

Working Paper – I

STATE, CITIZENS  
AND LANDLESSNESS  
AT THE MARGINS OF  
WESTERN NEPAL

**Isha Gharti, PhD**  
**Puran Chandra Bhatta**

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# 1. Introduction

Citizenship in a broad sense dictates the relationship between the state and the individual that ascertains the exchange of rights in return for duties entailed in the membership.<sup>1</sup> Citizenship is frequently conceptualized as the condition of having a stake in the state<sup>2</sup>, wherein an individual's well-being is inextricably linked to that of the nation.<sup>3</sup> To this end, having habitual residence, having the center of one's interests and family ties in the state concerned and availing the special rights and protection mechanisms one is entitled to as national of that state<sup>4</sup> is of paramount importance. Along with rights as citizens of a state, the obligation towards the state is also an indispensable part of citizenship. In defining their nationals—those regarded as belonging to the state—states invariably seek to identify individuals who exhibit a substantive attachment to the state<sup>5</sup>, characterized by a demonstrated commitment, loyalty, and affiliation to its territory and/or its population<sup>6</sup>. As with the conferral of rights, the imposition of obligations upon individuals suggests that the requirement of an 'effective link' may be adequately satisfied through the establishment of habitual residence within the state.<sup>7</sup>As such, landownership onto

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1 Leydet, Dominique (2023-9-5). "Citizenship". *Stanford Encyclopedia of Philosophy*. <https://plato.stanford.edu/entries/citizenship>.

2 Bauböck R (2009). "The Rights and Duties of External Citizenship". *Citizenship Studies* 13(5):475-499. <https://doi.org/10.1080/13621020903174647>.

3 Crawford J (2012). "The Relations of Nationality". In: Crawford J (ed) *Brownlie's Principles of Public International Law*. OUP, Oxford, pp 509-526.

4 Przybylinski, S (2021). "Realizing Citizenship in Property: Houseless Encampments and the Limits of Liberalism's Promise". *Political Geography* 91: 102494. <https://doi.org/10.1016/j.polgeo.2021.102494>.

5 Brubaker R (1992). *Citizenship and Nationhood in France and Germany*. HUP, Harvard.

6 Henrard, K (2018). "The Shifting Parameters of Nationality". *Netherlands International Law Review* 65: 269-297. <https://doi.org/10.1007/s40802-018-0117-6>.

7 Crawford J (2012). "The Relations of Nationality". In: Crawford J (ed) *Brownlie's Principles of Public International Law*. OUP, Oxford, pp 509-526.

which habitual residence depends on, plays a vital role in solidifying the mutual exchange of right and obligation between the state and the citizens.

Entitlements to land are, to a significant extent, mediated by social identities such as citizenship<sup>8</sup>, while those very identities are, in turn, partially constructed through the allocation and recognition of property rights in land.<sup>9</sup> Beyond the potential for a higher income, land access can provide a 'valuable safety net' of shelter, food, and income, particularly in times of serious hardship.<sup>10</sup> In liberal tradition, rights are assumed to be uniform amongst its citizens. However, in reality the promise of equal rights that citizenship holds often hides deep-seated discrimination and marginalization of particular groups of citizens. As such, experiences of citizenship are not uniform and influenced by gender, ethnicity, age, demography, and geography. In Nepal, landlessness and inequitable distribution of land undermines the centrality of equality among citizens, and by its relation, the intrinsic link between citizenship and equal rights.

Landlessness is one of the most severe challenges for the Nepali people, with 1.3 million registered landless people, mostly from marginalized communities, including those marginalized on the basis of geography<sup>11</sup>. Landlessness violates people's rights as citizen as land is a crucial foundation to enjoy other human rights. The challenges associated with landlessness in Nepal reveals a broad

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8 Gee G C et al (2016). "Citizenship as Privilege and Social Identity: Implications for Psychological Distress". *The American Behavioral Scientist* 60 (5-6): 680-704. <https://doi.org/10.1177/0002764216632834>.

9 Sikor, Thomas, and Christian Lund (eds.) (2009), *Politics of Possession: Property, Authority, and Access to Natural Resources*. Wiley-Blackwell.

10 de Janvry, A, Platteau, J-P, Gordillo, G, and Sadoulet, E (2001). "Access to Land and Land Policy Reforms". In: de Janvry, A., Gordillo, G., Platteau, J.-P. and Sadoulet, E. (eds) *Access to Land, Rural Poverty, and Public Action*. OUP, Oxford, 1-26.

