

## **Citizenship and social security of landless Dalits in Nepal**

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**Abstract:** The intertwined relationship between rights and responsibilities are reciprocal between people and the State. Citizenship and land ownership are fundamental means through which people's relationship with the State is adjudged and determined. The study explores how the lack of accessibility of land ownership and citizenship certificate affects peoples' civil, political and social rights. The same is concluded through the case study of landless Dalits. To factor the relationship between landlessness, citizenship and social security; unstructured interviews with 60 household heads were conducted. The study found that the lack of citizenship certificate and land ownership certificate promotes the feeling of statelessness, without a change in patriotic impulse. Despite the government's attempts to redistribute land in the area, the gradients of socio-economic and political power determine the fate of landless Dalits. The Dalits, inept and minority stakeholders, continue to be landless after more than four decades, whereas the elites are able to obtain land ownership certificate through their influence on the local authorities. Landless Dalits are being ignored not only by the State and political parties, but also by national and international organizations. Discriminatory behaviour of the State towards Dalits is an ongoing process without the provision of basic fundamental rights. This has affected their sense of citizenship.

**Keywords:** Citizenship, landless Dalit, social security, rights and responsibilities, poverty.

### **1. Introduction**

Nepal is a multi-ethnic, multi-lingual, multi-religious and multi-cultural country, where 126 variants of caste/ethnic backgrounds, 123 types of native languages and ten types of religious groups thrive in a community (CBS 2012). However, the Nepali society is highly guided by the orthodox Hindu caste ideology,<sup>1</sup> wherein segregation results in the divide between superior and inferior, pure and impure, touchable and untouchable, master and slave.

Every citizen is entitled to state facilities, rights and responsibilities. The Dalits, accounting for approximately 14 percent of the total population (CBS 2012), still suffer from more than 200 forms of caste-based discrimination (Bhattachan et al. 2003). The zenith of the list is the practice of untouchability, a practice of inhumane segregation leading to a sub-human status. To make Dalits untouchable the State played a significant role via the promulgation of the 'Legal Code of Nepal 1854'. It also gave the precise definition on the grounds of hierarchy which dictated the norms and behaviours of caste groups in Nepal (Dahal et al. 2002). Thus, the combination of conservative thought, ideology, norms and culture and in effect the State's discriminatory behaviour explicitly played a crucial role in the marginalization of the community. In the current order, the Constitution of Nepal, 2015 ensures equal rights to all citizens and prohibits discrimination based on caste, class, religion, language etc. Moreover, as per the Constitution, the State should provide land to landless Dalits.

In the context of Nepal, Dalits are understood as "landless, poor and facing food deficiency" (Nepali et al. 2011: 129). In Nepal, ownership of land plays a vital role in determining the wealth, power and social prestige (Nepali 2008; Upreti 2009; UNDP 2004). 35% of Dalit populations are deprived of obtaining citizenship certificate, whereas 53% of Dalit households have no land ownership certificates (NDC 2005). Therefore, social security has been recognized as an important aspect of citizen rights across the world. "Social security is linked to enhancing social equity and

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<sup>1</sup> Hindu Varna System divides people in four caste groups, wherein Brahmins occupy the top position, followed by Kshatriya in second, Vaishya in the third position and finally, the Shudra rests at the bottom. Nowadays, the then Shudra is known as Dalit in Nepal and India.

justice” (NPC 2012). Realizing this fact, the government of Nepal integrated the provision of social security in the Constitution of Nepal 2015.

Multiple civil, political and social uprisings for the promotion of rights in different centuries globally have transformed the fundamentals of rights of citizens. Nepal too went through tremendous changes in safeguarding rights as basic amenities for national citizens, but the result is not quite satisfactory. However, frequent political upheavals have taken place in shaping and ensuring such rights more concretely. The first country code of Nepal 1854 established the caste-based discriminatory practices despite granting equal rights to all people. The code restricted very important notions of rights and freedom. Concomitantly, this code was typically guided by Hindu hierarchical caste system based on the idea of purity and pollution (Hofer 1979). Similarly, the political revolution of 1951 was the first step towards a democratic regime in Nepal, which had overthrown the 104 years of autocratic Rana regime. The democratic regime helped in bringing positive changes in different areas of Nepali society. Unfortunately, the democratic system could not last due to the Panchayat rule established under the kingship of Mahendra.

