

## History of Land Settlement in Nepal Tarai

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### Introduction

Nepal is believed to have been populated mainly by immigration, over a period of many centuries, of Mongoloid groups from the Tibetan region and of Indo-Aryan groups from northern India. The Muslim invasion of India accelerated migration from the south, beginning in the thirteenth century, when a large number of Rajputs (ruling groups of north India) and other Hindus left the Gangetic plain to find refuge in the Hills of Nepal. The ruggedness of the Nepalese Hills kept them safe from any sustained or unified invasion from either the north or the south. The high Himalayas formed a nearly impregnable barrier in the north; and the south was protected by the dense malarial forests of the Tarai and lower hills. Within the confines of these natural barriers, several petty states and principalities grew and flourished, although they were in constant flux, frequently modifying their borders.

All accounts of Nepal's history focus on the Hill region, which was the center of political activity as well as the most densely populated region. Very little is known about the political or economic history of the Tarai before the unification of Nepal in 1769. Before unification almost all of the current Tarai region was under the jurisdiction of various Hill states and principalities. Those principalities controlling parts of the Tarai derived sizable revenues thereby.

Although human habitation in the early years in the Tarai was very sparse, probably due to the unhealthy malarial climate prevalent in the region, various localities in the central and eastern Tarai had several small population centers thriving on the rich lands. These centers lay on the fringe of the well cultivated northern Indo-Gangetic plain. Some indigenous Tharu groups, believed to be partially immune to malaria, also lived in settlements in the dense forest.

Population growth in the Tarai has been very slow until lately. Initial migration into the area came from the adjoining southern Indian plain, where population pressures became greater earlier than those in the northern Nepalese Hills.

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\*The paper is based on the author's Ph.D. dissertation (Ojha, 1982).

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The unification of Nepal from 1769 onward and the growing need for military expenditure led to various revenue policies for financing the territorial expansion campaigns. Tax burdens in the Hills increased continuously, impoverishing the peasants there and, consequently, forcing their migration toward India. The Nepalese government also attempted to attract migrants from India and the Hills into the Tarai so that cultivatable land and, hence, land revenue could be augmented there.

Programmes and incentives to encourage migration into the Tarai, however, were largely unsuccessful; it remained sparsely populated until recently, whereas population increased very fast in the Hills. It was only after the advent of democracy in 1951 that substantial population influx began into this region. Like the past rulers, the new government perceived great potential for agricultural development in the Tarai: the Tarai forest was presumed to have unlimited potential for settlement. However, subsequent unprecedented and unforeseen surge of settlements within a short period led to a situation that the government was unable to control. Before long the Tarai forests dwindled significantly. Measures for the control of spontaneous settlement and supplemental planned settlement programs to redirect the flow have met with little success. Future prospects do not seem any better.

This paper is divided into four sections:

- a) Land Settlement until 1950;
- b) The Transition Period: 1951 to 1960;
- c) The Surge Toward Land Settlement: 1961 to 1980; and
- d) Current Situation and Future Prospects.

In the first section I trace the programs and policies of the government relating to the settlement of the Tarai from 1769 to 1950. My argument is that hostile climate and endemic malaria, although major deterrents, were not the only factors limiting settlement of the Tarai by the Hill people; the extremely exploitative land tenure system in the country and economic opportunities available in India were more important factors. If opportunities outside the country had not been available, continued population pressure in the Hills would have inevitably increased settlements in the Tarai.

Land reform and developmental programs between 1951 and 1960 laid the basis for subsequent growth in the settlement of Tarai lands. Two of the major programs are briefly discussed in the second section.

Rapid growth of settlements in the Tarai after 1960 is discussed in the third section. The magnitude and causes of growth, as well as related government policies, are presented in detail. Short-sightedness (or lack of long-term perspective) and inability to anticipate the problem have been the main reasons for the uncontrolled growth, but ad hoc measures accentuated the process.

The paper concludes with a brief note on the current situation and future prospects.

Land Settlement until 1950Importance of the Tarai

Deliberate land settlement in the Nepal Tarai began in the third quarter of the eighteenth century. Before the conquest of Kathmandu Valley by the Gorkha King Prithvi Narayan Shah in 1769, and his subsequent territorial expansion, the present kingdom of Nepal was divided into eighty separate principalities. Some of these principalities controlled territories in the Tarai but the Tarai was then covered with dense forest and sparsely populated. Settlement in these areas is believed to have been discouraged by the rulers because of their value as a defensive barrier (Francis, 1819: 51-52). William Kirkpatrick, who represented the British Mission to Nepal in 1793, observed a "great forest" of eight and one-half miles wide covering the Tarai and with very few settlements. The eastern Tarai was somewhat more populous than the western Tarai which had almost inexhaustible forests (Kirkpatrick, 1811: 16-19, 42, and 183).

The situation changed after unification when the Tarai became the most prized acquisition of the Gorkhali rulers, partly because of its existing land revenues, royalty from timber exports, levies on pastures, and the export of elephants (Olyphant, 1852: 52), but it was even more valued because of the large tracts of undeveloped rich cultivable land. As early as the late eighteenth century, the Hills were extensively cultivated and offered limited possibilities for increasing revenue (Stiller, 1976: 43). Thus, the development of the Tarai was not only attractive but was a necessary precondition for territorial expansion. Availability of Tarai lands helped finance the growing military structure throughout the late eighteenth and early nineteenth centuries. Efforts to encourage settlement of the Tarai continued even after the halt in the territorial expansion process following the Anglo-Nepal war of 1814-16)<sup>1</sup>.