11 Deuja, J (2023). "Local Approaches to Ending Landlessness". *The Kathmandu Post*. July 15. <https://kathmandupost.com/columns/2023/07/15/local-approaches-to-ending-landlessness>.

scope of impact: uncertain and frequent violent evictions; restricted access to traditional resources; limited availability of water and food; barriers to accessing law enforcement and judicial institutions; and pervasive discrimination against women, Dalits, and ethnic and religious minorities – groups that constitute a disproportionately large share of the landless population and exploitative labor conditions for tenant farmers.<sup>12</sup> The consequences of landlessness expands further beyond the individual or a household at the territorially disputed borderland areas where, more often than not, individual's claims to land directly corresponds to its state's territory and, lack thereof, may have implications to territorial integrity and national security. In such contexts, the presence of residents and the recognition of their landownership often serve as key indicators in asserting claims to national sovereignty. Safeguarding territorial integrity in these regions is closely intertwined with upholding the residents' sense of belonging and loyalty to the state. As demonstrated by global precedents such as Kuril Islands and Ukraine where state's neglect caused the citizens to side with the other country<sup>13</sup>, both land tenure and the inhabitants' attachment to place play a vital role in reinforcing a state's territorial claims at the borderlands. Borderlands in general are considered neglected spaces in terms of government interventions often referred to as 'border blindness'<sup>14</sup>. The borders of Nepal are no exception<sup>15</sup>. Moreover, borderland regions are often characterized by high levels of security concerns with disproportionately high incidences of human rights violations including higher rates of homicides<sup>16</sup>. In addition,

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12 Wickeri, E (2011). "Land is Life, Land is Power": Landlessness, Exclusion, and Deprivation in Nepal". *Crowley Mission Reports*. Book 2. [http://ir.lawnet.fordham.edu/crowley\\_reports/2](http://ir.lawnet.fordham.edu/crowley_reports/2).

13 Bhatta, P C (2024) "Incongruous encounters: Customs Duties and Informal Traders of the Borderland Communities at the Nepal-India Border of Western Nepal", MPhil Thesis, Tribhuvan University, Kathmandu.

14 Bhatta, P C (2024). "Nepalese Borderland Community as State's Partner in Border Protection". *Journal of APF Command and Staff College* 7(1): 77-104. <https://doi.org/10.3126/japfcsc.v7i1.66998>.

15 Jha, H B (2013). "Nepal's Border Relations with India and China". *Eurasia Border Review* 4(1): 63-75. <http://hdl.handle.net/2115/53301>.

16 Goodhand, J and Walton, O (2017). "Marginal Gains: Borderland Dynamics in Post-War Nepal". In: Deepak Thapa (ed) *The Politics of Change: Reflections*

borderlands have the hybrid nature of space and identity as a result of being placed between two or more nations and their policies, cultures, and economies<sup>17</sup>. Given the fluidity of identity and space, borderland population often has an asymmetrical sense of belonging<sup>18</sup>. The asymmetrical nature of belongingness by its association translates into unequal experiences of citizenship which may affect the security and the territorial integrity of the state.

With this background, this policy brief aims to unravel the relationship between state, citizen, and landownership or the lack thereof at a borderland community, building on findings of research on borderland community of Khangra, Dang district. Nepal shares 1880 km of border with India. On the Nepali side of the border along the vast open terrain reside more than one third of the country's population. There are 244 Armed Police Force (APF) Nepal Border Out Posts (BOPs) and custom points while almost all of the border terrain remains open and often indistinguishable save for the riverine boundary of almost 595 Km. People from both sides of the border have been integral to lives at each side of the border which is often emphasized and celebrated by the leaders and communities at either side of the border. Mostly highlighted are the amicable interactions of the communities at either sides, and the thriving socio-economic lives at the urban border like those of Birgunj, Bhairahawa, Biratnagar, Nepalgunj, or Mahendranagar. However, in reality, most of the borderlands are faraway neglected spaces, overlooked by the center and barely visible in the mainstream political landscape, of which Khangra that shares 65 km of border with India is a striking example.

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*on Contemporary Nepal*. Himal Books for Social Science Baha and The Asia Foundation, Kathmandu, pp 109-132.

17 Van Schendel, W and De Maaker, E (2014). "Asian Borderlands: Introducing Their Permeability, Strategic Uses and Meanings". *Journal of Borderlands Studies* 29(1): 3-9. <https://doi.org/10.1080/08865655.2014.892689>.

18 Newman, D. (2003). "On Borders and Power: A Theoretical Framework". *Journal of Borderlands Studies* 18(1): 13-25. <https://doi.org/10.1080/08865655.2003.9695598>.

The policy brief based on the exploratory research is an attempt to understand the complex interplay between landownership and belongingness, and the (re)conceptualization of citizenship within this context. Importantly, the policy brief also aims to inform policy regarding landownership, citizenship, and territory at the borderlands. In so doing, it also highlights the strategic political position<sup>19</sup> of the borderland population in regard to territorial integrity and national sovereignty. The research contributes to understanding and addressing critical issues of landownership and citizenship at the periphery.

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<sup>19</sup> Bhatta, P C (2024). Nepalese Borderland Community as State's Partner in Border Protection. *Journal of APF Command and Staff College* 7(1): 77-104. <https://doi.org/10.3126/japfsc.v7i1.66998>.

## 2. Key Findings

The policy brief is based on the findings from field visits (September 2024) that comprised 3 Focus Group Discussions and 29 Key Informant Interviews in the southern border, western Nepal, to shed light on the deplorable conditions at the borderland and to stress on the pressing needs of these community that are directly tied with their rights as citizens and obligation and loyalty towards the state.