Later, the ‘Legal Code’ 1963 was promulgated, which abolished untouchability. However, the abolishment of caste-based untouchability was confined merely in the document and not in practice. During the period, political parties were banned, and the State became more autocratic. Subsequently, the democratic revolution was successful in establishing constitutional monarchy and the ‘Constitution of the Kingdom of Nepal’ was promulgated in 1990. The constitution was democratic as it had granted many civil, political and social rights to citizens. Few years after the promulgating of the constitution, the then Communist Party (Maoist) in Nepal staged an insurgency against the State. But, it was the people’s movement in 2006 which had overthrown a 250-year old monarchy and established the federal democratic state. The New Constitution of Federal Republic of Nepal was promulgated in 2015, which is more inclusive in nature and has ensured many rights for people.

Despite constitutionally ensuring equal rights to all people, time and again Dalits have relentlessly been discriminated in the social arena. The context for landless Dalits seems filthier compared to others as they lack access to almost all the important aspects of life. Nonetheless, the Government of Nepal has social security policies to uplift human development standards. Hence, it is relevant to assume that there is a relationship between land ownership, citizenship certificate and access to government facilities. Dalits who are still landless, living as squatters has affected their rights as citizens. Moreover, theoretically there is a different notion of citizenship and Nepal has also promulgated different laws and policy to protect citizen rights. In this context, this study examined the theory and policy in practice in the life of landless Dalit. Thus, the study attempts to answer the following questions:

1. To what extent are landless Dalits able to fulfil their civil, political and social rights?
2. How are landlessness, citizenship certificate and social security related to landless Dalit?
3. How does social security shape the sense of citizenship (*nagarikta*)<sup>2</sup>?

## 2. Method and data

A field study was carried out from April to July 2014 at Banke district since the site records multiple cases of landless Dalits which match the parameters for the study. The selection of

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<sup>2</sup> Citizenship (*nagarikta*) means people who are cared for, loved and protected from the state and feel proud and safe toward the state. The sense of feeling which utterly expresses the sense of imagination that the country belongs to me and I do have rights to practise endowed to me as national citizenry.

respondents was made through census sampling, where 60 households were included during the study. Similarly, for the case study, an unstructured interview schedule was applied which was then categorized into various sections through a thematic classification approach. Furthermore, the sections were developed into coherent stories following the narrative style. The tools used in this study were Unstructured Interview, Key Informant Interview (KII) and Focus Group Discussions (FGD). Also, observation was carried out as part of the study and lifestyles were observed and recorded. Two FGDs, 10 KII and 60 interviews with household heads were carried out simultaneously. Before commencing the field study, a brief pilot study was done for a week to examine the research sites and tools. Findings of the study were coherently discussed within the relevant theoretical frame, combined with previous knowledge and data collected for the particular cases.

### **3. Citizenship and social security of landless Dalits**

This section particularly delves into conceptualizing the given literature in relation to citizenship and social security.

T. H. Marshall (1950) defines citizenship through the different notions of rights: civil, political and social, developed in the eighteenth, nineteenth and twentieth centuries, respectively. According to him, the civil element is composed of the rights necessary for individual liberty: freedom of speech, thought and faith, the right to own property, to conclude valid contracts, and the right to justice. The political rights were intended as the right to participate in the exercise of political power as a member of a body vested with political authority or as an elector or the members of such a body. Social rights mean economic and welfare rights, rights to a minimum standard of welfare and income: “the whole range, from the right to a modicum of economic welfare and security to the right to share to the full in the social heritage and to live the life of a civilized being according to the standards prevailing in the society” (Marshall 1950: 30). But, Evelyn Glenn (2000: 2) highlights historical and cultural character of citizenship as he believes citizenship to be historically and culturally specific. He also talks about the equal and unequal relationship based on the availability of citizenship as he theorises, “equality among citizens rested on the inequality of others living within the boundaries of the community who were defined as non-citizens. The relationship between equality of citizens and inequality of non-citizens had both rhetorical and material dimensions”.

Moreover, the idea of citizenship is associated not only with the holding of rights and responsibilities, equality and inequality but also as a matter of a dignified life. In the same line of thought, King and Waldron (1988: 443) argue that “a citizen is that of an individual who can hold his or her head high and participate fully and with dignity in the life of his or her society”. Isin and Turner (2002) have argued that without understanding the notion of the citizenship the problem of diverse groups cannot be solved. According to them, to solve the problem of specific groups, a specific definition of citizenship is required because there are enormous injustices, oppression and marginalization in democratic as well as in democratizing states, and recognition of citizenship is anything but a straightforward struggle. Moreover, they favour a human rights approach, which appears to be more universal, more contemporary and more progressive. Likewise, Kymlicka and Norman (1994) advocate the guaranteeing of civil, political and social rights to all; the welfare state ensures that every member of society feels like a full member of society, able to participate in and enjoy the common life of society. If any of the rights is withheld or violated, people will be marginalized and unable to participate. The writers further argue that citizenship is not just a certain status, defined by a set of rights and responsibilities but an identity and expression of one's membership in a political community. Therefore, different groups, for instance black, women, aboriginal peoples, ethnic and religious minorities and so on are still excluded from the common

culture, despite possessing the common rights of citizenship.

