

# **POLICIES AND IMPLEMENTATION OF LAND REFORM IN SELECTED VILLAGES OF SRI LANKA**

**R.D. Wanigaratne**

**W. Gooneratne**

**N. Shanmugaratnam**

**Agrarian Research and Training Institute  
Colombo, Sri Lanka**

2009/66

2010/04

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**R.D. WANIGARATNE  
W. GOONERATNE  
N. SHANMUGARATNAM**

Research Study No: 32

December, 1979



**AGRARIAN RESEARCH AND TRAINING INSTITUTE  
COLOMBO  
1979**

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## FOREWORD

Sri Lanka has been in the forefront of the countries in the Asian region which had accepted Land Reform as part of their national development policies. Adequate documentation exists on the policy thinking behind strategies adopted, their implementation framework, and how much has been achieved in terms of coverage and so on. What is perhaps least known is whether the Land Reform strategies introduced to date were capable of bringing in the necessary structural changes in the rural society which could facilitate the enhancement of agricultural productivity, increase employment and provide a wider equity.

The present study on Policies and Implementation of Land Reform in Selected Villages of Sri Lanka while providing a summary view of the strategies that were advocated to successfully implement the reforms, specifically examines the question whether Land Reform strategies did in fact achieve their intended goals at the local level. The emphasis of the study is thus on the Land Reform implementation experience at the local level.

The study was undertaken by the Agrarian Research and Training Institute in 1978 at the instance of the Asia Pacific Development Administration Centre in Malaysia. The study team consisted of Mr. R.D.Wanigaratne who served as the Co-ordinator, and Dr.W.Gooneratne, both Research and Training Officers of the ARTI, and Dr.N.Shanmugaratnam of the National Institute of Management who served as the Consultant to the study.

The framework and funds for the study was provided by the Asian Pacific Development Administration Centre (APDAC), Kuala Lumpur, Malaysia.

It is hoped that the findings of this study would prove useful to both policy makers and researchers on Land Reform in Sri Lanka.

(T.B.Subasinghe )

DIRECTOR

#### ACKNOWLEDGED

The people of Ambana, Mawela and Mulgama villages for their hospitality and cooperation;

Messrs. P. Piyaratne and M.A.Gunawardena of the ARTI, who assisted the researchers in the collection and tabulation of information;

Miss Anne Fernando and Miss Yasmin Packeer for typing the manuscript.

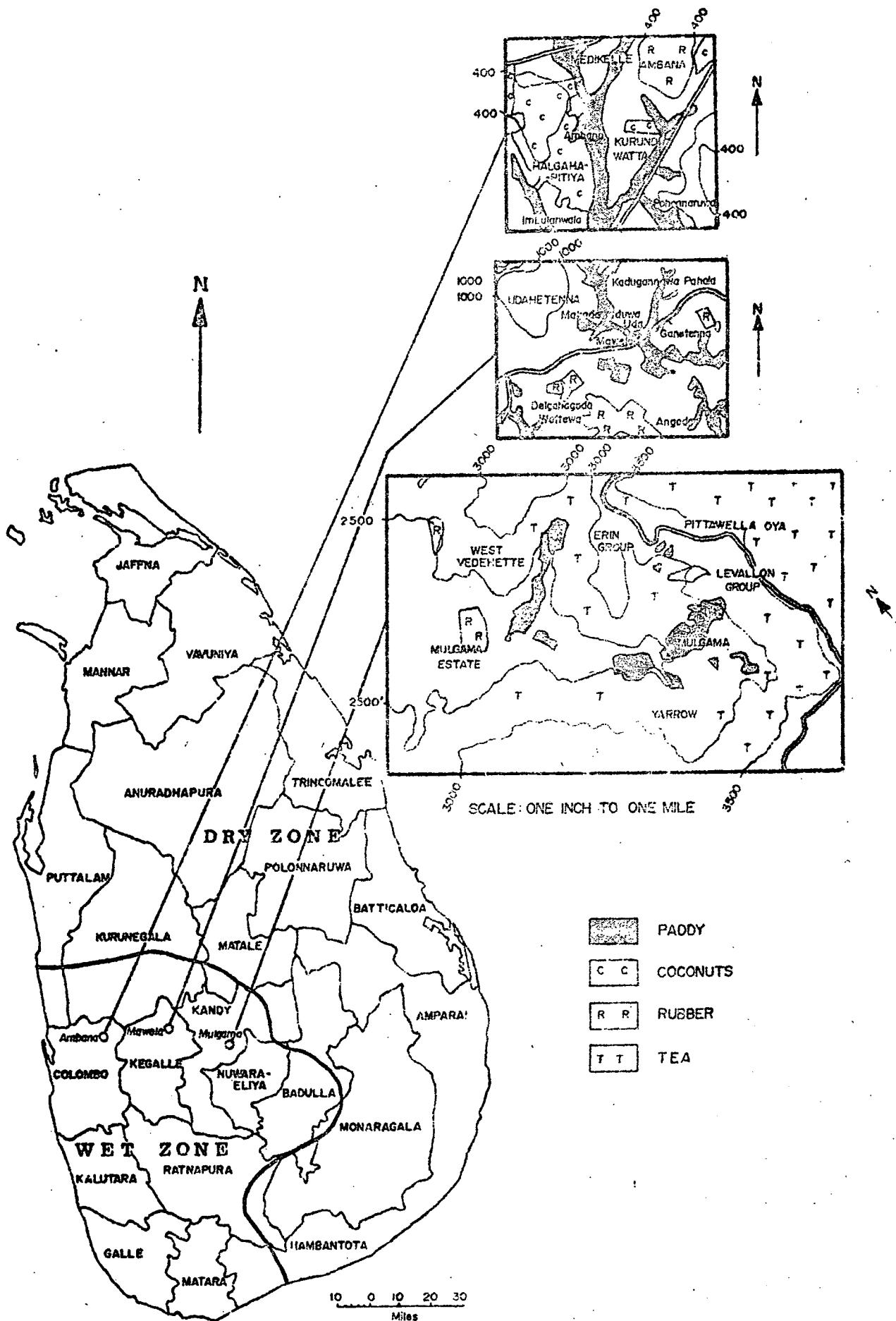
The study was sponsored by the Asian Pacific Development Administration Centre, Kuala Lumpur, Malaysia.

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SRI LANKA - LOCATION OF STUDY VILLAGES

## S U M M A R Y

The study was undertaken by a team of researchers of the Agrarian Research and Training Institute, Sri Lanka; in 1978 on behalf of the Asian Pacific Development Administration Centre (APDAC), Malaysia, which provided the study framework and the funds. The findings of the study were presented at an international Seminar on Policies and Implementation of Land Reform sponsored by the APDAC, held on 11th - 20th September 1978 , at Kuala Lumpur, Malaysia.

The study attempts to understand the impact of socio-political and economic processes on the implementation of land reform policies at the village level. The data base of the study consists of information gathered from three villages of the Wet Zone region of Sri Lanka selected on a predetermined set of criteria. A summary of the study is provided below:

### **TENANCY REFORM**

Paddy Lands Act No. 1 of 1958 on which tenancy reform in Sri Lanka was based sought to strengthen the position of the tenant towards increasing productivity of Paddy Lands. Among its objectives the more fundamental ones were to provide security of tenancy on a permanent and heritable basis to the tenants, to regulate the rents payable to land - owners, and provide for the establishment of Cultivation Committees as democratic institutions of farmers at the village level to promote paddy cultivation and operationalise the Act. The Agricultural Productivity Law No. 2 of 1972 and the Agricultural Lands Law of 1973 were expected to provide a better institutional framework to achieve the purposes for which the Paddy Lands Act was introduced in 1958.

The Paddy Lands Act was amended five times between 1958 - 70 with a view to prevent/ illegal eviction of tenants and making Cultivation Committees more effective instruments to promote the objectives of

the Act.

The tenancy reform administration in the post 1972 period was essentially a decentralised structure. This came about as a result of two laws. The Agricultural Productivity Law No. 2 introduced in 1972 created a new farmer organisation, the Agricultural Productivity Committee, which operated at a sub-electorate level ( at the village-council level), and a supreme appellate body on tenancy matters, the Agricultural Tribunal, which operated at the electoral level. The Agricultural Lands Law, of 1973 placed the Cultivation Committee which operated at the village level under the direct control of the Agricultural Productivity Committee.

Both the APC and the CC consisted of 10 members each, appointed by the Minister of Agriculture and Lands ( on the recommendation of the area MP ) to represent the interests of persons engaged in agriculture or such other interests as the Minister may consider vital for the committees. It was expected that the APC and the CC under a system of political nomination would better serve farmer interests, provide wider representation, and would tie their workings more firmly with the national developmental activities.

However, the expectations behind the introduction of the principle of political nomination of members to the APC and the CC did not come to pass at the field level.

At the APC level, in the study village context, the underprivileged cultivator groups like owner-cultivators of microscopic parcels of land, tenants, and agricultural labourers were not represented. Instead political nomination of membership resulted in the infiltration of powerful political affiliates in the region who in addition drew on traditional sources of power such as ownership of large extents of land, family status and connections, large business and commercial interests, and caste. Many of them also had tenants and agricultural labourers working for them. The interests represented at the APC thus were to a large extent diametrically opposed to the interests

of the potential beneficiaries for whom this organisation was created.

At the CC level there was however, a better representation of different potential beneficiary groups. Even though low level party affiliates and representatives of village factions based on land ownership, family rivalries, caste, and so on, were found in the CCs, a majority of the members of the CC in terms of employment status were owner cultivators of small plots of land, tenants, and agricultural labourers. The relative bargaining position of such groups through the medium of the CC was weak, in view of the privileged sectors dominating the APC. In addition, the very closeness of the CC to the villages and its weakness exposed it to traditional controls and bonds which were utilised by interest groups within the village to serve their own interests.

