

Localization of land administration and land use

September 2021

Background

It's been almost 8 years that the county is following federal system of governance in principle, but in practice the local government units and local communities has not yet experienced the federalism in its real sense. There is structure of federal, provincial and local level governance institutionalized in the current Constitution. At its heart, federalism has an objective of providing effective and increasing service to local communities related to their business through local levels.

under the part-5, structure of state and distribution of state power Article 56 mentions clearly about (1) the main structure of the Federal Democratic Republic of Nepal, that shall be of three levels, namely the Federation, the State and the Local level, (2) which shall exercise the power of State of Nepal pursuant to this Constitution and law. As mentioned in the Schedule 8 of the constitution, local government has 22 different rights, of which [4] House rent tax, building and land registration fees, land tax and land revenue collection; [13] local data/records management and [14] distribution of house and land ownership certificates are related to land administration.

Local government operation Act, 2074 has also mentioned the rights of the local governments [part 3 Clause 11 (dha)] about [1] Measurement and mapping of local lands, demarcation of individual plots, regular updating, registration, transfer of land/housing ownership and cross-off the records; [2] distribution of land ownership certificate and record management; [3] land records as per the land classification; [4] land acquisition for public purpose, coordinate and facilitate for fixing the compensation and its distribution; [5] coordination and cooperation for land mapping and fixing land ownership.

Similarly, in the part-2 clause-6 of the Land Use Act, 2076, it is mentioned that related local land use council shall categorized land with in their jurisdiction as per the fixed basis and standards as well as following the procedure provided by the ministry. In the part 2 cluse 4 of this Act, 10 different categories for land classification are mentioned.

Despite of the above legal provisions, localization of land administration is yet to be practiced at local level. Local communities remained deprived of many services as the local levels become unable to deliver such services at their locality. Meanwhile, land services are delivered from land revenue and land survey offices at district which are operating under the central/federal government.

There has been the felt need for effective facilitation and policy lobby to enable local levels to embark on delivering the land services at local levels following the constitutional commitments and provisions of the related laws. The reality is that the available human resource is inadequate to effectively activate all these land related land services at local level. This can be somehow done by the capacity development trainings of the existing staffs. Given theses opportunities and challenges at once, localization of land administration is important and contested. In this context, it has become urgent to produce a clear and easy to understand resource material that explains the know-how of the localization process of the land administration and the role of local levels.

Objectives

The objective of this assignment is to prepare a comprehensive and easy to understand resource material containing the diverse practices of localization of land administration across the countries.

Methodology

The consultant will conduct the 'desk review' of the best practices from across the countries, relevant research articles and case studies to collect adequate information and critically analyze them to bet fit in the spatial geo-specificities of Nepal. So that the learning could be translated into action in its true sense.

In addition to that, consultants will also conduct field visit to the selected areas by CSRC and UNHABITAT to collect the local information in general.

Qualification of the consultant

Applications from individual consultant, team of experts and consulting firms who have experience of working in land administration and land policy sector for more than 15 years will be considered for this assignment. Team leader must have Master's degree in the subject related to land administration, land management, natural resources or land policy with relevant work experience working on land governance, land management, land survey and land policy for more than 15 years.

Budget

CSRC has available budget of 2,60,000 NPR to conduct this study. The budget includes the cost for both consultancy service and the cost for field visits and meetings. The above mentioned amount will be arranged from the UNHABITAT funded 'Fit-for-purpose land administration' at CSRC.

Duration of the study and schedule for deliverables

This study shall be completed with in a 35 Days from its commencement with the signing of the contract.

S.N	Activities	Deliverables	Submission Date	Remarks
1	Submission of Detailed proposal with budget	Signed proposal including budget		
2	Prepare inception report with detailed study plan	Inception report of 5-10 pages including 'Check list' for the study		
3	Desk review	draft of the analysis of practices of land administration localization		
4	5-10 Day Field visit	first draft report		
5	Findings sharing workshop	PPT		
6	Finalize the Report	Final Report		