

# Transformation of Land Tenure System Under Paddy Cultivation in Hambantota District of Sri Lanka

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## 1.0 Introduction

In this paper, the focus has been directed to assess the present paddy productivity which is stagnate and low under different land tenure systems such as *ande*, individual ownership or other types of ownership in the Hambantota District. This paper also investigates the transformation of the land tenure system of paddy sector as an agrarian institution in the area. Further, an important concern was to find the features contributing to the productivity under different tenurial systems of the area.

Harring (1977) has used the terminology of 'defective' tenurial system to describe the agrarian system of Hambantota District of Ceylon 1951 when a bill was introduced specially to reform that system. A defective land tenure system is typically one characterized by some form of organized agricultural production other than through individual owner cultivated farms.

In Sri Lanka, majority of people either directly or indirectly are engaged in agriculture. Paddy is the major crop they cultivate and it has been grown through out the country. The two major crop seasons i.e. *yala* and *maha* are based on rain fed irrigation. Land ownership and cultivating practices of paddy do not show a homogeneous pattern across the country. In general, 75 per cent of the sown extent during *yala* and *maha* seasons in 2004/ 2005 was under the 'singly owned' category of ownership. Another 14 to 15 percent had been in '*ande*', shared tenancy category and about 7 per cent was in 'joint ownership'. However, in the district of Hambantota, an different situation in land ownership is seen when compared with the national figures. Nearly 50 per cent of the total cultivators in both 2004/ 2005 *yala* and in 2005 *maha* were in *ande* category (Paddy Statistics, 2004/2005 *yala*; 21 and Paddy Statistics, 2005 *maha*; 21). Accordingly, it is important to examine this extreme pattern prevailed in the Hambantota District.

### 1.1 Methodology

The criterion for selecting Hambantota as the study area was based on the recorded highest *ande* ownership under paddy cultivation in Sri Lanka. There are 12 Divisional Secretariats (DS) of the Hambantota District and, Tissamaharamaya DS was selected under the same criteria. Polgahawelena village belong to Tissamaharama DS was also selected for the case study. A study done at the same village in 1979 by Kusum Kumara has been considered as a bench mark of the study. Primary data were collected through a comprehensive questionnaire. All types of cultivators under different tenurial systems were interviewed to collect data and information.

### 1.2 Basic features of land tenure systems

The literature on land ownership and its origins and evolution is enormous (Bromley, 1992). It is possible to generalize a cycle in which an ancient pattern of communal control of land gave way to individual private property rights. In pre-agricultural society, the modern concept of land ownership would not have been very meaningful. There was ample land available for the population at that time and the 'land' might have been considered as a 'free good'. The population of the tribe or community had gradually increased and a new concept of 'community ownership' emerged to share the available land with other communities or tribes. Communal land gradually becomes vested in the hands of the chief or leader who may have held the land on behalf of the group. The chief may have held the land on behalf of the group and in this role may have felt strong responsibilities and obligations toward this people. Mather (1986) has pointed out that these feelings usually faded as time went by, and an effective system of 'individual ownership' became established. He further argued that the passage from communal to individual ownership witnessed the emergence of a concept of 'private property rights'. When people want to act as a nation, they create a state or government and then they obey, follow and protect it. State property of state governance means that rights to the resources are vested exclusively in government for controlling access and regulating use (Berkes, 1996; 88). The 'state property rights or regime' serves as an essential system in use and in managing the nations requirements. In Sri Lanka, most of the properties in particular land was transferred from the British rule to the local regime after the independence. The Government has been controlling land related properties with the prevailing land laws

and new land laws have been imposed by the parliament since independence.

In the Kings' era, most of the lands of the country belonged to the King. He had superior power to control and use it for him and nations' requirements. The traditional pattern changed with the arrival of the Western Colonials. In particular, the British had imposed the Crown Land Encroachment Ordinance (CLEO) in 1840 and followed the Waste Land Ordinance in 1876 to acquire land for plantation. Then the traditional self-sufficient village economy system was broken and landlessness, poverty and related other problems emerged. Many peasants who were evicted from the native land under the ordinances migrated to adjacent areas where relatives lived or where the land was available. Since, they did not have adequate land for cultivation there emerged new tenurial patterns such as *ande*, *Tattumaruwa* and *Kattimaruwa* systems.

