

De-mystifying

AGRICULTURE ACT

OF POKHARA METROPOLITAN CITY

Monika Ranabhat



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Pokhara Metropolitan City**

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January 2023

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Supported by:

Center for International Private Enterprises (CIPE)

Picture by

Wenzel Prokosch

<https://www.grida.no/resources/4139>**Published by**

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Published in January, 2023

ACKNOWLEDGMENT

This policy brief and the research behind it would not have been possible without the unparalleled opportunity and unremitting support from Pokhara Research Centre and every team member working diligently behind it. I would like to thank Mr. Sujan Regmi, executive director, PRC for his enthusiasm, knowledge, and exacting attention to detail which were the inspiration to keep my work on track from my initial data collection to the final paper.

I owe my deepest gratitude to my mentor Ms. Lakshmi Sampath Goyal to whom I am greatly indebted for her guidance and mentorship I would like to extend my profound thanks to Mr. Saurab Wagle, PRC for his valuable time and effort to provide editorial support.

My appreciation also goes to Mr. Manahar Kadariya from the Department of Agriculture and livestock Development of Pokhara Metropolitan City for incorporating all the experts, bureaucrats, scholars, and other stakeholders as a part of rigorous consultation meetings held during the draft stage. I gratefully acknowledge the invaluable recommendations from the Pokhara Metropolitan City, Pokhara Metropolitan City, Department of Agriculture and livestock Development, Lekhnath Chamber of Commerce and Industries, Ward Agricultural Network, Business Promotion Center, Federation of Farmers Group.

I am grateful to Mr. Biruj Adhikari Kshetri for his creative design and layouts of this policy brief.

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ABOUT THE AUTHOR

Monika Ranabhat is a passionate young girl who paved her way to leadership and activism since her school life. She is a research officer at Pokhara Research Centre. She leads the Nepal Youth Council, an active youth organization in Gandaki Province as president and has been actively working in the field of youth empowerment since 2017. She holds a Bachelor Degree in Development Studies from Pokhara University. She has worked to empower adolescent girls in Nepal as a president of the National Girls Network, Nepal and during that time she successfully hosted a program named 'Girls with President' at the office of the Hon'ble President of Nepal in 2016. She aspires to be the finest development professional and contribute to the overall development of Nepal by acquiring expertise in Nepal's development, research and policy, and planning.

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1. LEGISLATIVE BACKGROUND

The *Constitution of Nepal 2015* envisions federalism with political/administrative transformation. It has made arrangements for a three-tier government including federal, provincial, and local levels. It lists the single and common rights of all three levels of government. Self-governance and shared governance have been provided through single and common rights at each level. The relationship between the three levels of government is based on cooperation, coexistence, and coordination.

The local level has been provided with all kinds of rights including economic, social, infrastructure construction, and environmental management. It has been given the right to make its laws under federal and provincial laws as well as absolute rights. The responsibility of tax collection, basic education, health, sanitation, agriculture, drinking water, irrigation, settlement development, local environment, and disaster management come under the local level and are given in Schedule 8 of the constitution. Point 15 of schedule 8 of the *Constitution of Nepal 2015* has provided the right related to agriculture and animal husbandry, agricultural production management, animal health, and cooperatives. Additionally, point 18 has provided the right related to management, operation, and control of agriculture extension.

2. POLICY HIGHLIGHTS

In its first term, the Municipal Council of Pokhara Metropolitan City passed the *Pokhara Metropolitan Agriculture Act 2021* on the 6th of February 2021 with the objective of protection and promotion of farmers, agricultural and livestock production, modernization, commercialization, processing, storage, technology and management of agricultural product and market. The act has covered various areas that are related to agricultural development in Pokhara Metropolitan City. Divided into eleven parts, the act contains;

- i) Provisions related to technical knowledge, skills, information receipt, and agricultural service center,
- ii) Provisions related to statistics of agriculture and livestock,
- iii) Provisions related to service-oriented and grant-in-aid programs,
- iv) Provisions related to seeds, fertilizer, pesticide, crop and livestock promotion,
- v) Provisions related to insurance, fund and loan management,
- vi) Provisions related to internal market, farmer market, exhibition venue and quality standards,
- vii) Provisions related to establishment of land bank, management of cultivable land, etc.

3. KEY ISSUES AND ANALYSIS

In Nepal, the slow pace of commercialization of agriculture, the weak competitiveness of agricultural products, the high of import of agricultural products and commodities, and lack of significant improvement in export are one of the major reasons for the widening trade deficit. As agricultural development is a multifaceted and complex subject, rapid development and growth of the agricultural sector are possible only with proper management of the issues associated with it. Given the jurisdiction provided by the constitution, the local levels have huge power as well as the responsibility to form effective policies in the sector of agriculture.

