

Land ownership and land management: a case study of Karuwalagaswewa, Sri Lanka

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Abstract

Land ownership and land management as a concept related with modern capitalist economy. There was plenty of land available to spare for any increasing of population, hence the 'land' might be considered as a 'free good'. Eventually, there has been changing such as 'community ownership', 'individual ownership' and 'state ownership' respectively depending on the land. Landownership of Sri Lanka has been changing from the early hereditament to date. Mode of ownership and land usage were also dramatically changed with the introduction of different Ordinance and Acts by the Colonists and the different governments. This transformation was resulted to convert the self-sufficient agrarian society into commercial, dependent and capitalized society. At present, most of the market led rural sector has been mismanaging their land, resulting in different micro and macro level economic issues of the country.

Major objective is to study is to identify the land ownership pattern and land management issues of the Dry zone of Sri Lanka. 'Kudamadawacchiya' village in Karuwalagaswewa Divisional Secretariats of Puttlum distract was selected for the case study due to salient features of land ownership pattern and underutilization of lands of the area. Primary data were collected at household level, which was selected under a random sample.

Findings of the study revel that 'Land to the tiller' does not give much prospect under the present circumstance. Therefore, it is necessary to change people's attitudes from 'dependence' to 'self-reliance' for achieving better prospects.

Introduction

Land is a fundamental factor of production in the agricultural sector. Land has been man's habitat and living space; land has been a matter of life and death, of survival or starvation (Mather, 1986). Over the span of human history, man has drawn most of sustenance and much of his other requirements from the land. Land does not simply mean something physical. The word 'hereditament' implies the nature of the right involved in the ownership of land. Land ownership is defined under different scenarios. The literature on land ownership and its origins and evolution is enormous, and no thumb-nail sketch can avoid the dangers of over-simplification. In Islamic world, the land ownership - in its ethico-legal and historical manifestations, reflects the importance of being a politico-economic institution. In Israel, land was given for use but not for sale. In general, land ownership, use and other rights and interests exercised as a bundle of rights over a land parcel may be held by an individual or by a group (Melies, Abeysuriya and Nilakshe, 2006). In Sri Lanka nearly 80 per cent of total land belongs to the government (Report of the Land Commission, 1987).

Land Ownership of Sri Lanka has been changing from the early hereditament to date. During the Kings era, King was the sole owner of the land. Freehold land could be held only under royal grant (Ariyapala, 1956). Open access land (*chena* land) on the outskirts of homesteads was free while the mainstay of the settlers was the paddy tract lying immediately below a reservoir (*wewa* or *kulama*). Water control under a network of channels enabled paddy cultivation in two seasons (*yala* and *maha*) in a year. This was the commonly practiced communal land use system in the Dry zone for nearly fifteen centuries.

Shifting agriculture (*chena* cultivation) practiced in rotation in nearby woodlands provided both fuel and pasture, in addition to a host of subsistence crops. Agricultural land was used for paddy cultivation either under irrigation (muddy land) or higher land (*goda* land), the latter being largely village's common land. Paddy fields on the irrigated low lands normally provided two crops in the year. They demonstrated the highest productivity in the village economy under various systems of land tenure. The agrarian system of Sri Lanka prevailing over some 15 centuries remained stagnant mainly because of human factors like fragmentation of land, continued use of traditional techniques and physical factors like floods and droughts. The impact of the oldest form of *chena* cultivation, however, persists to this day on about 18 per cent of the country's land area. Some *chena* land has been in a highly modified form which is called 'sedentary farming'.

With the decline of Dry zone civilization and the migration of people to the Wet zone, the shift was to the mid-country where Kandy provided an ideal location for the capital of the kingdom. The new landscape was far more rugged and wetter providing many natural barriers to foreign invaders. Many adjustments were made by the new agrarian society to the different ecological zones, which needed varying systems of land and water management. Ecological characteristics of sloping terrain were important for a carefully terraced system of land (*liyadda*) in order to provide irrigation and to control drainage. Forest around homesteads ensured suitable location for the expansion of permanent settlements.