### 2.0 Land tenure pattern in Hambantota district

After the 13<sup>th</sup> century, the King of *Rajarata*, 1<sup>st</sup> *Parakramabhahu* was defeated by South Indian invasion and then the majority of *Sinhalese* had migrated to the south. This resulted in a collapse of the hydrological society and ruined many irrigation infrastructure of the Dry zone of Sri Lanka. The British, who had controlled the country during the 18<sup>th</sup> and 19<sup>th</sup> century, paid attention to rehabilitate some selected irrigation systems to overcome the burning issues of the food problem, landlessness and unemployment. A major irrigation scheme, viz. *Walawe ganga left bank (Lunugamvehara)* was located at *Hambantota* district was restored in the later part of the 19<sup>th</sup> century by the British.

In 1871, the population of Hambantota district was only 61,000 with a density of 23 per square km. Even in 1931, the population was only 124,000 with a density of 48 per square km. In 2001, it rapidly increased up to 424,344 with a density of 210 per square km (Census and statistics, 2002: 53-55). With such little pressure on land in the early period, the demand for new land was limited. The main problem at that time was to find enough people to utilize the land for which irrigation facilities had been provided. In addition, people were afraid to migrate to the Dry zone due to malaria, lack of infrastructural facilities and lack of capital. On the other hand it was difficult to find workers also from the area with the limited population. According to the British land policy

was based on 'recouping irrigation costs' which the Government had incurred at that time. In the absence of local cultivators affluent enough to purchase even small plots of this land, they were sold to those who could afford to buy them; 'capitalists', mostly British Government servants, professionals or proprietary planters, and later 'native capitalists' or 'small capitalists', and the 'middle class'. Under the situation, the Government has given a large amount of land grant for civil servants, traders and others who had the adequate capital for cultivating land. Of the civil servants who listed a subsidiary occupation, 68 percent listed 'landowners', 29 percent, cultivators and 4 percent traders (Census of Ceylon, 1901; 567-568). Since the officials could not cultivate the land by themselves, cultivation was done by tenants or wage laborers. The figures indicated that when salaried individuals in Humbantota district took up a secondary occupation it was usually through control of land and almost by necessity paddy land.

In 1901, number of tenants in Humbantota district was 77.9 percent. It has been decreasing to less than 50 percent in the district. Apart from the large land granted by the Government, they have been given a plot averaging about ten acres each, almost treble the average size of holdings and eight times the average size allotted to landless in village (Herring, 1977; 136).

### 3.0 *Gambaraya* system

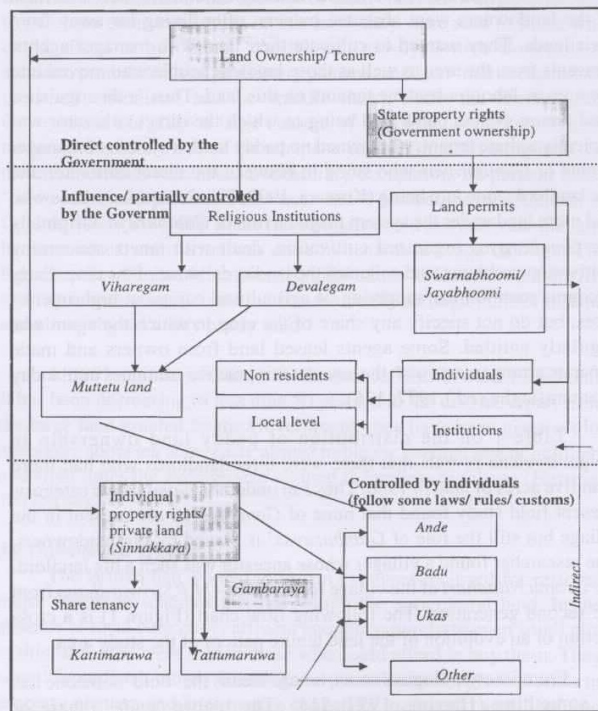
The British had wanted to regain expenses incurred for restored major irrigation schemes through selling the agricultural land. In the absence of local cultivators affluent enough to purchase even small plot of this land, they were sold to those who could afford to buy them. They were 'Capitalists', mostly British government servants, professionals or property planters and later 'native capitalists' or 'small capitalists' and the 'middle' class. With the failure of capitalists development of agriculture, the array of landowners that emerged over time, represented a whole variety of occupations except that of the cultivators. In the early stages, government servants such as *Muhandirama* and *Mudliyers* (elites), Headmen and *Kaccheri* officials dominated the land sales; later came the well to do teachers and officials, professionals such as lawyers, traders, lower level government servants and even the clergy class' (Herring, 1977; 124).