The political patronage accorded to the APC-CC by the MP and the ruling party was found to have diverted the responsibility and the loyalty of the members, especially of the APC, more towards the party and the MP for their own betterment than towards those in whose name the system was introduced.

The very creation of 'farmer' organisations which were sponsored by the party in power had a depressing effect on the possibility of spontaneous generation of farmer organisations which could have had better representation of underprivileged interests in the villages. Such an organisation would have needed a sufficiently strong sponsor for it to increase its bargaining position for benefits from the government. In terms of the authority sources which operate at the village level, the party in power was the most dominant sponsor, which already was represented in the APC-CC.

Both the Agricultural Productivity Law of 1972 and the Agricultural Lands Law of 1973 did not clearly specify that APC or the CC would consist only of farmers. The Law, instead stipulated for valid reasons, that members were to "represent" the interests of persons engaged in agriculture. In the study village context a list of such persons was initially drawn up by the area SLFP organisation and sent

to the MP. From this list, a member of eligible persons were selected by the MP and sent up to the Minister of Agriculture and Lands, for appointment to the organisations. Thus, at the local level the recruitment procedure was exposed to influences of interested individuals and groups over the choice of persons for the committees. This invariably led to an infiltration of powerful sectoral interests in the region to the APC and representatives of village factions and village family and landed interests, to the CC.

With the decentralisation of the reform administration after 1972, it was expected that its capacity to coordinate work and settle tenancy disputes would be more greatly enhanced than ever before. The decentralised structure under the Agricultural Tribunals and the APC had more authority by law and through the support it received from the MPs of the party in power.

Under the post 1972 decentralisation each electorate (averaging about six per district) had approximately 1-2 APCs, and 10-20 cultivation committees and an Agricultural Tribunal. Taking into consideration the Committees strength ( 8 persons) of the Agricultural Tribunal, a total of approximately 170 office bearers of these three organisations served the cultivators at the electoral level (approximately 1020 such members served a district). This structure was serviced by one to two Divisional Officers and a number of Field Assistants at the electorate level, and by one or two Assistant Directors (formerly Assistant Commissioners), and five to six Divisional Officers and a number of Field Assistants at the Divisional Level. The potential capacity of the post-1972 reform administration to serve cultivator interests was thus greatly enhanced.

<sup>1</sup> In contrast, under the pre-1972 reform administration structure a district had on the average, about 190 Cultivation Committees consisting of 10-12 members each, one or two Assistant Commissioners, five Divisional Officers and a number of Field Assistants. The Cultivation Committee had no authority over tenancy matters. The authority lay with the Assistant Commissioners (one-two persons). This centralised form of administration which operated mostly at the District level reduced its effectiveness as a development administration structure which could better serve farmer interests.

The study villages show a significant increase in tenant registrations between 1972-1977 years as against the period before 1972. The increase in tenant registration after 1972 reflects the greater interest of the APC-CC system in performing this task. The registration of tenants accorded a stronger position to the tenants to secure their tenancies. It also opened opportunities for tenants to become recipients of subsidised fertiliser, agro-loans on easy repayment conditions, and many other benefits.

However, the tenancy conditions in the villages seem to indicate that registration of tenancy had not resulted in either increasing the bargaining position of the tenants or in providing a more lasting security of tenure.

The depressed social and economic position of the tenants, especially within a socially ostracised and economically deprived village community kept them in an almost permanent state of servility and dependence on their landlords. Certain of the tenants could not register themselves as a result of "technical considerations". Many of these "technical considerations" were found to have been created by landlords to prevent tenants from asserting themselves.

The villages reveal a significant decline in the average duration of tenancy over time. It was around seven years in the 1968-1964 period. Between 1972-1977 period, when the APC-CC system was in operation it declined to two years. In one village, this decline had occurred in spite of the very active nature of the APC in settling tenancy disputes at the field level. The rent stipulations of the Tenancy Law and efforts taken by the strengthened reform administration have been largely unsuccessful in preventing exploitation of the tenants by their landlords in rent payments. A great majority of the tenants (82% of the two villages) continued to pay half share or more of the total produce to the landlord while the stipulated rent was 1/4 share of the total produce. In this context the spread of NHYVs has not benefitted the tenants. The tenants invariably meet the additional costs incurred in the adoption of NHYVs, while the landlord becomes the major beneficiary of the increased yields, under traditional rent, and other arrangements.

Ineffectiveness of the improved implementation structure was further complicated by the more obvious and basic problem of attempting to legally fix the relationships that existed between the landlord and the tenant. The legal fixation of the position of the tenant as one who has been let an extent of paddy under oral or written agreement made on, before or after the law came into operation was negated at the field level by strategies like tenant rotation adopted by landlords. Similarly, the legal fixation of rent was difficult to implement at the village level. In addition, the legally established categories such as landlords, owner-cultivators, tenants and agricultural labourers which were necessary to fix landlord-tenant relationships by law did not reveal the system as it worked on the ground.

The APC-CC system due to its internal failings was unable to prevent the moves made by landlords to circumvent and negate the stipulations of the tenancy law. In the study villages the legal and institutional ineffectiveness only paved the way for the complex traditional social relations to emerge as obstacles to proper implementation of tenancy reforms.

#### LAND REFORM

In introducing the 1972 land reform programme the immediate goals set out by the government were to distribute the land to the landless, to solve the unemployment problem and to increase the agricultural output. The land reform also had an additional ideal of integrating the estate and the village which existed in a state of isolation from each other for over a century.

The Land Reform Law No. 1 of 1972 provided for the establishment of a Land Reform Commission (LRC), as a national level apex body in charge of the implementation of the Land Reform Law. It functioned directly under the control of the Minister of Agriculture who was assisted by a Cabinet Sub-Committee on Land Reform. At the district level the commission set up a District Land Reform Authority (DLRC), headed by a District Director. The DLRA was expected to discharge or perform any such powers, functions and duties of the commission as may be

delegated to such authority by the commission. The creation of the DLRA was intended to decentralise the implementation of the Land Reform Programme. This reform administration structure, with the assistance of the revenue administration, was responsible for the speedy take over of private and company estate lands under Phase 1 (1972) and Phase II (1975) of the Land Reform. The take over process in Phase 1 was completed within a period of two years. The take over process of company estates in Phase II was accomplished within a matter of days.

Post take-over developments until mid-1977 showed a conspicuous lack of any integrated post-reform development plan. There was considerable confusion regarding the future of the land taken over. The government was faced with several contradictions and dilemmas such as :

- (a) need for land redistribution to tackle unemployment and landlessness and to politicise the land reform on the one hand, and the need to least disturb the estates for reasons of maintaining productivity, on the other,
- (b) the need to accommodate demands of politicians who clamoured to have a say in the implementation as against reliance on a wholly bureaucratic machinery,
- (c) the need to evolve suitable management systems attractive to the educated youth without causing serious dislocation in production in the estates.

Concrete answers to the above questions were not available. This led to the adoption of several unconnected alternatives to implement the settlement and development programmes, such as the use of existing plantation management organisations (like the State Plantation Corporation) and the creation of new organisations (Peoples Estate Development Board, or JANAWASAMA as it was called) to manage the larger and the best estates, creation of an organisation to transform certain estates into cooperatives farms (Janawasa); creation in each electorate of an Electorate Land Reform Cooperative (with the local MP as its Chairman) to manage and develop moderately productive medium sized estates on a politically guided and popular participatory basis; and handing over of small blocks of land to a number of ad hoc organisations for food production and immediate generation of employment.

The absence of an integrated post-reform development programme was conspicuous in the study village context where some confusion was associated with the priority uses to which the Land Reform Lands were to be placed, and in the choice of implementing organisations and beneficiary groups.

The implementation programme had to accommodate the demands of the local MP and the electorate SLFP ( Sri Lanka Freedom Party ) Organisation. The local MP emerged to the position of principal decision-maker concerning the future of land reform lands in the electorate. His position was formalised with the creation in 1974 of an electorate level implementing organisation, the Electorate Land Reform Cooperative (ELRC) with the MP as its Chairman.

In terms of the political climate of the country in the early 1970s, involvement of people in the implementation of land reform was viewed by the government to be better achieved through organisations at the village level, which were strongly affiliated to the party in power. The APC and the CC as two village level politicised organisations were expected to perform a vital role in the implementation of the land reform programme at the village level. However, their preoccupation with paddy cultivation and tenancy matters drew them away from playing an active role in land reform implementation.

Affiliation to a political party cut across other divisions of the village society based on economic and social considerations. The SLFP village organisation thus had among its membership the entire range of the village society including the village landless, the unemployed, youth, and other such underprivileged groups, in whose name the land reform itself was initiated. However, in the study villages, implementation of land reform through the medium of party organisations was found to have bred a number of contradictory situations.

The importance of the party organisation in the village had the effect of drawing in the more articulate and the privileged groups of the village to its key positions. They in turn exploited the authority of the organisation (e.g. in selecting suitable persons for employment

and for land) to serve their own interests at the expense of the deserving groups. Privileged groups as the main protagonists in the implementation scene were more noticeable where economic inequalities were relatively more pronounced.

In a situation where the village was uniformly poor and depressed in terms of social and economic standing in the region, even the demands of the village party branch were overlooked by the electorate authority in charge of implementation ( the ELRC).

In the villages the party organisation prepared lists of landless in their villages to be sent to the local MP. Inevitable biases crept into the preparation of such lists favouring party affiliates at the expense of the village landless poor as a whole. However, it must be said that those who received land were indeed members of the village poor, even though many of them were selected for their affiliations with the ruling party and the key political organisers in the village rather than because of their poverty.