Some issues of implementation of land act and regulations have been stalled for years, however lack of legal framework for land use policy, lack of activism and commitment of political parties in addressing agricultural issues, low investment in agricultural research and development, irrigation, agricultural roads, rural electrification. Due to the essential infrastructure and services such as loans and agricultural education being out of the purview of the Ministry of Agriculture Development, Nepali products are not able to compete with Indian agricultural products, the agriculture sector has not been able to leap as expected. (Shrestha, 2017)

4. CONTEXT

It is evident that agriculture tends to contribute substantially to overall economic development so, it will be rational and appropriate to place greater emphasis on the further development of the agricultural sector in developing countries like Nepal. In the absence of development and modernization of the agricultural sector, the country cannot move towards all kinds of prosperity, including economics.

As a local government of a country with a federal structure having absolute jurisdiction over handling agriculture, animal husbandry, agricultural production management, animal health, and cooperatives provided by point 15 of schedule 8 of the Constitution of Nepal Pokhara Metropolitan City is working towards the agriculture and livestock development. At present, PMC has a separate 'Agriculture and Livestock Development department to carry out all the responsibilities related to agriculture and animal husbandry provided by the constitution.

Before the advent of federalism in Nepal, there were local levels, but they did not have the same jurisdictions as they do now. After the first local election in 2017, local representatives were elected at all local levels, and the process of making local laws started. Although the tenure of elected representatives started in 2017, the municipal assembly passed the Agriculture Act of PMC for the first time only in 2021 which is in the initial phase of implementation.

5. DETAILED REVIEW

5.1 Concentration of Power

The sub-article 1 of article 10 of the *Agriculture Act of PMC* has mentioned the provision of the formation of an Agriculture Development Committee to manage the programs related to agriculture. Sub-article 2 has given the composition of the committee and sub-article 3 and 4 have given roles and responsibilities of the committee such as “the committee will work for monitoring, evaluation and immediate solution of the sectoral problems to achieve the desired results from the agriculture development programs run by the metropolitan city and the metropolitan city will implement the recommendations made by this committee.”

Looking at the responsibilities assigned to the Agriculture Development Committee by the act, the question arises as to how relevant it is to give a single committee the authority to manage, monitor, and evaluate agricultural programs. Often, when power is concentrated in a single person, organization, or committee, the results it brings are not that meaningful. Even there is a high possibility of abuse of power in such a situation.

5.2 Against the Right to Private Property

Article 26 of the Act has mentioned “according to this act, if any farmer keeps the cultivable land vacant, the corporation can fine such farmer.” According to article 25 of the Constitution of Nepal, 2015 (right relating to property), every citizen has a right to acquire, own, sell, dispose of, acquire business profit from and otherwise deal with it as a fundamental right. This provision of punishing the farmers for leaving the land barren can be seen as an obstruction of basic human rights.

Even though the land is cultivable, a farmer cannot use his land for crop production for various reasons, such as lack of seeds, lack of economic resources, lack of human resources, lack of availability of agri-technology, etc. In such a situation, it would not be fair for the local government to penalize the farmers instead of encouraging them to plant crops on barren land.

5.3 Delay in Formation of Committees

Article 10 of the act has a provision for the formation of an Agriculture Development Committee in the metropolitan city where the mayor will be the coordinator of the committee. The Act also clearly mentions who will be the members of the agriculture development committee to be formed in the metropolitan, and there is a provision that this committee will work to monitor, evaluate and immediately solve the problems that arise in the field for obtaining the specified return from the agricultural development program conducted in the metropolitan city.

In addition, there is a provision in the act that the recommendation made by this committee will be implemented by the related department, which proves that this committee is very important for the development of the overall agricultural sector of PMC. According to the department of Agriculture and Livestock Development of PMC the committee has just formed after the second local level elections. The fact that such an important committee was not formed during the first term of the metropolitan city and formed only in the second term clearly shows the dereliction of duty towards the agriculture sector.

5.4 Insufficient Service Centers

The sub-article 4 of article 6 has a provision of establishing one service center at one ward but according to the department of agriculture of PMC there are total of 29981 households involved in agriculture but only 6 service centers provide the services related to agriculture to all those households in PMC. It means 1 service center is responsible to provide services to 4997 households which are quite insufficient.