The Colonials were the owners of land under their regimes. In Sri Lanka, the full impact of the colonial rule was felt in the British period, when land policy came to be based on the concept of Crown Land Encroachment Ordinance (CLEO-1840). This brought about 90 per cent of the land under the direct control of the colonial government, disposing the peasantry of their common rights to *chena* land. At a stroke the Crown became the dominant landowner in the country.

Apart from the sale of Crown land for the plantations and their infrastructure, nearly half of the Crown's vast territory was set apart as forest and wildlife reserves. Unirrigable highland in the Dry zone served as buffer zone for future land development. This land was subsequently distributed among peasants under a restricted tenure system introduced by the Land Development Ordinance (LDO – 1935). In the 50 years that followed the LDO of 1935 some two million acres were given to peasants of which about 43 per cent came under the village expansion. (Peiris, 1996). In terms of land tenure, these lands were given under a conditional lease. This position was changed later with giving land rights under 'Swarnaboomi', 'Jayaboomi' or 'Rathnaboomi' deeds.

After the independence, the ownership had transferred to the Governments of Ceylon (Sri Lanka). Successive Governments have been adopting different land policies for achieving self sufficiency, overcoming landlessness and increasing employment opportunities etc, after the independence of the country. It is an important to have a look and examine the prevailing situation on land policies of the country for identifying the land related problems which are suitable for proposing the appropriate land management system. In this paper, it is expect to identify the land ownership pattern in particular, 'Jayaboomi' titling and land management issues of the area to suggest remedial issues for avoiding unfavorable land management practices.

Land ownership

Jacoby (1971) outlined a 'cyclical model' which was based on the evolutionary practices of land ownership. The model distinguishes a cycle in which an ancient pattern of communal control or ownership of land gave way to individual private property rights. Accordingly, individual rights in land have become subject to increasing influence from political organizations, reflecting a growing community concern about land and changing attitude towards it.

The encounter encapsulates two of the most enduring concepts of land. On the one hand, land is simply a form of property that may be traded at will. On the other, land is much more than just a personal private property, and its possession is not (just) a matter for the market forces to determine (Mather, 1986). Bromley (1992) has defined the property regime over land and related natural resources whether the regime be one we would call state property, private property (individual) or one of common property. These institutional arrangements define one individual *vis-à-vis* others, both within the group and with individuals, out side of the group. In a State property regime, ownership and control over use rest in the hands of the state. Individual property regime is the most familiar to many of us, though of course much 'individual' property is, in fact co-owned by spouses. Those who see ultimate wisdom in private property must answer for several phenomena. First, much of world's landlessness is not attributable to an absolute physical scarcity of land but rather to its ownership concentrated in the hands of a few powerful families. Second, the commonly accepted view is that the private property leads to the 'highest and best use of land'. The third regime is the 'Common property regime'. This type of property represents private property for the group (since all others are excluded from use and decision making) and the individuals have rights in a common property regime. Finally, we have 'Open access' situation in which there is no property. Because there are no property rights in an open access situation, it is logically inconsistency to assert – as many often do – that "everybody's property is nobody's property".

Property rights indicate who has the legitimate authority to act in predetermined manner. In the ancient world, the concept of private property rights on land was not known due to a negligible population pressure on ample land. Then, during that period, land was treated as a 'free good' like water and air. The feeding and living territory of the tribes or groups of individual families defended themselves against other such groups when population grew and competed for the land. As a result, communal land gradually was vested in the hands of the leader of the group. Then he had a right to control land on behalf of the

community. Transferring land rights from community to individuals is given an important place in 'tenurial principles'. The passage from communal to individual ownership is based on different stories in different arena. In feudal times, land was not a marketable commodity. It could be received from the king or acquired through marriage, but it was linked with territorial administration and political and social authority. Later, under the mercantilist concept, the land belonged to him who paid most for it, and ownership was technically dissociated from political power and administration. This land policy was mostly based on '*laissez-fair*' market philosophy and 'private property rights'. In this regards, Platteau (1995) has introduced a theory on land rights in 1995 which is "The evaluation theory of land rights as applied to sub-Saharan Africa: A critical assessment" The Evaluation Theory of Land Rights assumes that formalization of land rights is an inevitable outcome of growing land scarcity; to what extent does it lead to higher growth of agricultural output, and how does it affect scarcity of access of land for the mass of land tillers.