The rights of the residents of Khangra as citizens have been long overlooked by the state. Only 35 km away from Lamahi, a large town in Dang, communities of the wards 6 and 7 of Khangra, have remained largely cut off from the services of the center and not been able to access even the basic necessities like roads, water, electricity, communication, education, and healthcare within the state. The recently constructed road remains damaged 6-7 months during monsoon due to landslides and soil erosion, cutting the borderland off from district centers. During these times, citizens make difficult travel through the dense and unsafe 15-km dense forest separating Nepal from India into the Indian state to avail facilities including reaching their own district centers like Lamahi, Tulsipur, or Ghorahi in Dang. There is only one health post with negligible supplies and human resource in the area. Maternity services have remained one of the biggest challenges for women in the area with difficult access on the Nepali side and expensive and difficult service on the Indian side. Due to the lack of drinking water supply, villagers rely on the nearby river or spring water that dries up half the year. The quality of water has never been tested but locals believe that the high concentration of minerals in the water could be the reasons for high number of kidney stone patients in the area, including some school going children. There is no functional Nepali telecommunication tower, hence resident rely on Indian communication towers which are also inconsistent in several locations within the wards. The situation is critical as only way for even the national and regional administration and security

offices to communicate to the area is through APF Nepal's resources from outside.

The children in the area only in recent years have some kind of access to basic education. Due to lack of schools in the past, the majority of the women and some men remain uneducated, lacking even basic literacy compared with 74.1% literacy rate in Dang for women and 69.4% in Nepal<sup>20</sup>. There are no voting centers in the area and residents have to make 6 hours of walking through the rugged terrain to use the nearest voting booths in Rajpur municipality which undermines citizens' access to political and administrative rights. Although some decades ago the area had a sub-customs office (chhoti bhansar), but after the relocation of the branch, the area sees practically no economic activities with no market or economic centers in sight. Khangra residents, therefore, rely on the economic opportunities, mostly as unskilled laborers, across the border. The faraway hilly land has difficult terrain for agriculture and the vast land is mostly used as pastureland. The whole area was only recently officially documented by the department of survey; however, permanent landownership has not been granted to any residents. Most of the population in Khangra, wards 6 and 7 were resettled from various parts of the country by the Shah rulers to guard the territory almost half a century ago. Even though as per the Constitution of Nepal, these residents are entitled to the land they have inhabited for way more than 10 years, they are yet to receive landownership. In 2023, the government had for the first time conducted a land-mapping to provide temporary ownership cards for the villagers. The villagers although encouraged by the development remain skeptical about when they might get a permanent landownership. Residents continue to be deprived from their right to decent living and food as the lack of irrigation and subsidies has meant little to no farming in the area, and whatever little is grown remains under constant threat from wild animals including monkeys and wild boar.

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20 National Statistics Office (formerly Central Bureau of Statistics). 2021. *Population Results for Province No. 5, District 56, Municipality 4, National Population and Housing Census 2021*, accessed August 15, 2025. <https://censusnepal.cbs.gov.np/results/population?province=5&district=56&municipality=4>.

The foundational link between the state and its people is protection that it offers in return for citizens' duties. In Khangra, the issue of protection and security underlies the daily lives of its inhabitants.<sup>21</sup> In the absence of market within their area, the population critically relies on the market and opportunities across the border in India where according to the locals, they are routinely harassed. Further, Nepali policies like the Customs Act, 2064 (2007) and the Revenue Leakage (Investigation and Control) Act, 2052 (1995) allows only a small quantity of supplies into the Nepali side which are all subjected to taxation. This forces the inhabitants to make multiple rounds of the border area into the Indian side, creating space for unnecessary hassle and often harassment by Indian security services.<sup>22</sup> The harassment is not confined to the Indian side as the intruders and robbers have, in the past, harassed and looted the villagers of their meager assets in their own homes and village. The community claims that the situation has improved following the APF and the Nepal Police being stationed in the area and also with the recent establishment of the administrative office in the area. The villagers additionally assert that even though the frequency of Indian intruders and robbers that threatened their lives and properties have substantially decreased, the security situation remains critical as villagers routinely have to cross the 15-km dense forest to avail market, health, and income-generating opportunities where the fear of being robbed and assaulted remains alarmingly high. In the year 2023, according to the APF officers and the locals interviewed, three girls were raped<sup>23</sup> while commuting to get to the weekly haat bazaar, and justice has yet to be served. This has added to the fear of the villagers, especially girls and women who feel further restriction in their mobilities following the harrowing event.

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21 Leydet, Dominique (2023-9-5). "Citizenship". *Stanford Encyclopedia of Philosophy*. <https://plato.stanford.edu/entries/citizenship>.

22 Bhatta, P C (2024). "Nepalese Borderland Community as State's Partner in Border Protection". *Journal of APF Command and Staff College* 7(1): 77-104. <https://doi.org/10.3126/japfsc.v7i1.66998>.