Policies to Encourage Development of the Tarai Lands

From the period of initial unification to the advent of modern democracy in 1951, the rulers of Nepal initiated various direct and indirect policies for developing the Tarai lands. Such government policies were intended to increase revenues and, in some cases, to improve security. For all practical purposes, the lands in the Tarai were considered to be inexhaustible, especially because attracting settlers to them was so difficult.

Settlement Policies--1769 to 1815: The most concerted effort for reclamation and settlement of the Tarai land seems to have been made during the decades immediately following unification. In the initial period, the government tried to reclaim waste lands directly through forced labour. It soon realized, however, that in the absence of tenants

to cultivate the land such a policy could not be successful. Consequently, it was abandoned in favour of indirect methods (Regmi, 1971: 144).

Waste lands and virgin forests were allotted to civil and military officials, members of nobility, chieftains of vanquished principalities, and others under birta tenure;<sup>2</sup> similarly, government employees or functionaries were paid for their services through assignments of lands under jagir tenure (Regmi, 1971: 373). It was the responsibility of the birta holder and jagirdars to recruit tenants for the development of such lands.

Birta and jagir lands were also allotted to those who organized land reclamation and settlement projects (Regmi, 1965: 21). Often jagirs were assigned from military consideration, e.g., in the case of settlement of Makwanpur and elsewhere "which were considered of strategic importance in view of possibilities of war with the British" (Regmi, 1971: 40).

Waste lands were freely allotted to any person who undertook to reclaim them for settlement and tax remissions were made for the initial period ranging from four to ten years (Regmi, 1971: 144).

An active policy of encouraging Indian immigrants was followed because Hill people were unwilling to settle in the Tarai. Local administrators were encouraged to attract Indian settlers and revenue collectors were often obligated to settle a specified number of immigrants every year (Regmi, 1971: 143). Birta holders, jagirdars, and other prominent persons were allotted additional waste lands for compulsory reclamation; since inviting settlers from raikar (state) lands was prohibited, they had to seek cultivators from India.

From time to time after 1793, officials were sent to eastern Tarai districts to make arrangements for irrigation facilities at government expense in order to promote land reclamation and settlements (Regmi, 1971: 143-44).

Perhaps the most important policy of the government, initiated toward the end of the eighteenth century, was to allot relatively large areas of waste and virgin lands on contract basis to individuals who possessed sufficient resources for promoting land settlements, a major departure from earlier development efforts. Contractors were required to pay only nominal tax to the government but were permitted to appropriate all taxes and labour obligations from the settlers on lands reclaimed by them during the initial period (ten years); also a certain proportion of total land reclaimed, normally the best land, was granted as birta to the contractors (Regmi, 1971: 145). One important facet of this land development was that contractors provided settlers with "supplies to help them through the difficult period of building a homestead, clearing the lands, and getting in their first crops" (Stiller, 1976: 45).

These policies, especially the contracting system, seem to have been quite successful for "many villages, which were waste or under forest in 1793 had been reclaimed and settled by 1810" (Regmi, 1971: 146-47).

Settlement Policies--1816 to 1950: Direct and concerted efforts for land settlement stopped after the Anglo-Nepal war of 1814-16 until 1920. Settlements were still encouraged but through indirect measures such as remission of tax, amnesty to runaway slaves, debtors and criminals, and exemption from compulsory labour obligation. For example, runaway debtors, slaves, and expatriates were not to be excluded from settlement in the Surkhet and Morang areas by creditors, owners, or administrators (Ministry of Law and Justice, 1965: 36). In Kailali and Kanchanpur, criminals crossing over from Indian territory and settling on new land were free from any restrictions (Regmi, 1965: 170). Besides initial tax remissions, anybody who undertook development of waste and virgin lands for cultivation was entitled to 10 percent of such land as tax-free birta (Ministry of Law and Justice, 1965: 19).

In addition, the government took an important step in the 1920s to promote organized land settlement in the Rapti valley and Morang area; this effort contains many features common to the modern land settlement schemes in Nepal. For the first time, the government drew up plans for government agencies to clear large tracts of forest in these areas directly. As opposed to past schemes of attracting Indian immigrants, Hill people were to be specifically settled in the delineated areas. Large-scale emigration of Hill people to India was already noted at this period and one of the objectives of these early settlement programmes was to attract these Nepalese back to their own country and provide them with a means of livelihood.

According to the plan,<sup>4</sup> forests were to be cleared under the supervision of the Forest Office. Settlement was to be supervised in Rapti valley by the Agricultural Office and in Morang by the Governor. Settlers were to be allotted land in the chronological order of their application and were to receive as much land as they could reclaim. They were also to be provided with credit, food supplies, health services and medicine, and free timber for construction in addition to exemption from land tax for seven years in Rapti valley and for ten years in Morang, and only a minimal tax for a number of years thereafter. Settlement leaders and other persons who brought in settlers were to be rewarded with personal land grants from the reclaimed area. Escaped criminals and convicts were to be granted amnesty if they returned and reclaimed land in these settlement areas.

No details on the execution and achievement of these plans are available but Regmi observes that "these plans were not overly successful, apparently, for in 1953 we find an FAO expert describing the Hetauda

(Rapti valley) region as containing only a few cultivated patches totaling about 400 acres, set among forests" (1965: 170). The First Five Year Plan attributes this failure to the prevalence of malaria in these regions (Government of Nepal, 1956: 65).