Most of the landowners who purchased land under the system came from adjacent districts or even from far away Colombo. As a result, most of the landowners were absentee owners, often living far away from their lands. They wanted to cultivate their land with manager agents. Peasants from the area as well as those landless people who moved into the area as laborers became tenants on this land. Thus, a distinguished land tenure system came into being in which the direct cultivator was typically a share tenant, who owned no paddy land; a system of manager agents or *Gambarayas* who stood in between the direct cultivator and the landlord came into being (Kumara, 1999; 78). Sometimes, those who had more land under the system played a role of *Gambaraya*. Originally the *Gambarayas* organized cultivation, dealt with tenets concerning cultivation problems, and collected the landlords' share of the crop. Early accounts mention the supplying of agricultural capital at high interest rates, but do not specify any share of the crop to which the agent was regularly entitled. Some agents leased land from owners and made separate arrangements with the tenants; this practice continues until today (Samarasinghe (*ed.*), 1977; 136).

Table 1 on the distribution of paddy land ownership in Polgahawelena reveals that there were three landlords who had more than five acres of land in 1980. They fall under the *Gambaraya* category. Present field study found that none of *Gambarayas* are present in the village but still the role of *Gambarayas* is played by big landowners. The researcher found a villager whose ancestor was such a big landlord, i.e. *Grama Niladhari* of the village for 45 years - *M.P. Siriwardhana* from the second generation. The following flow chart (Figure 1) is a cross section of an evolution of the land tenure pattern of the study area.

From its etymological roots, tenure means the 'hold' someone has on something (Herring, 1977; 115). The tenure '*ande*' (share or sharecropping), takes greater contribution of all the cultivation practices of the country, which is derived from the terms of Sanskrit '*ardha*' (half) and *Sinhala\_ada* (*Sinhala* Encyclopedia, 1956; 458). This tenancy practice differs from up country to low country, from the wet zone to the dry zone or sometimes from district to district and it is widely prevalent in paddy cultivation. *Ande* is a certain type of share-cropping arrangement remnants of which could be still be found in *muttetu* land belonging to old temples (Peiris, 2006; 215). Certain amount of the total harvest was divided by the land owner in to four equal parts under the *ande* system.

Figure 1 Present Land Tenure Pattern of Sri Lanka



Source: By Author

There are several types of *ande* systems also remnants of which could still be found in some areas of the country. The systems are as follows (see; Peiris, 1976; 24, Peiris, 1996; 212, Land Commission Report, 1988; 170, Dharmasiri, 1999; 60).

1. *Thun ande* – one third of total harvest after reducing the cost of production

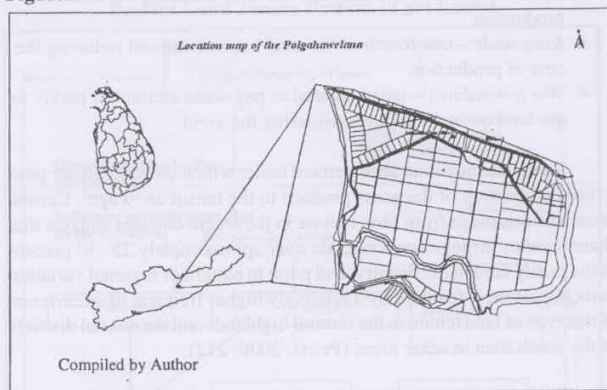
2. *Otu ande* – half of the total harvest after reducing the cost of production
3. *Karu ande* – one fourth of the total harvest without reducing the cost of production
4. *Wee poronduwa* – tenant agreed to pay some amount of paddy to the land owner without considering the yield