23 Conversations with security personnel and locals who wanted to remain anonymous.

Another risk to their security is the continued threat from wild animals which has killed some villagers even in recent years. Some villagers 'allegedly' own guns and other weapons to protect themselves from robbers and wild animals often without permit and hence hide the weapons in the forest. Despite the insecurity, violence, and atrocities, the impoverished Nepali borderland community continues to inhabit the remote and often inaccessible place which offers little to enhance their lives, and which officially does not belong to them. However, unlike in the cases of landlessness elsewhere in the country, landlessness in the borderland Khangra not only has implication to the lives of the inhabitants, but it also additionally has territorial and security consequences to the state.

In the late 1990s, Nepal and India jointly formed a committee to demarcate the border and resolve border-related disputes. According to the locals, Nepal lost some parts of its territory in the process as the Nepali authorities had little clarity on the exact border demarcation whereas the Indian side was adamant on the margins that effectively shifted almost half of the Nepali villages to the Indian side. The villagers also claim that it was the borderland community who provided proofs of the Nepali territory, residence, and older pillars to the Nepali authorities that prevented further loss of land at the margins. The inhabitants claim that the lack of landownership at the borderland, according to the villagers, was one of the prime reasons for Nepal allegedly losing considerable amount of land during the border demarcation. Even as the borderlines have been demarcated, there are other looming challenges to territories in the borderland. As the whole area constitutes landless people, there has been cases of informal land transfer to Indian citizens who are lured by the potential of the vast grazing lands. Every day, hundreds of cattle from India are brought to the village to graze and in return the Nepali community gains dung as fertilizers for their fields. The prospect for cattle farming has led to a few cases of informal land transfer to Indians, alarming villagers who have little resources or authority to prevent such incidents.

As the citizen rights of the residents of Khangra are perpetually overlooked by the state, the resident's obligation towards the state lies

at a vulnerable crossroad. The community has guarded the borderland from possible intruders and encroachers in the past. Further, they claim that they are the real holders of territorial knowledge and not the state. However, the community border vigilance is in question as some residents, particularly the younger generation, are forced to migrate elsewhere given the lack of opportunities at the borderland. Alarming, a few middlemen from the Indian side, noting the communities' heavy reliance on their side and the gross neglect from the Nepalese state towards the borderland community, allegedly distributed Indian Adhar Cards (Indian Welfare Cards) to some of the community members in ward 7 in 2023. This many inhabitants believe is the first step towards 'Indianizing' the village population and subsequently could 'Indianize' the village territory. This process of 'Indianizing' is of crucial importance as the bordering area of ward 7 of Khangra is disputed territory between the Nepali and Indian states, which may have grave consequence to territorial integrity of the Nepali state. Adhar Card has much benefit for its holders, especially people from low-income households. The Card guarantees access to much of daily essential needs at subsidized rates. For the borderland population who must routinely make long travels to the haat bazaar to spend their meager earnings on items of daily needs, such subsidized rates go a long way in a situation when the Nepali side offers little to their rights as citizen. Residents also acquire Adhar Card as it is only through Adhar Card that they can get essential requirements like SIM cards for communication which are otherwise unavailable on the Nepali side. Hence, many villagers often acquire these Adhar Cards through their employers across the border or through middlemen. Seemingly harmless otherwise, Adhar Cards are principal evidence of belongingness to the Indian state. The increasing number of Adhar Cards in the area and the continued disputes over territory may have unprecedented consequences to Nepal's territorial integrity.

The findings from Khangra reveals the following regarding the rural and neglected borderlands:

## 2.1 Borderlands are diverse, complex, and fluid spaces

Borderlands in Nepal in the south are not uniform in terms of geography, demography, socio-cultural and politico-economic foundations. The focus and attention enjoyed by few urban economic borderland areas overlooks a vast majority of borderlands that are perpetually pushed away from governmental interventions and political focus. Complicated by the diverse and often rugged terrain, the majority of borderlands are cut off from the center even to this day. In the southern border, most of the borderland remain underdeveloped with the majority relying on facilities on the other side of the border. The socio-cultural similarity that is often underlined among the Nepal-India borderland communities, and in the national discourse, obscures the complicated and often strained relationship some borderlands like Khangra have with its sometimes-hostile neighbors. The multitude of complexities to livelihood and living, dependence on the other side, and physical and psychological distance from the center makes the borderlands complex and fluid spaces<sup>24</sup>. Overlooking the vast difference among the various borderlands, the Nepali policy-makers have formulated policies such as the Customs Act, 2064 (2007), the Revenue Leakage (Investigation and Control) Act, 2052 (1995) and APF guidelines that treats all the borderland areas as homogenous entities. These policies and practices that regulate movement of and taxes<sup>25</sup> for borderland people are neither relevant nor feasible for most of the remote and rural borderland.

