

**Research Note:**

**LANDLESSNESS AND LAND CONFISCATION IN NEPAL: THE  
CONTEXT OF MAOIST INSURGENCY IN NEPAL<sup>1</sup>**

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**Abstract**

*Landlessness and land reform issues have had both political and historical connections since 1950s in Nepal. This paper examines the land confiscation that took place within the ten years of Maoist insurgency (1996-2006) and became a debatable issue between Maoists and other major political forces even after the peace pact in Delhi 2005, which is still an unresolved story. Maoist land confiscation policy was politically biased, thus, this policy failed to contribute to distribution of land to the landless or ensure tenancy rights, land ownership and emancipation of bonded laborers like Kamaiya and Hali. This process culminated in political disparity, discontent, hostility and a derailing of the peace process. I have delineated the information of land reform in Nepal over the period of time in which citizens were unable to overthrow a deeply rooted feudalist system, specifically the patron-client relationship. In the name of a "people's revolution" Maoists were able to instill terror and displace the landlords and their political rivalries. They established a "people's court" and "people's government," that weakening the role of state functionaries and traditional institutions like Badghar at the local level, recognizing neither the cultural diversity nor the judicial mechanism of the state. The Maoist initiatives to seize land and redistribute it to the poor and landless served only as apolitical strategy to garner the support of marginalized citizens for the purpose of their "state capturing project," which was proved through their dualistic policy during their state rule. The fair distribution of land failed to be realized in the persistence of violation and distortion of local values, customs and judicial laws.*

**Introduction**

This research was conducted on land and property seizure during the insurgency period and its continuation in the transitional period by the Maoist party and its sister organizations, which was the main obstacle for the peace building process in Nepal. The issue of land confiscation has close connections with the landless, the Kamaiya system, peasant movements and unaccountability of the government; therefore, I have included some of the historical and political evidences concerned with land during the time. The Communist Party of Nepal/Maoist (CPN/M) now United Communist Party of Nepal/Maoist (UCPN/M) made the landless problem their major political agenda during the insurgency period to receive support from the poor, landless, bonded laborers and excluded citizens of the State. In the name of equal footing, The CPN-M violated civil rights and created terror to prove their

dominance at the local level. The issue of landlessness in Nepal was used more for politics than for bringing practical solutions.

Researchers from the different disciplines have conducted research on land i.e. tenure and land ownership (Regmi 1978, 1999), reform (Sharma; 2008 and Basnet and Upreti; 2008), conflict (Upreti 2002, 2008), labor relation (Fortier, 1993), bonded labor (Fujikura 2007, Dhakal 2007, Deuja and Luhar 2008 and Chhetri, 2009), and displacement (Shrestha 2005; Aran 2008 and Tamang, 2009). Although, issues revolving around land are pivotal to peace building efforts in Nepal, only few studies have been carried out on the relation between land and peace building issues (Upreti, 2007) and the cultural agenda of violence (Tamang, 2007). I relied on information based on the patron-client relationship in agricultural land which contains a deeply rooted conflict between landlords and tenants in general and land capturing of landlords by Maoists in particular. Client-patron structures are prevalent in South and Southeast Asia, in Latin America, and in less developed parts of Europe (c.f. Scott, 1972:91). However, this relationship causes discontent, hostility, and inequality through forcing generations into lives of servitude, and culminated in the insurgency and counter-insurgency at large. The form of landlord-tenant relations in the Tarai region has fundamentally changed since 1960 AD. The malaria eradication and resettlement programs of the Panchayat government encouraged the Pahari people to migrate into the Tarai region, some of whom were able to register large portions of land through their connections with State authorities. "Their connections to the ruling class—the palace, government ministries, or Panchayat offices—the Pahari migrants could take full advantage of this scope for domination by effectively ruling the land beyond the purview of the law, much like their Jimindar predecessors" (Rankin, 1999:35). The programs of resettlement came with new forms of landlord-tenant relationships, which extended beyond the boundaries of Tharu communities, continued the existing servitude, and also invited new forms of symbolic violence. This became an issue for ethnic conflict and the Maoist insurgency and land reform in Nepal.

### **Research Location, People and Methods**

In March 2012, I conducted field work in Tediya, Daulatpur, Chediya Phanta, and Rajapur of the Bardiyaya District. Nepal had lost one-third of its territory in the Sugauli treaty signed on December 2, 1815, including Sikkim, Kumon, Garwal and other precious land areas of the western Tarai; later some of this land was returned in 1816 and 1865, which is known as the *Nayamuluk*—the new land<sup>2</sup>. The Ranas distributed the lands to their relatives and loyalists, reinforcing feudalism and the rift between landlords and tillers. The State formed a commission for Bardiyaya in 2009 v. s. to put an end to the conflict between landlords and tenants and explore the land-based problems. This commission identified unauthorized taxes, levies, Bataiya, ownership, indebtedness, and bonded labor (Thapa, 2001). During the ten years insurgency period, 6,050 families' land and property were seized across the country

by the Maoists, including 19 families' land and property, which were seized in Rajapur out of 101 families in the Bardiya district (Nepali Congress, 2010).

The Tharu is an ethnic group who belongs to Indo-Aryan language group. According to the Muluki Ain they are classified as "Enslavable Alcohol-Drinkers-*masinya matwali*" (Hofer 2005:9). The census report of 2011 shows that 6.6% or 1,737,470 are Tharu out of the total population of Nepal among them, only 5.8% or 1,529,875 speak their mother tongue. The majority of the landless Tharu depends on agriculture, wage labor, livestock and foreign employment in India and urban areas of Nepal. I conducted 10 in-depth interviews with landlords and landless Tharu, particularly the victim families, *Badghar*—traditional Tharu leader—and politicians from the same region. The ruling aristocracy controlled the agrarian productive means; the indigenous Tharu suffered from rural debt, expropriation of land, forced or bonded labor (*Hali, Kamaiya*), insecurity of tenancy and the land is still under the control of *Jamindars* and elites. The problem of land and property seizure has culminated in this region in response to abuses related to sharecropping, bonded labor, absenteeism and tenancy rights, which have contributed to poverty and planted a seed for further peasant insurgency.

I have recorded information on violence and terror that have been prevailing in various forms such as abduction and physical and psychological torture. In this paper, I would like to show the historical and political issues related to land seizure and how the CPN/M made it their main agenda during the insurgency (1996-2006) and post - insurgency period. They followed the road to coercion leading to deaths, migration, displacement, and detachment from family and communities<sup>3</sup>. Even after a comprehensive peace pact was signed between the major political parties in 2005, the Maoists continued their terrorist activities confiscating land and property, abducting and murdering citizens, and demonstrating all over the country. The Maoist party chose the confiscation of land and its distribution to poor families as one of its strategies to garner popular support from the majority of marginal groups including indigenous, ethnic, Dalit (lowest caste), poor and landless people during insurgency. Maoist propaganda focused on these groups using attractive slogans to motivate them towards their movement.