The entire exercise of land alienation through the efforts of the village party organisation was carried out haphazardly. In one study village between 1972-77, nearly 180 landless families received 1/4 to 1 1/4 acre extents of land from the nearby tea estates for construction of dwelling units and for cultivation. In most cases, boundaries of individual allotments were not properly demarcated. Only a few allottees received even temporary permits to the land. No other facilities were extended to the allottees to develop their land allotments. Many, thus fell into a pattern of merely exploiting the existing tea crop in their individual allotments. In another village though about 20 landless families received quarter-acre blocks of land for construction of dwelling units, the land was 5-6 miles away from the village. None of the recipients attempted to occupy the lands due particularly to the difficulty in obtaining employment in an unfamiliar area.

Most of the persons who received lands in the study villages as a result of the efforts of the party organisation during 1972/77 period lost them following the mid-1977 political change.

The productivity of the estate lands around the village suffered on account of a lack of sound policy on the implementation of land reform. For example following the take over, estates at different times were placed under the care of the Grama Sevaka, and the village SLFP organisations. This action did not enhance the productivity of the estate land. On the contrary, in the tea region the estates were slaughter-plucked by committee members of the party organisation and their supporters.

Since the 1977 political change a more coordinated programme of estate development has been launched which has an effect in boosting up the employment opportunities for villagers.

In principle, the main target groups of land reform, i.e. the rural poor, should have been made to feel that land reform implementation required both their active involvement and participation. But in fact what transpired in the study villages was the generation of a feeling among the village poor that land reform was extended to them because of the patronage of the area MP. The implementation process up to mid-1977 in the village context was more a political exercise aimed at boosting the image of the politician and his principal party supporters at both the electorate and at the village level than one directed to benefit the particular target groups as envisaged at the national levels.

Excessive reliance on the political party network as the village arm of the national land reform implementation structure was found to have completely subverted the principle of popular participation and the scope for its achievement at the village level. Office bearers who were associated with complimentary organisations like the Electoral Land Reform Cooperative, the Janawasama, and the APC-CC system were chosen on the basis of their political affiliations rather than on their representation of under privileged interests. This resulted in a change of personnel of organisations responsible for implementing land reform, and even the organisations, themselves, following the national political change effecting the smoothness of the implementation process. The employment opportunities as well as the lands that were given to persons on the basis of their political affiliations as a result only lasted until the political change.

The need to bring about a closer relationship between the estate and the village towards a balanced development in plantation dominated areas of the island was highlighted in numerous deliberations made on land reform since its inception. At present it forms an integral part of the new policy on estate development introduced by the Ministry of Plantation Industries.

Though at the national level the policies towards achieving integration seemed both desirable and feasible, at the village level in both villages, the successful implementation of this ideal seemed to be determined by such factors as the attitudes of the estate management towards the villagers, the socio-economic and relative bargaining positions of the villagers for estate employment and other benefits, and fears and suspicious of the village on the one hand, and the estate management and its resident labour on the other, towards each other, resulting from a century old enclaved existence. Such factors appear to have an important bearing on the eventual success of Land Reform Implementation agencies in reducing the estate- village dichotomy.

## CHAPTER I

### BACKGROUND

The following study on Policies and Implementation of Land Reform in Sri Lanka is based on three villages which were specifically selected to examine the grass-roots level effectiveness of land reform programmes introduced in the island between 1958-1977.

Sri Lanka has a population of over 14 million, of which 68% live in 30% of the total land area forming the 'Wet Zone'. The balance lives in 70% of the total land area which forms the 'Dry Zone'.<sup>1</sup> While a population growth rate of 1.7 percent, coupled with a life expectancy approaching 70 years and a literacy rate close upon 80 percent bring Sri Lanka to a position comparable with that of 'developed' countries, a per capita income around \$ 150 places the country among the low-income developing countries of the third world.

Around 78% of the population of Sri Lanka live in rural areas where agriculture is the major economic activity. Agriculture accounts for 35% of the Gross Domestic Product and 50% of the employed population of the country. The Agricultural economy of Sri Lanka has for long exhibited a dual character with a 'modern' and a 'traditional' sector existing in virtual isolation from each other.

The modern sector is based mainly around the major commercial plantations of tea, rubber and coconut, with an array of supporting activities in the form of financial and commercial establishments, transportation and other facilities established and developed for their convenience. The three plantation crops account for 6 percent of the land area of the island, nearly 93 percent of total export earnings, and for nearly one-third of the country's national income. The modern sector over the years experienced a considerable growth and expansion, yet until the achievement of independence in 1948, without any substantial effect on the rest of the economy. Capital and labour were imported from abroad

<sup>1</sup> An average annual rainfall of 100 inches forms the conventional boundary between the 'Wet' and 'Dry' Zone areas of the island.

and the growth of the modern sector largely depended on the world market prices for its products. Most consumption goods for the modern sector were imported and savings were generally either re-invested in agricultural activities for the same sector or repatriated rather than invested elsewhere. Though the modern sector was the principal supplier of government revenue most of the tax revenue was paid to improve transport and other public utility services of the estates.

The traditional sector in contrast was largely confined to village based agriculture, especially the cultivation of rice and other subsidiary food crops for domestic consumption, local crafts and traditional service occupations. With the semi-subsistence character generating a drag-effect the traditional sector grew very slowly and in relative isolation from the modern sector.

Since the Independence, Sri Lanka has pursued multiple strategies to relieve heavy dependence on plantation agriculture and integration of the economy. The elimination of the economic dualism have become the key objective of economic plans. Desired structural changes have been sought through strategies aimed at intensification and diversification of agriculture with particular emphasis on peasant agriculture, land reform-including frontier settlement and tenancy reforms-expansion of the industry, the intensification of import substitution and the development of new exports.

As a result of these measures the traditional peasant sector of the economy showed notable progress during the post-independence period. Whereas in 1960 the peasant sector constituted only 26% of the contribution of agriculture to the GNP; by 1972 it increased to 68.8%. In the post-independence period an increase in the volume of employment generation has also been noted within this sector. The output of paddy and other subsidiary food crops has shown much progress. For instance, between 1952 and 1974 the paddy output increased by 166% while the area under paddy increased by 70% and the yield per acre by 45%.

Through the opening up of colonisation schemes<sup>1</sup> and tenancy reforms of 1953 and 1958 and their subsequent developments, the State has made a determined bid to solve the problems of low productivity/adverse tenurial conditions.

These developments however were not adequate enough to solve the problems besetting the peasant sector which continued to be characterised by endemic problems of landlessness (about 27% of the peasant households being landless), micro-holdings (over 80% of the holdings are below 2 acres), exploitative tenurial conditions (with 40% of the paddy lands under various share cropping arrangements), under utilization of sources, low agricultural productivity, low incomes (82% of the rural households earned incomes of below Rs.400/- per month; 44% received incomes of below Rs.200/- per month), and unemployment (with 70% of the island total unemployed located in the peasant sector).

In the 'modern' sector, attempts were made to raise output levels through a programme of research and by introducing generous subsidies for replanting with high-yielding varieties, for fertilizer application and for the modernization of tea factories. Solutions were attempted to the deteriorating labour conditions by introducing labour legislation, raising wage levels and by expanding welfare facilities.

These measures had their impact on the level of production in the plantation sector. For instance between 1948 and 1974, the total tea output increased by 50%. The per acre output of tea increased from 539 to 535,1bs in 1974. Tea and rubber output as per labour too increased during this period. The overall result was a conspicuous rise in the volume of tea and rubber exports.

<sup>1</sup> About 600000 acres of state land from the Dry Zone was under nearly 100 Colonisation Schemes bebefitting over 83,000 landless peasant families.

Source: Government of Ceylon, "Report of the Land Utilisation Committee", August, 1967, Sessional Paper XI (1968) p. 34.

On the one hand, the development strategy of the Government towards the plantation sector was constrained by the Government's own effort to regulate the plantation activity. With a view to getting the plantation system fall in line with the national interests, the plantation sector was subjected to certain controls. These measures included rigorous taxation of the tea industry to finance national development, restraints on the export of capital, efforts to build up the importance of the Colombo auctions, measures to secure the employment of Sri Lankan management staff, encouragement of small-holder tea production and attempts to solve the problem of Indian labour which had been a bone of contention in the high unemployment sphere of Sri Lanka. Legislation was also introduced making it impossible to repatriate proceeds of sales of estates.

The foreign plantation companies reacted by :-

- (a) arresting capital inflow into the plantation sector and by placing heavy reliance on local lending sources;
- (b) by effecting a process of disinvestment on the plantations. At the early stages, the plantations were sold and the proceeds were repatriated out of Sri Lanka. With the introduction of the Exchange Control Regulations in 1956 and the subsequent tightening up of these regulations, plantation companies started inflating their profits at the expense of maintenance, fertilization and labour welfare measures etc., This in effect meant the transfer of a part of capital investment out of the country by paying higher dividends to owners living abroad;
- (c) the multinationals made use of their vantage position of control over both the production and marketing processes to circumvent Sri Lanka's taxation measures by deflating profits at the production stage and by earning heavy profits for the companies at the marketing stage - a stage which lay beyond the control of the Government of Sri Lanka.

The overall result of the reaction of plantation companies was the neglect of plantations and drop in production depriving the national economy of Sri Lanka of the full benefits of the plantations. The persistent deterioration of the plantation sector, in spite of all efforts by the Government to arrest this decline, raised the fundamental quest-

ion whether the traditional approach to assist the plantation sector would bring about any appreciable contributions to the national economy so long as this sector was controlled by non-nationals.

As Sri Lanka entered the 1960s the economic crisis became worse due to falling prices of exports products. A severe foreign exchange crisis set in as the external assets dropped to the lowest level after independence. The value of exports which stood at US\$ 365 million in 1960-62 declined to US\$ 324 million in 1970-72, while the terms of trade (1967 index = 100) which stood at 142 in 1962 reached the lowest point 75 in 1972. While the export sector was in a crisis the domestic sector was unable to generate adequate surpluses of food grains. The economic crisis was further aggravated by the rapid growth of the population in which the youth formed the largest section. Unemployment among educated youth, mostly rural, assumed great proportions.