These rights and interests are in a state of constant flux in economic and socio-cultural dimensions on account of processes which are either directly related to the land base or have bearing upon it. Such rights and interests in a legal dimension through common, customary and natural laws build up under property rights. In the process of its development, it includes various heterogeneous elements of different systems of ownership. Land as a property or landed estates are terms that usually refer to a property that generates income for the owner without the owner have to do the actual work of the estate.

Land ownership plays a great role in the development of the agricultural society. Land ownership and land tenure are interrelated terminologies which are either directly or sometimes indirectly related to the land management system. Collection and interpretation of the first hand data and information from typical micro level studies gives us better and accurate judgments for policy formation.

Methodology

Selection of the study area was a critical issue for this study. Therefore several criteria i.e. homogeneous nature of villagers, majority of villagers should be depend on agriculture, the highest number of land titles given under the *Jayabhoomi*, absence of *ande* or share tenancy and unfavorable land management practices/ under utilization of land were the criteria set by the researcher for select a village for micro level analysis. Accordingly, 'Kudamadawacchiya' village in Karuwalagaswewa Divisional Secretariat of

Puttalam District was selected for the case study (see, Figure 1). Field study has been carried out at the Kudamadawacchiya village in February, 2008.

There are 180 householders including the population of 460 in the 'Kudamadawacchiya' village and selected 20 per cent of them under the random sample. Methods of collection of primary data were the questionnaires survey and informal discussions with peasants. In additions, unpublished data were collected from the Divisional office at Karuwalagaswewa.

Socio-economic Characteristics of the Village

Kudamedawacchiya is one of the typical villages located in the Dry zone of Sri Lanka. The village is located about 25 km to the north east of Puttalam town. It is an important homogenatical factor is that the village community heredity by two families roots i.e. '*Senadhipati mudiyanselage*' and '*Hettiaracchige*'. The village occupies an area of 474 hectares and its' land use pattern comprises forests, unused land, cultivated land including wet and dry land farming, homesteads and tanks. There is plenty of unused land which is cultivable. The average annual temperature and rainfall range from 28^{0c} – 34^{0c} and 760 mm - 1600 mm respectively. Approximately, 200 acres are fed by the minor irrigation systems under small tanks. Paddy and chena cultivation are the main economic activities of the villagers.

The population density of the village was 30.25 per sq. km and it was much lower than the national average. The most important fact was that about 80 per cent of villagers are living under the poverty line ('*Samurdhi*' recipients). The survey found that most of villagers have completes either primary or secondary education. Only six percent of the villagers were illiterate. The following table shows the level of education of *Kudamedawacchiya*.

Table 1

Level of Education in *Kudamadawacchiya*

Education level	Population			
	Female	Male	Total	Percentage
Illiterate	10	19	29	6.30
Primary education	93	87	180	39.14
Secondary education	101	109	210	45.66
GCE (O/L)	20	15	35	7.60
GCE (A/L)	04	02	06	1.30
Tertiary education	-	-	-	-
Total	228	232	460	100

Source; Field data, 2008

The male and female ratio of the village is 1:1.01 which indicates the gender equality. Table 2 further shows that female literacy is slightly higher than male literacy in the village. However, the number of males who completed the secondary level education is higher than women. Level of education is a key indicator of quality of life. Table 2 shows the size of land holdings in the village.

Table 2

Size of Land Holdings of Kudamadawachchiya (acres)								
Size of Land	<1/4	1/4-1/2	1/2-1	1-2	2-3	3-4	5>	Total
Paddy Land	-	4	1	4	-	-	-	9
Other Land	-	1	141	14	10	-	8	174
Total	-	5	142	18	10	-	8	183

Source ; Field data, 2008

Nearly 78 per cent of the holders have less than one acre land. They were given land rights under the *Jayabhoomi* system. Accordingly, they have right to use it under certain circumstances such as restriction on further transfer of the present land ownership and some limitations of cutting restricted trees. Another important fact is that a few farmers have paddy land while majority have high land that suits for unable to provide adequate and continuous supply of water for either paddy or high land farming. This results in increase in the amount of unused land.