Various scholarships have given attention to the subject of social security and citizenship. However, they have a common understanding of a welfare state as a system that offers certain types of welfare packages that prevent people from vulnerability and support their livelihoods. According to Zald (1985) the State should have a form of welfare provision and minimum income for family to be a welfare State. Likewise, Therborn (1987) makes a similar remark and defines the welfare state as one which consists of provisions for procreation, subsistence, education, housing, health-care, income guarantees, income maintenance, and social services. In so far as social security or comfortable living of people is concerned, Witte (1959) strongly argues that social security does not seek to provide the luxuries and comfortable means of advanced society, but social security ensures only an income adequate for living in accordance with socially approved standards. In the same line, Standing (2007) advocates that social security must promote happiness, social justice and equality for poor and vulnerable.

The notion of citizen's rights differs according to time and space. From civil to social rights and rights to living with a dignified identity, rights that are still not accessible to all people of different countries of the world because there is still discrimination based on caste, class, colour, race etc. However, it can be concluded that the reviewed literature has to a great extent reflected upon the proper connection between citizenship certificate and social security.

The close relationship between citizenship certificate and land ownership certificate in Nepal is evident. In the past, in order to receive citizenship certificate, citizens must have a land-ownership certificate as it was a precondition for obtaining the citizenship certificate but the rule was abolished (Nepali et al. 2011). Likewise, "Land is not only a means to alleviate poverty and symbol of power and prestige but also a sound means to redefine social relations and induce social change" (Uppreti 2004a: 13). In addition to this, the better the access and control over land, the better the chances for achieving human security (Uppreti 2009). The amount of land determines the degree of power in Nepal. However, there are universally established norms where the State should act as guardian and must primarily focus on people who are poor and vulnerable. On principle, the State's primary attention should go to the segment of people who are poor and vulnerable. In other words, protecting rights of the people of all walks is any state's primary concern and responsibility. In Nepal, where land ownership is a condition for exercising rights, the rights of landless Dalits would be subjected to more fragility compared to other people. Therefore, this study examines the theoretical argument of the above-mentioned scholars and how it influences the life of landless Dalits.

### *3.1. Socio-economic situations of landless Dalits*

This section attempts to portray the social and economic situation of Dalits. In Nepal, "The relation of the Dalits and non-Dalit is also based on the power relation. Even in imagination this power politics plays a vital role" (Devkota 2005: 45). In such a situation, "Casteism is an ideology, in fact "dominant ideology", established and mobilized by the dominant classes (and thus dominant castes) to establish and maintain relations of domination with the lower classes (castes)" (Gurung 2005: 54). It is because of the exploitative nature of society that Dalits are prohibited from or denied certain acts and practices such as access to common property resources, service, entry and participation in socio-cultural sphere at private, common and public places (Bhattachan 2005: 73). Moreover, Dalits have the lowest life span, which is 57 years compared to the 59 years ethnic groups and 60 years for others. This has the consequence that health status of Dalits is poorer than other groups of the country (NNDSWO 2007). Besides this, Dalits are facing wage discrimination. Non-Dalits used to give low wages to Dalit labourers. Moreover, the majority of Dalit women get low wages in agricultural tasks, not only compared to non-Dalits but also compared to Dalit men

(Bhattachan et al. 2008). The majority of Dalits have food deficiency. In the Himali area, 89.66 per cent, in Pahad 56.73 per cent and in Tarai 53.61 per cent Dalits are suffering (Bhattachan et al. 2008). The per capita calories are far below the minimum required; the lower food intake and the unhygienic dwelling and sanitation practices of the Dalit communities are manifested in malnutrition, disease, morbidity and low labour productivity (Gurung 2005).

In the study area, Non-Dalits are able to live dignified lives as they are considered to be of high status, bestowed to them by their caste despite being landless. As informed by the respondents, eating and seating together inside the home is still not common between Dalits and non-Dalits. Munu Nepali is frequently humiliated and treated as untouchable. Her non-Dalit neighbour has frequently abused her, given her caste status. Likewise, Chameli Nepali works as a labourer in an ongoing road construction site; she used to be treated as untouchable by her supervisor and colleagues. All Dalit respondents have the same experience of Munu and Chameli Nepali which proved that status quo is still maintained by Non-Dalit whereas Dalits want to escape from such a system.