Share tenancy is an arrangement under which the land owner pays a fixed proportion of the gross produce to the tenant as 'wage'. Census enumerations made from time to time in the recent decades suggest that share tenancy arrangements operate over approximately 25 -30 percent of the paddy land in the country, and point to pattern of regional variation in its importance, featured by a relatively higher frequent of occurrence of this type of land tenure in the Central highlands and the coastal districts of the south than in other areas (Peiris, 2006; 212).

4.0 Case study of Polgahawelana

Polgahawelana, a village near the Tissamaharama township in Hambantota district, is selected for the micro level study. (Figure 2). The village belongs to the area identified as the arid zone, with an annual rainfall of less than 875mm and is at an elevation of less than 185 meters. The area receives rain only through the northeast monsoon from October to February for the *maha* season and in April/ May to July/ August for the *yala* season. Uncertainty of monsoon rainfall causes crop failure in some areas which are not covered by irrigation. However, it is evident that a medium level irrigation scheme i.e. Veeravilla tank which is fed by Kirindi Oya, provides sufficient water in *maha* season for most of the cultivated areas of the village. Paddy is the major cultivation practice of Polgahawelana village in both seasons. In the *yala* season, rain is insufficient to undertake paddy cultivation under medium and minor irrigation and rained conditions. Therefore, a few farmers who are not getting adequate water for paddy are cultivating other crops.

Figure 2



The village consists of 235 households on land area of 176 ha (435 acres). Population of the village is 894 in 2007. There were 121 households in 1980 (Kumara, 1999; 100) and their number increased by 114 from 1980 to 2007. Most of the land in the village (68 per cent) is under paddy and the rest is for homesteads. As table 1 illustrates, the majority of the households in Polgahawelana did not own paddy land in 1980. It has been reduced with land granted under different schemes. Twenty seven and forty one families were given land rights under the *Swarnabhoomi* and LDO respectively at the village.

At present, small holdings dominate unlike in the past. Every six out of ten peasants of Polgahawelana were landless in 1980 and at present, they are five out of ten. It was another development that the number of household who had small land i.e. land size below half acre, increased remarkably during the period. They acquired the ownership of land either by purchasing land or by the grant given by the Government. Land ownership was concentrated in the hands of a few people in the past in Polgahawelana. The system is peculiar from other parts of the country. Since 1880s, new land tenure was introduced by the British for developing the southern part of the country. It was called '*Gambaraya*' system but at present the system can not be seen at the village.

Table 1  
Distribution of Paddy Land Ownership in Polgahawelana in 1980 and 2007

Size of Holdings/ Acres	No of owners in 1980	Percentage of owners in 1980	No of owners in 2007	Percentage of owners in 2007	Changes from 1980 to 2007
Land less	76	62.84	11	4.68	-65
Less than 0.25	2	1.65	132	56.17	+130
0.25 - 0.50	7	5.78	59	25.10	+52
0.50 - 1.00	10	8.26	12	5.10	+2
1.00 - 5.00	23	19.00	17	7.23	-6
5.00 over	3	2.47	4	1.63	+1
Total	121	100.00	235	100.00	

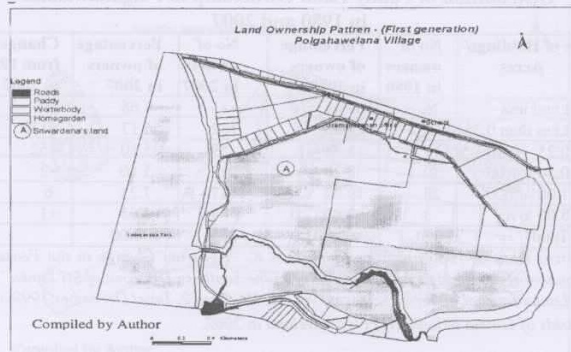
Source; Data in 1980 are from Kumara, K.K. "Agrarian Change in the Peasant Economy of a Paddy Producing Village in the Southern Dry zone of Sri Lanka" in *Sri Lanka Journal of Social Sciences*, Vol. 22, No 1 and 2, June/December 1999 and records of Grama Niladhari, Polgahawelana in 2007.

