

"Rights versus Reality: Land Ownership Challenges of the Mushar Community in Kankai Municipality Through a Social Work Lens"

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ABSTRACT

In recent times, land has been recognized as a source of social, economic, and political power. Although Mushars are the native people of the land, working on and worshipping it, they still lack ownership and basic housing facilities. This qualitative study aims to understand and examine the land ownership issues and major challenges Mushars of Kankai Municipality face. The study, conducted among 8 participants, was narratively analyzed. The findings of the study show that the Mushar Community around Kankai Municipality is still landless and faces several livelihood, health, and social challenges. Due to the lack of ownership, they have limited livelihood activities, low employment, no access to entrepreneurial activities, less involvement in the educational periphery, and poor health accessibility. These challenges have furthermore made them more vulnerable, making them backward and inducing the cycle of poverty. The community also possesses several messages, including the provision of land for agriculture and settlement, the creation of more job opportunities, the provision of skills and resources and education, and awareness to the community and children.

Keywords: Mushars, land, ownership, status, issues, challenges

INTRODUCTION

The word Mushar has been derived from two words, "Musa," meaning "rat," and "har," meaning "killer," which means the rat hunter or killer. Musahars, also known as *Musar* or *Mushera*, are one of the marginalized Dalit communities whose settlements are mostly found in the countries of South Asia, i.e., India, Nepal, and Bangladesh. They are widely recognized as one of the most impoverished castes in India and Nepal. The Musahar community is part of the Indo-Aryan ethnic group and is categorized as the lower Dalit "untouchable" class in the Hindu caste hierarchy. Traditionally, their occupation involved catching rats, and they are still associated with consuming them.

Mushars are proficient in catching and consuming the rats when necessary (Jha, 1998). Risley, 1891, in his book *"The Tribes and Castes of Bengal,"* has mentioned that the hierarchical system has provided the name Mushars because they are non-Aryan, non-hygienic, and have the habit of eating mice. Contrary to this, they have to compete with rodents and rats for food, and due to these skills, they are termed as Mushars (Kumar, 2006).

Mushars are considered the untouchables, disadvantaged, backward, highly marginalized, excluded, impoverished, and landless Dalits living in the southern plains of Nepal (Chaudhary, 2021). They are widely recognized as one of the most impoverished castes in India and Nepal. The Musahar community is part of the Indo-Aryan ethnic group and is categorized as the lower Dalit "untouchable" class in the Hindu caste hierarchy. Likely, they are considered indigenous tribes and backward communities, having 264,974 (0.91%) of the total population (Central Bureau of Statistics, 2021).

Land has been considered the source of economic well-being, social status, and political power, but the Mushars, who are traditionally dependent on agriculture, are still landless. They have to depend upon the land of landlords for cultivation and sustaining their lives (Ghimire, 2009). In their study, Bhattachan et al., 2001 noted that the Terai Dalits of Nepal are widely associated with landlessness, and even if they own land, their lands are mostly on a small scale or very infertile.

Mushars have been the *Haruwas* for generations, and they were fully dependent on the higher-class people and landlords. The report of Tetra Tech International Development, NIDR, and JW (2023) reveals that the practice is still prevalent in districts like Saptari, Dhanusha, and some parts of the Mahottari district of Nepal. Young Mushar girls work in the landlord's field, get basic food and living, and, in most cases, drop out of school. Furthermore, the study of Ghimire (2023) suggests that the Dalit Mushars in Terai are dedicated farmers working hard to survive. However, they still lack enough security for their livelihoods, including basic settlements, *Mohirights*¹, and managed settlements.