In a landless community, people are deprived from using fundamental facilities which are essential for human survival. They live in a hut and they lack safe drinking water, toilets and sanitation. The majority of Dalits have to use open places such as jungle, ground, and river bank for defecation. However, some have made temporary toilets in their homes. Daily wages are the major source of their survival. They earn around three hundred rupees<sup>3</sup> per day though some senior mason can earn more than five hundred rupees. According to the respondents, they always engage in daily wages, but when they are unable to get such work they can hardly manage food for a day. The majority of Dalits are living in crisis. Besides the daily wages, some Dalit families are engaged as seasonal migrant labourers in India. Some are working in private factories, selling wood and leaves, pulling rickshaws, working as servants in private homes. Landless Dalits' educational, socio-economic and health situations are almost the same as shown by NNDSWO (2007), Bhattachan et al. (2008), and Gurung (2005). It is because they are deprived of almost all means of survival and even the state has failed to solve their problem.

As argued by Bhattachan et al. (2008), this study has also found that landless Dalits have been facing discrimination in wages. For the same amount of work, they are paid lower wages than other colleagues. In the field study, Falbarsha Raidas, Manaki BK and Parbati Nepali have experienced the same. They are working as labourers in road construction sites with unequal pay when compared with non-Dalit colleagues. When the contractor knows that they are landless, they are further discriminated against in wages. Moreover, according to Raidas, Bk and Nepali, old-aged people are also not paid on equal terms. Although they know that their labour is exploited, they never dare to raise their voices for their rights. Parbati Nepali who has been working as a labourer for 20 years and frequently faced economic and physical exploitation without ever opening her mouth against such exploitation despite being aware of her rights. She never understands democracy and people's liberation. Her experience compelled her to ask where her State is (see Case 1).

Case 1: I never know whether the State is for us or we are for the State.

My name is Parbati Nepali. Now I am 40 years old. I have been working as a labourer in construction sites for 20 years. In the previous years, I was discriminated in wages for being Dalit and female. My male colleagues receive more wages than me even though our work was the same. When I asked questions to my master, they replied me that I couldn't get the same amount of wage because I was a female. Usually, I should

<sup>3</sup> Usually USD 1 is equivalent NRs 100 (sometimes it fluctuates).

work more hours than the work-rule. When the contractor knew that we are squatters, they used to maltreat us and discriminate in wages. Though I knew that I am being exploited by master/contractor, I couldn't dare to raise my voice. If we dare to raise voice, they could expel us from work. I think having something is better than having nothing. Moreover, if we can please our master, they can provide opportunity of work in the future. Having such hope, we are compelled to bear discrimination. Besides, I heard that there is no discrimination in democracy and the government should treat their people equally. But I never felt such behaviour in my whole life. I think democracy and freedom is only for those people who are rich and powerful. If democracy and freedom is for all, what about our freedom and rights? Why the government couldn't solve our problem and treat us equally? There is no one to hear the voice of an under-deemed people like us which forces me to think whether we belong to this state or not.

The inability to get support from the State and other institutions compelled people like Parbati Nepali to rethink of their notion of State. Even if they know that they are being exploited in wages, non-Dalits' discriminatory practices are illegal; they cannot raise their voice and ask for legal support because they think that their voice would not be heard, and they would not get justice even if they filed the case. Therefore, to enjoy rights as defined by Marshall (1959), King and Waldron (1988), and Kymlicka and Norman (1994), people must be economically, educationally and politically sound. In Nepal, the social, legal, political, bureaucratic including many other areas are controlled by the high castes. Therefore, if landless Dalits seek justice, they have to return empty-handed. They were compelled to live silently scolding their fate due to poverty and vulnerability. Therefore, the question 'whether the nation for Dalits or Dalits for the nation' has become a genuine issue for landless Dalits. Also, the above-mentioned scholars' arguments on rights have not reached equally all people of different walks of life.

### *3.2 Citizenship certificate and recognition*

It is found that the majority of landless people have a citizenship certificate, but there are three households (of 60) who do not have one. Some people are unable to obtain a citizenship certificate because of being unable to meet the criteria set by the government. As we have already discussed, citizenship certificate and land are interrelated. The State is not doing any significant work yet and is silent about those people who, for various reasons, are unable to obtain a certificate. According to the respondents, they have shared their problems with local authorities and political leaders but with no action or reply.