Historical records of Polgahawelana reveal that a few people have purchased most of the land during the pre-independence period. According to field data, 100, 50, 20, 15 and 10 acres were purchased by a member of the village committee, a merchant from Matara, one who has a relationship with the officials at the Divisional secretariat, a government official and an elite respectively.

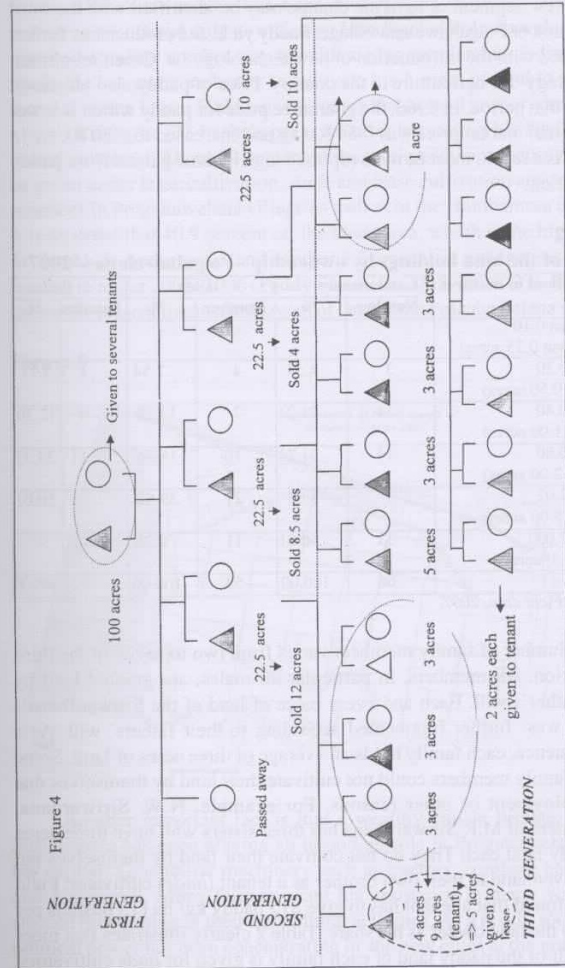
#### 4.1 A Generalized model of changing '*Gambaraya*' system

Mr. Siriwardhana, who was a member of Village Council (*Gam Sabha*) had purchased 100 acres of land from the British government in 1936 (See; figure 3). He had several tenants who was selected according to his will, for cultivating his land. The Paddy Land Act in 1958, has adversely affected on transformation of existing land tenure system in the area. The formalization of landlord - share tenant relationship and the productivity regulations were stipulated under the Act. Before the Act, most of the share tenants worked without having a claim to any specific parcel of land. The tenant could be transferred from one parcel of land to another or altogether evicted at the will of the land lord. However, Mr. Siriwardhana has managed to avoid the regulation imposed under the Paddy Land Act. He has divided his land into equal parts and given to his four sons and daughters. One daughter died. Later he further divided her land among the other sons and daughters. The *Gambaraya* system gradually disappeared while affecting the Paddy Land Act and changing political scenario of the country.

Figure 3



Technological improvements in the post colonial period happened to increase paddy productivity and income. Many farmers, including the second generation of late Mr. Siriwardhna, have also been enjoying high income generating from farm activities. The expansion of the category of small owner cultivators through the size of land, tenure pattern, increase of production and productivity, increase of paddy income with guarantee price schemes etc, has resulted in the emergence of a new avenue for establishing a middle class. People of the middle class wanted to achieve a high living standard of life through increase of their income in many ways such as acquiring more land for paddy cultivation or selling land. The family of Mr. Siriwardhna, also practiced to sell a part of their land because of employment opportunities, unavailability of leisure time for cultivation, monetary requirements etc,. However, the second generation of the family has been cultivating to a certain extent paddy land which is between 12 – 18 acres. When we look at the land ownership pattern and the size of the land holdings at the village level, it gives a mixed picture. Nearly, half of *ande* cultivators have been cultivating land of the size more than 2 hectares while another half of leased cultivators have 1 to 2 hectares (Table 2).