### **Maoist War and Issues of Land Confiscation: An Overview**

The Maoist insurgency was directed against the democratic government and civil rights. The Maoists argued that the traditional laws were a barrier for the establishment of an egalitarian society. The law said, "no one shall be deprived of his/her property without the authority of the law in force" (HMGN, 1955:3). The Maoists violated the rules of law, and captured and looted the property of individuals and the public. The CPN/M began their insurgency in 1996 from their base areas in Rolpa and Rukum districts of the mid- western regions of Nepal. They established their *Adhar Ilaka*—base area—attacked police stations, and chased out the local leaders of Nepali Congress, CPN-UML and RPP, accusing them of being corrupt and as mere commission seekers.

Through *Kranti*—revolution—they thought they would bring economic and political transformation. But they were involved in violent strategies all over the country to overthrow the *Purano Satta*—old regime—through the establishment of a People's Republic. They labeled their political enemies as *Barga Satru*—class enemy—to drive them out of villages instead establish their hegemony at the local level and sabotage the political activities. As a result, rape, kidnapping, and disappearances (Leve 2007: 129) widely appeared. The administrative units at the local level became almost dysfunctional, police garrisons were withdrawn, banks were looted, the VDC secretaries and local politicians were harassed, and development projects like bridges, air strips, and telephone stations were destroyed (see Ogura 2007 and Leve 2007). These violent activities harbored phenomena such as terror, factions, torture, family detachment and frustrations.

They mobilized the marginalized and deprived people and recruited them in *Janasena*—people's army—and party cadres for the establishment of communism. The CPN/M conceived to put an end to the multi-party democratic practices and establish the *Janabadi Satta*—people's regime. They named their struggle *Janbadi Kranti*—people's revolution—which was motivated by the philosophy of Mao Zedong. The impacts of the Maoists' actions could be seen in wide spheres of life such as politics, economics, and the socio-cultural lifestyles. It broke down the traditional and indigenous practices and knowledge systems including patron-client relationships, traditional decision-making practices, economic activities and mobilization of labor at the grassroots level. Despite these shortcomings, it formally helped to see an end to a 240 year feudal institution of monarchy and declare a democratic republic through the first constituent assembly meeting.

The CPN/M mobilized peasants and influenced common people to act against the newly established multi-party democratic system of 1990; it was seemingly a revolutionary success to maintain a strong hold in the hinterlands and build the mutual trust of smallholders, tenets, laborers and marginal groups. They raised the strong voice of the people as their *Rananiti*—strategy—in their civil war that mobilized thousands of people under the banner of war. These activities appeared opposed to human rights and democratic practice; however, they claimed that their intent was to create a just and equitable society. The intervention of CPN/M policy brought discourses in the arena of social and cultural transformation, economic insecurity, regime change, migration and human security.

They opposed the judicial system, established the *Janaadalt*—people's court—and threatened to overturn democratic practices and their institutions through brutal and tyrannical activities. They had complete disregard for state rules and regulations, and their actions were in line with human rights abuses, which caused insecurity among the people. They destroyed the repeater towers, bridges, government offices, and banks at the local level, and destroyed the debt contract papers and land certificates of landlords. The youth were abducted and forcibly recruited in the militia (Pfaff-Czarnecka, 2005). They raised a tumult of state capturing and overthrew the inherent feudal monarchy of the state, persuading the

youth masses through their populist agendas to end exploitation, cheating, and share cropping. They propagated their views against the imperialism of the US and the expansionist policy of India. The leaders have repeatedly stated their commitment to reducing rural disparities and have denounced bonded labor, untouchability, and irregular housing (Pfaff-Czarnecka, 2005:164).

The political activities of the CPN/M drew the attention of the landless and peasants, which encouraged them to become the party's members and get involved in the political activities. The people became more conscious towards the productive relationships of their farms at large. These activities were carried out under the principle of *Prachanda Path*. The CPN/M maintained their domination at the grass roots level through threats and forcing people to survive under the shadow of their guns. The State also utilized some of its counter-insurgency strategies i.e. Kilo Sera 2 operation, Romeo Operation and Cordon and Search. The landless people who were used to confiscate land suffered from different kinds of threats from landlords and state administration for instance, Janak Ram Tharu, who was used by the Maoists in land confiscation, said:

In the year 2065 VS, the *Jamindar* filed a petition against us to move from here. About 150 security forces came here. Dharma Raj Neupane was the local administrator at the time. They threatened to remove our houses with bulldozers. It was intolerable - We were overwhelmed with grief and pain. The whole settlement plunged into a deep sorrow, and the armed police enclosed our houses. The local security forces came here five times, however, they were unable to move us.

I asked Janak Ram Tharu, "The land that you had captured from the hand of the landlord had no legitimacy?" He answered,

We came to this place in accordance with the state political situation. In the insurgency period, the State was completely in disorder, and there was no peaceful environment for the local administrators. Landlords were displaced from the district headquarters and were in Kathmandu. They left their land and we came to utilize their fallow land. The CPN/M persuaded us to capture the land and assured us our ownership through land reform. We captured this land in 2060 VS. The State was unable to move us from this area. In the past, the state had provided us land through its reform programs, but much of it had been lost due to floods. We had proof of land ownership in our papers; however, in reality most of us did not actually own any land. The families who owned land that was lost to flooding either relocated to the banks of rivers or near the forest. It was a conspiracy against the landless people. In the insurgency period, the CPN/M leaders convinced us that our parents had made the land fertile through deforestation, but that the feudal exploiters had snatched it through cheating. Only a few people lost their land through their bad habits of consuming too much of *Jhand*—beer—and *Raksi*—distilled liquor. The legitimacy of the land

could be justified through the revolution. If any force came to move us, then the real movement of the tillers would begin. The wave of people's revolution would bring about land reform and fix the demarcation of their land.

There were three categories of land confiscators: the first group already had land somewhere in the Tarai and it expected to obtain more land through the strong support of the CPN/M the second group was that of the emancipated or freed *Kamaiya* who received land from the state under provisions for the landless and squatters, and the third group consisted of the marginal groups, including the Dalit who had migrated from the hilly regions of western Nepal after 2057 VS. Many people who were involved in the land confiscation process had close connections with the CPN/M and some of them had already received various positions within the party. Some of the families who captured land had settlements both in the squatter areas and the captured land of the *Jamindar*, but this applied only to a few families.

There were several malpractices in land management by the state, particularly in the processes of identifying the appropriate landless people. Reform commissions were formed in the different political regimes from the first elected prime-minister of B. P. Koirala to the present; such practices were found to be politically biased and neither solved the age long problems of the landless nor succeeded to aid the scientific cultivation of the land. Most people lived without land even though they had much experience in agrarian activities. In the insurgency period, the Maoist party motivated the freed *Kamaiyas* to engage in the land confiscation. The interesting thing is that the CPN/M only confiscated the land of *Pahari Jamindars*—hill landlords—even though Tharu landlords also used bonded labor.