Kudamedawacchiya village has limited paddy and chena land which is nearly 15.69 per cent of the total land area of the village. After including the home gardens it is about 20 per cent of the total area. There are 32 ha of paddy land that could be cultivated in one season per year. Small tanks dry up if the drought period extends by one month causing cultivation instability. Therefore the villagers tend to cultivate paddy in the *maha* and Other Field Crops (OFC) such as vegetable, papaya and tobacco in the *yala* season. Table 3 illustrates the land use pattern of *Kudamedawacchiya*.

Figure 2 show the location and land use pattern of the village respectively. Nearly 64 per cent of the total land area is not in use but covered with bushes and trees. There are many geographical and non geographical factors responsible for under utilization of the land. Lack of rainfall, drought, agglomeration, elephants and other wild animals causing damages are unfavorable market situation, insecurity, negative attitudes affected the land use. However, they are able to better product from *chena* cultivation in *yala* season.

Fig: 1

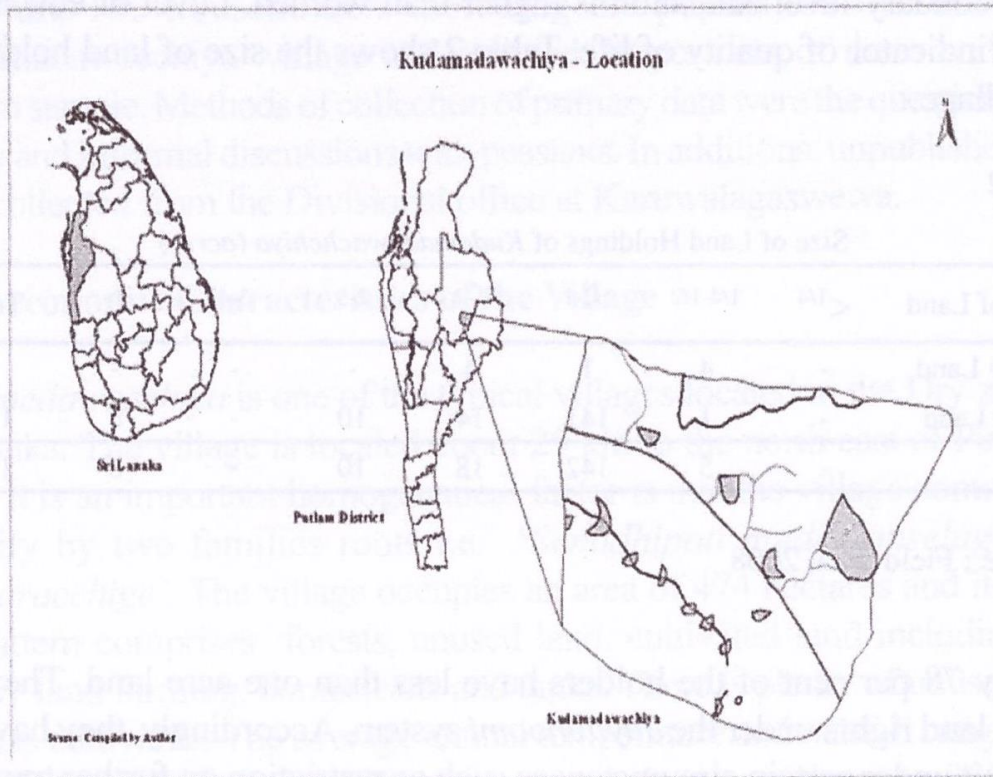


Fig: 2

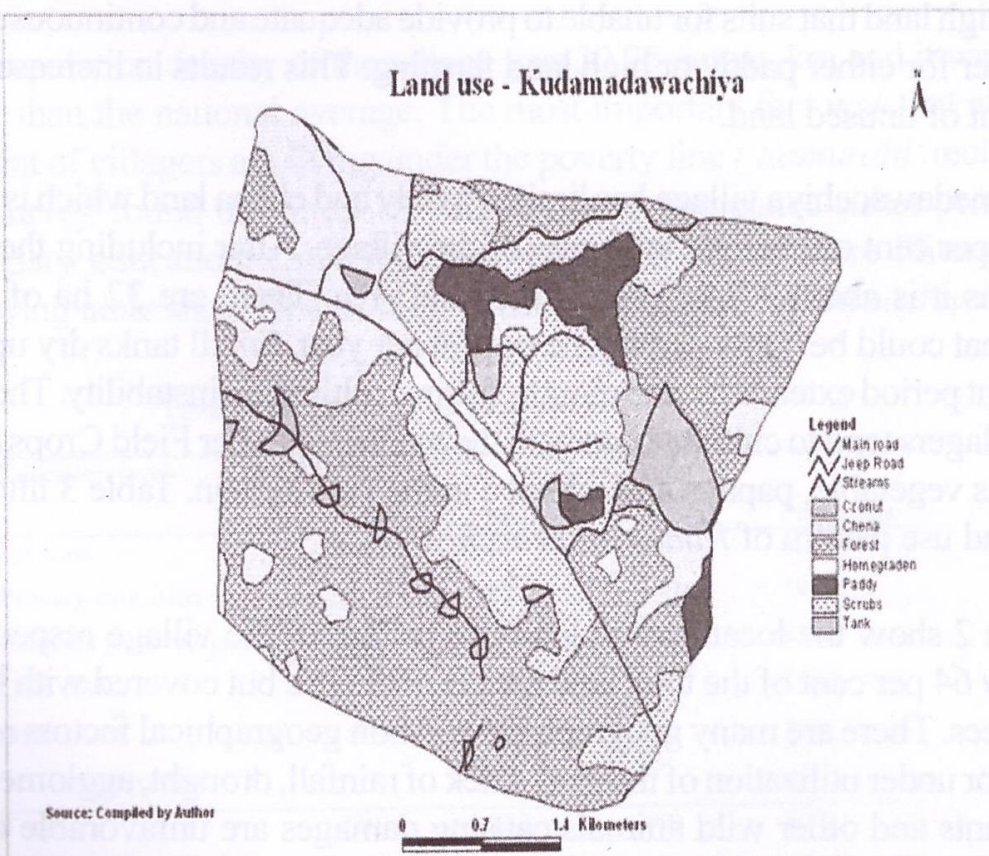


Table 3

Land use of Kudamadawacchiya - 2008

Type	Hectares	Percentage
Forest	263.64	55.62
Scrubs	112.05	23.63
<i>Chena</i> land	62.00	13.08
Paddy	12.38	2.61
Coconuts	1.21	0.25
Home garden	20.24	4.27
Tanks	2.48	0.54
Total	474	100

Source; Records of the *Grama Niladari*, Kudamedawacchiya, 2008

Land Ownership and Land Tenure