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New segment of agrarian change may be identified with the third generation of Polgahawelana village. Paddy yield and productivity further increased with the introduction of new technology i.e. Green revolution technology' for agriculture in the country. Price of paddy also increased during that period. In 1966, the guarantee price for paddy which is lower than actual market price was 0.54 Rs/ kg and increased to 1.80 Rs/ kg in 1980. As a result, most farmers reported high income gained from paddy cultivation.

**Table 2**  
Size of the land holdings by ownership –Polgahawelana – 2007

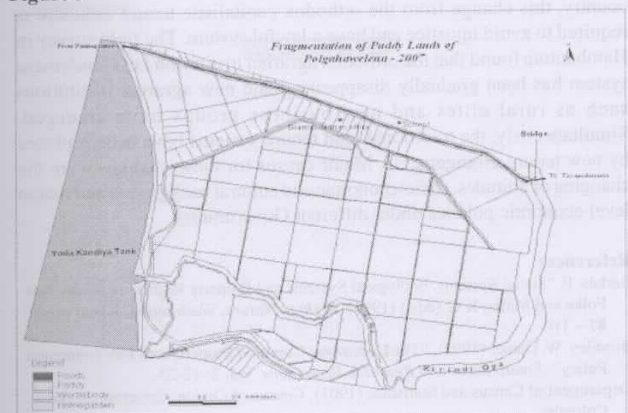
Size of land in hectares (acres)	Land owners		Ande		Badu	
	Number	%	Number	%	Number	%
Less than 0.10 (Less than 0.25 acres)	-	-	-	-	-	-
0.11 – 0.20 (0.25 – 0.50 acres)	3	4.54	4	7.54	1	3.12
0.21 – 0.40 (0.51 – 1.00 acres)	14	21.21	7	13.20	4	12.50
0.41 – 0.80 (1.10 – 2.00 acres)	14	21.21	10	18.86	11	34.37
0.81 – 2.02 (2.10 – 5.00 acres)	2	3.03	21	39.62	16	50.01
Above 2.03 (Over 5.10acres)	33	50.01	11	0.78	-	-
Total	66	100.00	53	100.00	32	100.00

Source; Field data, 2007.

Number of family members varies from two to seven in the third generation. All members, in particular all males, are granted land by their father's will. Each and every piece of land of the Siriwardhana's family was further fragmented according to their fathers' will. As a consequence, each family holds an average of three acres of land. Some of the family members could not cultivate their land by themselves due to employment or other reasons. For example, N.W. Siriwardana, descendent of M.P. Siriwardhana has three sisters who have three acres of paddy land each They do not cultivate their land by themselves but have given land to their own brother as a tenant (*ande*) cultivator. Field survey found that a tenant has to give 815 paddy kg/ ha (15 bushels per acre) to the land owner as his share. Table 2 clearly illustrates that more than half of the paddy land of each family is given for *ande* cultivators.

Since, M.P. Siriwardana has been undertaking different activities including his official duty as a *Grama Niladhari* of Polgahawelana, and required to adopt another way to cultivate his own land including *ande* lands. He has given authority to cultivate his 5 acres of land to several farmers under lease. Field survey found that a land owner should be given 1850 kg/ha (38 bushels per acre) after harvesting his land by the leased cultivator. About 40 percent of the total paddy production should be given under lease cultivation. *Ande* and lease cultivation are common practices in Polgahawelana village as well as in the Hambantota district. It is reported that 40.9 percent of the sown area, which is the highest in Sri Lanka, is under *ande*, and another 5.2 percent in other category i.e. leasing in *maha* 2005/ 2006 (Paddy Statistics, 2005/ 2006; 23). Figure 5 shows the present fragmented layout of land of the Polgahawelana village.