### Achievements

It is not possible to estimate the magnitude of land settlement in the Tarai during the period from 1769 to 1950. Undoubtedly, settlements increased, especially in the Morang area of eastern Tarai, where most government effort was concentrated, and in the border areas contiguous to the cultivated region of India. However, much of the western Tarai and those areas away from the border were still heavily forested. Referring to the policies of the government to encourage settlements in the Tarai forests and the large amount of forest still available in this region, one observer in the early twentieth century notes that "this policy must be pursued for many years before there need be slightest grounds for fearing that sufficient forest will not remain" (Collier, 1928: 253).

Government policies prior to the early nineteenth century appear to have had some impact; however, there is no indication that government policies after 1816 were overly successful in attracting migrants to the Tarai. Much of the slow increase in settlements may simply be due to a spontaneous process led by the increasing population pressure in the adjoining Indian districts which may have taken place even without the incentives and concessions provided by the government.

### Reasons Inhibiting Settlement by the Hill People

An important characteristic of land settlement in the Tarai was that manpower, the most critical factor for land development, was met through migration from India. The government tried to encourage settlement by the Hill people, both through indirect incentives (Regmi, 1971: 83) and later through direct programmes like the Rapti and Morang area resettlement plans. But the policies met with little success in spite of the fact that population in the Hills was increasing steadily and large numbers of people were migrating to India. The tropical climate and malaria endemic in the Tarai are usually mentioned as the main deterrents for settlement by Hill people, but there are other factors which were probably more important than these natural deterrents.

Before 1815, large-scale recruitment of able-bodied men for the expanding military absorbed part of the excess labour force in the Hills; moreover, lands, although of inferior quality, were still available for reclamation (Stiller, 1976: 43). This does not, however, mean that the situation of the Hill people was good, rather that the economic condition of the majority was rapidly deteriorating because of the land tenure system oriented toward extracting maximum surplus (and compulsorily labour obligations associated with it) to finance the growing military expenditure (Stiller, 1976: Chapters 3 and 10). Although conditions then were no better than now, Hill men did not

migrate to the Tarai, rather, they joined the army of Ranjit Singh in the Indian Punjab as mercenaries (Bruce, 1928: xxxviii).

After the 1816 treaty with the British, opportunities to enroll in the British army opened up; at the same time there were other economic opportunities in the rural and urban areas of India. Migration to India sustained the Hill economy until the early 1950s (which is still true to a large extent). One particular aspect of migration to India, viz., rural migration to Assam and other northeast provinces for land reclamation, which also had malarial climate,<sup>5</sup> raises the question: why did the Nepalese migrate to these areas in India in preference to settlement in the Tarai.<sup>6</sup> Obviously, it indicates that malaria was not the only deterrent for settlement in the Tarai. The only plausible explanation is that the Hill people wanted to escape the oppression within the country which may not have been possible to avoid simply by migrating to the Tarai for settlement. Different opportunities available outside the country were more important than the malarial climate of the Tarai in inhibiting the settlement of this region by the Hill people; otherwise the Hill people would have had no alternative to migration and settlement in the Tarai.

#### The Transition Period: 1951 to 1960

The period between 1951 and 1960 can be termed a "transition period" in the history of land settlement in the Tarai. This was a period when many of the preconditions necessary for the subsequent rapid growth of settlement in the Tarai were created.

Nepal underwent a dramatic change with the advent of democracy in 1951. The role of the government in national development and responsibility toward the people became more important than the simple emphasis upon law, order, and revenue collection of previous administrations. Land reform and other related measures were undertaken throughout the 1950s. For example, jagir tenure was abolished in 1951 and substituted by cash payments to the government employees; the zimindari system<sup>7</sup> was replaced by collection through district revenue officers; laws were enacted to protect tenancy rights; compulsory labour obligations and other levies by the landlords and the state were abolished; and, most important of all, birta tenure was abolished in 1959 making almost all lands raikar (state land). These measures laid a basis for improving the peasants' position. One of the reasons for permanent migration out of Nepal, that is, excessive exploitation within Nepal, thus diminished in importance.

At the same time, several projects for economic development were initiated, mostly with foreign aid. A five-year development plan was launched in 1956. As in the past, the new government recognized the great potential of agricultural development in the Tarai for increasing revenue,<sup>8</sup> for improving food production and supplies, and for providing land to the landless Hill people. Therefore, investment was concentrated into this region.

Among the various development activities were two projects. The implementation of the first major resettlement programme in the Rapti Valley and the launching of the malaria eradication programme marked the transition in the nature and magnitude of land settlement in the Tarai.

#### The Rapti Valley Development Project

The primary aim of the Rapti project, initiated in 1955 with U.S. aid, was to alleviate a food deficit in the Kathmandu Valley and surrounding Hill areas and to accommodate and provide employment to "poverty-stricken" farm workers including flood refugees (Government of Nepal, 1956: 65). The Rapti project was only partially successful in achieving its objectives. Very few flood victims and landless Hill people sought land allotment in the project. The opportunity was mostly exploited by the elite group in Kathmandu, both in government service and outside, who realized the future potential of this region. The target was to settle 25,000 people and to bring 50,000 bighas (33,860 hectares) of land under cultivation. By 1961, 5,233 families had been allotted 27,000 hectares of land but only 10,350 hectares were actually brought under cultivation (Ministry of Economic Planning, 1962: 218).

#### Malaria Eradication

The malaria eradication programme was a greater success. A phased programme began with the establishment of the Nepal Malaria Eradication Organization in 1958. The programme began in the central zone and continued in the eastern and the western zones. By the end of the 1960s, the incidence of malaria throughout the country was brought down to an insignificant level.

Along with the general climate of democratic reform of the 1950s, malaria eradication and publicity associated with allotment to the landless in the Rapti project resulted in a large-scale migration of the Hill people to the Tarai.