In the beginning, the liberation movement of bonded labor was different from the CPN/M led people's war and it was not inclined toward any political parties; however, later the Maoist's encouraged landless people to engage in the confiscation of lands, giving them training to expel the landlords to the central areas like Nepalgunj and Kathmandu. The CPA provisions included the return of seized property, the formulation of policies for scientific land reform, and the commitment to refrain from seizing new land. The Maoist party aimed to extend the transition period of the peace process; thus, they encouraged the landless people to seize the land of the landlords. The CPN/M breached the rules of the CPA and post CPA agreement with the major political parties even when they were holding the power of the state under the prime ministership of their two supreme leaders Puspa Kamal Dahal in 2008-2009 and Babu Ram Bhattarai in 2011-2012.

### **Feudalism, Land Reform and Land Confiscation**

The economic structure of Nepal is based on agriculture 70% of people's livelihood depends on agriculture, in which a large number of unpaid land tillers have been employed. M. C. Regmi (1999:35) writes that the unpaid labor was attested, since the mid 18th century by the king Srinivas Malla (1667-85) of Lalitpur who promulgated the regulation in 1672. Later, the unpaid laborers were employed in

construction, battlement, transportation and the agricultural sector. The problems of unpaid and bonded labor garnered unproductivity and unemployment, and worsened the national income, which led the landless to turn to revolution for their *Mohiyani Hak*—tenancy rights.

During the reign of Prithivi Narayan Shah (1742-1774), land tax was a prominent element involved in sustaining the regime; royal favorites, mainly Brahmins, royal nobility, and soldiers, as well as their family members were given the responsibilities to collect the state revenues. They received granted land known as *Birta*—a grant of land—from the kings. Likewise, civil and military officials received *Jagir*—a grant of land made to a soldier—instead of salaries. *Birta* land was received as ritual gift; the main objectives of the Gurkhali rulers were to increase the royal nobility, civil servants, and military officials through the utilization of the fallow land, where certain classes and groups of the state benefited (Regmi; 1999). Land tenures under the *Jagir* and *Birta* were granted to the nobility, civil servants, and military as their emoluments for the service to the State (Regmi; 1961). The people of higher castes received much greater benefits than the ethnic nationalities because of their strong relations with state authorities. *Birta* land was inherited until the state confiscated it, and it was also tax-free; however, *Jagir* land was given until the death, lands might be confiscated in case they failed to complete the assignments given by the state authority.

The *Birta* land was widely distributed in the western parts, mainly in the hilly areas, during the unification; however, the land of the Tarai region of the same area known as *Nayamuluk*—the new land—was widely distributed as *Birta* to the favorites and loyalists of the Ranas during their regime. In their regime, the *Jamidari Pratha*—feudal system—flourished and it planted the seed of bonded labor or forced labor, which resulted in low productivity and paved the way for social movement for human rights and justice.

The land tenure system until the 1950s was under the control of feudal rulers who had close ties with royal families and the Rana authority. They received large plots of land as grants and succeeded to make a large number of people their servants, who worked as *mohi*—tenants—to maximize the profit of their landlords while receiving very low wages. *Jamindar* worked as entrepreneurs providing work for the tenants and receiving huge benefits from them; they employed the *Kamaiya* in jobs that required the use of low technologies. They did not have any limitations for work performed or time spent on the job. Whole families were involved in working for their masters; there might have been several *Kamaiya* families giving service to a single master. Besides the unlimited work, they faced the problems of physical and psychological torture from their *Malik*—owner—including murder and rape. *Jamindar* might also exercise rights to the wives and daughters of their *Kamaiyas*, particularly when a new daughter-in-law is married into a *Kamaiya* household (Rankin; 1999:37). There was violence perpetrated upon the everyday lives of the *Kamaiya*, such as threats and beatings by the *Jamindar*. These activities opposed human rights and the rules of the State.

The feudal structure of Nepali society introduced several labor forces and institutionalized social evils such as *Jhara*, *Hulak*, *Beth* and *Beggar* (Regmi, 1999). The feudal structure destroyed the State economy because of the unequal distribution of land and limited access of the peasants to productive land. In due time, peasants were able to claim their rights and engage in a revolution against the dominance of landlords over the resources. They were involved in the peasant movement for land ownership and use rights in general, and emancipation from the feudal landlords, who employed the peasant tillers. Peasant movements were connected with tenancy ownership, which is known as *Mohiyanihak*—tenancy rights. Many of such movements or insurgencies in Nepal were backed by armed forces, for instance, the peasant movement led by Bhim Dutta Panta in 2010 VS, the Jhapa Kanda led by R. K. Mainali, and the Maoist strategies to capture land. These insurgencies were influenced by the Cultural Revolution of China, the Naxalite Movement in India, and the Jhapali group (see Ramirez 2004, Ogura, 2008 and Whelpton, Forthcoming).

Such movements in South Asia and South-east Asia led the communists and democratic socialists to promote land reforms, including tenancy rights, land ownership, legal protection, and redefinition of land tenure and the abolition of bonded labor. Through these movements the position of lords and tenants evolved. Nepal could not remain impervious to international influence. This resulted in an agrarian structure formed to bring land reforms and social transformation to the country. It began with the enactment of Land Reform including Land and Cultivation Record Compilation Act 1956, Land Act 1957, Agricultural Recognition 1963, and Land Reform Act 1964. Different regimes and governments made remarkable decisions in favor of the landless people over this period of time in Nepal's economic history. The 1957 Lands Act did not introduce any structural changes in the agrarian system, but rather sought to grant security of tenure to tenants and prohibit extra impositions in money or labour by the landowners. The 1964 Lands Act was an attempt aimed at remoulding agrarian relations and mobilizing capital and labour from agriculture to the industrial sector (Tiejun and Kinchi, 2008:5). The thirty years of oligarchy under the Panchayat regime (1960-1990) did not introduce any fundamental changes, rather it failed to implement its policies and allowed the feudal system to continue. The regime failed to control excessive land holding, the sharecropping system, and forced labor, and as a result was unable to generate revenue from the agrarian practices, and state poverty was sustained as it was. Sher Bahadur Durbala led the government in 2001 to emancipate *Kamaiya* to minimize the Maoist political activities concerned with land ownership and management, and to reduce the street demonstrations of the *Kamaiya* in western Nepal. These plans and decisions only occurred after the bloody demonstrations of the peasants in their local communities.

The land reform programs in Nepal were concerned mainly with three aspects of the agriculture system: (1) insecurity of tenancy rights, (2) excessive rents, and (3) privileged forms of ownership and use (Regmi, 1961:32). The land acts arrived in

Nepal for equalizing the state's citizens in terms of the ownership of land. The land reform policy of 1964 declared that no one had the right to keep more than 28 *Bighas*. This policy seemingly ensured the tenancy rights and ownership of the tillers, securing the land in a rightful manner; however, there could be abundant pitfalls in its implementation processes.