Besides the citizenship certificate, landlessness is another major problem of the State. To identify the actual size of landless people and give them a land ownership certificate, the Government of Nepal has established the 'Landless Problem Resolution Commission'. Landless people who are recognized by the State have received a temporary land entitlement certificate along with an identity card as a proof of their residence in *ailani jagga* (non-registered land). However, this certificate and identity card could not legally guarantee landownership. According to the respondents, they were happier than before as it serves as state recognition, and they hope they could claim land from the state. On the one hand, some people think that providing identity cards and temporary certificates is itself a state recognition, and it is better to get recognition than being ignored.

People having identity card and temporary certificate did not feel that they were stateless. It can be assumed that sooner or later the state recognizes them as citizens. Therefore, temporary land entitlement certificate and identity card has made them optimistic of obtaining citizenship.

This evidence shows that the state is trying to fulfil its responsibilities toward its people as Marshall (1950) also concluded. On the other hand, some respondents argued that until their social, economic and educational problems along with caste-based discrimination remain unsolved, distributing such cards and certificates would have no meaning in reality.

The landless Dalits who have no citizenship certificate are more worried than those who have. They consider themselves stateless people. Manaki BK's husband has no citizenship certificate and because of this he has lost many opportunities in his life, and her family could not improve their economic condition (see Case 2). In addition to this, Bertha Sunar and Falbarsha Raidas have been denied land due to the lack of citizenship certificate and they were unable to grasp the opportunity several times.

#### Case 2: Skills wasted due to lack of citizenship certificate

I am Manaki BK living under harsh poverty. My husband pulls rickshaw for many years. He can drive four-wheelers but he lacks license due to lack of citizenship certificate. So, he has no option rather than pulling rickshaw for our sustenance. I worry of my husband pulling rickshaw. Sometimes he is able to earn enough money but not always. He sometimes has failed to pay the rent of rickshaw. Our financial condition would be improved if he is granted the driving license. We have responsibility of our 4 daughters. I too engage in labour work to support family. My husband's parents have passed away already due to which he couldn't get citizenship certificate. The government office didn't issue citizenship card to my husband from my name. If he gets citizenship card, he would find any type of job in office and we would have a better life. Due to the lack of citizenship card and land, we are humiliated many times. We have been living as landless for a prolonged period. But due to the lack of citizenship card, we are unable to get land. We always worry if the government removes us from this place.

Citizenship certificate is an indispensable to acquire any form of services or benefits from the State. Therefore, the findings of this study are very much similar to the argument by Evelyn Glenn (2000) because this particular policy has restricted ordinary citizens to fully perform their capabilities or skills. An ordinary citizen, despite his/her capacities, is compelled to obtain citizenship to best serve the state in the service sector, business or other forms of entrepreneurship. Thus, it has created forms of inequality between the haves and have nots. Dalits who have been historically dominated and excluded by traditional social norms and ideology have not been able to run their businesses. In this context, Dalits who are trying to live in this adverse situation despite difficulties have been very much affected by the lack of a citizenship certificate. Therefore, a citizenship certificate is a key prerequisite for exercising rights as defined by Marshall (1950), Glenn (2000) and Kymlicka and Norman (1994).

#### 3.2.1. Rights and responsibility: state vs landless Dalits

Insofar as the responsibilities of State and the rights of landless Dalits are concerned, the study found that both the landless people with or without citizenship certificate feel proud to be citizens of Nepal. For example, landless Dalits have participated in the political revolution of 2006; they were bound by the rule and regulation of the state and are paying taxes (household tax, land tax and service tax). The interesting fact that we came across in this study is, despite the landlessness of Dalits and problems in acquiring citizenship certificate, the state had collected tax illegally from their unregistered land and home. Besides, without recommendation from the Village

Development Committee (VDC)<sup>4</sup>, they cannot even obtain their citizenship certificate, passport, marriage registration, and apply for social security packages. Moreover, they need a recommendation from the VDC to get any benefit from the government or non-government sector. Therefore, the landless Dalits are more heavily taxed with obligations than freedom. They have contributed more than they have received benefits from the state. Fal Bahadur Sunar has faced so many troubles and hurdles in his life. His house was looted many times, daughters were raped, but he neither got protection nor got any support from the state. Bertha Sunar also missed so many opportunities in his life because of the lack of citizenship certificate. People like Fal Bahadur and Bertha Sunar are ready to die for the nation. The question they then ask is, which country do they belong to? Whose people are they? If they belong to this nation, why is the government passive in solving their problems? Such types of questions are frequently asked by respondents. This situation shows that responsibility is unequally shared between the state and the citizens as argued by Marshall (1950). Despite lacking citizenship, a legal entity, landless people are fulfilling their responsibilities, but the state is not giving serious attention to them. The state is more of an exploiter than a protector.