Among the Dalits in the Terai belt, the Mushars are the second most populous Dalit caste, residing in Eastern and Mid-Terai as well as Western Terai. They are scattered across districts, including Morang, Saptari, Siraha, Dhanusha, Mahottari, Sarlahi, Rautahat, Nawalparasi, Rupandehi, Kapilvastu, Banke, and Bardia. They are considered one of the lowest-status people suffering from extreme poverty, unemployment, and illiteracy (Tetra Tech International Development, NIDR, and JW, 2023). According to the data of the Central Bureau of Statistics 2011, the population of Mushars in Nepal is 233,788, which includes 117,690 males and 116,098 females. *Mushars* are believed to be the origins of the Bhuiya or Munda Tribe of India and migrants from India to Nepal. Though there are no concrete and researched facts about the history of the Mushars of Nepal. Ghimire (2023) has discussed some of the evidence and historical background of the origin of Mushars and other *Haruwa Charuwa*² in Nepal. He has shown the close relationship between the landlords and Haruwa Charuwa since the time of *Jhora* clearing and malaria eradication. The Terai region of Nepal was known for having high malaria rates, which made it hard for people to live there. This led landlords to struggle with finding workers for farming. To solve this problem, they hired Dalits and poor people from different parts of India as laborers. After clearing the forests and reducing malaria, they employed these laborers as Haruwa and Charuwa.

The Mushars are the ones who have been seen as closely associated with nature, land, and labor from their origin. They worship the water goddess (*Jal Devi*) by offering pigeons, goats, and cocks, and worship natural species like Gaidu (the god of rhinoceros), the tiger (the Bagheysari), the deer (chital), the dolphin, and the wild boar. The community holds a firm belief that causing harm to these animals may lead to misfortune within their community (Joshi & Sapkota, 2016). Besides their closeness with the land and nature, they don't own any piece of land for agriculture. Furthermore, their living huts are made near public places, riverbanks, roadsides, and nearby forests that lack proper drinking water, sanitation, and hygiene (Giri, 2013).

Problem statement

In this modern world where people seek liberty and freedom, the Mushar Community doesn't acquire the basic rights that the constitution provides to every individual living in the nation. The 2011 census data indicate that the Mushar community exhibits a literacy rate of merely 20%. They have to face social and political exclusion in daily life. Poverty has affected their lives a lot, and mostly, they are engaged in wage labor daily. The tradition of hunting animals and fishing is prevalent in their daily lives.

Furthermore, this community encounters discrimination based on caste and ethnicity, coupled with the issue of landlessness (Chaudhary, 2021). Though land is considered the basic foundation for human development and a source of social, economic, and political power, they lack land for housing and settlement. Several policies and acts, like the Constitution of Nepal 2015, Land Use Policy 2015, National Land Policy 2015, and Bonded Laborer Prohibition Act 2002, are mandated; still, the situation is very vulnerable. Though the Mushars get

¹Mohi Rights: legal rights of the land cultivators over the land that they have cultivated

²Haruwa – Charuwa: Ploughman – Cattle herders

land and housing through government initiatives, they often cover limited facilities. A similar incident has happened to the Mushars of Kankai Municipality, writes The Kathmandu Post (Portel, 2020).

Although the Mushar community has been facing these sorts of land issues and settlement issues, no proper initiatives have been taken by the concerned authorities and government stakeholders. The issue of land furthermore relates directly to education, health, sanitation, hygiene, livelihood, and lifestyle. The available research doesn't focus on the issue of land and advocates for it. Moreover, the studies conducted among the Mushars mostly concentrated on the Madhesh Province, where there was a majority of Mushars. The minority Mushars, who are scattered to different places, are often overlooked.

Research Questions

1. What are the major land ownership issues among the Mushar Community of Kankai Municipality?
2. What are the major consequences the community has to face due to the lack of land ownership?

RESEARCH METHODOLOGY

The study was designed qualitatively within an interpretivist paradigm. The research aimed to understand and explore the grassroots experience, social realities, and challenges faced by the Mushars in Kankai Municipality, Jhapa, Nepal, due to landlessness. The data were collected through semi-structured interviews, where 8 (2 females and 6 males) participants were selected purposively. The participants were individuals from the community, a local government representative, a community leader, and a local scholar.

The primary data were collected through direct in-depth interviews, while the secondary data were drawn from books, articles, journals, and official reports. The responses were recorded, transcribed, coded, and analyzed thematically using the narrative study analysis.