The insurrection of 1971 and other social and political development of the 1970s compelled Governments to look at redistributive justice in terms of structural changes. The land reform and development policies of the 1970s were attempts to make certain changes in the economic structure to meet the demand of equity on a different basis, with development goals embodying growth, equity, self-reliance and people's participation aspects becoming more clearly identified and established.

In the three decades since independence from the British Colonial rule in 1948, a sophisticated and a highly competitive political system has evolved in Sri Lanka. This has been accompanied by a rapid spread of political awareness and a remarkably high level of popular participation (over 80%) at national general elections.

A significant aspect of the Sri Lankan political system is the vigorous and effective competition that occurs between political parties. In each Parliamentary election since 1952, the governing party or coalition has been expelled from office in favour of an opposing party. No party enjoyed a continued dominance.

The alternation in power within a pluralistic party system results from the existence of two relatively large opposing parties, the United

National Party (UNP), and the Sri Lanka Freedom Party (SLFP), one of which invariably formed the core of each government since independence. Both parties are sufficiently large to be capable of coming into power at elections. This has encouraged the hope of victory and tends to intensify the competition.

Yet, despite the indications of strength, vigor and durability of the political parties, the dictates of rapidly rising mass aspirations and expectations compounded by rapid population growth pose a renewed threat to political stability and continuity.

The new political order of the day is a trend towards political modernization linked up with existing processes of socio-economic development. A notable feature of this trend is the increasing political control of all spheres of development activity. Since 1970 there has emerged a further shift towards sharing of development functions between the government department administration and the political party administration. The political authority system introduced mid - 1970s and its concretisation in the District Minister System of late 1970s symbolise the superior position of political power relative to that of Government department administration in developmental activities.<sup>1</sup>

This aspect coupled with politicisation of organisations serving the people and the high degree of political consciousness and participation that pervades the Sri Lankan society has had both positive and negative effects on the implementation of development programmes and on the performance of rural organisations in charge of such implementation. On the negative side, the political dominance in development functions is often seen to weaken the ability of organisations in charge of State sponsored development programmes to perform their statutory functions, as a result of excessive interference. The high degree of political consciousness at times also serve to weaken organisations by exacerbating party factionalism. To the extent that rural organisations get 'captured' by one political interest or another, this undermines their stability and popular acceptability.

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<sup>1</sup> Kearney, R.N. The Politics of Ceylon (SRI LANKA)  
Ithaca: Cornell University Press 1973) p.217-227.

On the positive side government departments are coerced to becoming more responsible over development activities and rural organisations and to guide them in line with the dominant political ideology of the time.

The political conflicts which are often found within rural organisations and in development activity through another perspective have served to build up an accommodative spirit among the people so that experimentation in development strategies have been permitted by people to go on even within an unstable economic environment without leading to a violent social upheaval.<sup>1</sup>

As the failure of the outburst of insurgency in 1971 amply illustrates, the high degree of political awareness among the people and the accommodative spirit built over the years has bred within the society of Sri Lanka a preference for radical changes in governments, their policies and organisations which serve the society than for radical changes in the society itself.<sup>2</sup>

<sup>1</sup> Uphoff, N. and Wanigaratne, R.D. Local Organisations and Rural Development in Sri Lanka (1979) mimeo, p. 68.

<sup>2</sup> Ibid, p. 69.

## CHAPTER II

### METHODOLOGY AND SETTING

#### METHODOLOGY

##### PURPOSE AND OBJECTIVES:

Land Reform introduced in Sri Lanka opened out possibilities for making significant dents in an agrarian structure beset with problems of landlessness, unviable holdings, and adverse tenurial conditions, as well as problems of uneven development of a peasant sector and an enclaved plantation sector. The study was undertaken with a view that the impact of these reforms on the agrarian structure deserves recognition and examination.

Within the above context the broad purpose of the study is to understand the impact of socio-political and economic processes on the implementation of land reform policies at the village level. The study delineates the aims of land reform and problems of implementation - the implementation process at the village level, and the identification of benefits and contradictions arising from implementation, and their resolution. Specifically the study seeks answers to two basic questions.

- (a) What are the forces that operate at the village level under which land reforms become a critical issue for the government of a country?
- (b) What are the conditions under which land reform policies favourable to the actual tiller of land and the landless can be effectively implemented?

For the purpose of the study, land reform is treated as a blanket term covering both land re-distribution programmes as well as programmes for tenancy reforms. The state take over of lands held by private individuals and companies (both private and public) through the Land Reform <sup>Act</sup> No.1 of 1972 and the Land Reform (Amendment) Law No. 39 of 1975, and the security of tenure and rent regulation assured through Paddy Lands Act No. 1 of

of 1958 and its subsequent amendments, are treated in the study as basic reference points of state intervention in land reform.

#### SELECTION OF VILLAGES:

Three villages were selected for the study and their choice was based on the following criteria:-

- (a) Locational considerations such as compactness and accessibility.
- (b) Agro-ecological considerations affecting the types of crops grown and economic activities pursued.
- (c) Socio-cultural and organisational considerations delineating the stratification of the village society and the behaviour of persons and groups; and
- (d) Evidence of implementation of land reform legislation affecting the livelihood of the village people.

In summary, the implementation effects of tenancy reforms are examined in the context of two villages: Mawela and Ambana. The Ambana village is again examined alongside another, Mulgama village, for effects of redistributive land reform in the context of the coconut, rubber and tea plantation regions of Sri Lanka.

#### DATA COLLECTION

The size of the sample of households to be interviewed in each of the two villages of Ambana and Mawela was fixed at forty. In the case of Mulgama fifty sample households made up for the relatively larger number of households in the five distinct hamlets of the village. A total of 130 sampled households from the three villages were interviewed.

Techniques of data collection followed in the survey included the usage of structured interview schedules with open ended questions, sifting of available recorded information, and in-depth interviews. Three structured interview schedules were adopted. The schedule I sought basic information on the socio-economic background of households, the Schedule II elicited information on tenancy conditions in the village, and Schedule

III gauged the relationship between the estate and the village before and after the implementation of the Land Reform Laws of 1972 and 1975.

Selected informants from the following categories of persons were subjected to indepth interviews along intended lines of investigation. The categories were: Land owners, and the village under-privileged groups tenants, wage-labourers, the landless, youth and the politically weak , former and present office bearers of village organisations, field level and middle level officers of land reform implementation agencies, estate superintendents, supervisors, and labourers.

Data were collected during a period of six weeks, begining with the first week of April and ending by mid May 1978, by a team of three researchers assisted by two field investigators.

#### **LIMITATIONS OF THE STUDY:**

Evaluating the impact of land reforms on several dimensions presented a number of problems, of which the foremost was the difficulty of making judgements on processes which have not yet reached their logical maturity-state. The study therefore does not attempt to project the way conditions associated with the implementation of land reforms may develop in the future. However, certain present trends identified in the study villages which may have projective implications will be discussed.

#### **THE SETTING**

This section provides a summary of the socio-economic, political and organisational setting of the three study village communities, which it is hoped would provide a suitable backdrop to the Land Reform Implementation experiences at the ground level discussed in the succeeding chapters.

#### **AMBANA**

Ambana is a village of the low country coconut-rubber region of Sri Lanka. It is located at a distance of about a mile from the town of

Mirigama, in the district of Colombo, alongside the Colombo-Mirigama minor trunk road, The village comes under the Mirigama Assistant Government Agents Divisions.

Three Land Reform Commission (LRC) estates are situated adjacent to the village, a cinnamon estate (35 acres), a rubber estate (80 acres LRC; 130 acres owned privately) and a coconut estate (146 acres). A 7 acre village expansion scheme (aluthhena) consisting of 0.25 acre allotments lies in the centre of the village. Ambana has a population of 625 persons (1971 Census) -in 105 households. All the inhabitants are low-country Sinhala Buddhists.

Of 140 individuals forming the labour force within 40 sampled households 93 are gainfully employed, a majority of them (60%) in agriculture, as tenants and labourers. Employment in non-agricultural occupations also figured prominently in Ambana accounting for 40% of those employed and 52.6% share of the household income, which is mainly a feature of the proximity of the village to urban centres.

Landlessness and near landlessness in both highland and lowland was much in evidence in the village as depicted below:

Table 1 - Distribution of Owned Land (% of Households)

Size of Holding (acres)	Paddy	Highland
0	90	05
Below 0.5	08	88
0.5 - 1.0	02	05
1.1 - 2.0	00	00
2.1 - 5.0	00	02
Above 5.0	00	00

Altogether the 40 sample households owned less than one acre of paddy and only 10 acres of highland. Joint ownership was prominent in highland holdings, frequently resulting in many persons (often 4 or more) claiming joint ownership to micro-extents of below 0.5 acre.

Almost all those claiming paddy cultivation as their principal occupation worked as tenants or as labourers in the Ambana Yaya an

elongated stretch of paddy adjacent to the village almost entirely owned by persons in surrounding villages.

Over 70% of the households earned an average monthly income of below Rs.250/- per month which is below the generally accepted 'poverty line' value of Rs.300/- per month for Sri Lanka. Besides low income, several other indicators demonstrate the low level of livelihood of Ambana people. About 50% of the houses were of poor quality confined to cadjan huts or wattle-and-daub structures. The 'poor' houses as well as many of the 'average' houses also suffered from overcrowding. About 68% of the households had no permanent toilet facilities. Although a majority of the households depended on wells for drinking water and for bathing purposes, only a few possessed wells. Only a small percentage of the households had such amenities as a radio (28%), a pressure lamp (15%) a bicycle (10%) or a sewing machine (05%). About 65% of the people of Ambana above the age of 10 were classed as literate, and 24% of the males and 46% of the females above 14 years of age have had no formal schooling. Of those who have had a schooling over 30% had received an education only upto Grade five.