## 2.2 Majority of the borderland remain neglected

The Nepali state is often accused of being discriminatory towards the periphery, notably towards the south<sup>26</sup>. The 'border blindness' has

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24 Bhatta, P C (2024). "Incongruous Encounters: Customs Duties and Informal Traders of the Borderland Communities at the Nepal-India Border of Western Nepal", MPhil Thesis, Tribhuvan University, Kathmandu.

25 The customs directive asserts tax on all items above the rate of NRP 100 brought into the Nepali border which most borderland communities find arbitrary.

26 Bhatta, P C (2024). "Incongruous encounters: Customs Duties and Informal

resulted in majority of the borderlands that are similar to Khangra borderlands lacking in even the most basics of necessities such as electricity, running water, roads, telecommunication, electoral booths, healthcare centers, and education facilities. Income-generating activities, including agriculture, are difficult in most borderland due to rough terrain that are exacerbated by inadequate landholdings and lack of landownerships. The residents from these areas often do not 'see the state'. The political participation and representation from these areas are negligible that furthers their sufferings as their issues are obscured by issues of the dominant centers.

### **2.3 Overdependence on the other side of the border for sustenance are rampant**

Majority of the southern borderlands, be it urban or rural, have heavy reliance on the market and opportunities on the other side. The resident in the absence of economic activity within the border are greatly dependent on the economic activities across the border. In most borderlands, the markets on the other side of the border offer opportunities for earning as well as spending, given the vast and ever-increasing economic gap between the two countries. This is especially true in cases like Khangra where the Nepali side has ghostly economic silence whereas market centers on the other side of the border are rapidly growing. In these areas, rather than choice, the markets in India are the only opportunities for decent living and survival.

### **2.4 Security remains a major concern for the residents**

Security has been a major area of concern for the residents throughout the borderlands in the south. However, in places like Khangra which has for the most part remained without access to government security apparatus, concerns have assumed epic proportions. Cases of robbery, loot, extortion, theft, assaults, rapes have left the residents of these ignored lands fearful and despondent. Khangra, in this regard,

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Traders of the Borderland Communities at the Nepal-India Border of Western Nepal", MPhil Thesis, Tribhuvan University, Kathmandu.

is not an exceptional case as incidents of border encroachment, illegal construction of embankment, roads, and intrusions add to the insecurity of the borderland communities across Nepal<sup>27</sup>. Even the security persons from the other side are sometimes blamed for unnecessary hassle and assault on the Nepali borderland communities crossing the border.

## **2.5 Government presence in the margins has improved—though the situation remains far from satisfactory**

The security situation in the southern borderlands has improved since the increased presence of security forces and administrative bodies at the border. However, the services in local administrative offices are still minimal and unpredictable due to the frequent absence of the authorities. There are 253 APF Nepal BOPs and 244 of them are along the Indian border. By any measure, the number of BOPs is inadequate to conduct surveillance and maintain peace and security along the vast and often inhospitable borderline. Efforts have been made to improve the provision of basic necessities. The government through border dedicated programs like Seemawasi Sanga Sasatra Prahari Bal (APF together with Border Community) has been providing some acknowledgement to the problems of the borderland. However, the center continues to overlook at the issues of borderland.

## **2.6 Landlessness defines the lives at the border**

The poor presence of the government throughout much of the history at the margin and largely the difficult terrain of the borderlands has meant that the issues concerning landownership at the borderlands has not been a priority of the government. There are several borderlands like Khangra where whole area is inhabited by landless people as the state is yet to grant landownership certificates to the residents. Landlessness, according to the locals, robs them off any opportunities directly or indirectly connected with the land, including

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<sup>27</sup> Bhatta, P C (2024). “Nepalese Borderland Community as State’s Partner in Border Protection”. *Journal of APF Command and Staff College* 7(1): 77-104. <https://doi.org/10.3126/japfsc.v7i1.66998>.

construction of permanent house in fear of eviction. Without land and housing, the interrelated civil and political rights are threatened. It also prevents people from applying for government services directly associated with housing like loans and grants. As communities like those of Khangra lack landownership, their aspirations for better lives are halted.

## **2.7 Landlessness perpetuates marginalization of women**

Borderland women, like their counterparts elsewhere, bear the brunt of the lack of basic facilities differently from men, as they are basically responsible for securing essential household supplies. The persistent insecurity in the borderland restricts their mobility, making market, education, healthcare, and income-generating opportunities difficult. As in the case of Khangra, limited access to vital resources like education limits their chances for improved lives. In Khangra, the landownership even in its temporary form largely belongs to the men in the area. Women even after being suggested by the officials to apply for at least joint ownership of land during official land mapping in 2023, refused to register for temporary ownership of land as they are intimidated by the lengthy process of land registration given their lack of literacy and exposure. These realities at the borderland continue the marginalization of women.

