

NEW ORIENTATION IN LAND USE POLICY

C.M. Madduma Bandara

"Any nation has two ultimate resources - Its land and its people". So begins the Final Report of the Land Commission of 1987. This was the third Land Commission, the first was in 1927 and the second submitted its report in 1959. These periodic land commissions were entrusted with the task of evaluating the land policies of their time and setting out their future directions.

The British colonial rulers having captured the Kandyan Kingdom, gradually introduced legislation to consolidate their power over the Island. In a blatant display of the "right of conquest", the Crown Lands Encroachment Ordinance was enforced in 1840 which effectively converted over 90 percent of land in the country into Crown property bringing untold hardship to many people in the interior who depended on land for their livelihood. The social discontent which manifested itself in the form of rebellion were ruthlessly crushed. The hand of the colonial administrators was further strengthened by the Waste Lands Ordinance of 1897 which facilitated the separation of "Crown Land" from private property.

It took almost a century for the British to realize the adverse impact of their land policy. With Ceylonese leaders exerting pressure to bring about a change of policy, Sir Hugh Clifford then Governor of Ceylon, urged the first Land Commission to devise means "for the multiplication of small holdings and the bringing into existence of a prosperous, self-supporting and self-respecting multitude of peasant proprietors."

Hon. E. W. Perera, Member for Kalutara in the Legislative Council had hopes that "we shall once again have a land where the peasant and the free-man till his own lands.....

and where every man shall be under his own vine and his fig tree." These sentiments were clearly embodied in the reports of the First Land Commission which was guided by the philosophy of "preservation of the peasantry." Its recommendations led to the enactment of the Land Development Ordinance in 1935 and to

pansion schemes accounted for around 40 percent of the land alienated. These were mainly domestic housing lots with extents of land ranging from 4 to 1 acre. It is also interesting to note that over a half million acres was the regularization of encroachments. The policy of providing small blocks of land to landless families had undoubtedly helped many congested areas of rural Sri Lanka. It is also claimed that the rate of migration into cities leading to slum development has not taken place in Sri Lanka on the scale that other developing countries have experienced. And this is a result of a land policy which helped to hold back many rural families in their own areas. Nevertheless, the creation of a prosperous peasantry which

THE REALISATION OF THE VISION OF ITS INITIATORS CONTINUES TO ELUDE US, SIXTY YEARS AFTER THE FIRST LAND COMMISSION. WITH THE EXPERIENCE OF THREE LAND COMMISSIONS, THE PADDY LANDS ACT AND THE LAND REFORM ACTS BEHIND US, MUCH STILL REMAINS TO BE DONE. DR MADDUMA BANDARA, PROFESSOR OF GEOGRAPHY, UNIVERSITY OF PERADENIYA AND CHAIRMAN OF THE THIRD LAND COMMISSION EXAMINES THE NEED FOR A NEW DIRECTION IN LAND POLICY.

the beginning of an era of rapid land settlement which continued under the able leadership of Hon. D. S. Senanayake who later became the first Prime Minister of Sri Lanka. This policy continues even today without any fundamental change with only the land allotment size becoming smaller and smaller over the years due to increasing land hunger among the peasantry. The Second Land Commission of 1959 served to consolidate the basic policy directions established by the first Land Commission by strengthening the tenurial status of the settlers.

Village Expansion

The extents of land alienated by the State in the period between 1935 and 1985 is given in Table 1. It can be seen set out of a total extent of about ten million acres, village ex-

formed the cherished desire of the First Land Commission was hardly fulfilled and continues to remain an illusive goal. Recent research studies in social sciences indicate on the contrary that the majority of these settlements have become pockets of poverty and areas of social deprivation. Many of them have become centres of turmoil in the current crisis. The tenurial conditions of land alienated, such as the unitary succession and primogeniture have adversely affected many second generation settlers who eventually became landless, although such requirements have helped to reduce fragmentation and joint ownership of lands. Therefore, the time had come to assess and reconsider the small farm model as it is operative today, as a vehicle of rural development.

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Encroachments

Despite the above alienation programmes, encroachments on Crown lands continued unabated. By 1978 it has been estimated that nearly a million acres of land comprising 6 percent of the total land area of the country had been encroached by some half a million settlers. The encroachment of State lands continue to remain a serious problem particularly in the Central Region where land hunger appears to be most acute. The suspension of the holding Land Kachcheries in the 1970s and the liberal attitude towards encroachers taken by the Land Administration has undoubtedly contributed to the acceleration of encroachments. A more fundamental reason for a wide spread encroachment of State land is rooted in the land ownership patterns. As table 2 shows the ultimate ownership of over 80 percent of the land area of the country still remains with the Government.

Significant changes have taken place since the 1950s in the ownership and utilization of private lands. The Paddy Lands Act dealt with the question of share-tenancy by strengthening the position of tenant cultivators. It is now thought that the Paddy Lands Act did not only contribute much to improving the productivity of Paddy Lands but also adversely affected the stability of the villages. The landlord-tenant relationships were more complex than architects of the Act anticipated. The most affected group was the small land owner with one or two acres of land who had often to resort to share-tenancy due to family and personal exigencies. Thus the number of tenancy disputes kept on accumulating over the years.

Plantations

The Land Reform Law which was enforced in the 1970s led to a rapid take over of around million acres of

both productive and unproductive plantations. It is now thought that the land reform exercise was merely a change of land ownership from private lands to a State monopoly. Only about 10 percent of the land taken over under the Land Reform Law has passed on to the landless villagers. It has also adversely affected the productivity of plantations as indicated by a declining

A summary of these findings are given separately. It is hoped that the Presidential Task Force on National Land Utilization and Distribution, currently functioning will not only be an effective instrument in implementing the recommendations of the Land Commission, but also will carry out a nation-wide programme of land alienation in the most expeditious manner.

TABLE I
EXTENT OF LAND ALIENATED BY THE GOVERNMENT
1935 - 1985

	HECTARES	ACRES
Major Colonization Schemes	175,941.31	434,751
Village Expansion	357,238.76	882,737
Highland Settlement Schemes	13,564.95	33,519
Youth Settlement Schemes	7,963.98	19,679
Regularization of Encroachments	205,762.03	508,438
Middle Class Allotments	55,018.62	135,951
Land Grants (Special Provisions)	9,979.77	24,660
Rainfed Farming Settlement Schemes	5,363.01	13,252
Total	830,832.43	2,052,987

trend in production in the period following the enforcement of the land reform law. Only in the early 1980s have plantations shown some recovery from this period. Apart from productivity there is a need for a new strategy for the integration of villages and estates which would not only solve the problems of landlessness but also achieve higher productivity and ethnic amity. It is hoped that the cluster system currently promoted by the Ministry of Plantation Industries will go towards achieving this goal.

The recommendations of the Land Commission of 1987, if implemented will help to orient land policy to match the social needs and aspirations and realities of the country.

Table II

1. Total Land Area of the Country	= 6,570,134 Ha. (16,228,230 Acs)
2. Land Owned by the State	= 5,403,899 Ha. (13,347,630 Acs.)
	82.3%
3. Land Owned by the Private Sector	1,166,235 Ha.
	(2,880,600 Acs.)
	17.7%