A relatively modest amount of 44,000 *Bighas* of excess holdings was acquired - but redistributed primarily to former military personnel rather than landless or peasants. And although the act stipulated greater tenancy rights - including tenure security and rent control - the benefits of such provisions were largely offset by weak enforcement and a reduction in landowner obligations to tenants (Carter Centre, 2010:6).

The unfair implementation of the 1964 AD land reform act did not bring justice to the tillers because complex bureaucratic processes were not accessible to the landless; hence, redistributed land went to the hands of military officials and relatives of government officials. In 1964 AD the state had announced a ceiling in land ownership which included 25 *Bigha* in Tarai and the inner Tarai regions, 50 *Ropani* in Kathmandu valley and 80 *Ropani* in Hill regions (Adhikari 2008: 62). After this announcement, landlords started to divide the land and succeeded in making land ownership certificates in the name of their kin groups, actions that actually created problems in the land reform process. The reformists claimed that the real land tillers would receive ownership and would be allowed to utilize the fallow land that bonded labor would be emancipated, and productivity would increase. The Maoists were also coming to realize that the rural landlords who were in possession of surplus land could always take the help of the law to delay the seizure of their land, and thus postpone for an indefinite period distribution of the surplus land (Banerjee, 2002:126). This process failed to abolish the landlordism and semi-feudal characteristics of the economy. Different types of land reform policies and land specific movements emerged over time in Nepal with objectives of peace building by de-escalation of land based conflicts. These initiations were mainly concentrated on reducing structural, relational, and social inequality between landlords and landless. The majority of the Tharu of the Rajapur region in Bardiya claimed that they had migrated from Dang district - which they used to call *Jali Jila*—cheater's district. Dil Bahadur Tharu of Tediya, Rajapur claimed:

We received the land ownership certificate after the land measurement policy of 2004 VS, then we felt our ownership over the land; however, the received land was gradually snatched by the conspirators over a period of time, as a consequence most of our community people became *Kamaiya*. The people were forced to live as slaves and work for the landlords. Only a few families of *Kamaiyas* received the land through the land management policy of 2021 VS. The unaccountable government made the landless issues their political agenda for popularity both in the Panchyat and Post-Panchyat eras. The landless issue became more complicated and Maoists also made it their main political agenda, mobilizing the landless and *Kamaiya* in the movement and giving the assurance

of ownership over their tilled land after the establishment of the people's government. Two of their political leaders became prime ministers; however, they never raised *Kamaiya's* voices. We could not understand this.

### **Politics on Land: Slogans, Terror and Land Confiscation**

Political parties of Nepal cleverly raised slogans in favor of peasants and land tillers who had emotional attachments to soil and land through the generations. There was a major agenda in the manifestos of political parties to collect the votes of peasants and landless people. Post-1990 most of the governments formed commissions to solve the embedded problems of the landless people, *Kamaiya* and *Hali*. Those commissions were more politicized, recruiting party cadres into their commissions, distributing land to their relatives, friends and political cadres, whereas, only a limited number of tillers or landless received land near the banks of the river or unproductive land. The Maoists recognized the problems of the peasants and mobilized their political activities to assure the provision of land after the establishment of the people's government in the country. Just before engaging in an armed struggle in 1996, the CPN/M then the United People's Front, submitted a 40-points demand to the government. Some of the points were related to dismantling the feudal structure of the society, including implementing land reforms and tenancy rights. The Maoists distributed the captured land of landlords to *Kamaiya* and their supporters to earn their favor during the insurgency period. This process contributed to minimizing rural debt and bonded labor, and escalated the violence between landlord and tenants.

I have mentioned some slogans that political parties had created over the period during the election process or during the time of election. For instance, *Khet Jotneko Ghar Potneko* "The land belongs to its tiller, the house to its cleaner," was popular in the insurgency period. This was a revision of two previous slogans; the first was used in the peasant movement in 2010 VS., popularized as *Kita Jota Halo Kita Chhoda Thaalo* "Either leave the land or plough the field," and the second was used during the 1959 election for the Nepali congress government, which went *Jasko Jot Ushko Pot* "right to plough means the right to pay tax." These slogans challenged the landlordism and feudal methods of exploitation; the feudal structure of Nepal presented an unequal relationship between landlords and peasants. Bhim Dutta Pant had launched the peasant movement in favor of landless people and had succeeded in confiscating the land of landlords; hence, he was successful in winning the hearts of the people because he took revenge against the landowners and intermediaries of western Nepal. People composed several heroic and folk songs to his credit and he earned massive popularity within a short period of time. Pant was a threat to the government, thus, the state declared a 5,000 Rs bounty for his head. A few days later he was assassinated in the forest by his *Mit*—close friend—through the help of the Indian army. His decapitated head was placed on a bamboo pole and paraded throughout the headquarters of Dadeldhura district; such cruel work of the state was not generally acceptable to the peasants and poor, but they could not do anything in

retaliation against the state and police security. The Maoists praised the effects of Pant's legacy in the western hills, particularly among the peasants, including *Hali* and *Kamaiya*, as pertaining to their *Rananiti*—strategy—to mobilize the landless people and squatters in favor of their political activities. To prove their dominance they started to give new names like *Krantipur*—revolutionary area—and *Sangharsapur*—struggle area—to confiscated areas. Janak Ram Tharu said, "We were able to settle on the land of Binod Dhoj Chanda and Krishna Prasad Sigdel through the *Kranti*—revolution—thus, we kept the name of Pragpur as Krantipur."

After emancipation of the *Kamaiya* in 2001, some *Kamaiya* people captured the public forest in Chedhiya Phanta in the Rajapur province of Bardiya district. For several months, they had struggled with the government security and local inhabitants, and at last they were successful in capturing and distributing the land. Presently, 667 households and 3,595 people are living in six different clusters, with government and non-government organizations supporting them mainly through education, vocational training, and health facilities. They received the land through a long *Sangharsha*—struggle—thus they named the land *Sangharsapur*. Kanchu Chaudhary, a young emancipated *Kamaiya*, narrates the story of struggle as below:

The government declaration of "free *Kamaiya*" created problems for their existence. Decisions were made without any compensations, so freed *Kamaiya* came into the streets for special privileges and to ensure the guarantee of food and shelter. In 2062/7/4 on the premise of the Dashrath Chand Higher Secondary School, the regional leader Krishna Devi Tharu gathered the *Kamaiya* of the eleven VDCs lying in The Bhawara Tappa, and we selected one leader from each community. On the next day we were gathered in the Chediya Phanta for the confiscated land, we destroyed the forest and started to make small huts for each family. In the initial period of our struggle, 40 leading persons of our community were arrested by police and kept them imprisoned; however, all of them were released through the pressure of our community. At last, the government was unable to control our *Sangharsha* and was compelled to give us land. Since then we have faced various threats from state security, the Maoist party, and local people. Despite these threats, we continued our struggle for ownership over the land so that we were involved regularly in Ghherao—picketing—at the district administration office, and remained involved in demonstrations and chanting slogans for land reform.