Due to the lack of sufficient service centers, farmers are not able to get even general information such as what kind of crops to plant on which land, what diseases are affecting the productivity of crops and how to treat them, and what kind of seeds should be used for better production. Especially in rural areas, due to the unavailability of service centers, the farmers are forced to travel to the city to get general services. Previously, there were District Agricultural Development Offices, under the leadership of the Technical Deputy Secretary, where different services were provided through a team of multi-specialists including experts in agricultural propagation, horticulture, crop development, soil science, fisheries, etc. which remains dissolved after the new system. With the change in the governance system, the agricultural and livestock development programs are basically within the scope of the local government, so there is a high need for the establishment of service centers with adequate and efficient technicians who are able to solve the problems of farmers locally.

5.5 Registration of Agri Businesses

Developing the agricultural sector can help in poverty alleviation, food security, economic growth, and economic development are possible so it is a high time the government, especially the local government to work on commercializing, diversifying, and modernizing agricultural production and increasing capacity in production and productivity.

Addressing this need sub-article 1 of article 7 of the act has a provision that the farmers who want to operate an agri-business must register their business at the relevant ward office before starting their business. Although there is such a provision in the act, PMC has not made procedures related to business registration, capital requirements, eligibility criteria, fees and so on, due to which no such businesses have been able to be till now.

Though there is a provision for registering agribusinesses at the local level and they also have to be registered at the office of small and cottage industries which makes the process lengthy and complicated. Agriculture-related businesses are usually conducted on a small capital and the need to register with different agencies, get recommendations and pay fees to various authorities can demotivate the agricultural businesses to run in the market. Moreover, there may be a risk that agricultural businesses may operate informally without being legally registered.

5.6 Lack of Integrated Policies for Rural and Urban Areas

The current Pokhara Metropolitan City was announced on the 10th of March, 2017 which is composed of the old Pokhara sub-metropolitan municipality as well as 8 other former village development committees and municipalities. Being the country's largest metropolitan city in terms of area PMC consists of both urban as well as rural areas. While talking about the agricultural development of the entire metropolitan city, it is necessary to keep in mind that the problems, needs, and possibilities related to agriculture in urban and rural areas are different therefore there is a need for integrated policies for rural and urban areas. The communication structure of the small villages with the is not well defined, all the villages are not well connected by the transport network, it is difficult to bring the agricultural products to the city on time. Due to urbanization, arable land is being lost in urban areas. There are still many different types of problems in agriculture in rural and urban areas which need to be addressed through appropriate policy solutions. However, the agricultural policy made by PMC does not have provisions according to the real needs of rural and urban areas.

5.7 Poor mobilization of Ward Agriculture Networks

In the Act, there is a provision for the formation of ward agriculture networks in every ward of PMC. After the first local-level election in 2017, agriculture networks were formed at every ward, but again after the local-level elections in 2022, agriculture networks have not been reformed. According to the Agriculture and Livestock Development Division of the Metropolitan city, the ward agricultural network has been reformed only in 20 wards after the second election, while it still remains to be formed in other wards. The 'Agriculture Network Implementation Procedure 2075' has been approved by the Pokhara Metropolitan City Board meeting. Although all the details related to the structure of the network, formation process, qualification, and membership fee are clearly mentioned in the procedure, it is unfortunate that agricultural networks have not been formed in all the wards so far. Also, due to lack of sufficient powers and resources with ward agricultural networks, they are not able to work to their full potential.

After federalism, the governments of all three levels are moving forward using their rights provided by the constitution. The local level is the government that is closest to the people working at the ground level with a high level of connectedness with the people's real life. While practicing federalism, the local level can form and reform such agricultural networks on time, listen to the problems of the farmers from the root level and make plans according to demand and even implement the plans easily through those networks.

5.8 Insufficient Dissemination of Information

The initiatives of Pokhara Metropolitan Municipality's Agriculture and Livestock Development Division are new and unique, among which there is a website called "Pokhara Krishi", a mobile application, an online agricultural market, etc. where farmers can get information about the agricultural schemes brought by PMC, apply for agricultural services, sell and distribute their products in the farmer's market, etc., which is very commendable, but while saying that, whether these facilities are utilized by the real farmers on such platforms or not is a huge question in itself.

According to the study conducted by the Agriculture and Animal Development Department of Pokhara Metropolitan City, about 33 percent of the respondents said that they did not receive the information on time to submit the required application to receive various services. While interviewing some of the members of the ward agriculture network, we found out that they are not well aware of these platforms, so many good efforts must reach more and more people. As long as the information about these facilities does not reach the actual farmers, then they will not have much importance.