## **2.8 Landlessness at the border is different from landlessness at the center**

Landlessness occurs in multitude of forms, from not having land entitled to one's name to possessing land that is essentially unusable. The condition of landlessness constitutes a violation of individuals' rights as citizens, given that land serves as an essential foundation for the exercise and enjoyment of a wide spectrum of other human rights. The situation becomes an issue of major concern at the margins as residents even in the absence of state presence maintain oversight over the borders as in the case of Khangra. Landlessness or the lack of landownership at the margins forces people to leave the area or migrate away from the areas like some of the younger generations

in Khangra who are on a verge of migration to look for better opportunities elsewhere. These 'forced' migrations leave the areas unsupervised and vulnerable to possible intrusion and encroachment.

## **2.9 Landlessness is further complicated at the disputed areas at the margin**

Residence of people in a territory is one of the most prominent indicators of belongingness to a state for which landownership is critical. The situation reaches a new level of concern when lack of landownership is a feature at the internationally disputed border lands. In such areas, residents and their landownership are amongst the biggest evidence of asserting national territory. Protecting the territory here remains integral with protection of the feelings of belongingness and loyalty of the residents. As global evidence has shown, land and sense of belongingness of its inhabitants are crucial to ensuring territorial integrity. As case of Khangra has shown, citizens at the margins hold vital territorial knowledge and act as the guardians of the territory even in the absence of state's apparatus.

## **2.10 Landlessness equals statelessness**

The right to reside is a fundamental precondition for membership in the state, understood as a territorially bounded political community. Indeed, individuals require a place in which they can establish a home and anchor their social and civic existence.<sup>28</sup> People at the margins often experience statelessness due to the lack of landownership as land is the foundational precondition for the realization and protection of human rights that might otherwise remain conceptual or unenforceable,<sup>29</sup> thus landlessness results in a lack of sense of

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28 De Groot, D (2015). "Law by Blood or Blood by Law?". In: C Dumbrava and R Bauböck (eds) *Bloodlines and Belonging: Time to Abandon Jus Sanguinis?*. EUI Working Papers RSCAS 2015/80. pp 29-31. <https://cadmus.eui.eu/server/api/core/bitstreams/2962231c-c17b-5470-8837-4dd09d311379/content>.

29 Oman, N (2010). "Hannah Arendt's 'Right to Have Rights': A Philosophical Context for Human Security". *Journal of Human Rights* 9(3): 279-302. <https://doi.org/10.1080/14754835.2010.501262>.

security and belonging.<sup>30</sup> As landlessness increases vulnerability of individuals and community often resulting in a sense of statelessness.

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<sup>30</sup> Brubaker R (1992). *Citizenship and Nationhood in France and Germany*. HUP, Harvard.

## 3. Recommendations

### 3.1 Devise multi-level interventions to address needs of borderland communities including landlessness at the border

Landlessness anywhere is a threat to exercise of human rights, but it is especially critical at the borderlands due to its unique positioning. Addressing landlessness at the margins is, therefore, crucial for meeting the needs of the citizens as well as protecting the nation's territorial integrity and security. Supplementary to these are implementing developmental interventions like roads, electricity, telecommunications, and the provision of healthcare and education programs, and employment opportunities that are targeted to improve the lives of the citizens at the periphery and bridge the gap between the state and its citizens at the margins. Introducing service delivery and welfare schemes specially designed for the borderland community will help strengthen the sense of belongingness and loyalty of the borderland population. Introducing outreach program/ civic action program to share security-related information with the borderland communities will also effectively help narrow the gap between the state and the borderland people. Contextualizing and specializing policies like Customs Act, 2064 (2007), the Revenue Leakage (Investigation and Control) Act, 2052 (1995) and APF guidelines to the diverse needs of borderland community could be an additional effort to ease discomfort of the borderland communities. Further, Nepal does not have a carefully formulated policies that cater to the specific needs of the borderland communities except for those regulating customs or immigration. This allows for multiple and ad-hoc ways of border management. A carefully formulated policies addressing diverse security and livelihood challenges of the borderland community could be crucial in the matter.

### 3.2 Factor diversity of landlessness into policies and actions

Diverse citizens' interests are profoundly affected by the institutional and policy decisions and practices of that state.<sup>31</sup> Although landlessness has been one of the most pressing issues in Nepal, the government throughout has been struggling to make it a priority due to several complications, including socio-political complexities in equitable distribution of land, inadequate knowledge on state of land and its diversities, and, most of all, inadequate political will. However, non-recognition and non-addressal of diversity of landlessness is one of the prominent reasons for persistence of land-related issues in Nepal even as the Constitution of Nepal, 2072 (2015); National Land Policy, 2075 (2019); Land Use Act, 2076 (2010) enjoin addressing multiple issues of landlessness. In the borderlands, land-related issues are often tied with nation's security and territorial integrity as much as with the rights of people as citizens of a nation. As such introducing fast-track policies and mechanism to address landlessness at the border must be at the state's priority, especially in the current situation with territorial disputes with the southern neighbor. Likewise, women throughout the nation remain largely landless but the situation is severe at the borderlands. Advancing women's right to land at a stage when landownership or joint ownership can be materialized, and, given that permanent ownership of land has not yet been provided, would prove a milestone for Nepali state to assert equal citizenship amongst its citizens.