The Maoists had given false hopes to the tillers, mainly with reference to their ownership and use rights. They assured the landless tenants and squatters that they would receive land through the process of snatching the land from the landlords; the innocent people trusted them and expected ownership. This was the dubious work of the Maoists because the state had no such provisions or laws in place to allow the redistribution of land to the *Kamaiya* and *Sukumbasi*—squatter. It was not proved when they achieved political power, because they ensured the tenants' land ownership nor did the tenants receive any kind of compensation.

The Maoists captured horse to house, school to university, and land to lorry in the name of revolution. These were their deliberate strategies during the civil war, and even after the comprehensive peace process they continued with strategies to capture *Sadak*—road, *Sadan*—parliament—and *Sarkar*—government. These tactics hindered the peace-building process. “A land owner certificate is not the layer of the soil that can be received through digging, there needs to be a provision,” Janak Ram Tharu, a land confiscator said; however, Agniya Tharu said, “The confiscated plot of land does not belong to a single owner as the Maoists claim.” To be safe from the land ceiling, landlords had already divided the land in the name of family members and close relatives. If we explore, there might be ten to twelve land owner certificates for a single plot, which is illegal. Some of the landless still expected the ownership of the land that they had confiscated, and the rest gave up the hope, they (the landless) either left the land or bought it from the old landlords.

The Maoist’s popular agenda drew the attention of a vast number of people, giving them new hope and inspiration. These strategies were found to be successful in combating the administrative activities of the government. Through the support of the local and the vulnerable people, the Maoists were successful in capturing and destroying the property and other physical assets of their *Barga Satru*—class enemies. They accused them of being *Sosak*—exploiters—fraudsters, and conspirators. During the war, they either killed them or drove them out of their homes. The Maoists either seized or burnt the *Lalpurja*—land owner certificates. These activities happened under the policy of *Saphaya*—cleaning—the villages. As consequence, many Nepalese not only lost their families, communities, and friends, but also lost their greater emotional and sentimental attachment with land. In the insurgency period, local disputes were solved through the *Jana-adalat*—people’s court—under the guidance of the *Jansarkar*—people’s government. The *Jansarkar* was formed in the year 2001 under the leadership of Baburam Bhattraï to challenge the parliamentary system and formed *Janaadalat* to neutralize the state laws. Local disputes were solved through the appointment of the *Jansarkar* and *Janaadalat*; it seemed, though these activities were carried out for the emancipation of the poor, landless and tenants, the result came out to be different from what was promised during the insurgency period. The killing, abductions, land and family disputes, riots and development activities under the control of *Jansarkar* and *Janaadalat* served to prove their dominance and neutralize the government activities at the grassroots level. The Maoists attempted to break down the patronage and domination of Jamindar over the land. This awoke the consciousness of the tillers who were cheated by the Jamindar in terms of work and ushered in the discourses on freedom, even as it was all carried out beyond the law.

The CPN/M created *Atanka*—terror—through the physical and mental torture of the people, and created *Dar*—fear—through *Dhamki*—threats (see Lecomte-Tilouine, 2012). They also created terror through physical attacks on police and army barracks in various parts of the country, accusing them of spying for state security. But the party announced the right to self-determination and the guarantee

of the autonomous regions for the oppressed nationalities. Tharu nationalities fell within this program, being organized into a revolutionary organization called the *Tharu Mukti Moracha*—"Tharu Liberation Front". The landless confiscators say that the CPN/M formally abandoned their agenda of land reform along with the seven points deal on 1 November 2011 under Prachanda's directives to return the seized land. "The Maoists have agreed to return the seized property to the rightful owners and remove the para-military structure of its young communist leagues to convert itself into a civilian political party. It is however difficult to remove the landless from the lands they occupied due to its political implication to the Maoist image as the liberator of the oppressed" (Dahal and Bhatta, 2010). The land capturing was seemingly revolutionary; in reality it had some hidden motives, for instance, sabotaging the democratic practices, confiscating the land of those who were unable to give them donations and who did not support their political activities and driving them out from their villages.

In fact, the ideology of the communists converted the feudal practices into communes and provided land to the different groups within the captured land. Agniya Tharu reported that the land confiscator Daman Dhoj Chand practiced the commune system. According to commune rules there were five households in each commune; each household compulsorily sent three members to work in the farm and shared the produced grains within the members of their commune. This system added to the internal conflicts and factions particularly in allocating responsibilities, time and benefit sharing. This system was impractical, unproductive, non-transparent and less feasible in terms of time and labor contribution because it began beyond the culture and interests of landless people who were not committed to the Maoist ideology, thus, they failed to convert bonded labor to free labor. According to the local inhabitants, there were three reasons for the failure of the commune-based agricultural production; first, they had fear of state security; second, they lacked any sort of ownership over the confiscated land; and third, it was politically motivated rather than designed to benefit the society. It was the inhuman treatment that ruined the emotions and sentiments among the various castes and ethnic groups. The Maoists had made several agreements with other parliamentarian parties since 2062 VS regarding the freeing of confiscated land. They neither broke their commitment nor took serious action against the people through continuing their activities of confiscation. The Nepali Congress (NC) formed the conflict victim committee under the chairmanship of the Binaya Dhoj Chand. This committee compiled the information from the victims' families, as well as their physical assets, and strongly raised their voice against the lawless activities of the Maoists. Similarly, human rights based organizations like, Office of the United Nations High Commissioner for Human Rights (OHCHR), National Human Rights Commission (NHRC), Informal Sector Service Center (INSEC), Child Workers in Nepal (CWIN), and Santi Samaj exercised continuous pressure on the Maoists to stop further human rights violation and fulfill the commitments they had made with other political parties. Instead of fulfilling their commitments, they blamed civil

society leaders and human right activists as *Dusta*<sup>4</sup>—enemies. Their blame deepened the conflict rather than supporting a conclusive point of peace and national reconciliation. They gave labels such as *Jamidar*—landlords—and *Sosak*—exploiters—and *Samanta*—feudal—to their political enemies; they did it to coerce innocent people in their favor and try to legitimize their war. Binod Dhoj Chand narrates the story of land confiscation as follows:

They labeled us as *Sosak* and *Samanta* to persuade the landless people and increase their political activities, and made them vote under these strategies as they distributed the confiscated land to their party cadres and collected the grains in the traditional sharecrop basis. In 2058 VS 20-25 Maoist guerrillas came to my house at night. Three of them entered the house; one had pointed a gun at my chest and ordered his comrades to fasten my hands. Then they asked if I had a gun. I replied that I did. I kept the gun for my security - if my security itself was in threat, why should I keep it and what was the use of this gun? I told them to take it. Later they ordered my wife to open our cupboards. She opened every nook and corner of the cupboards and gave them all the jewelry and cash. Since then I am continuously receiving threats from them for donations. In the initial days I paid them 20-25 thousand rupees per year, these days the amount of donation is reduced. They captured my land eight years ago; my land is under the so-called “landless” defined by the Maoist party. Last month the Maoist led-coalition government freed our confiscated land in the presence of different party leaders; however, a few hours later a party cadre of Maoists again planted the party flags on my land. Land reform programs are necessary. Land should be limited by law. We will accept it if the state sells our land through compensation. King Mahendra brought land reform in 1964, no one denied to accept. We are ready to accept the law, legislation, rules and regulations of the state. Activities beyond the rules of law are not tolerable to us.