#### The Surge Toward Land Settlement: 1961 Onward

Growth of land settlements surged in the Tarai in the 1960s. The Rapti Valley efforts demonstrated both the feasibility of settlement in this region and the possibility of economic profit for the settlers themselves. Consequently, a large stream of migrants from the Hills started to the Rapti resettlement area and other Tarai districts where the malaria eradication programme was under way. They could not be accommodated in the resettlement project because the government was wholly unprepared for this. Ultimately, the mass of these migrants settled spontaneously in the neighbouring forest areas.



Planned Resettlement Programme

The subsequent response of the government was to explore the possibility of undertaking more resettlement projects with the objective of accommodating the natural calamity and disaster victims and landless peasants as well as controlling spontaneous migration by channeling new arrivals into organized settlements. Preliminary surveys of the Tarai were carried out with the help of an Israeli technician in 1962. Five areas in Nawalparasi, Banke, Bardia, Kailali, and Kanchanpur districts of western Tarai were identified as suitable locations.

The Nepal Punarvas (Resettlement) Company was established in 1964 as a government-owned but autonomous institution to plan and implement resettlement programmes in the Kingdom. The Nawalparasi Resettlement Project was launched in 1964 followed by the Khajura Project, Banke district in 1966. Israel provided expertise for technical planning and implementation for both projects.<sup>9</sup> Eight other resettlement projects were subsequently implemented beginning in 1970, all under Nepalese expertise. Of these ten projects, land distribution and settlement have been completed in five by July 1977 (see Table 1).

Target and Achievement: Although planned resettlement in the Tarai was visualized as an important means for reducing population pressure in the Hills, the concept was not backed up by appropriate plans and programmes in practice. Numerical resettlement targets were set at very low levels compared to the immensity of the Hill population problem. During the periods of three national plans--from 1962 to 1975--only 18,000 families were targeted to be settled on 52,890 hectares of land. Moreover, actual resettlement was far below even this very modest and inadequate target: only 6,000 families were actually settled during the thirteen years on a total land area of 11,750 hectares (see Table 2).

The scope of the settlement programmes has been expanded in the Fifth Plan period (1975-80), principally because of the financial assistance available from the U.N. International Development Association (IDA) for three projects in Bardia, Kailali, and Kanchanpur. But again, achievements have been far below expectations. Although there was a target of settling 22,500 families during the five-year period, only 1,945 families, less than 9 percent of the estimates, had actually been settled by the end of 1977. All these projects are still in the initial stages so that meeting the target objectives during the plan period is a remote possibility.

Policies: Government policy supports resettlement programmes in those areas which are suitable for agricultural development but economically unsound for maintaining as forest.<sup>10</sup> Priority for land allotment in such projects is to be given to natural disaster victims and landless people

Table 1: List of Resettlement Schemes Undertaken by the Nepal Resettlement Company and Progress up to July 1977

Name of Project	Location	Year initiated	No. of Families Settled	Land Settled (Hectares)	Status
1. Nawalpur Resettlement Project	Nawalparasi, West Tarai	1964	1,540	3,353	Complete
2. Khajura Resettlement Project	Banke, Far Western Tarai	1966	1,373	3,457	Complete*
3. Jamuni Resettlement Project	Bardia, Far Western Tarai	1970	1,280	2,670	Complete*
4. Jhapa Resettlement Project	Jhapa, East Tarai	1970	913	1,641	Complete*
5. Parashan Resettlement Project	Kanchanpur, Far Western Tarai	1970	1,634	3,147	Complete*
6. Nawalparasi (Dhanewa) Resettlement Project	Nawalparasi, Western Tarai	1975	880	768	Ongoing
7. Jugeda Resettlement Project	Kailali, Far Western Tarai	1975	71	68	Ongoing
8. Kanchanpur Resettlement Project	Kanchanpur, Far Western Tarai	1977	-	-	Ongoing
9. Bardia (Taratal) Resettlement Project	Bardia, Far Western Tarai	1977	-	-	Ongoing
10. Kailali (Mudha) Resettlement Project	Kailali, Far Western Tarai	1977	-	-	Ongoing
		Total	7,691	15,104	

\*Settlement and distribution of land completed but projects still under full supervision of NRC.

Source: Nepal Resettlement Company.

Table 2: Target and Achievements of Planned Resettlement Programmes under Nepal Resettlement Company

Plan Period	Settlement Target <sup>a</sup>		Achievement <sup>b</sup>	
	Area in Hectares	Families	Land Area Dis-tributed, ha.	Families Settled
Second Plan: 1962-65	20,240	6,000	1,140	714
Third Plan: 1965-70	13,900	6,000	2,850	1,149
Fourth Plan: 1970-75	<u>18,750</u>	<u>6,000</u>	<u>7,760</u>	<u>4,260</u>
Total:	52,890	18,000	11,750	6,009
Fifth Plan: 1975-80	50,000	22,500	3,350*	1,945

\*Progress from 1975 to 1977 (including settlements in projects initiated in 1977).

Sources:

- a. Ministry of Economic Planning, Trivarsiya Yojana, 2019-22 (Three Year Plan, 1962-65), (Kathmandu, 1962), p. 217; and Third Plan: 1965:70 (1965), p. 67; National Planning Commission, Fourth Plan: 1970-75 (Kathmandu, 1972), p. 64; Panchau Yojana: 2032-37 (Fifth Plan: 1975-80) (1975), p. 146.
- b. Official Records of the Nepal Resettlement Company; and Nepal Resettlement Company, Nepal Punarvash Company: Ek Parichaya (Nepal Resettlement Company: An Introduction) (Kathmandu, 1978 [2035]).

whose main source of income is agriculture, including repatriates and those evicted from protected forests (NRC, 1978).