Land ownership and tenure pattern of *Kudamedawacchiya* also elaborates another profile of the village life. The present villagers are from two family roots. The first generation had adequate land but not the second or third generation. Increase of population caused fragmentation of land and landlessness. Although there is plenty of land they are unable to use it due to the land ownership pattern. The government has declared the land as government property. As a consequence, land encroachments were common incidents in the village. Table 4 shows the landownership pattern of *Kudamedawacchiya*.

Table 4

Land Tenure and Ownership of *Kudamadawacchiya*

Category	Number of families	Percentage of families
<i>Sinnakkkara</i>	02	1.24
<i>Jayabhoomi</i>	122	75.78
Land permits	11	6.83
Encroachers	15	9.31
Temple land	03	1.86
Landless	08	4.98
Total	161	100

Source; Records of the DSIs office of Karuwalagaswewa, 2008

Those who encroached land which belonged to the government were regularized by the law enforced in 1994. Land title under '*Jayabhoomi*' was given to them. The following table indicates that nearly three out of every four households are in that category. The second and third generations of the village were benefited by the land grant. Still, there are about 5 per cent of the families without land. Some of them (about 10 per cent) have encroached the

government land for their needs. '*Sinnakkara*' land means the ownership by descent and only two families of the village have these rights. It was evident that most of the *Jayabhoomi* land was allocated for homesteads but not used at optimum level due to above mentioned geographical and non geographical factors.