Ethical Consideration

This study was conducted with full respect for the dignity and rights of the participants. Verbal consent was obtained from all participants after explaining the purpose of the research, their right to withdraw at any time, and how the information would be used. To maintain confidentiality, no names or personal identifiers have been disclosed, and data were stored securely. Sensitive issues, such as land disputes and experiences of exclusion, were discussed with care to avoid distress. The researcher also maintained a respectful and non-judgmental approach throughout, ensuring that participants felt safe in sharing their stories.

Data Analysis and Interpretation

Origin of Mushars in Kankai Municipality

To understand the status of the land and its connection with the Mushar Community, it is necessary to understand their history and origin. Researchers during the study interviewed 8 participants with the question, *“Can you provide some information about the origin and history of Mushars living around Kankai Municipality?”*

One of the participants responded, *“As far as I know, we arrived at this place around 1968 A.D. As said by my great-grandparents and parents, we have migrated here from India. There used to be a lot of houses and communities of Rishidev (Mushars) previously, but now they have scattered and moved to different places. We are the last family to stay here since then.”*

Another research participant said, *“Since I was born in the same place where we are currently living, I don't know much about our history and the history of our forefathers. Our parents had stayed in this place for so long. We don't even know our ancient roots, village, and country. We stayed here, settled here. That's why I don't have any information on the history.”*

While interviewing, another participant had some connection with the history and roots of the Mushars living around the Kankai Municipality. He reflected, *“While reflecting on the history, my grandfather started a settlement at this place in 1959 A.D. During that time, this place had only rivers, jungles, and sandy soil. My grandfather, popularly known as Dhami Musahar, was a well-known witch doctor of that time. He brought more people to our community from different places. Slowly. They started animal husbandry, farming, and agriculture. As per what I heard, we were self-sufficient during that time. We had Bighas³ of cultivable land. and didn’t have any problems with food and shelter.*

But as time passed, people from different parts and surroundings came to this place. The clever one slowly started to capture and seize the land, and we innocents became unknown. They documented the lands in their name and got their certificates. Now we have to stay helpless and landless, though we were the natives of this place.”

Similarly, the key informant and one of the locals had some more reflection on the history of Mushars around that place. He explained, *“As far as I know, Mushars entered this place around 1960 A.D. The Mushars and Brahmins were the ones who entered this place. Sunilal Mushar, popularly known as Dhami Mushar, was the leading figure who cleared the forest on one side, and the Brahmins cleared the other side. This way, they started the settlement here. Dhami Mushar acquired around 2-3 Bigha of land during that time by clearing the forest.*

Slowly, Dhami Mushars started to bring the Mushars from several parts and provided the settlement to them. But later, the clever ones came out and took a land certificate in their name after the death of Dhami Mushar. This is the main reason behind the landlessness of Mushars here.”

The Mushars, despite having settled for years and having contributed to the place, are still landless and have to be limited to no development, old huts, and a compact area (Joshi & Sapkota, 2016). Similarly, from the participants' responses, it can be analyzed that the Mushars of Kankai Municipality have a very long history that generally begins in the early 20th century. Likely, they were independent and self-sufficient previously, but as time passed, they became the victims of the land mafia and the clever ones around that place. The Mushars now don't have their land and are mostly dependent on the owners' land daily. They are wage laborers sustaining their lives with very limited education, awareness, and a low standard of living.

Process of Land Acquisition in the Mushar Community

After reviewing several journals and articles, it can be noted that the Mushar around Kankai Municipality has a better social and economic situation as compared to other places in the Terai District. To gather deep insights into the type of land they own and know about the historical context behind the ownership, researchers interviewed with the question, *“What type of land do you own currently, and how did you obtain the land?”*

One of the research participants said, *“We are currently staying on the school’s land. We pay Thekka⁴ for staying in this land. Firstly, there were only 2-3 houses around this place. Now, there are around 12 houses on this compact compound. Due to the lack of availability of land, we had to adjust to this place, though it is very polluted, congested, and difficult to live in.*

Another research participant who had a settlement on the native land mentioned, *“The land that we are currently staying on is Ailani⁵ Land. When our grandparents arrived in Nepal, they stayed in this place and have been there since then. We had 6-7 Kattha⁶ Land previously, as we are the last family to stay here since then. But at present, we only have 2 Kattha of land. My parents sold around 4 Kattha due to an urgent need for money. Some land was later divided among the brothers.*

³Bigha: Land Measuring Unit that is equivalent to 72900 sq. ft.