Until 1970 the land allotment ceiling was set at 4 bighas (2.72 ha.) per family, which was reduced to 3 bighas (2.04 ha.) in 1971 and again to 1.5 bighas (1.02 ha.) in 1973. However, in the recent resettlement projects being implemented with the financial assistance of IDA, the size of allotment has been fixed at 2.25 bighas (1.53 ha.).

A number of facilities and subsidies are provided to the settlers including cleared land, free food rations for nine months, free agricultural implements, production credit, and agricultural extension services besides provision of infrastructure like roads, health facilities, schools and the like.

Lands are to be cultivated by the settlers through their own labour and full title is to be granted only after ten years, when project supervision is to be withdrawn. Holdings can be alienated through sale only after this period. Even then, any purchasers must continue to cultivate it themselves. Settlers are exempt from any land tax for the first four years. Price charged for the land allotted originally was set at Rs. 250 per bigha but subsequently raised to Rs. 300 (U.S. \$1 = Rs. 12) and more recently to Rs. 600, payable in ten equal installments beginning the fourth year.

#### Spontaneous Settlements

Magnitude: Spontaneous settlement of the Tarai forests during the 1960s range between 7,000 and 14,000 hectares, accommodating about 2,500 to 7,000 Hill households, per year. There is very little information on the extent of settlement during the 1970s, but available information suggests that the number of relocated Hill households range from 6,500 to 8,700 per year.

The Forest Resources Survey Office estimates a total loss of approximately 120,000 hectares between 1964 and 1972, out of which 56,000 hectares are estimated to have been encroached by illegal settlers (Ministry of Forests, 1976: 5). Official estimates of the Resettlement Department (1973: 32), on the other hand, indicate that 87,160 hectares of new land have been brought into cultivation in the Tarai by 32,175 legal and illegal (spontaneous) settler families during the decade of 1960-61 to 1970-71. Estimates from 1963 to 1972 are that a total of 20,300 hectares of land have been settled legally,<sup>11</sup> which would reduce the estimate of the Resettlement Department to 66,860 hectares of spontaneous settlements. Other studies, however, suggest that these estimates are probably on the low side.

Based on the analysis of Earth Resource Technology Satellite (ERTS) imagery, the World Bank estimates a total loss of 340,000

hectares of the Tarai forests during the period from 1963 to 1972; 130,000 hectares of this is estimated to be spontaneously settled by the Hill people and probably an additional 50,000 hectares through intra-migration within the Tarai and illegal migration from India (IBRD, 1974: Annex 1, 7).<sup>12</sup>

Information based on the 1971 census shows a net migration from the Hills to the Tarai during the decade of 1961 to 1971 of 400,000 persons (Rana & Thapa, 1974: 54), equivalent to about 72,700 household.<sup>13</sup> It is difficult to ascertain what proportion of these migrants have been absorbed elsewhere in the existing Tarai farms or urban centers and what proportion have opened new land as spontaneous settlers. Considering the low absorptive capacity of the urban centers and the fact that only a small proportion can afford to acquire land in the existing Tarai villages through outright purchases, it is reasonable to assume that the bulk of these migrants are spontaneous settlers.<sup>14</sup>

Spontaneous settlements have persisted during the 1970s. According to the World Bank estimate, "36,000 persons (from the Hills) settled there (Tarai) in 1974/75 and 48,000 in 1975/76" (World Bank, 1979:21). If these figures are considered representative for the 1970s, numbers would range from 252,000 to 336,000 during 1971 to 1978. This suggests that the growth may have been stabilized.

Reasons for the Growth of Spontaneous Settlements: The underlying cause for the large-scale spontaneous settlements in the Tarai was growing population pressure in the Hills. But, as experienced in the past, this in itself was not a sufficient condition for migration into the Tarai. Reform measures and development programmes made settlement in the Tarai more attractive compared to migration to India. Had the planners adequately understood the population problem and foreseen the limitations of Tarai lands to absorb the likely flow, the adverse effects of spontaneous migration and settlement could possibly have been contained. For example, coordination between programmes of health (malaria eradication), forest and resettlement could have possibly limited indiscriminate forest destruction. Such coordination could, for example, have resulted in a planned "back pedalling on malaria eradication programmes where the most valuable forest resources lie" (Rana, 1971: 31-32). Similarly, planned settlements could have been simplified and made less expensive so that a large number of settlers could have been accommodated in a shorter period. Unfortunately, the Tarai was presumed to have unlimited forest resources until the 1960s. Problems of the encroachment on valuable timber lands were tackled through ad hoc measures which reinforced the migration flow.

The following are some of the specific factors that exacerbated the trend toward spontaneous settlement:

1. Inadequacy of Planned Settlement Programmes: Official capacity for resettlement was far below the demand for land. Therefore, a large number of disappointed households, who had come to the project

sites in hope of land entitlement, had no alternative but to encroach the nearby forests. Since prompt actions to evict or accommodate them elsewhere were not taken, others joined them in large numbers.

2. Ad Hoc Land Allotment Policies: Ad hoc and independent land allotments were made from time to time in the 1960s. Lands were allotted to individuals and specific groups such as exservicemen (retired veterans from the British, Indian, and Nepalese armies), repatriates from Burma and India, and "Political sufferers", not as a consistent policy but as sporadic measures to contain the specific problems and the political pressures imposed by such groups. Additional lands were also granted to victims of natural calamities. Similarly, individuals with influence and political connections were able to acquire free lands through special grants (Resettlement Department, 1973: 8). A notion developed over time, among the retired and inservice army personnel, repatriates, and others, that it was their right to get land entitlement in the Tarai (Resettlement Department, 1973: 67). When the demands of these groups could not be fulfilled, even through ad hoc channels, many settled spontaneously.