Major Findings of the study

The forgoing section of this article has analyzed the present situation of land ownership and existing land management system in the village. It was evident that the villagers have followed informal land tenure systems in the past so that land fragmentation was taking place leading to many disputes regarding boundaries and ownership of the lands. However after regularizing the land ownership under the '*jayabhoomi*' deeds recently, the disputes have been minimized to certain extent. In fact the land rights awarded under the '*jayabhoomi*' doesn't seem to establish an appropriate land management system of the area. Some '*jayabhoomi*' holders have transferred their plot of lands to another party disregarding the rules and regulations of the deeds. Although there are ample land available surrounding the village, these peasants didn't like to acquire them due to the threats of wild elephants and Tamil tigers in the area at the moment (at the time of the study). As a result the landlessness is a growing phenomenon in the village. Yet there are a majority of farmers who have been practicing *chena* cultivation. Caused by natural calamities the frequent crop damages and low productivity of agriculture had led to low income from farm activities and thereby low level of living conditions of the villagers.

A considerable number of peasants are idling due to lack of opportunities for livelihoods amidst their illiteracy, lack of commitment and motivation, to generate alternative economic activities. The peasants in the area were being supported under the different livelihood supporting schemes, by government and non-governmental organizations during the period of survey. It has created a situation the keep people economically inactive in the village as revealed in the survey. Besides the low educational attainment, lack of commitment and motivation and due to low returns from agriculture activities has created a lack of interests in proper land management system of the village. Accordingly, they were unable to increase or maintain a sustainable farm production or productivity in the long run. The unemployed and landlessness of people have induced people for some illegal activities for earning easy money. This situation is being intensified with the supports provided by the local politicians of the area. Ultimate effect

of these problems has been keeping village youth away from the agricultural work force in the village.

Our findings of the study disclosed the emerging scenarios of the agrarian economy. The situation has created an environment to marginalize peasants and in the study area, while threatening to their survival and sustainability of livelihoods. It seems however introducing proper land management systems and land use options would improve the income level of the existing farming community.

Conclusion

Kudamadawacchiya is one of the typical village of Puttalam district. High temperature and inadequate water availability are the major factors limiting agriculture in the area. Therefore, many farmers cultivate paddy and OFC in *maha* and *yala* seasons respectively. Majority of farmers cultivate OFC as dry land farming and are able to harvest higher level of production. There is plenty of unused land potential for conversion to agricultural uses. Wild elephants also cause considerable damage. Apart from the natural constraints and insecurity, attitude of the peasant is not positive. Most peasants are pessimistic in nature. Some of them have been corrupted by some elite politicians and are involved in illegal activities such as drugs, sand and timber. In addition, they used to expect support either from the government or non governmental agencies. As a consequence, they have not been paying much attention to their major economic activity. The ultimate result would be not to change the present land use pattern, not to expand the present cultivated area, not to change the present farming practices, not to explore the new agricultural innovations and not to change their mind set.

'Land to the tiller does not give much prospect' under the '*Jayabhoomi*' system of the area. The survey did not find a remarkable difference in between the '*Jayabhoomi*' and the '*Sinnakkara*' ownership. Low land value vs. the low demand for the land has created the insignificant prospects. Therefore, it is necessary to change peoples' attitudes from 'dependency' to 'self-reliance' for achieving better prospects. Increase of farm income from agriculture would be a remedy for changing pessimistic attitudes of the peasants. Local level authorities would have responsibility to overcome or mitigate natural calamities, providing irrigation water through rehabilitating the abundant and other small tanks or agricultural wells as well as establishing a good marketing system for their products. Further, it is a vital requirement to avoid some political interference, which is mostly based on the low of the country, for ensuring

self-development through the better and sustainable land management of the peasants.

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