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31 Tanasoca A (2015). "Distributing Some, But Not All, Rights of Citizenship According to *Ius Sanguinis*". In: C Dumbrava and R Bauböck (eds) *Bloodlines and Belonging: Time to Abandon Jus Sanguinis?* EUI Working Papers RSCAS 2015/80. pp 39-42. <https://cadmus.eui.eu/server/api/core/bitstreams/2962231c-c17b-5470-8837-4dd09d311379/content>.

### 3.3 Recognize and utilize the strategic political position of the borderland population

Borderland people have strategic political position<sup>32</sup>. Borderland people are inhabitants of a hybrid and fluid space positioned between the socio-cultural and politico-economic juxtaposition between two nations; borderland population have unique and often hybrid identity<sup>33</sup> which may translate into asymmetrical sense of belongingness. The asymmetrical nature of belongingness depends equally in the borderland people's relationship with the other side of the border as much as it does on its relationship with its state and center. In that, a mutually beneficial reciprocal relationship with the state stabilizes loyalty towards the state and the lack thereof often proves detrimental. Most borderland people have been exhibiting their citizen responsibilities towards state despite the state's neglect. These responsibilities range from surveillance of the border pillar; chasing away land encroachers, poachers, smugglers and criminals; standing up to the harassment of external population and security forces; and disrupting Indian development activities along the border that might have long-term consequences for Nepal, to simply continuing to inhabit the borderland despite adversities, to keep the foreign intruders at bay.<sup>34</sup> By strengthening trust with the borderland people through instrumental investment, the state could partner with the strategically important borderland population in border protection and cross-border security through initiatives like citizen oversight and cooperation by localizing border management and calling for vigilance by the border population. A soft border approach based on consultation and cooperation between the state

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32 Bhatta, P C (2024). "Nepalese Borderland Community as State's Partner in Border Protection". *Journal of APF Command and Staff College* 7(1): 77-104. <https://doi.org/10.3126/japfcsc.v7i1.66998>.

33 Van Schendel, W and De Maaker, E (2014). "Asian Borderlands: Introducing Their Permeability, Strategic Uses and Meanings". *Journal of Borderlands Studies* 29(1): 3-9. <https://doi.org/10.1080/08865655.2014.892689>.

34 Bhatta, P C (2024). "Nepalese Borderland Community as State's Partner in Border Protection". *Journal of APF Command and Staff College* 7(1): 77-104. <https://doi.org/10.3126/japfcsc.v7i1.66998>.

and borderland population could also be key to achieving sustainable security of the fragile border. Borderlines are unique hybrid fluid spaces which offers its inhabitants with opportunities to foster distinct inter communal and international ties with people across the border. The state could also utilize these unique ties to develop borderlands as economic hubs.

### **3.4 Strengthen ties with the center**

Another important feature of the southern borderland community in Nepal is the overarching regional discrimination against them by the people at the center and hills. Given their socio-cultural and economic similarities and dependence on the community across the border in India, there is a massive ‘othering’ of the southern borderland communities. As much as mounting threats are connected to these places, there are far many cases of interconnectedness between the communities along the southern border. These communities consistently exchange culture, ideologies, political and economic interests, and are not easily distinguishable from each other. On the contrary, there are cultural, linguistic and, to some extent, social distances between the hill region of Nepal and Madhesh. The marked similarity and interconnectedness with border communities on the other side of the border have been an excuse for the hilly community and even the state in the past to look at the southern border dwellers with suspicion and distrust. These have been linked to internal conflicts and been critical in managing disputes with the southern neighbor. Addressing grievances of the borderland people thus can narrow the century-old distance between the center and the periphery. Central to which is promptly addressing the issue of landlessness and inequitable distribution of land.

### **3.5 Conduct prospective policy research on land issues**

Landlessness in Nepal occurs in multiple and complex forms, with the land issues of the borderland communities being just one of them. The government has been expanding its understanding of the landlessness in recent years. However, contextualized and area/

issue-specific understanding of land-related concerns and issues are far from being included in the government's agenda. As such, wide-scope policy research and studies on multiple issues of land in Nepal is crucial. Apart from scientific and contextualized data on landlessness, data on land use change, land tenure, agricultural production, and demographic trends in terms of population growth and migration provide valuable insights for informed decision-making.

## 4. Implications

### 4.1 Landlessness and security concerns at the border

Rights and obligations such as loyalty and allegiance to the state go hand in hand with the expansion of human rights for its citizen. Ties of loyalty can be strengthened by instrumental intervention, and in a country like Nepal where there is tremendous economic and socio-cultural value to land, landownership sets a foundation for exercise of human rights directly impacting the sense of belonging loyalty and therefore a sense of nationalism. This right to stay, and the 'lawful residence' that goes along with it, is a prerequisite for the enjoyment of social rights (rights to work, social services, healthcare, education, and social security).<sup>35</sup> As such the inability of the state to provide this basic right places not only the citizen but also the state at a very vulnerable condition from a security point of view. Inability to foster loyalty amongst its citizen is the most prominent form of state's negligence, if not a major failing, that puts its citizens and territories exposed to multiple forms of security violation including terrorism, smuggling, illicit trades and trafficking, crimes amongst other social evils. Within the context, addressing grievances of the borderland population is of critical importance, prominent of which remains the issue of landlessness.