⁴Thekka: Land under the agreement or contract

⁵Ailani: government owned land that is not registered under individual name

⁶Kattha: Land Measuring Unit that is equivalent to 3645 sq. ft.

Similarly, another participant, who is also the key informant, highlighted more on his housing on susceptible and vulnerable land. He mentioned, *“The land that I am currently staying in is undocumented. This part of our house is quite susceptible to flooding. Like other participants, he said, “I have other Numbari Land (documented land) in other places too. Some are from my ancestors, and I owned some as Mohi Land from a landlord after working at Haruwa for around 25 years.”*

One of the research participants highlighted a different scenario regarding land acquisition. He said, *“I am the grandson of Dhami Mushar, who is one of the key ancestors of the Mushars of this place. Though my grandfather cleared the forest and provided land to us, I am landless. Currently, the land I am staying on is documented land, but I don’t own the certificate. Though we have been living in this land for 2 generations, a land officer from Udayapur measured and took the land in his name. Later, he sold our land to the locals. Now, the local who bought our land has neither given this land to us nor compensated us. We live in a very congested place that doesn’t have road access. We are here due to the support of locals, or else we would have to flee from here under their pressure and torture.”*

Mushars, although they have a close association with land and nature from the origin, have to depend upon the landowners for cultivation and sustaining their lives (Ghimire, 2009). They are landless from the generation and still are staying landless (Giri, 2012). Likely, the Mushars living around the Kankai Municipality are mostly landless, staying on government land, lease land, rental land, or *Aileni* land.

Major challenges faced due to the lack of land ownership

While interviewing the participants on the challenges faced by the Mushar Community due to the lack of land ownership, the question was, *“What are the livelihood and economic challenges that the community is facing due to the lack of land ownership?”*

One of the research participants said, *“We are facing a lot of challenges due to a lack of land ownership. We don’t have land to cultivate crops. If we had land, we could grow crops, vegetables, and fruits, which would save us money.”*

The key informant of the research explained, *“The Mushars here are facing a lot of challenges due to a lack of land ownership. The Mushars have a lot of skills on their hands. They can do farming, work on land, and do any sort of income-generating activity. If they had land, they could also attain and get education. Due to the lack of land, they had to work as laborers and had a very difficult time getting food twice a day. If I had to list their problems, it would take a lot of time to list them. If they had land, their economic status would have improved.”*

Similarly, another researcher participant highlighted the daily problems that the community has to face due to the lack of land ownership. She mentioned, *“It becomes extremely difficult to earn a day due to the lack of land. We had to work for the landlord and the elites for a whole day. Still, it won’t pay enough to have a meal twice a day. I can say that the reason behind our backwardness is landlessness.”*

Another participant reflected on the social challenges faced by them due to the lack of land ownership. He said, *“If we had some land, we would have a good social status. People would have different views toward us. They would respect us, and we could live with more dignity.”*

Likely, one of the participants brought up the connection between land ownership and health and education. She mentioned, *“If we had some land, we would have better health-related services. We would afford good health, medicine, and basic insurance. We have cancer patients in our community, but though we want to, we cannot do anything for their treatment. If we have simple health complications, we have to seek donations and funds from the community. Likely, we could also be economically sustainable to send our children to schools and gain at least an SLC level of education.”*

Major reasons behind the lack of land ownership

To know about the major reasons behind the lack of land ownership among the Mushars of Kankai

Municipality, the researchers interviewed with the question, *“What are the main reasons behind not having land or not owning it?”*

The key informant said, *“The first reason behind the lack of ownership is illiteracy. If their parents had studied a bit, they wouldn't have these sorts of land-related problems. Due to illiteracy, they have to lose the land captured by their ancestors. They don't have any economic means to buy land. They only earn for a day and have no savings. How can they buy land in this situation? If this goes on, their generation will have to go on extreme poverty”*.

