

ENCROACHING STATE LAND - FACTS BEHIND FIGURES

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Encroachers or spontaneous settlers, - technical terms used to describe a phenomenon that gets more common with each passing year are illegal settlers on State-owned land. By 1979 as much as 6 percent (about 600,000 acres) of the total land mass of the country has been occupied by encroachers. And the figure continued to increase in the 80's. The reason was simple: landlessness. In this article an attempt will be made to examine this phenomenon and to look at this problem from both sides of the fence.

In pre Colonial times jungle areas adjacent to the village was used for agriculture - especially chena cultivation. But the British in the quest of a plantation economy made laws where Government permission was necessary in order to use such lands for cultivation. Resort to these lands for traditional cultivation had become illegal.

The First Land Commission of 1929 emphasised the importance of ensuring an adequate supply of land for the development of the rural economy whilst controlling the unnecessary clearing of forests. In 1959 the Second Land Commission recommended the control of encroachments, but this was easier said than done. The illegal use of state land for cultivation (due to landlessness) was necessary for the maintenance of the rural economy. Any arbitrary attempt to control this

would have had enormous political and economic consequences. Thus encroachments continued to be a headache for policy planners. In 1979 a special survey was undertaken to study this problem.

Generally state land would be used illegally for several purposes - agriculture, trade, housing. According to available data the number of encroachments are around 600,000 covering a total land area of around 940,000 acres. In the City of Colombo the number of encroachments exceeds 6,000.

Kurunegala, Anuradhapura, Moneragala, Amparai, Hambantota, Trincomalee are the other areas with high rates of encroachments.

In the aforementioned districts the number of encroachers are high due to the use of forest areas for agricultural purposes mainly chena cultivation.



Due to the laws introduced by the British and other subsequent land reform programmes - the State today owns more than 80% of the total land mass of the country (Land Commission Report 1987). The state with a monopoly of land carried out various programmes in order to address the problem of landlessness. Although over 2 million acres have been re-distributed since 1975 regularisation of encroachments makes up to 25% of this figure. Under the programme of regularisation of illegal settlers, cultivators developing state land will be given the legal right on these plots. But encroachers on protected areas near railways, roadways, canals, will be evacuated.

The regularization of encroachments is supposed to be completed in 1 1/2 years time. The new policy is to give land to those section of landless people who are most deserving (Janasaviya beneficiaries, unemployed youth, low income groups, Government servants). Encroachments will continue as long as the problem of landlessness remains unresolved. The suspension of Land Kachcheries is a factor which contributed to exacerbate the problem. But the problem cannot be

TABLE

Regularization	Total encroached land area	Regularization (Up to 1988)	Expected - 1989
No of plots	604,833	141,972	446,288
Total land area	942,345	236,722	574,214
			16830
			20000

Source: Plan for the year 1989 & Resource Development 1978 -87
Ministry of Lands & Land Development

LAND REFORM

completely eradicated in a country while the demand for land exceeds the availability and where agriculture is the major economic activity. Rational land use specially by substituting more permanent farming methods for rain-fed farming and using the land for purposes which are more productive economically and environmentally, would also be ways of containing this problem. However the environment should be a main consideration in any attempt by the Government to redistribute land to landless peasants.

An Encroacher Speaks:-

(A) The review interviewed an encroacher who is the owner of a small plot of land given by the Government. A farmer who engaged in paddy and chena cultivation in a traditional village in the dry zone. He is leasing protected State land in the Mahaweli area for agricultural purposes.

Q. Did you have to change your methods of cultivation after coming here?

A. Yes completely. In our village we had our own tank. We used that water for our paddy cultivation. The farm area around the villages were used for chena cultivation - sometimes for hunting. Now our area is limited to this 2 1/2 acres. Even the water is supplied by the government. We cultivate it we get the water. They tell us what to cultivate.

Q. Do your children have other plots of land?

A. No. This is all we have. Those days we had adequate paddy in the village. If there was sufficient water in the tank, we would lease out state land and cultivate or do Ande cultivation or cultivate a chena.

THE AGRICULTURAL FRONTIER IN SRI LANKA LIES IN THE DRY AND INTERMEDIATE ZONES. THERE ARE 2.3 MILLION ACRES OF RAIN FED LANDS IN THE INTERMEDIATE MID COUNTRY AND DRY ZONES THAT COULD COME INTO PRODUCTION AFTER MORE DETAILED STUDY OF THEIR LOCATION AND PROPER IDENTIFICATION OF THE CROPS THAT COULD BE GROWN. IN ADDITION, SOME OF THE 1.5 MILLION ACRES OF FOREST COVER (OUTSIDE THE GAME RESERVES) CAN BE AGRICULTURALLY USED AFTER ADEQUATE FOREST CONSERVATION MEASURES ARE TAKEN.

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(B) He and his family encroached on State land to build a house.

Q. Do you work closeby?

A. I don't have a permanent employment. I find something by selling toffees in the Bus Halting Place. That is not enough to maintain my family. The eldest child is 17. But he doesn't have a proper job either.