The villages which surround Ambana are mainly of Goigama caste, which forms the apex of the semi-feudal caste hierarchy of the island. Ambana in contrast belongs to a very much lower-placed caste (panna). In addition the surrounding villages also harbour groups of powerful landowning families which held privileged social and economic positions in the Ambana environs. Ambana in contrast owns very little land and does not possess a distinct landed class. Ambana as a whole is thus largely dependent on many of these powerful landed families for their livelihood. The depressed social and economic positions of Ambana has combined to reduce the bargaining power of the village for employment, for obtaining rights to cultivate, and for admission to state sponsored rural organisations which are meant to serve the wider population.

#### MAWELA

Mawela consists of 201 households and a population of 1307 persons

(1971 Census). It is located about 3 miles from the Mawanella town and half mile away from the Colombo-Kandy road. The village is accessible by a motorable road. Mawela falls within the Mawenella Assistant Government Agent's division, Kegalle District. The village has a 12 acre village expansion scheme on its fringes consisting of 0.5 acres allotments.

Mawela belongs to the mid-country mixed highland crop region. The mainstay of the village however is in paddy cultivation. Seventy one percent (71%) of the gainfully employed in the village were in agriculture, mostly in paddy cultivation. The village does not have estates in its immediate environments. However, a paddy tract Molligoda Yaya vested with the Land Reform Commission is situated on the borders of the village.

The 40 sampled households in Mawela owned a total of 7.1 acres of paddy and 48.1 acres of highland. The shortage of paddy land is related to the population of the village has resulted in many of the cultivators working as share-tenants or as labourers in paddy fields belonging to adjacent villages. Competition among cultivators for right to cultivate paddy lands was high in the village.

Table 2 - Distribution of Owned Land ( % of Households )

Size of Holding (acres)	Paddy	Highland
0	75	98
Below - 0.5	10	30
0.5 - 1.0	13	40
1.1 - 2.0	00	08
2.1 - 5.0	03	10
Above 5.0	00	05

Highland which is available in greater supply was under a mixture of many useful trees producing both food and cash crops. Several minor export crops such as nutmeg, cloves and pepper provide a ready but a seasonal source of income.

The average monthly income of Mawela households was Rs.320/-, which is slightly above the national poverty line value. Nearly one-third of the

households earned an average income above Rs.300/- per month, and 63% of the household income came from agricultural sources both from paddy and highland.

About 66% of Mawela people above 10 years of age were literate, and about 87% of the males and 60% of the females above the age of 14 years reported having received 5-10 years of formal education. 36% of the females and 11% of the males had not benefitted from school education.

Certain indicators of the level of living such as the quality of the house, water and toilet facilities, possession of consumer durables, and so on, showed a low to average level of living in Mawela. Mawela is a multi-caste village with a Goigama caste majority which has its effects in creating a range of social and economic inequalities between caste groups, in the workings of village level organisations including political organisations, and in land tenure relationships. The minority caste groups are hardly represented and do not occupy positions of responsibility in the village organisations. They are also unable to organise and assert themselves because they form a motley group with members of the major caste exploiting the dissensions that exist among them (minority group).

#### MULAGAMA

Mulagama village belongs to the up-country tea growing region. It is located three miles away from the town of Galaha (Kandy District) and nearly two miles from a turn off along a road which connects Galaha and Gampola townships. It falls within the Gampola Assistant Government Agent's division.

The village is hemmed in by large tea estates which extend far down into the valley bottom where the village is located. This feature has resulted in the fragmentation of the village into five distinct hamlets, viz., Pitawela, Pannawela, Udadeniyagama, Pahalagama, and Lukadagama each consisting of clusters of homesteads. The hamlets are separated from each other by tongues of estate land or rocky uncultivated

terrain. The village also encompasses two village expansion schemes, the Purana Hunugala Colony established in 1957 and the Nawa Hunugala Colony established in 1961-62. The former consists of one acre allotments and the latter of 0.5 acre allotments.

Mulgama consists of 310 households with a total population of 1613 persons (1971 Census). Except for a few low-country Sinhala families the majority of the inhabitants are up-country Sinhala Buddhists. About 60% of the households did not own paddy land, while nearly 80% owned highland in holdings of below one acre.

Table 3 - Distribution of Owned Land ( % of Households )

Size of Holding (Acres)	Paddy	Highland
0	58	04
Below 0.5	08	34
0.5 - 1.0	26	44
1.1 - 2.0	06	08
2.1 - 5.0	02	04
Above 5.0	00	06

The paddy fields of the village are located on the slopes and on the bottom of a steep valley. The fields are generally infertile, as a result of sand and gravel being washed down from higher slopes which are occupied by tea estates. The highland holdings are planted with a mixture of food and cash crops. Larger highland holdings are planted with tea which however is ill managed.

Of 127 individuals forming the labour force within the 50 sample households 104 were gainfully employed. Of the latter, 89% were in agriculture mostly as labourers in the neighbouring tea estates.

Nearly 40% of the households received incomes of above Rs.300/- per month<sup>1</sup>. This is a feature associated with increased employment opportunities for the villagers in the surrounding tea estates in recent years, following repatriation of some of the resident Indian Labour to India and as a

<sup>1</sup> Yet, 60% of the households in Mulagama remained at or below the 'poverty line'.

result of the redistribution of a part of the remainder resident among other estates following the State take over of private and company estate lands in the 1972-1975 period.

About 75% of Mulgama population above 10 years of age were classed as literate, and 62% of the males and 57% of the females above 14 years of age had received between 5-10 years of schooling. A Government Secondary school is located in the heart of the Mulgama village.

A majority (74%) of the houses in Mulgama were in a fair to good state of repair, 60% of the households were bereft of suitable toilet facilities, and over 50% used streams for bathing and wells for drinking water. Generally in terms of the quality of housing, possession of consumer durables such as radios, sewing machines and such other items, as well as in education and income status, Mulgama appeared to be relatively better off than both Ambana and Mawela.

Mulgama was a single caste village (Vahumpura caste) surrounded by estates with resident Indian labour. The only other village (Thunpola) which was located in the same valley alongside Mulgama belongs to the same caste. Thus, Mulgama as a whole did not suffer from social disabilities on the basis of its caste, vis-a-vis other castes or other high caste villages.

In the presence of homogeneity in terms of caste, stratification of the village population came about as a result of economic factors such as access to village lands. Certain families own more lands, have more members employed outside the village, and are more educated than the rest. However, between these families and the rest of the village exist a form of symbiotic relationship based on specific needs of each group and the satisfaction of these needs by the other.

#### **VILLAGE POLITICAL CHARACTER**

Villages are part of the national political systems, and their politics are conditioned by national politics. The national political system is characterised by a number of factors. Political parties and politicians tend to work toward their goals within the framework of the electoral

political system. The politician and his closest associates exert influence over the choice of persons for employment in state sponsored organisations and for obtaining financial support for infrastructural development in specific locations. Trade Unions as a means to win over economic and political demands are confined to urban centres. Organised peasant movements are generally absent in Sri Lanka and in the village milieu political organisation is generally characterised by the grouping of people at election time. Many youth and women's organisations formed by political parties usually become active immediately prior to national elections and disappear soon after.

Though at the national level leftist parties exist, at the study village level the national political system was mostly represented by two parties -The United National Party (UNP) and the Sri Lanka Freedom Party (SLFP). Leftist party organisations with substantial followings were absent in the villages.

There were no core supporters of UNP or the SLFP in the study villages. Affiliation to a particular political party was more influenced by family rivalries and a desire among families and family groups to outdo each other. The party in power during the 1970-77 period (the SLFP) at the national level usually led all activities of the villages during its tenure of office. The party supporters invariably received immediate benefits and the villages received secondary benefits through the development of infrastructural facilities such as roads, culverts, and community wells, halls and so on. After the 1977 political change the entire structure in terms of personnel involved in nearly all the organisations in the villages was generally reversed.

#### VILLAGE ORGANISATIONS

The success of a land reform programme depends largely on the effective involvement of its intended beneficiaries. The involvement of people in land reform implementation may perhaps be achieved by their mobilisation through local level organisations. Thus an important objective

in promoting such organisations in land reform implementation is that they would promote the interests of the intended beneficiaries. Further it is through such organisations that leadership qualities within the beneficiary groups which could ultimately help in the task of promoting their interests, be realised.

On the basis of their sponsorship three types of organisations were identified in the study villages;

1. State sponsored organisations like the rural development society, the Cultivation Committee, the Agricultural Productivity Committee, the Cooperative, and the Village Council.
2. Political organisations such as village level branches of national political parties and people's committee (Janatha Committee).
3. Locally sponsored organisations such as the death donation society, temple committee, Thrift society, and so on.

Organisations like the Agricultural Productivity Committee (APC), Cultivation Committee (CC) the cooperative, village council, and people's committee were statutory organisations<sup>1</sup>, directly connected to a particular state department in charge of development administration.

<sup>1</sup> The functions and the degree of autonomy, especially over finance, recruitment of personnel, and planning functions were directly controlled according to a prescribed administrative procedure laid down through statutes and directives sent down by sponsoring state departments. For example, the sponsoring state department for the APCs and CCs is the Rural Institutions and Productivity Laws Division under the Ministry of Agricultural and Lands (1970-78). For the Cooperatives the sponsoring department is the Department of Cooperative Development under the Ministry of Trade. For the village council the sponsoring department is the Department of Local Government under the Ministry of Public Administration. Local Government and Home Affairs. The People's Committees were managed by the Department of Local Government under the Ministry of Public Administration, Local Government and Home Affairs. (For a detailed analysis of the character and functions of these organisations see, C.Narayanasamy, et. al Rural Organisations and Rural Development in Selected Sri Lankan Villages (APDAC: Kuala Lumpur, 1978).

Organisations like the Rural Development Society (RDS) and the political party organisations were non statutory in nature, but were registered as organisations under a particular state department.