The political activities of the Maoists during the war brought turmoil through their oppressive intervention at the grassroots level. Yet, the tenants were in a dilemma because they could not leave the captured land and made huts to live in; however, there would be continuous threats from the government and security forces, and they might be driven out at any time since landlords were constantly selling their land to each other. They were searching for ownership, but no one acknowledged their pain and sorrow, and again they started to share productive grain with landlords in the *Tikur*<sup>5</sup> system, which they followed after Prachanda's instruction to return the seized property. Some of them regretted becoming followers of the Maoist party; they had just been made instruments in a critical period of history. After the constitutional assembly election in 2008, two governments were formed under the leadership of the Maoists; local leaders made buildings in the city areas and forgot the peasants. They had only created a rift and disharmonious relationships among the people, mainly between landlords and tenants.

### **Kamaiya, Emancipation and Land Seizure**

Economic inequality and deprivation was a key factor in the incubation of the Maoist war besides several other components such as caste discrimination and inequality. Endemic poverty and injustice resulted in outbreaks of violence over land during the Maoist insurgency in the Tarai region of western Nepal. The *Kamaiya* was a form of bonded labor existing in the western Tarai of Nepal, existing as a social evil; the state had banned keeping bonded laborers on private land. The *Kamaiya* practice is only seen in the western Tarai, mainly in Tharu communities. The word *Kamaiya* is derived from the *Kamai*—earn—through labor—and *Kamaro*—forced labor or slaves—who were employed in the house of a merchant or landlord as an agricultural laborer through the generations. The *Kamaiya* are forced to provide to their landlord, both household and agricultural services for their daily meals. The landlords are responsible to fulfill the minimum expectation of food clothes and shelter. The landlord comparatively received larger amounts of grains than the *Kamaiya*. They normally worked under a contract basis; they could be relatives, cheated by their landlords through various methods and kept bonded from generation to generation. There is normally a fixed tenancy contract between tenants and masters. In the post-contract period, *Kamaiya* families became active agents for agricultural productivity; however, such productivity of land was out of their control. This kind of practice exploited the tenants for the benefit of a limited number of landlords and provoked the conflict between landlords and tenants. The tenants might have been indirectly defying the orders of their masters both within and outside their household chores; entire families might have slipped from the watch of their landlords to a large extent.

The system of land labor began after the unification of Nepal in 1769, and continued even during the Rana Regime. The state has been managing the land through different kinds of traditional and indigenous land management systems such as *Birta*, *Guthi*, *Kipat* and *Raikar*. May 2000 prompted the Nepali government to declare, on 17 July 2000, the emancipation of at least 16,000 bonded labour or *Kamaiya* in western Nepal (Fujikura, 2007: 329). This process not only emancipated people from bonded labor, but also made a clear way to involvement in the civil war movement led by the radical Maoist party, because the state was unable to settle the problems of *Kamaiya* after the declaration of emancipation. The problems of the *Kamaiya* were found to be more complicated in the post-emancipation period; for instance, they were left without land and houses, and were forced to forge for food in the confiscated land and captured the land of the landlords. They toiled at their labor and had conflicts with local people and the government administration of their area. Having no other option for survival, they began confiscating land according to the instruction of the Maoist party. Their primary objective was to establish their hegemony at the rural setting, driving out the feudal landlords and brokers. The land seized during the war was only distributed among the cadres of the political parties rather than the *Kamaiya*, *Sukumbasi*, *Haruwa*, and *Charuwa*. It created political

complexities and confusion among the innocent, poor and vulnerable people of the state.

### **Inter-and Intra-Party Conflict and Commitment to Free the Seized Land**

There were two factions within the CPN/M that were clearly visible in their agenda, particularly in social, economic and political sectors. They became separate parties one led by Prachanda, popular as *Sansthapan packchya*<sup>6</sup>—establishment group—and the other led by Mohan Baidya “Kiran” named as *Krantikari Pacachya*—revolutionary group. This kind of the inter-party conflict did not foster the peace process or create an equitable society. They formally split in June 2012, with the “revolutionary group” creating a new party called the Communist Party Nepal-Maoist (CPN-M).

There were several agreements that occurred between the Maoists and seven political parties during the comprehensive peace process; for instance, a 12-point comprehensive peace agreement on November 22, 2005, 25-point code of conduct for ceasefire agreed between the government of Nepal and the CPN (Maoist) in May 26, 2006, and 8-point agreement of the top leaders on June 16, 2006. These agreements, however, were not straightforwardly implemented to end the political conflict in Nepal. The Interim Constitution of Nepal 2007 also confirmed the rights of the landless people in its articles; however, the stakeholders never were found to be sincere in their commitments and the state conflict was found to be deeply entrenched in the political discourse. There was intra-party conflict within the Maoist party on different issues including state structuring and land reform, and as a consequence the party split into three, namely UCPN/M, CPN/M and CPN-M. The CPN/M led by Matrika Yadav had done no different activities during the insurgency period, and it formally split in 2009 from the mainstream of the party<sup>7</sup>. The disputes of the Maoist party came to the surface after Prachanda became Prime Minister on November 7, 2011. The hardliners led by Kiran warned of bloodshed and waging of a new revolution against the inheritance-based feudalism, seeking scientific land reform and abolishment of the remains of landlessness prevailing in the Nepali society. After the declaration of the government to return the confiscated land, there were tussles between hardliners and establishment groups and separate gatherings were held in which threats were exchanged between the factions. After the declaration of the government to return the confiscated land, Maoist cadres belonging to the hardliners looted grains, captured land, and placed flags on the land of the landlords across the country. Hardliners were blamed for being against the people's work in the processes of peace and constitution making. They vigorously demanded tenancy rights, ownership over the land, and sovereignty of the power of the indigenous community, whose lives were attached to their territory for means of production. The hardliners and establishment groups organized separate meetings and demonstrations against and in support of Prachanda's directives across the country in places like Kailali, Bardia, Sankhuwasaba and Kathmandu. During the same time, Maoist-affiliated landless people re-seized the land and captured the

grains of farmers from their farms in the Bardiya and Dang districts. The Maoist-led government failed to make tough decisions in the face of dire circumstances, unable to enable land reforms. The *Sansthan* *Pacachya* was accused by *Krantikari Pacachya* of surrendering before the landlords and parliamentary parties and compromising with national and international corrupt forces; however, the establishment group denied such blame and claimed to contribute to peace-building. Hardliners were blamed after Prachanda's appeal to free the captured land. Hardliners demanded tenancy rights and job security within the farming sector, without ensuring these things, there may not have been possibilities of an equitable distribution of land that they had hoped for during the people's war. At the same time, establishment groups appealed to follow the directive of the president to usher in the peace process in conclusive points.