3. Laxity in Establishing and Enforcing Control Measures: Encroachment of forest and reclamation without permission was illegal but there was neither the will nor the capability to enforce these restrictions. What might be called the lack of "will" stems from the political situation during this period. The King had dissolved the parliament in 1961 and initiated a partyless panchayat political system. The government needed as much support for the new system as possible and felt the time was not right to initiate stringent control measures which could turn out to be unpopular, especially since subversive activities were going on in many parts of the country but particularly in the Tarai region. Moreover, many spontaneous settlements were being undertaken or instigated under the support of the panchas (members of panchayat at different levels), government officials and other influential people (Resettlement Department, 1973: 8-10). It was precisely these people's support the new system needed. Many of these influential people had started to recruit settlers to move to prespecified areas in the Tarai under their assurance and protection, often by charging a fee or under tacit tenancy arrangements.<sup>15</sup> Serious measures, in this climate, were not initiated to control spontaneous settlements.

Some concern for the growing encroachment was shown in the early 1960s.<sup>16</sup> But new arrangements were not made for strengthening security nor was the manpower of the Forest Department increased. Even if there had been a "will", control would not have been possible without adequate manpower and resources.

4. Policy of Containment of the Encroached Areas: The government frequently legalized settlements so as to contain the problems associated with them. It was hoped that such measures would limit new encroachments by making them illegal and subjecting new settlers to eviction. Thus in 1961, spontaneous settlers were legalized through the Conservator of Forest of the relevant area; again, in 1968, a list of the encroachers was compiled and temporary land certificates were distributed to the settlers by the forest officials (Resettlement Department, 1973: 16-17). Instead of discouraging continued uncontrolled settlements, the repeated recognition of settlements ex post facto led to the conviction on the part of potential encroachers that once they were established, sooner or later they would be regularized. Since the government has never been able to enforce its threat of eviction, spontaneous settlements flourished.

5. Lack of Coordination among Government Agencies: The failure to coordinate timely action among the different agencies of the government has also led to the growth of spontaneous settlements. The forest office alone does not have the authority to evict encroachers. Information on encroachers must be passed on to the local administration as well as to the Land Administration Office. Only when they have legally verified it can the local police take action to evict. Needless to say, this whole uncoordinated bureaucratic process takes a long time. Small-scale encroachments often go unnoticed or ignored at first; further evidence suggests that the forest officials sometimes encourage encroachment for selfish motives. Influential people and vested interests can lead to deliberate delays. By the time actions are initiated the settlements have often grown significantly. Eviction, especially if the community has become large, is difficult and can lead to unrest, which the administration tries to avoid.

6. Construction of East-West Highway and Other Road Networks in the Tarai: Modern transportation opened up areas previously protected from encroachment by their inaccessibility. Wherever roads went through the forests, within years many spontaneous settlements grew. Construction of the East-West Highway began in the Central and Eastern region and gradually extended to the west. This pattern is directly replicated by that of the growth in spontaneous settlements. By 1968, eastern Tarai forests were heavily settled but momentum was just beginning to gather in much of the Far West.

By the end of the 1960s the situation became alarming, forcing the government to consider control seriously. Existing forest protection measures, which were limited to the "delineation of forest boundaries" and "vigilance", were wholly inadequate and ineffective.

In the eastern Tarai encroachment took place even in privately owned lands known as Jhora<sup>17</sup> which contained considerable forest. This led to continual clashes between original owners and new settlers. Government attempts to evict settlers led to violence and, ultimately, shootings resulting in some deaths in 1971.<sup>18</sup>

Spontaneous settlements, in some cases, were found in environmentally unstable areas, for instance, river banks and foothills prone to erosion. The most important concerns of the government were, however, the haphazard nature of the settlements and the loss of valuable forest resources along with the political tension generated in various places. Without concerted measures, no end of the process was in sight.

Policies and Programmes to Control Spontaneous Settlements: Concerted efforts to control spontaneous settlements were started beginning in the late 1960s. Since the eviction of established settlers was impossible, they were legalized so that efforts could be concentrated on controlling new encroachments. The Department of Resettlement was established in 1969. A "National Plan for Resettlement and Control of Unorganized Settlement" was formulated in 1973 along with a "National Forest Plan" in 1975. But, in spite of some progress made in legalizing spontaneous settlers, control of new settlements has been difficult except in some protected forests like the wildlife sanctuaries where control measures are stringent. Except for the limit imposed by the availability of forests, the future prospects do not seem good.

Policies and programmes undertaken for control of spontaneous settlements are discussed in the following sections.

Legalization of Settlements. In 1968-69 an inventory of all spontaneous settlers was taken through the Department of Forests and temporary certificates of ownership were issued pending a cadastral survey and issuance of a permanent certificate of title. However, the compilation was done hastily and missed a large number of settlers. The inventory revealed only 20,000 hectares of forest land encroachment (Kansakar, 1979: 9), far below the estimates of other sources. The subsequent cadastral survey carried out during 1969-70 to provide land titles to the identified settlers could cover only 9,400 hectares and the status of a large number remained tenuous. The objective of the inventory was to legalize the settlements that had already taken place and to check further growth of spontaneous settlements by making them ineligible for legalization. However, in the absence of supplementary measures to control new settlements, this policy was not very successful.