The objectives of the Rural Development Society were three fold: social development, economic development and cultural development. The above objectives were to be achieved mainly through mobilising resources of the village (particularly through self-help programmes) and with limited state assistance.

In both Mawela and Mulgama Rural Development Societies were virtually inactive since 1970. In contrast, Ambana village has had an active Rural Development Society since late 1940s. In 1970-1977 period a new RDS was created by certain sectors of the village population representing the interests of more militant youth. This stood dissolved with the change of government in mid-1977. In the post 1977 period it has not been possible to set up a single Rural Development Society to represent the village due to rivalries (family and political) among village factions. The rival groups formed two separate societies, neither of which have been able to gain official recognition. The State did not have a clearcut policy to assist the Rural Development Societies in the 1970-77 period. Lack of adequate official recognition and assistance was largely responsible for the weak state of the societies in the study villages.

Following a reorganisation done in 1972, the village cooperative was expected to perform a number of activities, such as the sale of food and other items under State Rationing Scheme, purchase of paddy and subsidiary crops under a Guaranteed Price Scheme, the sale of agricultural implements, fertiliser, agro-chemicals and seed paddy, provision of tractor hire facilities and the issuance of loans for cultivation. However, in the context of the three villages the activities of the cooperatives was mostly confined to the distribution of food items. With respect to servicing the agriculture sector the cooperative acted merely as a channel of distribution of fertiliser and credit, and purchase of paddy. In the sphere of agricultural development the cooperative played, a passive role because of its preoccupation with

the consumer service function and its isolation from the farming community.

Before 1970 the cooperatives had committees which were elected by its membership. With the reorganisation of the cooperative in 1972, the committees came to be appointed on the basis of nominations made by the area politician resulting in the drawing away of this organisation from the people. Voluntary participation in activities sponsored by the Cooperative became almost absent.

The Village council in terms of its statutory functions was responsible for the establishment and maintenance of public utilities such as roads, bridges, libraries, etc., Its development functions did not include agriculture. The village councils serving the study villages have been defunct since 1972.

The Agricultural Productivity Committee (APC) set up under the Agricultural Productivity Law No. 2 of 1972 was responsible for the planning and implementation of agricultural programmes in its area of authority. The Committee was appointed by the Minister of Agriculture and Lands and was vested with wide powers for the implementation of agricultural programmes which include authority to enlist the help of government officers in its area. The cultivation committee (CC), an organisation created under the Paddy Lands Act of 1958, was linked up with the APC through the Agricultural Lands Laws No. 42 of 1973 to be its agent at the village level. As in the case of the APC, members to the cultivation committee were appointed by the Minister of Agriculture and Lands. The CCs were responsible for planning and development of agriculture at the village level under the overall supervision of the APC. The APC-CC system was expected to play a dominant role in the planning and development of the agricultural sector.

The newly created APC-CC system suffered from a number of weaknesses. The recruitment procedures adopted resulted in the alienation of the organisation from the very farmers it was to serve. The selection of members on the basis of political affiliation made them more loyal to the area politician and the ruling political party than to the

farming community. The highly politicised nature of this organisation resulted in the infiltration of partisan political interests often leading to incidences of sectoral favouritism.

The principle of nomination was adopted as a trial with a view to offering greater representation to under-privileged groups in the area under the authority of the APC-CC system. However, in practice these ideals were not realised. While the under-privileged sectors were somewhat represented in the Cultivation Committees, it was more the business and landed interests which also had strong affiliations with the ruling party that came to dominate the Agricultural Productivity Committee.

In general the APC as an organisation was too removed from the intended beneficiary groups in the villages as a result of the sectoral interests represented in its committee. The CC as its village-level agent was not very effective in carrying out its functions, as a result of the infiltration of village factions based on political and family rivalries into its working committees.

The CC which served Ambana, for example, had as its Chairman the chief organiser of SLFP causes in the village. The Deputy Chairman was his own brother and the administrative secretary of the organisation was bound to the Chairman by party and personal loyalties. The APC was not favourably disposed towards Ambana CC on account of its latter's lower economic-social status in the area. The APC serving Ambana was also remotely located.

In case of Mulgama too the APC was remotely located. The village had a CC whose members were all from the village itself and were chosen entirely on their party affiliations. The weakness of the cultivation committee created <sup>on</sup> such lines was reflected in the neglect of duties expected of it by the Law. For instance amunu (minor village anicuts) serving Mulgama were completely neglected even though the cultivation committee (and the APC) was charged with the maintenance of minor irrigation works.

Mawela had an advantage over the other two villages in that the residence of the APC Chairman was located on the borders of the village

itself. This resulted in making the Mawela CC more active in the performance of its duties. It also led to a closer involvement of the APC in the activities of the village, especially in matters affecting tenancy.

In summary, except for Mawela the APC/CC organisation was found to have been almost ineffective in solving village problems. In all three villages the APC and the CC were treated by the people at large as highly politicised organisations which were dominated by the sectoral economic and political party interests and invariably served them, at the expense of the intended beneficiaries.

The People's Committee (Janatha Committee) as a politically sponsored organisation was placed in charge of maintaining discipline within the village, helping out villagers in voicing complaints to administrative authorities and other organisations, and informing the development administration of the many problems effecting the village. Of the three villages studied the Janatha Committee was found to be active only at Mulgama. Here it was responsible for the drawing up of lists of village landless and the unemployed who were to receive allotments from the surrounding Land Reform Commission Lands. In the other two villages the People's Committee was less active.

In all three villages the membership of this organisation and its de facto functions overlapped strongly with that of existing SLFP village organisations. Unlike in case of APC/CC, a majority of the People's committee membership consisted of youth. However, as with the APC/CC- the entire committee was appointed by the relevant Minister on the recommendation of the area member of the State Assembly.

## CHAPTER III

### IMPLEMENTATION OF TENANCY REFORMS

#### INTRODUCTION

Sri Lanka's agrarian structure has been described as a "dual structure", due to the presence of a capitalised large scale export oriented plantation sector and a small scale "subsistence" peasant sector. The peasant sector is crucial socio-politically as well as economically. The bulk of the population is rural and is directly or indirectly linked to the domestic sector. With the creation of the plantation economy under colonial rule the peasant sector was subject to a long process of underdevelopment. As a result the peasant sector display a host of characteristics ranging from persisting semi-feudal relations to modern commercialised forms of production.

Peasant society in Sri Lanka has evolved around paddy cultivation and hence, the paddy tracts constitute the nucleus of the village. Most of the social economic and political contradictions and problems in the village arise out of the system of ownership, size distribution, and productivity of the paddy lands. Today the peasant sector is severely affected by landlessness, parcellisation, indebtedness, continuance of exploitative tenurial conditions, and an uneven and a generally low level of productivity. Nearly 30% of the paddy cultivators are absolute share croppers while another 6% are owner-cum-ande<sup>1</sup> cultivators.

Table 2.1 Tenure of Paddy Lands in Sri Lanka (% of cultivators)

Ande	-	28.2
Owner cultivator	-	64.6
Owner-cum-ande	-	6.4
Land owners using only hired labour	-	1.0

Total : 1,305,364 cultivators.

Source : Weerawardena, -I.K. Land Tenure Data: Sri Lanka.  
(Colombo : R1 & PL Division : 1971) Table 23

<sup>1</sup> A local term for share-cropping.

Growth of population and lack of adequate economic development have led to fragmentation of paddy holdings to extremely uneconomic levels.<sup>1</sup> This has occurred in spite of traditional counteracting mechanisms such as joint ownership.

National statistics do not reveal the seriousness of the tenancy question. Diverse socio-historical conditions had bred different types of agrarian situations in various parts of the island, each having its particular disparities related to tenancy.

In the south eastern region of the island, especially in the Hambantota district, large extents of paddy lands are managed by a group of middlemen called 'Gambarayas' for absentee landlords. The tenants working in these lands are subjected to exorbitant rents and adverse tenurial conditions. In the wet zone region with its high population pressure on land rotational forms of ownership exist side by side with particularly high incidence of share-cropping. For example, in certain districts in the central hill country, over 45% of the paddy acreage is cultivated under diverse share-cropping arrangements.<sup>2</sup>

In the North Central and North Western Dry Zone regions of the island, nearly 20% of the paddy acreage is under share-cropping. Share tenancy exists in these areas amidst scarcity of irrigated paddy lands, fragmentation and dispersal of parcels.

In dry zone colonisation schemes where large tracts of paddy are cultivated under adequate irrigation facilities, disguised fragmentation and share tenancies exist even though legal restrictions are placed on land transfers through inheritance, or mortgage arrangements.

1 The gravity of the problem of fragmentation around late 1940s was such that 64% of the holdings and 23% of the total area under paddy was in units of below 1 acre in size.

(Source : Department of Census and Statistics, Census of Ceylon : 1946 Vol. 1., Part II, Table 70.

2 Sandaratne, N., "Tenancy in Ceylon's Paddy Lands: The 1958 Reform", South Asian Review, Vol. 5., No. 2, (January 1972). p. 120

In certain districts of the hill country vestiges of semi-feudal land-lordism still exist. Here the tenants are exposed to particularly extortionary conditions associated with various forms of servitude.

Regional variations, caused by various preconditioning factors such as population pressure on land, availability of alternative employment avenues, and so on, influence share rent payments. Though half share of the produce to the landlord is the average rent arrangement under which share tenancy is carried on in the island it may vary from one sixth to two thirds of the gross produce in different regions.

Besides the adverse share rent arrangements, in certain areas of the island, especially in the hill country the tenants performed various services, such as transporting the share of the grain to the landlord's home and performing cultivation tasks, free of charge to the landlord. In addition token cash gifts (madaran) were given to landlords at the beginning of each cultivation season, as a symbol of fidelity in order to be assured of continued cultivation rights to ,land.

