteen to sixty years of age, and women, eighteen to fifty, were counted one point. Men over sixty and women over fifty-one were allotted 0.3 points. Other point fractions were set for children. For example, a three generation family of nine persons would have 5.2 points. In the given case, no matter how is the size, a family has been considered as the unit.

In Korean experience (McCune, 1948), further mentions that land redistribution was done after independence to the farmers freely for permanent ownership, but it could not thereafter be sold, bought, rented for tenancy, or mortgaged. Contrary to this experience, *Mukta Kamaiya* families can enjoy all sorts of financial possibilities, except the sale before ten years of the date of title issued.

Distribution of land in itself is not sufficient to enhance the economic condition of the poor people. It depends upon the how effectively the resources have been distributed. (Adhikari and Chatfield, 2008: adopted from Deininger, 2003) state that the poor distribution of productive resources in general and land in particular has been identified one of the root causes of economic stagnation in many developing countries including in Nepal. (Adhikari and Chatfield, 2008) further mention, in the same line, that a household's ability to generate sufficient economic livelihood depends also the existing environment available around. The general expectation is that due to credit constraint and other unfavourable conditions households with small size of land have a lesser marginal value of land with respect to consumption. A study by (Adhikari and Chatfield, 2008) investigates the effect of other complementary factors along with land on consumption and income. The results reveal that consumption and income significantly increases with higher education. The more adults and the more educated the adults, the less likely that a household will be poor. Further, as the distance of infrastructures (e. g., road, hospital, market, and bank) increase, the costs of household raises and hence consumption and income level decreases. The land distribution policies as adopted by the government have not considered these issues well.

The distribution of land gives a small land holding to the families, as the size ranges from 0.038 to 0.17 ha. The situation has a risk of landlessness in near future, if necessary measures are not taken. Adopting the experience of (Shrestha, 1989) in the context of small land holdings, the holdings too small to be viable, and poor economic conditions may sooner or later force many of the families to sell their lands and ultimately end up landless. On the other hand (McCusker, 2002, adopted by Valente, 2009) finds that "change in livelihoods as a result of [land distribution is] minimal largely due to general disorganization, farm size, problems, lack of capital, lack of skills and labor, gender bias, and skewed age distribution"

From this discussion, it can be concluded that the land distribution may not have significantly contributed the livelihood of *Mukta Kamaiya* families, though real data is not available.

5. CONCLUSION

Kamaiya system of bonded-labour is an example of existence of forced/bonded labour system and slavery in Nepal, the origin of which has been assumed to be in 1950s. The Government of Nepal abolished this system on 17 July, 2000 and liberated/freed all the then bonded-labourers. The freed bonded-labourers, so called *Mukta Kamaiya*, were identified to have about 27,570 families.

The government launched different programs for rehabilitation of the *Mukta Kamaiya* families and individuals. Land distribution is the major component of the program. The latest report (MKRCC, 2009) shows nearly 2,300 hectares of land has been distributed to 17,174 families, covering 62% of the targeted families.

This desktop research found that the progress of the program is quite slow. After nine years of being freed, still about 38 % of the families are dreaming for proper rehabilitation with a piece of land. State land is the source of land for distribution to the targeted families, which has largely affected the preservation of state land and land resources. Due to the lack of current data on socio-economic condition of the targeted families, an accurate assessment of the impact of land distribution on uplifting the socio-economic condition could not be done. Nonetheless, from the experiences of different authors, it has been drawn that distribution of land, with small holding, is not sufficient to improve living standard and socio economic condition.

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BIOGRAPHICAL NOTES

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