In the context of civil, political and social rights, the landless Dalits seem to have freedom of speech, faith, liberty and earned property. There is no restriction on expressing their opinion; they can choose their own religion. However, due to untouchability, they are restricted from choosing their occupation freely. For example, they cannot open teashops because non-Dalits would seldom go there for tea. Therefore, the caste system has stood as a major barrier for them to fully enjoy their civil rights. Besides, landless Dalits also have legal rights to participate in political activities. Some of them belonged to political cadres but did not get a significant position in their party. There is no legal barrier for Dalit candidacy in elections, but they neither receive any support from the party nor become independent candidates. Rather, Dalits are only taken as vote bank by all political parties (to be discussed in detail in the next sub-section). The notion of civil and political rights as characterized by Marshall (1950) is only partially exercised by landless Dalits. As far as social rights are concerned, the condition of landless Dalits is abysmal. There are three major elements which restrict landless Dalits to access social rights. The first is the lack of almost everything that is necessary for survival; the second is about the insecurity of proper residence, and the third is caste-based discrimination. The situation of landless Dalits is different from the citizenship notion of King and Waldron (1988) as Dalits cannot hold their head high and participate with dignity in society. Hence, social rights have become a daydream for Dalits.

Constitutionally, nowadays, untouchability practice is a punishable crime in Nepal, but Dalits are still victimized in the name of culture and custom. Moreover, the state is responsible for creating an environment where every member of society can enjoy their rights and live with dignity and freedom. Even after the restoration of democracy, the state has not been able to eradicate caste-based untouchability and implement the law. The orthodox non-Dalit people have violated the law and have promoted discrimination. Therefore, Dalits are deprived of social rights. In this situation, the state must change practices by promulgating special rights to Dalits as argued by Kymlicka and Norman (1994) because the problems of Dalits are different from other groups of society.

### 3.2.2 Politics and power

It was found that landless Dalits are not only deprived of the resources but also ignored and neglected by political parties. The strength of all parties is determined according to the number of the cadre and support of the people. However, landless people are being ignored by all political parties. In the Maoist armed insurgency period, some Dalits were enrolled as Maoist cadres and the People Liberation Army (PLA) where they fulfilled their role and responsibility. They are

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<sup>4</sup> This study has been carried out prior to the amendment incorporated by the new constitution 2015.

neither asked to involve themselves actively in the party nor are they provided any position. Likewise, some people joined different political parties, but they could not get any position. The party used to call them when there was a need for a mass rally. Bertha Sunar enrolled as a PLA member from the beginning to the end of the conflict. But now his contribution is ignored by the party (see Case 3). Bertha Sunar, Lov Sunar and Jalpari were Maoist cadres during the armed insurgency; many times, they actively participated in the battlefield. Now they are forgotten by their party. Like Bertha, Lov and Jalpari, there are so many landless Dalits who have contributed to the party but who did not get anything in return. However, during the elections, political parties frequently visited their home and asked for their votes with lots of promises. However, people do not have any expectations from political parties, as political parties are reluctant when it comes to addressing their issues.

### Case 3: Party ignored me because I am a squatter

My Name is Bertha Sunar. I am 45 years old and didn't have my citizenship card because of which I had to miss many golden opportunities in my life. At that time, I knew the importance of the citizenship card. Without doing labour work I cannot be able to fill the stomach even for a day. In order to solve my hand to mouth problem, I am compelled to engage myself in any sort of work. I didn't have citizenship card when I was youth and strength, I could do something better in my life. As a landless person, I feel humiliation and frustrated with the state and political parties. During the Maoist insurgency, the Maoist party motivated me to struggle against the state for our liberation and better life. I, along with my friends and relatives, joined the 'People Liberation Army' (PLA) and fought against the state without caring our lives. But when they formed the government, they forgot us. Because of the need to work as labour, we can't manage time for party's activities, so they neglect us. They never even bother to listens our problems.

The political parties that strongly argued for the case of marginalized Dalits and peasants have left them outside. The major reasons for such expelling of landless Dalits are deprivation of power, time and property. In the context of Nepal, Dalits are merely used as vote banks during elections. The State has presumably argued for mainstreaming the marginalized Dalits. Similarly, each political party in its election manifesto exclusively argues the policy of inclusiveness. However, political parties have ignored such policy in their normal practice. Besides this, nepotism and favouritism have served as important tools for accessing every sector of Nepalese society. Party leaders have also guided by the principle of nepotism and favouritism. In this regard, Dalits who lacks power, prestige and resources to support the party are far from accessing a position within the party. Therefore, political rights such as exercising political power and authority, as Marshall (1950) has argued, are beyond reach for landless Dalits.