The commitments of political parties helped to shape the anti-feudalist and anti-imperialist agrarian structure; the agreement was seemingly revolutionary, thus, the commitment appeared to support eliminating all kinds of social disparities and social inequalities prevailing in land management. The political parties failed to implement their agreements concerned with land and resources. The largest party UCPN/M was unable to stand beyond their political interests, and breached their commitments, creating the illusion of political and social transformation and state restructuring. They were indulged in continuing their ideological conflict rather than in bringing the peace process to a conclusive point; they could not come out of their war mindset and continued the extortion of the land and property of both public and private parties.

### **Ruin the Traditional Laws, Ruin the People's Dream**

The political agenda carried out in the civil war period significantly threatened local level governing institutions such as *Badghar* (a traditional governing system in Tharu communities with traditional leaders, also popularly known as Matawa) with becoming extinct, malfunctioning, or functionless. The logic of land and property confiscation carried out by the CPN/M was a fight against the disproportionate distribution of land. Land-based disparities in Nepal fostered a protracted intra-state conflict that was influenced by issues of identity, complexity of governance, economic deprivation, and social discrimination. The state's unjust policies on land caused suffering to a large number of tenants, who tilled the farms and worked the land of others without the benefits of ownership or economic reward.

The traditional and religious approaches are significant in the peace-making projects and are helpful to solve the day-to-day embedded problems in society and culture. Traditional approaches to conflict mediation have proven to be the best methods of resolving conflicts due to their viability and accessibility, but are now fast eroding or facing the threat of extinction. Various institutions and traditional leaders<sup>8</sup> have contributed to conflict mediation and social integrity at the community level through negotiations, informal laws, and ethnic, caste-based and religious value systems. The decision-making process for peace at the local level had features

of patri-lineage, nepotism, favoritism and monopolization, though such decisions were cost-effective, accessible, flexible and carried a sense of ownership, which helped maintain reconciliation at the local level. The collaborative and culture based decision is powerful and transparent which is conducted through the mutual consciousness and building solidarity. In Nepal traditional laws had been performing the various judicial, administrative, and developmental roles for the well-being of the people; in which local leaders voluntarily contributed through the coordination and cooperation of their community members. Most of the decisions were held in the informal courts that maintained social harmony and brotherhood, normally influenced by customs, beliefs and faiths of local people. The traditional approaches of development and conflict mediation processes are cost-effective, accessible and participatory. The Maoist war had a major impact on the traditional socio-cultural institutions such as "Badghar."

In Tharu community, the *Gardhuriya*—family head—allocates the responsibilities among the family members and solves the day-to-day problems through the *Khyala* system, which refers to the community meeting. If any family does not send the *Gardhuriya*, they will be either fined or driven out from the *Khyala*, therefore each member should compulsorily attend it. The *Khyala* ran its administrative and social welfare activities through the *Badghar*, a traditional leader. He was solely responsible for overseeing the socio-cultural and economic activities which tied the whole society into one thread. The verdicts of the *Badghar* were acceptable to everyone. The community members selected the *Badghar* and he often consulted with community people to solve the problems of their society. The *Badghar* was selected through the annual meeting held in the month of *Magh*, known as *Maghi Dewani* or *Magahi*. Communities selected the *Badghar* as per their capacities, qualifications and dedication to the well-being of the communities. Some of them achieved their positions through inheritance. The salary of the *Badghar* was declared on the same day. The Tharu community reviewed the performance of the *Badghar*, who would continue or be replaced by another *Badghar* depending on his services, commitment and dedication towards the Tharu community. They were responsible for development and justice; the main *Badghar* had authority to select his assistant *Badghars* and treasurer for maintenance of their treasury. The *Badghar* traditionally played a significant role in the social solidarity and maintenance of the social consciousness within the community. These traditional leaders came from different regions and were called by different names, such as *Bhalmansa* in Kailali, and *Matawa* in Dang, *Kakandar* in Deukhuri, and *Badghar* in Bardiya but their responsibilities were similar. The *Badghar* appointed the assistants known as *Chaukidars*, who were responsible to inform the community of deaths, weddings and other events within the community. The *Badghar* allocated responsibilities to the *Chaudhari* for irrigation and gave instructions for the collection of workers. The *Badghar* received incentives either in kind or cash in response to their services for their community. The problems of the society were solved through the help of the *Badghar*, who had responsibilities to maintain social harmony. Though he had

executive power to make decisions, he brought consensus on the contentious issues through consultations with the community people based on the customary laws. He provided free labor for the benevolence of the people and provided services with mutual understanding, on an equitable and democratic basis. He acted as a judge, development expert and social mediator among the community members, as well as being responsible for holding a monthly meeting, celebrating festivals and performing the role a priest. The traditional institutions did not work quite as smoothly due to political developments over time.

The role of *Badghar* was limited after the restoration of democracy in 1990 A.D. due to the influence of an elected body in major decision-making processes at the local level; people consulted the elected bodies in their localities instead of following the practices of their folk traditions, creating complications in their everyday lives. *Khayal* arrived at a crisis because of the state's negligence in its preservation, yet, the *Badghar* were unable to mobilize the people through the *Khayal* system, facing problems from both the Maoists and the army of the state. They kept their concentration on *Khayal's* activities in the insurgency period and restricted them from performing any political and cultural activities; if any incident occurred at the grass roots level *Badghars* were kept in detention. Local level decisions were influenced by Maoist cadres. *Gharduriya* started to consult the Maoist leaders, severely affecting the development and social activities. As a result, the *Badghar* showed little interest to work in *Khayal*. The impunity increased, for instance, people were abducted and tortured, during which the *Badghars* abandoned their social positions. The political transformation process and encroachment by non-Tharu migrants brought changes in traditional institutions; for instance, *Badghars* might be selected from non-Tharu communities resulting in a lack of effective and efficient work due to their little knowledge of cultural practices. The invasion upon the local institutions created a crisis in the Tharu identity, including their ethos, folk traditions and value systems. Maoists forced the people to adopt their political agendas and mission, and controlled the government agencies at the local level. The *Khayal* members were directly and indirectly influenced by the Maoists, though some *Badghars* strove to maintain peace and harmony even during the emergency period.