The dependency of the tenant on the landlord went beyond the mere obtainment of cultivation rights. The tenant was dependent on his landlord for draught animals, and loans to defray cultivation and household expenses. Invariably he became indebted to the landlord.

The structural defects caused by fragmentation and share-cropping have also contributed to a large extent to the underutilisation of labour. The problems of landlessness and fragmentation are more acute in the Wet Zone. The efforts of the last few decades in land settlement have not helped adequately to solve these problems. Moreover institutional inadequacies with regard to credit, extension, and marketing have served to aggravate more the social and economic inequalities within the peasant sector.

The importance of reforming the terms and conditions of share-cropping which perpetuated low productivity through insecurity of tenure and exorbitant rents was felt at the national policy making level in the early 1950s. The first attempt to regulate tenancy was made with the passage of the Paddy Lands Act No. 1 of 1953. This Act proved to be

highly inadequate. In the first place it required the tenant to obtain certification from landlords to prove their tenancy status. Secondly, it was operative only in two districts, Hambantota and Batticaloa. It hardly made an impact even in these districts.

### THE PADDY LANDS ACT OF 1958

#### Introduction

The Government that came into power in 1956 treated tenancy in paddy lands as a national problem of vital importance. The Paddy Lands Act No.1 of 1958, introduced by this government sought to strengthen the position of the tenant and to increase productivity of paddy lands. Among its objectives the more fundamental ones were to provide security of tenancy of a permanent and heritable nature to the tenants, to regulate the rents payable to landowners, and provide for the establishment of Cultivation Committees as democratic institutions of farmers at the village level to promote paddy cultivation and operationalise the Act. Other objectives included provisions for the consolidation of fragmented paddy holdings and formation of collective farm organisations among peasants, regulation of interest rates on loans, and fixation of wage rates of agricultural labourers.

The provisions relating to security of tenancy were applied throughout the island in 1958, while the other provisions came into operation only in Colombo and Hambantota districts by ministerial decree in the same year. It was only five years after the Act was passed - i.e. in 1963, that the entire Act came to be operative in all the districts of the island.

The Paddy Lands Act was amended five times between 1958-1970<sup>1</sup>, with a view to preventing illegal evictions of tenants and to make the

1. Amendment Act No. 30 of 1958
- Amendment Act No. 61 of 1961
- Amendment Act No. 11 of 1964
- Amendment Act No. 25 of 1966
- Paddy Lands (Special Provisions) Act No. 2 of 1970

cultivation committees more effective instruments to promote the objectives of the Act. The Agricultural Lands Law No. 42 of 1973 superceded the Paddy Lands Act. The Agricultural Productivity Law of 1972 and the Agricultural Lands Law were expected to provide a better institutional framework to achieve the purposes for which the Paddy Lands Act was introduced in 1958.

As mentioned, the Paddy Lands Act was designed to achieve several objectives. However, the provisions that came into force were mainly the ones dealing with security of tenancy, rent and the establishment of Cultivation Committees. The issues of implementation are discussed below under the same headings.

#### **Security of Tenancy**

Section 4 (i) of the Act explicitly stated that a tenant cultivator on any extent of paddy land had the right to occupy and use such land, and the land owner had no right to evict him under any condition, including non-payment of rent. In 1958, at the time of introduction of the Paddy Lands Act, it was estimated that about 40% of the paddy lands were cultivated by share-croppers. The Act sought to grant greater security to a large number of such cultivators. However, the introduction of the Act led to immediate reactions from landowners who resorted to various strategies to subvert the provisions of the Act. The immediate result was a spate of evictions.

Within a period of few months of the Act, there were more than 10,000 reported evictions, and between 1958-1971 a total of 43,134 complaints of eviction were received by the Department of Agrarian Services.<sup>1</sup> The delay in making the Act to cover the entire island also contributed to an increase in the number of evictions. The landowners in a number of instances exploited the legal loopholes of the Paddy Lands Act. The landlords gained time by appealing against the decisions taken by Assistant Commissioner to the board of Review. Legal flaws of the Act included certain basic discrepancies in the usage and definition

of such terms as "tenant cultivator" and "eviction". For example, the term "eviction" was interpreted by Courts to mean "forcible and physical ejection of tenants" from the paddy fields. Land owners on realising the legal implications of "eviction", circumvented it by giving the land to some other cultivator and informing the tenant of it. The method usually practiced to circumvent the Act was to displace the tenant. Handicapped by low socio-economic circumstances the tenant usually did not seek legal action against the land owner. Even when tenants did seek legal redress the court did not construe the action of land owners as amounting to "eviction".

Experience until 1972 showed that the provision of the Paddy Lands Act pertaining to security of tenancy could not be implemented in the right spirit of the Act. The legal inadequacies of the Act itself, and the power wielded by land owners contributed in a big way to the failure of these provisions to benefit the tenants.

#### Rent Provisions

The rent stipulations of the Act appeared to have been followed in the less densely populated areas of the island such as the North Eastern, and South Eastern parts, where paddy cultivation was done on a commercial scale and in relatively larger holdings than elsewhere. The acceptance of the stipulations by both the tenant and the owner in these areas also resulted from the fact that they were recently developed lands in which customs governing rents were not strongly established. The competition for land in these areas was much less than in the densely populated wet zone areas. Such conditions enabled the tenant to achieve a better bargaining position with the land owner. Several surveys conducted after 1958 have shown that the land owner's share of the crop average to about 25% or less in these areas.<sup>1</sup> In most other regions of the island the tenants continued to pay the traditional 50% share of the crop.

<sup>1</sup> However, information is not readily available concerning rents paid by tenants in the areas prior to 1958.

No conscious effort was made to enforce the rent stipulations. The land owner-tenant relationship in the island has strong paternalistic characteristics. The mere introduction of tenancy in reform legislation could not break such a patron-client nexus that has existed and got strengthened over the generations.

The provisions relating to security of tenure and rent regulation were often related to each other. In most densely populated areas in the wet zone where landlessness is acute and alternative employment opportunities are low, competition among tenants to obtain cultivation rights to even small plots of paddy lands is extremely high. In the context of a fixed supply of paddy lands and an increasing demand for it the tenants are at the mercy of the land owners as the situation compells them to accept the conditions imposed by the landowners.

During the entire history of the operation of the Paddy Lands Act there was not a single instance of any landlord being prosecuted for demanding higher rents. Rent regularisation, thus, could not be realised without effecting a transformation of the dependency relationship that prevailed between tenants and landowners so that the tenant could economically be independent in his cultivation process. In this context the creation of institutional facilities to aid this class of tenant cultivators became imperative.

#### **Implementing Agencies of the Paddy Lands Act**

##### **(a) At the National and District Levels:**

Along with the Paddy Lands Act a separate Department of Agrarian Services was created. Headed by a Commissioner it was to fulfil the administrative functions of implementation of the provisions of the Act over the entire island. This department functioned under the Ministry of Agriculture. Its district level administrative network was headed by a cadre of Assistant Commissioners who had under them Divisional Officers (DOs) operating at the Divisional Level, and field assistants at the village level.

A National Board of Review was set up as a supreme appellate body on matters pertaining to evictions. The original Board of Review set up in 1958 consisted of three members. Due to the volume of work involved, the Board membership was increased in 1964 to twelve and the Board was divided into a number of Committees to go into different aspects of landlord-tenant problems.

A legal interpretation of the Paddy Lands Act in a Magistrate's Court in 1963, affected the implementation of the Act upto the 1970s. It was upheld that as the Assistant Commissioner of Agrarian Services and the Board of Review were not appointed by the Judicial Service Commission (responsible for appointment of Law Officers) they could not be considered as judicial officers who could interpret and give a legal decision concerning tenancy rights as defined by the Paddy Lands Act. Until the law was finally amended to vest authority on such matters on the Assistant Commissioner of Agrarian Services and the Board of Review through the Paddy Lands (Amendment) Act of 1970, the Department of Agrarian Services continued to be placed at a disadvantageous position.

The Department of Agrarian Services underwent a number of changes after 1972.

The designation "Department of Agrarian Services" was altered to "Rural Institutions and Productivity Laws Division" (R 1 & PL Division)- with a "Director" at the apex instead of a "Commissioner", and a cadre of "Deputy Directors" and "Assistant Directors" instead of "Deputy Commissioners" and "Assistant Commissioners". The Rural Institutions and Productivity Laws Division and its regional network under <sup>the</sup> Assistant Directors were charged with/supervision (administrative and financial) of the new organisation and to act as a liaison agency between -

- (i) the Agricultural Productivity Committees and the Agricultural Tribunal, and the Minister of Agriculture and Lands and local members of Parliament; and
- (ii) between the cultivators and the new "farmer" organisations.

In matters involving the obtainment of approval of the Minister of Agriculture and Lands concerning the appointment of office bearers to

the Agricultural Productivity Committee and the Cultivating Committee<sup>1</sup> and their dismissal, and in conveying Audit Reports and Progress Reports of the Agricultural Productivity Committee and the Agricultural Tribunals to the Minister, the Rural Institutions and Productivity Laws Division was responsible through its regional networks. It was also charged with the training of new appointees to the Agricultural Productivity Committee and the Cultivation Committee in the role that they had to play in the national agricultural planning and development programmes.

(b) At the Village and Sub-District Levels

One of the salient features of the Paddy Lands Act was the provision for the establishment of Cultivation Committees at the village level manned and managed by the cultivators themselves. They were expected not only to implement the tenancy provisions of the Act, but also to foster the general improvement of paddy cultivation. They were expected to play the role of intermediaries in settlement of disputes of farmers. They were authorised to collect rents on behalf of land owners and also act as agents of Crop Insurance Schemes. In addition after the amendment of 1964, they were required to maintain a Paddy Lands Register which was regarded as the only document on tenancy status, rights, etc. Thus in statutory terms the Cultivation Committee was expected to perform many roles.