Another research participant highlighted mostly the lack of stable income sources and employment as the main reason behind the lack of land ownership. She said, *“The main reason behind the lack of land ownership is the lack of means to earn money and be financially strong. Due to the lack of money, we can't even imagine buying the land and owning it.”*

The key informant and participant from the Mushar community also have similar viewpoints, focusing mostly on the lack of opportunity and secure employment. He mentioned, *“Though we have knowledge and skills regarding masonry, carpentry, and agriculture, we don't get the opportunity to utilize these sorts of skills for long-term gain. Everything eventually relates to money. We don't have the money to start and work with our skills. That's why, due to a lack of proper employment and space for the utilization of our skills, most of us cannot afford to own land.*

Another research participant had different reasons, i.e., the interference of the community and outsiders behind the lack of land ownership. He said, *“Today, I am landless due to the selfish people around me. Though people know that the land belongs to me and is my ancestors' property, they don't speak or help me to get back my land.”* The researchers came to know that his land was confiscated by some of the clever villagers, though the land had belonged to his family for generations.

Expected Changes after the Land Ownership

To understand the expected changes and improvements after the land ownership and attainment, the researchers interviewed the participants with the question, *“What changes and progress will you expect in your livelihood and socio-economic status after the land ownership?”* The participants provided their viewpoints on social, economic, and their overall livelihood and family level.

One of the research participants noted the improvements in health facilities, education, and economic gain. She stated, *“If we had land, we would cultivate and work hard on our land, which would ultimately boost our economy and improve life. Not only us, but our future generation will also flourish with better health and education.”*

Another participant focused on the improvement in his life through the utilization of available skills and knowledge, and starting something on his own. He said, *“We could do any sort of business and start on our own by taking loans from banks and cooperatives from land certificates. At least, we could have used our skill sets and not have had to stay unemployed.*

The key informant also highlighted the major improvement of Mushars in that place. He stated, *“I can say that they will have a lot of improved life if they have land ownership. First, they could send their children to school and gain some education. This can be exemplary for their other generations, too. They will also have improved access to health facilities. Some of them are disabled and suffering from chronic diseases due to a lack of accessible and affordable health services. I can also say that land ownership could solve major problems like unemployment and alcoholism in this community.*

One participant of the research noted improvements in social life, standards, and inclusivity. He said, *“If we could own land, I can imagine that we would have a much-improved life. We can cultivate, farm, and grow on our own. This saves our energy, hard work, and money. We would also have improved our social lives. Of course, people have better opinions and views of looking towards us.”*

One of the female participants of the community stated, *“Obviously, we would have a better life if we owned land. We have to pay rent to landowners to cultivate seasonal crops like watermelon, cucumber, gourd, and pumpkin on the riverbank. If we had land, that particular money could be saved.*

She furthermore added, *“If we had land ownership, we could have sent children to better schools, have improved health facilities, and managed settlement.*

If the community had access to land, their situation would be improved. They may have a source of regular income, a proper way to access education for children, better health facilities, and an improved social life. The comparative study of Mushar 15 years ago and the present condition by Poudel & Kattel (2019) shows significant improvement in their social, livelihood, and economic situations. Likely, if they are provided with the major resources and means like land, they may have a chance of improvement in their life and present situation.

Findings

Lack of Land Ownership Despite Long-Term Settlement

Though the people of the community have a history dating back to 1959 A.D. and several generations have lived in the same place, they do not have their own land, and the place they are currently living is rented property of the school. Some stay on public lands, leased land, roadsides, and even the riverbank, which have no documents. Historical land that was once used and cultivated by their ancestors has often been lost due to manipulation by powerful individuals, illiteracy, and lack of legal awareness.