5.9 Contradictory Provisions Regarding Biodiversity Conservation

The sub article 3 of article 3 of the Act, (the directive principles) states that the use of chemical and deadly pesticides should be discouraged, while sub-section 4 states that the purpose of imparting skills related to the promotion of biological diversity and environmental protection is mentioned. In sub-section 3 of section 14 of the Act, there is a provision to make proper market arrangements for easy availability of seeds and pesticides after testing their quality. Similarly, in sub-article 4, of article 14 of the act, there is a provision to give preference to agricultural cooperatives for the distribution of such seeds, pesticides and medicines. The provision of the distribution of pesticides through cooperatives is contradictory when the directive principle discourages the use of pesticides.

6. RECOMMENDATIONS

6.1 Power Sharing Among Authorities

Even though the responsibility of agriculture comes under the jurisdiction of the local level, clearly given by the constitution, the local levels are not able to perform efficiently in their first term. After the restructuring of the country, five years have already passed implementing the process of local planning, but PMC is still struggling to deliver agriculture services effectively. According to the agriculture act of PMC the agriculture development committee has the authority to manage, monitor, and evaluate agriculture related programs which shows that the overall power is in the hand of one single committee.

Sharing of power among various bodies is one of the important components of democracy. Decentralization of power will reduce the burden on a single committee, which will also help to facilitate the delivery of public services. As per the members of Ward Agriculture Network the powers and resources provided to them is very limited PMC could avoid the misuse of power by disseminating the powers related to agriculture development to the ward agriculture networks.

6.2 Mobilization of Ward Agriculture Network

As stipulated in the Constitution of Nepal, 2015, agricultural development is under the absolute jurisdiction of the local government. This includes policy formulation, legal standards, planning and implementation, and monitoring and evaluation of projects and programs related to agriculture and animal husbandry. The Local Government Operation Act, 2017 has also assigned responsibility for providing agricultural services at the local level. However, this huge effort of decentralization has neither brought any major change in the development of the agricultural sector nor in the lives of farmers.

Although the Pokhara Metropolitan City has mentioned in the Agriculture Act that agricultural networks will be formed in each ward, those networks have not been formed till now. If these agriculture networks are formed in every ward, the programs related to agriculture and animal husbandry could be implemented at the root level through them, and the result of such decentralization will also be positive. Such agriculture networks can be the potential avenues for mobilizing farmers around a common objective, especially in the delivery of services and formulation of policies that support agriculture development.

The Agricultural Department of PMC has created a website and a mobile app to easily provide services related to agriculture, but such platforms are not yet accessible to all farmers therefore the strong ward agriculture networks can play a significant role in disseminating the information related to agricultural services as well as programs and schemes to the root level.

6.3 Security Net for Farmers

Although agriculture contribute only 25.8% to the GDP (Nepal Economic Survey, 2020/21), Nepal has been known as an agricultural country for so long. According to the Nepal Labor Force Survey of 2008, 73.9 percent of the population was engaged in agriculture sector, but in 2018 the proportion has decreased to 60.4 percent.

Despite the involvement of many human resources in agriculture, even now Nepal's agriculture is subsistence oriented. Even the agricultural concessions from the government have not reached the hands of real farmers. There are still many people in Nepal who lack production resources and means. Often farmers' families find it difficult to meet basic needs such as food, shelter, health, and education with their returns due to which agriculture has not been considered a safe and respectable occupation in Nepal.

Due to various problems such as lack of capital to register an agricultural business, discriminatory prices of agricultural products, and insufficient road network, people are not able to easily adopt agriculture as a profession, so it is very important to ensure the security of farmers. The farmers' capacity to take risks decreases when they don't have access to social security, and they continue to use outdated traditional methods.

As the responsibility of agricultural development falls on the shoulders of the local level, PMC can establish a social security fund to make the agriculture profession safe and secure. The farmers' capacity to take risks decreases when they don't have access to social security, and they continue to use out-of-date traditional methods. In addition, crop insurance schemes provide compensation for the damaged crop, and health insurance for livestock can be another way to provide a safety net to the farmers.

6.4 Establishment of Sufficient Service Centers

Despite the clear provision of having one service center at one ward in the act, PMC has not been able to establish even one-third of the promised service centers. To provide the facilities such as technical and laboratory services including soil examination, disease and insect identification, chemical and organic fertilizer, and seed quality testing, including information to farmers regarding agricultural development-related plans, management of various diseases and pests, techniques suitable for the specific climate and varieties at the local level there is a great need for more agricultural service centers at PMC. Moreover, the establishment of more agricultural service centers at PMC will help in providing immediate technical solutions to the problems of farmers at the root level. Also, when establishing service centers, it is necessary to establish them based on the geographical distance of settlements within PMC.