### 4.2 Landlessness and territorial integrity at the border

*Satthi barsa bhaisakyo, lalpurja dinchau ki hamilai Indian banau* [It has been sixty years (that we have inhabited the land) give us landownership or let us have Indian nationality] – A Demonstration slogan of the borderland community in Dang

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<sup>35</sup> Henrard, K (2018). "The Shifting Parameters of Nationality". *Netherlands International Law Review* 65: 269-297. <https://doi.org/10.1007/s40802-018-0117-6>.

Citizenship reflects a social tie between the state and its people and the citizens as an identity connotes an idea of community. However, social ties depend on fulfilment of contractual agreement between the concerning parties. In case of citizenship, inability of the state to fulfil its obligation towards its citizens risks disloyalty and breach of allegiance between itself and its citizen. The continued neglect of the borderland creates opportunities for exploitation and manipulation by external forces as the recent Adhar Card cases in Khangra, Dang, and the case of Tarai during the constitution-formulation period suggests. Nepal's history has been a witness to the consequences of discriminatory citizenship in the form of Maoist uprising, Madhesi movement, and the ethnic movements. Importantly, it has also witnessed citizen's blurring loyalty to the state as in case of 2015 Indian embargo where borderland population in major southern borders aligned their interest with the unbecoming pressure of the Indian state to the Government of Nepal in the form of undeclared embargo.

The non-recognition of the borderland population's strategic political position will increase Nepal's security and territorial woes on one hand. On the other hand, addressing the grievances of the bordering community, prioritizing their instrumental needs and interests, and partnering with them in areas of national concern could prove a game changer for the country's national interests.

## 5. Conclusions

The meanings of citizenship are expansive and the Nepali state must understand citizenship as an ongoing process of mutual contractual exchange of rights and obligation within the changing contexts. Breaches of such contractual agreements often result in serious consequences for the state and its people, especially during periods of conflict such as the territorial disputes with neighboring country. There are a number of territorial disputes with India, prominent of which are the Limpiyadhura, and Lipulek in recent times. Apart from 150 years of passivity, diplomatic insufficiency, fluctuating political interest in the region exhibited by the Nepali state, the inability to secure rights of the citizens in these disputed areas coupled with an increasing instrumental investment from the Indian side in these far-off lands are arguably strongest reasons for the silence of the inhabitants of Limpiyadhura and Lipulek on the issue that concerns them most to the much detriment to the Nepal's territorial integrity. Learning from these events, Nepali state must strategize to earn loyalty of its citizen. The allure of Adhar Card amongst some of the Khangra resident is a cautionary reminder that hollow nationalism without actions to secure rights of its citizen does little to secure sense of loyalty and nationalism amongst its citizens. While rights, equal rights, are an essential attribute of citizenship, this special membership is not only a matter of taking part (politically and otherwise), but also of creating a collective identity and feeling of being a part of something (belonging). Strengthening the sense of belonging through expansion in exercise of rights amongst its citizen must thus be the state's prominent governing strategy.

At both the international and national levels, policies and programs on land reform and access have been viewed primarily through an economic development lens, rather than a rights-based perspective. In Nepal's case, rights to land have been laid out in the legal framework relating to the rights of Dalits, indigenous peoples, and, to a more

limited extent, women while ignoring many other diversity and complexities of issues surrounding landlessness in borderlands like Khangra. Encouragingly, global actors, addressing security, economic development, and human rights, have begun to consider the role of land and access to land with increasing frequency.<sup>36</sup> A rights-based approach affirms that individuals are universally entitled to fundamental human rights without discrimination. It also provides a basis on which to analyze, review, and monitor policies and programs already in place. As such, understanding access to and ownership of land through human rights perspective directly corresponds to addressing the rights of people as citizen of a nation, and promoting and strengthening loyalty towards the state. Property such as landownership remains one of the most prominent manifestations of citizenship as it contributes to solidification of identity and belonging<sup>37</sup> and subsequently loyalty to state. Equitable distribution of land and addressing issues of landlessness in its multiple forms is arguably the most powerful tool the state has to secure the loyalty of its people and safeguard territorial integrity.

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36 UN Conference on Human Settlements, Vancouver, Canada, May 31- June 11, 1976, *The Vancouver Declaration on Human Settlements*, ¶ II.10, UN Doc. A/CONF.70/15 (June 11, 1976); FAO, *Voluntary Guidelines to Support the Progressive Realization of the right to Adequate Food in the Context of National Food Security* ¶ 8.10 (2004).

37 Tirres, A B (2013). "Ownership Without Citizenship: The Creation of Noncitizen Property Rights". *The Michigan Journal of Race & Law* 19(1): 1-52. <https://repository.law.umich.edu/cgi/viewcontent.cgi?article=1000&context=mjrl>.

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