Economic Struggles Due to Landlessness

The landlessness has affected the families severely and will affect them for generations. Without land, the families are unable to engage in farming and agricultural activities for economic growth. They are forced into daily wage labor, making it difficult to fulfill their basic needs like food twice a day, health care, and children’s education. Landlessness was found to be the root cause of generational poverty, social exclusion, and economic instability.

Limited Access to Government Services and Opportunities

The lack of land documents and legal identity has limited their access to government subsidies, insurance, grants, loans, and housing schemes. Many youths in the community are well-skilled in agriculture, carpentry, masonry, and other labor work, but they couldn’t utilize those skills due to a lack of land, support, and startup capital.

Social Exclusion and Marginalization

Participants expressed serious social issues of social exclusion and marginalization within the communities. Not having land and a stable income has impacted their self-respect and social standing. They are excluded from mainstream society, and their voices aren’t heard effectively. They have also mentioned that the people in the community are often ignored during decision-making, discussions, political affairs, and community welfare actions.

Other issues due to Landlessness

Despite living in the same area for generations, they have no legal proof of ownership, which has made them vulnerable to displacement and unable to claim what was once theirs. Many are still living on public or rented land with constant fear of eviction and displacement, which limits them from improving their living conditions or securing a future.

Landlessness has been seen affecting the community’s mental well-being and participation in community affairs and decision-making. Participants expressed frustration and helplessness, as their voices are often

ignored in decision-making processes. Without land or legal identity, they have to stay away from government services and any kind of support. The issue also impacts women and children more severely, especially when it comes to education, health, and overall family security.

RECOMMENDATIONS

Some of the recommendations that researchers would like to present to the government and local authorities are listed below:

1. Municipality and Land Commission should jointly organize legal documentation camps within the next year to help long-settled Mushar families secure land certificates. A modest budget can be mobilized from the municipal development fund, covering registration fees and awareness activities.
2. Identification of the public or barren land by ward offices and municipalities should be done, and allocation for permanent housing and small-scale farming should be done by 2026. Progress can be measured by the number of Mushar households with secure settlement land.
3. CSOs and cooperatives, with municipal support, should launch skill-to-enterprise pilot programs by early 2026. After mapping community skills (e.g., masonry, agriculture, carpentry), training and small start-up funds should be provided to help families shift from wage labor to sustainable livelihoods.
4. Municipality health sections and local CSOs should run quarterly health outreach camps focused on maternal health, nutrition, and sanitation. At the same time, the Education Office should roll out scholarships and school supplies by 2026 to reduce dropout rates among Mushar children.
5. A community-led monitoring committee, including Mushar representatives, local officials, CSOs, and cooperatives, should be formed by early 2026 to track implementation, ensure accountability, and advocate for continuous support.

CONCLUSION

This study explored the land ownership issues faced by the Mushar community in Kankai Municipality and examined the major challenges they face due to landlessness. The findings show that despite living in the area for generations, most Mushar families do not own the land they live on. As a result, they face deep economic struggles, limited access to services, and continued social exclusion. Landlessness has affected not only their livelihoods but also their dignity, identity, and opportunities for progress, perpetuating this to the next generation.

Participants clearly expressed that land ownership would bring positive change to their lives, helping them achieve better income, education, health, and social recognition. However, despite supportive national policies, weak implementation and lack of local support continue to keep them vulnerable day by day. Addressing these issues requires urgent attention from local governments and stakeholders to recognize the rights of landless communities and take inclusive actions for their welfare.

Policy Advocacy Roadmap

The findings highlight that many practical steps are needed to support the Mushar community for their welfare and betterment. At the local level, municipalities and ward offices can take quick actions like holding legal documentation camps, providing safe housing land, and supporting small livelihood projects. At the national level, the Land Commission and concerned ministries should make sure that policies on land rights are actually put into practice for landless Dalit families. Civil society groups and cooperatives can help by running skill-training programs, small enterprise support, health camps, and education assistance. Government, organizations, and the community, with the joint effort, can help turn land rights and dignity into real changes in the daily lives of the Mushar people.

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