6.5 Expanding Access to Finance

Nearly half of the world's farmers are unbanked. This statistic is worrying given the evidence linking financial inclusion to poverty alleviation and since over 70 percent of the world's poor live in rural areas where agriculture is the predominant occupation. (The World Bank, 2016). Among many issues in agriculture in countries like Nepal, lack of access to finance is a major one. Most of the people are limited in subsistence farming and those who wish to do commercial farming are not been able to start their agri-businesses due to the lack of access to finance.

In Nepal, access to financial services is key to building farmers' resilience. Yet, due to a host of barriers — banking fees, distance from banks, low literacy levels, and cultural barriers that make farmers hesitant to approach formal banks — only 45% of Nepalis use formal banks. Instead, much of Nepal's mostly rural population either stores cash at home or take credit from the informal sector where interest rates can soar as high as 48%. (Winrock International, 2021)

Keeping this in mind, it is very important for PMC to arrange matching funds, loans, and subsidies in a way that is convenient for the farmers and ensures their access to finance through banks and cooperatives.

6.6 Need Assessment before Introducing Programs

In every election, agriculture comes at the first of the priority list of politicians which remains limited in the manifesto till now. The majority of the policymakers understand agricultural reforms as a common process of duplicating international reform trends and developing similar reform features. Even the programs and schemes at the local level are copied from federal and provincial levels instead of making them appropriate for the root level.

It is evident that many programs in Nepal are introduced only for the sake of introducing them which makes them ineffective and ultimately wastes resources and means. Such programs are made and implemented without identifying the actual need of the people. According to the study conducted by the Department of Agriculture and Animal Development of Pokhara Metropolitan City, about 20 percent of the respondents said that the programs related to agriculture are not according to their needs. Therefore, there is a necessity for need assessment with the direct engagement of the community especially the farmer's groups and cooperatives

6.7 Participation of the Private Sector in Research and Development

The Nepal Agricultural Research Council (NARC) was established in 1991 to carry out research in the agricultural sector and until now, the main part of agricultural research is still under NARC. At present, some universities have also been given the responsibility of research, but it has not been able to progress effectively.

While talking about modernization in agriculture and economic development through agriculture, even today most of the farmers do not care about the type of plants they are using, they don't know whether

the plants they planted are hybrids or disease resistant or produce more per hectare of land which is due to the lack of proper agricultural research.

Due to the lack of research in every field in Nepal, the development of technology has been progressing at a very slow pace. It is a necessity of today that the local levels should use their authority and give priority to research and emphasize the development of technology suitable for their geography with sufficient resources. For this, it seems that it is necessary to collaborate with the private sector as well as with the universities for research and technology dissemination and make solid programs and plans.

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About Pokhara Research Centre!!!

Pokhara Research Centre (PRC) is a research-based non-partisan organization based in Pokhara. Established in 2019, PRC focuses on socioeconomic dimensions of domestic public policy research.

Guided by the motto of "*Economic Freedom with Good Governance*", PRC is following the international principle of individual choice and liberty translated into the equal opportunity of enterprise, rule of law, and the democratic principle of free expression as a tool to design its programs and initiatives; creating positive impact at the province level, through policy reform; PRC works under three broad functional domains; Research, Training, and Advocacy.

PRC's one of flagship program Youth in Policy and Governance Fellowship Programme (YPG Fellowship) aims to train the youth of Gandaki Province in law-making and public policy. The primary role of a PPSP Fellow is to deliver extensive research support to their assigned MP for their parliamentary work. The organization is also focusing on other youth training programs on the free market, entrepreneurship, and economic freedom in the region supported by Atlas.

The organization's core values are; Creating public values, Evidence-based policy-making, and the investment approach to public service delivery. PRC intervenes in areas viz. Enterprise Development, Economic Policy Reform, Governance & Advocacy, and Public Policy Delivery.

The organization has launched programs such as Gandaki Discourse, Political Economic Discussion Series (PEDS), and Formation of Gandaki Leader Circle (GLC) dedicating it to establishing itself as a state-level policy think tank.

Further, PRC is the partner of Atlas Network, Centre for International Private Enterprise, National Endowment for Democracy, United States Embassy in Kathmandu, Samriddhi Foundation, Hriti Foundation, and Bikalpa n Alternative.



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