As per the Nepali saying, "*jasko shaki usko bhakti*" (might is right), actual vulnerable poor squatters are not getting land whereas fake landless who have money and political links have received land easily. Fal Bahadur Sunar's family was compelled to live their lives as non-citizens for three generations because his father was unable to pay tax to government and he again missed the opportunity to get temporary land entitlement certificate because he refused to pay bribe (refer to case 4). Moreover, as explained by respondents, government agencies that distributed temporary *lalpurza* also know the actual and the fake of that system, but due to the political influence and bribery, they did not hesitate to provide *lalpurza*.

## Case 4: Landless because of my father's inability to pay tax

My name is Fal Bahadur Sunar; I have always experienced the fact that the poor helpless should not speak, else everything goes wrong. Anybody, who gave money got lalpurza without any word but I did make certain comment, that's why I haven't got it till now. If I had paid Rs. 5000 silently, I could have temporary land ownership certificate but still I have not been able to get it. Once landless people's problem-solving commission come to provide identity card and temporary land ownership certificate at that time they collected Rs.5000 from the people. Those who gave they got certificate, but my son expressed his curiosity about whether they provide permanent certificate or not after getting the money. Due to his question, the official refused us and didn't provide certificate. As a sukumbasi, I and my family faced so many hurdles and trouble, but I have been struggling for 40 years, in the hope of getting land. Poor and helpless people should not raise their voice and are weak enough not to fight for their rights. There were only two houses in this place when I came here the first time. When the government had declared to distribute the land in 1973 in Bardiya through resettlement of people, I came to Tarai with hope but I didn't get the land because I was unable to give bribe to the government official. Moreover, my father also couldn't get land for being unable to pay government tax. I have become old but also still living as landless.

Exercise of power is the extreme form of domination which has eventually been conceded due to the given social, economic, political and bureaucratic structure. Such exercise of power is common in the landless community as well. The concept of domination and sub-ordination between non-Dalits and Dalits is particularly being guided by the caste oligarchy. The so-called high caste people serve themselves because they have power and humiliate the Dalits. The given Nepalese social structure worked as a tool in exerting such forms of discrimination. All forms of social, economic and political exercise of power are being governed by high caste people. Such acts rigorously affect the people from the Dalit community. The political and caste based bias has hindered the Dalits in exercising their common rights as guaranteed by the state. Their inability to influence the concerned authority has forced many Dalits to live their lives as landless like Fal Bahadur. To enjoy citizenship rights, as highlighted by Marshall (1959), King and Waldron (1988), and Kymlicka and Norman (1994), people need access to resources through which they can acquire educational, political and social power. After having such power, people can contest the power of those who violated their rights. Therefore, providing rights is itself is not enough; people must have the ability to exercise such rights and keeping them in equal position as argued by the scholars referred to above.

### *3.3 Access and impact of social security<sup>5</sup> and services*

Although, the notion of citizenship rights and welfare state had emerged in western countries, Nepal has been consistently working in the move of considering itself a welfare state through promulgation of several policies and programs supporting poor and vulnerable people. It is also the state's responsibility to provide social justice to the weak, marginalized and poor people (MoFALD 2012). Moreover, Nepal also made a commitment of carrying out and implementing different international treaties and conventions to ensure fundamental human rights for its citizens (NDC 2003). Nepal's acceptance of international laws and conventions committed Nepal to protect

<sup>5</sup> This study only focused on the social security allowances, which are guided by Social Security Program Operational Procedure 2012.

and preserve human rights of people and provide social protection to its citizens. Therefore, the Constitution of Nepal has directed the state to provide social protection to penniless and vulnerable groups. Moreover, donors have been giving active support and encouragement to Nepal's growing interest in social protection (UNICEF 2010).

The history of social security began with pensions paid to retired and old persons in Nepal. There is no written document about when a pension scheme was started in Nepal. However, the universal flat pension to all the elderly above 75 years was announced in Nepal on December 26, 1994. This is a non-contributory benefit of an income maintenance type of social security program where the government provides cash transfers to eligible beneficiaries (NPC 2012:14). To preserve the social security related fundamental rights, the Government of Nepal promulgated the Social Security Program Operational Procedure 2012 (*Samajik Suraksha Karyakram Sanchalan Karyavidhi 2069*) as per the Local Self-Governance Act 1999. In the study area, people are getting senior-citizen allowances and Dalit children allowances. There is no any significant relationship between social security and landlessness, but those receiving benefits must have a citizenship certificate and meet the criteria set by the government.