**Figure 5**



Another important fact is that a wealthy cousin brother of Mr. Siriwardana has been playing an important role in Polgahawelana. He has capital, agricultural machinery such as tractors, combine harvester and a rice mill. Many farmers want his assistance in many ways for smooth functioning of their agricultural activities. As a result, social and political power has been concentrating in the new elites at the grass root level.

Herring (1977) has written an article on "Policy and ecology in the origins of discontinuities in the land tenure system of the Hambantota district" and has mentioned that the *Gambaraya* have also kept abreast of technological change; from ownership of draft power in the form of buffaloes, to purchase of tractors. The new agent may offer a variety of services needed by cultivators, from transportation to rice milling. But essentially, the core function has been and is the supplier of agricultural capital other than land (Samarasinghe, 1977; 137). One of the members of the third generation of Mr. Siriwardana's family also has been acting as an agent for supplying agricultural capital such as credit, seeds, fertilizers, tractors, combined harvesters and milling.

### 5.0 Conclusion

It is evident that the land tenure system of Sri Lanka has been transforming, as found in the Hambantota district. As a developing country, this change from the orthodox capitalistic tenure structure is required to avoid injustice and have a lawful system. The field survey in Hambantota found that the orthodox agrarian institution i.e. *Gambaraya* system has been gradually disappearing and new agrarian institutions such as rural elites and new business groups have emerged. Simultaneously, the traditional land tenure systems have been replaced by new tenure arrangements. Major causes for these changes were the changing of attitudes, socio-economic and cultural background and macro level economic policies under different Governments.

### References

- Berkes, F. "Social Systems, Ecological Systems and Property Rights" in Susan, S.H. Folke and Maler, K.G. (eds.) (1996). *Right to Nature*, Washington, Island press : 87 - 110
- Bromley, W. Daniel (1992), "The Commons, Common Property and Environmental Policy". *Environment and Resource Economics*. Vol. 2: 12-25.
- Department of Census and Statistics, (1901), *Census of Ceylon*, Government press, Colombo.
- \_\_\_\_\_. (2002), *Census of Sri Lanka- 2002*. Colombo
- \_\_\_\_\_. (2002), *Paddy Statistics - Yala- 2004*. Colombo.
- \_\_\_\_\_. (2005), *Paddy Statistics - Mala- 2004/2005*, Colombo.
- Dharmasiri, R.K.L.M. (1999), *Impact of Policy and Institutions on Land Use in the Mahaweli Development Project in Sri Lanka*, Unpublished, MSc. Thesis submitted to the Agricultural University of Norway.

- Harring, R.J. "Policy and Ecology in the Origins of Discontinuities in the Land Tenure System of the Hambantota District" in Samarasinghe, S.W.R.de. (ed.) (1977) *Agriculture in the Peasant Sector of Sri Lanka*, Ceylon Studies Seminars. University of Ceylon, Peradeniya.
- Kumara, K.K.(1999), "Agrarian Change in the Peasant Economy of a Paddy Producing Village in the Southern Dry zone of Sri Lanka" in *Sri Lanka Journal of Social Sciences*, Vol. 22, No 1 and 2, June/ December.
- Mather, A.S. (1986), *Land use*, Longman, London.
- Peiris, G.H. (1976), "Share Tenancy and Tenurial Reform in Sri Lanka", *Ceylon Journal of Social Science*, Peradeniya, Vol. vi : 24-54.
- \_\_\_\_\_. (2006), *Sri Lanka; Challenges of the New Millennium*. Kandy Books, Sri Lanka.
- Report of the Land Commission - 1987, *Sessional Paper III-1990*. Department of Government Printing, Colombo.
- Samarasinghe, S.W.R.de A. (ed.) (1977), *Agriculture in the Peasant Sector of Sri Lanka*. Wesley Press, Colombo.
- Sinhala Encyclopedia vol. 1*, (1958), Department of Cultural Affairs, Colombo.
- Silva, M.U. de (2000), *Caste Feudalism of Sri Lanka, (in Sinhala)* Tharanji Printers, Maharagama.