Maoists proclaimed that *Jana Sarakar* and *Jana Adalat* were established for justice and the establishment of an egalitarian society. They had intervened in both traditional and modern laws of the state, which had done nothing more than threaten both local communities and the state. Their political activities undermined the social welfare and integrity of the people. Local conflicts and disputes were resolved through the so-called judge of *Jana Adalat*, which sentenced the accused with fines and physical punishments according to their own will, ignoring any written laws of the state. The accused were given cruel treatments such as being sent to labor camps. In the insurgency period people preferred *Jana Adalat* because no one was allowed to administer punishments beyond the *Jana Adalat*, and for its easy access and quick decisions, though it occurred less in government courts because several cases were

resolved at *Jana Adalat*. The Maoist court lacked a mechanism, responsibility, or a procedure for free and fair judgment because of the inclinations of political leaders. Maoist political activities during the war period neither protected customary practices, such as *Matawa* and *Badghar*, nor helped to strengthen state institutions. The modernity projects and deadly civil war hardly considered the indigenous and traditional institutions, though these institutions not only had close association with ethnic identities and their reorganization, but also fair access and security of the people in their own area. The ILO convention 169 ensured the right to protect the traditional institutions and their rules as part of their cultural heritage. After the movement of 2063 VS, the Tharu became conscious about ethnic autonomy; under the leader of pro-Tharu activist Dilli Chaudhari, they carried out various seminars and meetings for the empowerment of *Badghar* and the inclusion of traditional and indigenous governing institutions in the constitution.

### Conclusion

The imagination of the ideal state would not be possible to see without an equitable distribution of resources among the different castes and ethnic groups of the state. There was a dyadic relationship between peasants and landlords resulting from the heavy debt. The peasants' meager income from bonded work did not enable them to return the borrowed amounts in a timely manner; as a consequence, they were made to till their land throughout their lives. The national reconciliation and stable politics could have occurred through the maintenance of the rule of law and the removal of the existing exploitation in the arena of land management. The national consciousness and consensus could be maintained through the process of land reform and through seeking alternative strategies for employment. The land problems occurred due to weak and irresponsible governance, the malfunctions of bureaucrats, social insecurity, and the unaccountability of stakeholders. Politicizing the land only benefited those who had close ties with political parties and their leaders. The landlords in the study area gradually sold their land to other people and transferred the land to their relatives, which might have also deepened the land based problems. Until the end of the abolition of the feudalistic economy in the Tarai, there was no way to release the agrarian laborers, including *Hali*, *Kamaiya*, *Haruwa*, *Charuwa*, *Kamlari*, and *Gothala*. The bonded labor in the Tarai regions had disproportionately benefitted the landlords, who extracted the major portion of surplus from bonded labor, which often motivated them to make decisions in their own favor.

The Maoist party was unable to give legitimacy to the confiscated land during the people's war period because the processes of land confiscation and distribution were illegal according to existing Nepali laws; they attempted to legitimize their actions through revolution. The oppressive interventions of Maoists on land for the transformation of socio-economic activities were ineffective due to intra-party conflict, pressure from other political parties, and insincerity. As a result, the war

period slogan ended along with the demise of the people's government and strengthened the traditional bondage and servitude of the patron-client relationship.

The war of the Maoists in Nepal completely failed to provide land security, social recognition, or end social evils concerned with the liberation of bonded laborers. The Maoist war brought social turmoil, disintegration and disharmony through the destruction of traditional institutions like *Badghar*. On the issue of returning seized land, no one had created obstacles for the Maoists since the date of the twelve-point agreement; however, they were never found faithful in their deals or the return of the seized land and property to the rightful owners. This became a kind of drama and myth for commentators, who shed light on the rampant looting of society, calling the perpetrators *Khaubadi*—food hunter. I conclude that land seizure during the Maoist insurgency period was found to be politically motivated. The issue of land seizure caused more friction among political interlocutors during the transition period than bring the peace-process to a conclusive point. This practice disrupts the right to live and the right to property and compels the people to fight for democracy.

## Notes

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1. I would like to thank CNAS-HiPec for the research fellowship on the peace-building process. I would like to thank Dilli Ram Dahal, Philippe Ramirez, John Whelpton, Keshav Lal Maharjan, Pancha Narayan Maharjan, Majeshwori Singh, Narendra Magal, and an anonymous reviewer for their comments on the earlier versions of the draft. I must thank Matthew Wittich for language editing, likewise Bed Prakash Sharma, Ganendra Aran, Govinda Thapa, Tikeshwori Shah, Dharendra Kumar Ayer and Sumit Shah for their assistance.
2. The first Rana Prime Minister Jung Bahadur Rana had received lost land in 1960, mainly in the Anglo-Nepal war (1814-1816) with East India Company named *Nayamuluk*—the new land.
3. During the Maoist war 1996-2006, 13,236 people were killed (INSEC, 2010); thousands were injured and around 50,000 Nepalese people were displaced (IDMC; 2010). There were 11,983 victimized families, 294 displaced families, 2,735 unarmed people were killed by Maoists, 189 unarmed people were killed by security personnel, 12 Maoists were killed by their friends, and 6,050 families' fixed assets were seized during the insurgency period (Nepali Congress, 2067 VS).
4. Kanak Mani Dixit, editor of Himaal Khabar Patrika, Kulchandra Gautam, former assistant secretary of UN, and Subodh Raj Pakurel, President of INSEC.
5. In the western Tarai, sharecropping practices occur in different forms among the landlords and tenants, namely *Bataiya* - fifty/fifty, *Tikur* - 2/3 for the tenants and 1/3 for the *Jamindar*, *Chhaukhur* - 3/4 for the tenants and 1/4 for *Jamindar*, and *Panchkhur* - 4/5 for the tenants and 1/5 for the *Jamindars* (Personal interview with Ajaniya Tharu, 2012).
6. *Sansthan Pakshya*—establishment group—indicating a faction lead by the main leader of the party.

7. On 27 December 2009, the Matrika Group had captured 200 Bigahas [1330 hectares/2935 acres] of private land belonging to Hem Bahadur Malla and Durga Bir Shrestha and redistributed it to the landless people who were loyal to their political activities.
8. Traditional institutions are *Gram Parisad, Pancha-Bhaladami, Panchali, Arya Samaj, Pancha-Kachahari, Kot Kachahari, Community Praga Maigam, Tanidhin, Magar Samaj, Phamadhikar, and Guthi*; Likewise, traditional leaders are *Mukhiya, Bichari, Birtawal Praman, Guru Purohit, Mullahs, Chaudhary, Raja, Dharmadhikar, Lama, Jhankri, Mahat, Bhardar, Budhyauli, Chautariyas, Kaji and Karobari* (See Regmi 1978, Dahal and Bhatta 2010).

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