Those people, who are getting allowances, feel that they are cared for by the state to some extent. Senior citizens replied that they had been recognized by the state to some extent. Especially old-aged people thought that old age allowance is the state's honour and love to them. However, the landless Dalits, who are getting allowances, have a sense of citizenship that is quite a lot stronger than other landless Dalits. According to the respondents, they perceive allowances as love and care from the state. Therefore, allowances help to intensify the feeling of nationalism and state accountability towards people. Conversely, those people who have not received the allowance because of the lack of citizenship certificate feel that they are neglected by the state. According to them, the state does not care for their existence and is not treating them as its own people.

Unlike the case of social security allowances, many programs and governmental projects as well as National/International non-government Organizations (NGOs/INGOs) are concerned about socio-economic development and human rights. Despite having many organizations in the district, landless people are being neglected. The programs and services do not reach them, according the respondents. Unlike I/NGOs in the fiscal year 2012/013, the VDC has launched infrastructure, health, empowerment and poverty alleviation programs. However, there is no special program targeting landless people. Though there is special budget for the Dalit community, landless Dalits could not get benefits from that budget. Frequently, their budget is spent on infrastructure-related development programs by manipulating the rules.

On the one hand, I/NGOs, with missions of working to protect human rights, are not giving priority to landless people; on the other hand, the government organizations give priority to its scheduled program. However, these programs are highly influenced by political parties and exercising power to launch programs where their cadres are living. As we have already discussed, landless Dalits have no political power to influence such programs. In this way, landless Dalits are neglected, ignored and excluded from the government as well and non-government sectors, though all organizations envision their uplifting in their mission statements.

As defined by Zald (1985), old-age Dalits and Dalit children below 5 years have been provided with income facility. But with such negligent income they cannot live with socially approved standards as argued by Witte (1959). Besides this, state is trying to provide some sort of facility such as health and education services as indicated by Therborn (1987) but they lack permanent housing. Moreover, the allowances do not promote happiness, social justice and equality in the life of landless Dalits as the amount is very low, which could not cover all their costs. This contradicts what was found by Standing (2007). Whatever implication and impact social security has, people's access depends on having a citizenship certificate. Therefore, the

certificate can be seen as a device for creating equality and inequality among people, as argued by Glenn (2000).

Besides this, the Government has tried to make positive discrimination to Dalit by providing allowance to old-age people and children less than 5 years of age. But this is not the only means for social justice. First of all, the government must provide land to landless Dalits by following the constitution. Then the government must establish special programs to overcome their poverty for their sustainable livelihood. And it should initiate a special mission to eradicate untouchability. More importantly, if untouchability practice is not eradicated, ensuring rights to Dalit would be meaningless.

#### 4. Conclusions

As indicated by the field study, the citizenship certificate is the most important document that plays a key role in exercising civil, political and social rights. Not only this, but also the certificate is vital for receiving services or benefits of any type that is provided by the government. The people who lack the certificate feel a sense of statelessness and blame the State for its inability to fulfil the responsibility to its citizens. However, the most remarkable thing is that despite lacking both the certificate and land, the Dalits still have patriotic feelings. Hence, the certificate has created equality and inequality between the same class of people of the same society, following similar culture and tradition (Glenn 2000).

Insofar as the civil, political and social rights of the landless Dalits are concerned, the constitution has guaranteed their rights, but only in the document. As Marshall (1930) has stated, the landless Dalits have received some civil rights as they are free to speak and write, operate their own business and own the property. But, they are oppressed due to social prejudice and caste disparity. Moreover, they have received only the quasi-political rights because they are mere voters and not the leaders. The political parties have ignored the participation of Dalits and behaved them as 'use and throw' subjects. The ascertaining of social rights of Dalits has become a day-dream due to caste discrimination, poor economic condition and state pessimism. The social security allowances have fulfilled to some extent the role of the state to its citizens, but it has not been able to promote the happiness, social justice and equality through livelihood management as Guy Standing (2007) argues. Due to the violation of rights as argued by the Kymlicka and Norman (1994), landless Dalit are marginalized and unable to fully participate in political community with dignified identity. Therefore, they need special treatment to overcome their problem. The human rights approach as advocated by Isin and Turner (2002) also could not play any significant impact on the life of landless Dalits.

Any regime, be it the autocratic or democratic, has not solved the problems of landless Dalits till today. The state seems to have provided some relief to Dalits through positive discrimination, but this has not been fully implemented due to power and politics. The deep-rooted conservative social ideology and thought that the Dalits should be oppressed, and the recklessness of the State have equally compelled Dalits to live as landless for more than four decades. It seems as if landless Dalits are subjects rather than citizens. Dalits nurture the nation but their lives are full of problems and grief and they are still struggling to get the status of a citizen.

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