Q. Then how can you find an income in order to get your own place to live?

A. That's the problem. Our income is not even enough for our daily expenses. So how can we save. We can't even get a loan from the Bank because we don't have a proper income; because we don't pay taxes. How can we show a permanent income. Though we feel the need to have a place of our own to live, we really can't afford that.

Q. Then how did you find this place? Don't you own any ancestral land.

A. We don't have any ancestral land. Our parents lived in a small house on a plot of land belonging to a Walawwa. It was then I thought that I would like a place of my own. But that was only a dream. That was why in 1960 I came here and built a hut like lot of other people.

These are State lands - land belonging to the Town Council. Those days we divided-up that land - built

our own huts. Now we even have second generation settlers here with their own houses.

Q. Surely this is dangerous because the land is highly sloped. Can you cultivate anything here?

A. No nothing can be cultivated because there are too many rocks. We can't even build a toilet properly. We are sure of landslides happening. But what else can we do. We don't have a better place to live.

Q. When you came here, didn't you think that one day you'll have to leave?

A. No. This wasn't really a problem. These are state lands. We are landless people. We don't do any harm. We live here. We grow a coconut tree or a jak tree whenever possible. I know that there is soil erosion. But what can we do. After all we have to live somewhere.

Q. I hear that first you'll will be given licences, then the title to these lands?

A. Yes, We got our licences. Then we'll get our L. D. O. licences. Now this land is like ours. We didn't inherit any property from our mother. But now we have a place which we can call our own. Now our children have a place to live. Even though we don't have proper employment we at least have a place of our own where we can live without fear.

bread until recently) and to motivate them. Already 6.0 million farmers have been given individual plots during the past three years.

The nucleus of the new agricultural policy is to institute a radical change which will make the farmer the master of land. According to this policy small scale farming (family farms) will be a "component part of the economic system and not a temporary phenomenon." The need of the hour of this country is to overcome among other things the acute food shortage. Because as Gorbachev once said "Only the farmer as the master of the land and not a hired farmhand can restore rational land use."

And that is the test before the Sri Lankan policy planners as well. To give land to the people to make the tillers the masters of their land. It was precisely this re-distribution aspect which was almost totally lacking in all our previous land reform programmes. Though there was supposed to be a new approach to this problem after 1977, empirical evidence proves that this new approach was nothing other than a variant of the old approach. Thus though the importance of the redistribution of state-owned land among landless peasants was officially recognized [Land Grant (Special Provisions) Act No. 34 of 1979] but the unit of allocation was limited to one acre and thus too small to be economically viable. As a result of this limitation, the total extent of land distributed to landless persons of lower income groups up to the end of 1985 was only 21,027 acres.

However 43,489 acres of land acquired under the reform were released to people who were politically victimized by April 1982. Further under the Land Reform

(Special Provisions) Act no. 39 of 1981, thousands of acres of state land were leased to foreign companies would be the 25,901 acres of state land were leased to foreign companies for commercial purposes. Two well known examples would be the 25,901 acres of state land in Moneragala given to Pelwatte Sugar Company formed in collaboration with Book's Agriculture International Limited and 12,500 acres of land given in Moneragala Sugar Company. The only real difference of policy was the more liberal attitude adopted towards encroachments.

Task Force

The results of the low priority given to the re-distribution of state land among the landless and the scant attention paid to land that was already distributed are abundantly clear. The appointment of a Special Presidential Task Force to distribute state-owned land among the needy signifies a breakthrough in the thinking of the policymakers on the question of land ownership - and this is itself a step forward. The success of the Task Force will depend on two important aspects of land use. One is the correct identification of the appropriate unit of allocation. Admittedly the land that can be distributed is limited and the demand for land is very high. But if the unit is too small to be economically viable the whole exercise will become self-defeating. And the stated goals of high productivity, eradication of rural poverty and unemployment will once more become elusive and unattainable. It will also lead to the problem of hidden tenancy as the beneficiaries unable to eke out a living from these small plots mortgage them. This might finally lead to the concentration of the majority of the land area in the hands of a few enterprises or individuals, a situation as abnormal as the earlier one of near complete state monopoly.

The other factor crucial to the success of the new land allocation programme would be the provision of certain basic minimum facilities. Our own past experiences as well as the experiences of other countries show clearly that the distribution of land to the landless families will not be adequate. A few back-up measures that will have to be implemented if this reform programme is to be successful would be

*Teams of experts to study the specific conditions in different areas and to advise the beneficiaries as to how the land can be put to the best use - e.g. the kind of crops etc.

*Work out a system to provide these families with at least part of the initial money capital.

*Provide the peasant beneficiaries with the necessary seed, livestock etc. and assist them in this regard to a certain extent.

*Encourage the formation of co-operatives owned and managed by the producers with the aim of maximising their profit and start a scheme whereby the necessary equipment would be leased to the producers.

*Train the farmers in new methods to maximise productivity by sending "barefoot agricultural experts" into villages. This can initiate a process of teaching the farmers as well as learning from them

But more importantly the final success of this new programme will depend on the ability of the policy planners to break with the old thinking and old approaches. This new reform has been called 'revolution', a radical change; and you cannot carry out revolutions and implement radical changes if you are constrained by old ideas and approaches. Thus what is most needed today is a new approach while come out of new thinking.