Establishment of Resettlement Department. In 1969 the Resettlement Department was established under the Ministry of Food and Agriculture to coordinate land settlement throughout the country and to implement



small projects involving less than 200 families (NPC, 1972: 63). The activities of the Department in initial years were limited to small-scale settlements of forest encroachers, disaster victims, and other specific individuals and groups. The Departmental projects, unlike those of the NRC, involved only delineation and allotment of land without any support services or supervision. Once the lands were allotted, the responsibility of the Department was, for all practical purposes, over. By July 1973, the Department regularized the settlement of a total of 1,333 families on 2,272 hectares of land.

National Plan for Resettlement and Control of Unorganized Settlements.

A plan and programmes for resettlement and control of unorganized settlements was formulated by the government in 1973. The plan distinguished two main programmes-planned resettlement, and regularization and control of unorganized settlement. Planning and implementation of major resettlement programmes remained under the NRC. Except for the selection procedure for settlers, which was now centralized instead of the past policy of direct recruitment at the project site,<sup>19</sup> no major changes were made regarding settlement policies of the NRC.

The new plan specified that in general, if the encroached forests are "alienable" (i.e., suitable/expendable for settlement), settlers were to be regularized in the place of existing settlement. If protected and restricted forests are found to have been encroached, the settlers were to be evicted and resettled elsewhere. Arrangements were to be made to control further encroachment of forests.

The plan called for the Forest Resources Survey office to conduct a land use survey of all the Tarai districts in 1973 and, accordingly, existing forests were classified into several categories: protection, production, special, limited use, and alienable (Forest Resources Survey 1973). The survey estimated about 56,000 hectares to have been encroached upon since 1964 and indicated a total of 42,500 hectares of "alienable forests" suitable for agriculture and an additional 32,138 hectares of "border forests" for clear felling.

The Resettlement Department established eight regional offices in the Tarai. To obtain cooperation from the various local government agencies coordination committees involving all related agencies were established.<sup>20</sup>

Soon after the establishment of the Regional Resettlement offices, listing of spontaneous settlers began, but overall progress was slow, principally because of a lack of manpower.

The National Forest Plan. In 1975 a national forest plan was formulated (Ministry of Forests, 1976). It provided a working plan for each forest division under which land use plans are currently being prepared for all the forest areas in the Tarai.

A new forest policy to "evict encroachers from the forest areas lying south of the road," was also formulated in 1977 (Resettlement Department, 1977: 1). The rationale of this policy was to protect the ecologically fragile region near the foothills from the onslaught of spontaneous settlers. The policy is being implemented by evicting small settlements amidst forests in this region.

#### Current Situation and Future Prospects

Considerable progress has been made in recent years toward containing the problem of already existing spontaneous settlements. The settlers have been assured that their status will be legalized soon. Long-term land-use plans had been formulated for the Far Western Tarai districts by 1976-77, to be followed soon in other districts. Compilation of the list of spontaneous settlers has been initiated and is under way throughout the Tarai. Cadastral surveys of landholding of the settlers have been started, wherever compilations are completed, for issuance of permanent land title. Relocation of settlers away from those areas delineated as permanent forests is under way. From 1973 to July 1979, the regularization and relocation of over 30,000 families on 27,600 hectares of land have been completed by the Resettlement Department, yet a large number still remains to be enumerated and regularized.

In spite of these policies and programs, the problem of spontaneous settlements persists. Because of the rumours of regularization, encroachments have continued through the 1970s. Since the Resettlement Department was unable to implement its program in all parts of the Tarai simultaneously, settlements increased overnight, even in areas where the Department had completed enumeration. Moreover, by the time the cadastral survey, a time-consuming process, is completed, many new settlers will already be well established, making eviction difficult once more. The government will have to face the situation of the 1970s again, although maybe in somewhat smaller magnitude; even so, eviction without alternate arrangements will be politically an unpalatable solution.

The momentum of illegal encroachments has picked up recently because of the political situation. Encroachment upon thousands of hectares of forests is reported to have occurred during the period of uncertainty between the announcement of a national referendum in May 1979 and the referendum itself in June 1980.<sup>21</sup> Even government newspapers acknowledged such encroachments<sup>22</sup> and unreported encroachments may be much more extensive. The extent of the problem and the inability of the existing organization to control illegal encroachments is indicated by the formation of a high level "Settlement Regularization Committee" with special authority under the Chairmanship of the Ministry of Forests in August 1979; subsequently several other committees were also formulated at the regional level. The stated policies of the committees are to make arrangements for relocating landless and natural disaster victims in pre-specified areas and "under no circumstances to allow encroachments to continue in other forest areas." This is again a repetition of the policies that were already in existence. Without additional

measures to strengthen the resources and activities of the existing organizations, like their predecessors, policies are bound to fail to solve the problem systematically.

#### NOTES

1. The Anglo-Nepali war of 1814-16 was a direct result of a clash between the East India Company and Nepal over the control of some villages in the Tarai. "They (British) knew full well that the source of Nepal's military strength was the Tarai, and that if this could be safely excluded from the valid objectives of Nepali military activity, they would have small cause to fear a state that was rapidly growing into a major power" (Stiller, 1973: 247). Nepal ceded a considerable part of its annexed territory in the Hills and almost all the Tarai, under a treaty with the British after the defeat in the war. The present boundary of Nepal has been determined by the treaty of 1816 and has remained unchanged except for the Tarai area restored in 1816 and 1860.
2. State grant of lands to individuals under which the grantee enjoys the privilege of ownership without any tax liability to the state and is entitled to appropriate rent and various other levies from the cultivator. Birta lands were inheritable.
3. A grantee of jagir land enjoyed the appropriation of rents on the land and other associated privileges as emoluments for their services during the employment period.
4. See Regmi (1979: 67-73) for details on the proposed settlement plans.
5. Resurgence of malaria in Nepal in recent years is mainly attributed to reinfection by the Nepalese returning from Assam (where malaria is still prevalent) for periodic visits to their native place. In order to control this the Nepal government has established several check-posts in entry points of most of the returnees, especially in eastern Tarai, to identify and treat the infected persons.
6. According to the 1961 Indian census there were about 90,000 Nepalese in Assam, Manipur, and Nagaland out of approximately 499,000 Nepal-born people residing in India.
7. Appointment of private individuals for revenue collection.
8. Revenue from the Tarai was the major source of income of the government at the time of the overthrow of the Rana regime in 1950. D.R. Regmi observes that "this part of the Kingdom (Tarai) is the richest from the agricultural standpoint and the Ranas derived their fifty percent of income from here" (1958: 20).

9. The actual physical plans for the Nawalpur project were prepared in Israel and throughout its implementation an Israeli agricultural expert was attached to the project. Similarly, Israeli technical and agricultural experts assisted in the physical planning and implementation of Khajura project (Marton, 1973).
10. See A. Kedem (1963) which mentions "bringing cultivable waste lands and lands with uneconomic forests" as one of the aims of resettlement projects. This has been accepted as a government policy and ultimately incorporated as a criterion for classifying "alienable" forests (Forest Resources Survey Office, 1973).
11. World Bank (1974: Vol. II, Appendix I, pp. 20-21, and Appendix 3, 10) indicates that for the period from 1963 to 1972, 7,000 hectares have been alienated by the government to organizations and individuals, another 7,000 hectares for relief of disaster victims, and 34,000 hectares to settlement agencies out of which only 6,295 hectares have been settled by 1971-72. This totals to 20,295 hectares of legally settled area.
12. It should be noted that most Indian migrants after the late 1950s are oriented toward already settled rural communities and urban centers. Spontaneous settlements by the Indians are insignificant since landownership for them is illegal in Nepal.
13. Because of the illegal nature and the difficult location of the spontaneous settlements, an under-enumeration is expected in the census. Therefore, the estimate based on the census should be somewhat lower than actual. The remaining 160,000 hectares are accounted for by legal settlements (through the NRC, the Resettlement Department, and independent land allotments to individuals), extension of lands by farmers in old villages, and by governments for developmental works (roads, etc.).
14. The employment opportunity in agriculture provided by the old Tarai settlements is of seasonal nature, mostly during the peak harvest season. Therefore, they cannot absorb much of these permanent migrants.
15. Samaj, Falgun 28, 2032 (March 1976); Naya Sandesh, Paush 25, 2032 (January 1975); Jana Barta, Ashad 29, 2032 (July 1976).
16. See Ministry of Economic Planning (1962: 222). Even the proposal for implementation of Nawalpur Resettlement Project in 1964 indicated this concern for the possibility of increased encroachment in the project area and accordingly suggested strengthening of security measures for forest protection (Ministry of Food and Agriculture, 1964).

17. Jhora is defined as those forest areas which were allotted to individuals under special legal authority for development and cultivation (Jhora Act, 2028, Nepal Gazette, Aswin 6, 2028).
18. As a solution to the Jhora problem, the Jhora act was passed in 1971 to appropriate land from the legal owners who were not cultivating themselves and to transfer it to the spontaneous settlers.
19. See Ojha (1982, Chapter 5) for detail.
20. For example, "Zonal Resettlement Committees" were established immediately after the creation of the Resettlement Department in 1969. After the opening of the regional offices of the Department, the committees were replaced by "District Coordination Committees." Again in 1975 it was replaced by "Committees for Regulating Settlements by Delineating Forests" (Ban Chhettra Kayam Gari Basobas Lai Byabasthit Garne Samittee). Almost all related agencies at the district levels were members of these committees. The main functions were to arrange for listing of spontaneous settlers, recommend eligible settlers, and ensure control of further encroachment. The committees fulfilled the role of overall policy formulation and coordination at the district level.
21. For a long time there was a general dissatisfaction over the functioning of the "partyless panchayat system" in the country which reached a climax in May 1979. Widespread strikes by students and employees of government and private industries as well as subversive activities led to an explosive situation which finally subsided after the proclamation of the King on May 24, 1979, of a referendum to choose between the existing political system with appropriate reform or a multi-party system. The referendum, which took place in June 1980, was in favour of the existing panchayat system.
22. For example, more than 18,000 families encroached forest lands in Rupandehi, Kapilabastu, and Nawalparasi districts out of which 16,400 were reported to have been already evicted (Gorkhapatra, June 24, 1979); in Chitwan 12,000 people who had occupied forest lands in protected areas were evicted (Gorkhapatra, December 27, 1979); during the past seven or eight months nearly 18,000 people have been reported to have occupied forest lands in Butaul area and 8,000 in Nawalparasi district, out of which 10,000 have already been evicted (Gorkhapatra, June 6, 1980); 20,000 people who had illegally occupied lands in Morang district since October 1979 were evicted (Gorkhapatra, June 23, 1980).

The extent of the problem is also indicated by a notice issued by the Ministry of Forests to the following effect: "All those people who have encroached the Tarai forests under the instigation of some selfish individuals are hereby notified to immediately eva-

cuate those areas. Those who do not abide will be taken strong action. Since the government has been settling landless people in the planned resettlement projects under the recommendation of the related panchayat, district administration and zonal administration, those who are illegally encroaching forests will not be spared in any circumstance." (Gorkhapatra, July 30, 1979).

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