Each administrative district was divided into Cultivation Committee areas of 250-30 acres each. Each Committee was to consist of twelve elected members, nine of whom were to represent cultivators (owner-cultivators, tenants and agricultural labourers) and three to represent non-cultivating owners. The members were expected to hold office for a period of one year and were eligible for re-election.

The concept of the Cultivation Committee was in fact a sequel to the recognition of the need to involve the cultivators themselves in development and management decision-taking on a wider scale.

<sup>1</sup> Refer Pg 1 for a description of these organisations.

development and management decision-making on a wider scale.

Cultivation Committees confronted with several problems in the early years of the Paddy Lands Act. Many of these problems persisted in spite of several attempts made to strengthen the administrative machinery and to bring about appropriate amendments to the Act. The Committees were faced with the cumbersome and dilatory procedures that had to be followed in the election of members to the Committee. The question of legality of Committees that had not been fully constituted as specified in the Act affected the activities of many Committees.<sup>1</sup> Further, the Committees were handicapped as a result of a virtual non-recognition of them by other governmental agencies and through inadequacies of funds and other resources.

While the Act ascribed a multitude of functions and responsibilities to the Cultivation Committee, the implementing agencies at the national level failed to take into consideration the need for systematic programmes aimed at upgrading the quality of the members in terms of levels of understanding of their responsibilities, decision making abilities, and inter-personal relations. Due to this omission the leadership of the Cultivation Committees did not match upto the dynamism required to accomplish the entrusted tasks.

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<sup>1</sup>The representation to each Cultivation Committees was on the basis of not less than three quarters for qualified cultivators and not more than one quarter for qualified owners. The qualified cultivators were the owner-cultivators, tenants and agricultural labourers while qualified owners were the landlords. Cultivation Committees which did not have a representation from the qualified owners were considered illegal by the Act. This invariably led to landlords simply refusing to attend election meetings which made Cultivation Committees illegal as they were not properly constituted. An amendment to the Act made in 1964 solved the problem by removing non-cultivating owners of paddy land from being eligible to vote or to be represented in the Cultivation Committee. However, the landlords continued to control the working of the Cultivation Committee manipulating the dependent relationship the tenants had with them.

The fact that most Cultivation Committees came to be dominated by land owners and professional classes in the village defeated the very objective of making the Cultivation Committee a truly representative organisation of the poorest section of the peasantry. As a result a majority of the peasantry became either indifferent or passive participants in the activities of the Committee, which in turn, failed to enlist their full support and cooperation. In the absence of organisations of tenants, the Cultivation Committee, wherever it functioned became a tool of the privileged sections of the village.

The power structure related to the implementation of the Paddy Lands Act underwent a change after 1972 with the Agricultural Productivity Law No. 2 of 1972, the Agricultural Lands Law No. 42 of 1973, and the introduction of the Political Authority System in 1975.<sup>1</sup>

A new farmer organisation called the Agricultural Productivity Committee came into existence with <sup>the</sup> Agricultural Productivity Law No. 2 of 1972, and the Agricultural Lands Law No. 42 of 1973 placed Cultivation Committees under its direct control. The recruitment procedure to the newly organised Agricultural Productivity Committee-Cultivation Committee System was highly politicised. The Agricultural Productivity Committee as well as the Cultivation Committee consisted of 10 members each, appointed by the Minister on the recommendations of the area MP.<sup>2</sup> They were to represent the interest of persons engaged in agriculture, or such other persons as the Minister may consider vital for such a Committee. It meant a distinct break from the earlier Cultivation Committee system in that -

(i) The cultivators had no voice in the recruitment of members to the farmer committees which were created to serve them.<sup>3</sup>

1 Refer P46 for a description of the political authority system

2 The privilege of nominating members to the APC-CC was vested only with the MPs of the government in power.

3 The nominative principle which determined the new recruitment procedure was meant to be an experiment to judge the efficacy of a rural organisation strongly connected to the development policy of the party in power.

- (ii) The act did not distinctly spell out that cultivators would be members of the new committees.<sup>1</sup>
- (iii) Political control over the recruitment procedure and the operations of the new organisations superseded the control exerted by the government administration represented through the Department of Agrarian Services.

The Agricultural Productivity Committee was vested with wide powers associated with the promotion, coordination and development of agriculture, assisting in the formulation of implementation programmes and targets, acquisition and disposal of property, maintenance of a register of all agricultural lands, order any person having an interest in land or carrying out any agricultural operation to provide information, and was charged with the implementation of the Paddy Lands Act of 1958.

The new appointees to the Agricultural Productivity Committee and the Cultivation Committee, because of the political flavour in their appointments were more linked upto the MPs than to the RI & PL Division.

In addition, the creation of political authority system<sup>2</sup> after 1973 further eroded the role of the development administration represented partly by the RI & PL Division.<sup>3</sup>

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<sup>1</sup> This approach was dictated by a view that the APC-CC system should involve itself with a whole range of new functions including the provision of assistance to the Minister in the formulation of implementation programmes and targets in agricultural development.

<sup>2</sup> Introduced in 1973, whereby a Minister, a Deputy Minister, or a Senior Parliamentarian of the Government is vested with the responsibility for ensuring that the policies and programmes of the state are properly implemented at the district level. The political authority system was to provide a link between the field of politics and administration at the district level. (Silva, A.T.M., The Role of Rural Organisations in Rural Development in Sri Lanka: National Survey of Sri Lanka (ARTI Research study series NO. 19. September 1977), p. 31)

<sup>3</sup> It was partly controlled by the Government Agent, who also functioned as the Deputy Director, RI & PL Division for a Revenue District.

As a result of this, the development administrative function at the district level and at the divisional level broadly came to be dual controlled. Both political authority as well as the administrative authority came to control the behaviour of rural organisations responsible for development functions with a bias in favour of the former authority source.

An agricultural Tribunal was set up in each electorate only in 1975, though provisions were made for the setting up of these organisations three years before in the Agricultural Productivity Law of 1972. It consisted of not more than 8 members, appointed by the Cabinet of Ministers. At least one of the members of the Tribunal was to be a Lawyer ( a Proctor or an Advocate) with at least 5 years professional experience.

The Agricultural Tribunal was to quicken the process of arbitrating cases affecting the security of tenure, rent payment problems and other disputes in respect of paddy lands, and replaced the National Board of Review which by late 1960s was found to have failed to adequately cater to the multitude of cases related to tenancy and other cultivator disputes.

The Agricultural Productivity Law of 1972 and the Agricultural Lands Law of 1973 extricated the authority position on tenancy problems from the hands of the Assistant Commissioner and vested it in the newly created Agricultural Tribunal.

The decisions of an Agricultural Tribunal was final, and could not be called in question in any court. Where a party to an appeal to a tribunal was dissatisfied with its decision, the party could appeal to the Supreme Court against the decision of the Tribunal only on a question of law. The vesting of such authority with the Agricultural Tribunal finally did away with a problem which had seriously affected

the decisions taken concerning tenancy-landlord problems since 1958.<sup>1</sup>

During the period (i.e between 1972-1974) when the Agricultural Tribunal was not in operation, all complaints made by tenants to the APC were channelled to the Assistant Director, RI & PL Division. He regularised the complaints and retained them until such time as the Agricultural Tribunal would be set up.

The Agricultural Tribunals which came into operation in 1975 ruled out that all tenancy appeals for legal redress made before one year from the date they came into operation were invalid in terms of the Law.<sup>2</sup> Thus, only a part of the complaints made to the Assistant Directors between 1972-1975 were in fact heard by the Agricultural Tribunals.

The Political change of mid 1977 resulted in a disbandment of the APC-CC. Since mid 1977, in many districts the Agricultural Tribunal is dysfunctional. Instead of the APC-CC system a new cadre of State Officers called the Cultivation Officers, who are field level implementation officers of the Dept: of Agrarian Services, have come into being. A new Act titled Agrarian Services Act No. 58 of 1979 has provided for the establishment of a new organisation, Agrarian Services Committee, in which the cultivation officer is a member.<sup>3</sup>

<sup>1</sup> Prior to 1970, law courts frequently judged against the decisions made by Assistant Commissioners on points of law, as a result of a flaw in the Paddy Lands Act of 1958, discussed elsewhere, The Paddy Lands (Special Provisions) Act of 1970 gave final authority in decision-making to the Assistant Commissioners and National Board of Review. Their decisions could not be challenged in any court. However, this law went into abeyance with the change of government in 1960.

<sup>2</sup> The law required that appeals for legal redress in case of tenant evictions and other such matters should be made by the complainants within one year of the occurrence of the incident.

<sup>3</sup> The Agrarian Services Committee(ASC) will consist of 14 persons of whom not more than 8 will be public officers or employees of public Corporations and Statutory bodies and of whom not more than 6 will be owner cultivators or occupiers of agricultural land within the area of command of the organisation.

(Agrarian Services Act, No. 58 of 1979: p. 4, Section 43 (37).

## Implementation of Tenancy Reforms in the Villages (since 1972)

Structural weaknesses of the laws and changes in authorities at both the national and regional levels had their bearing on the performance of the village level organisations charged with the implementation of tenancy laws. In addition these organisations had to contend with the particularities of village environments, with differences in social and economic opportunities and in the traditional bonds governing land lord-tenant relationships. In the villages studied the above factors did have a bearing on the performance of implementing organisations and the effectiveness of tenancy legislation in solving tenancy problems.

### Tenancy Determinants

The position of tenancy in the study villages is better gauged when viewed against population pressure on land, traditional privileges and obligations which define the context of village social life, the value placed on ownership of land, and the efficacy of implementing organisations.

The population pressure was high in the two villages, with a land-man ratio of 0.05 acre per person in Ambana and 0.33 acre per person in Mawela. Population pressure and land shortages reached acute proportions in paddy cultivation affecting ownership, production, and the contribution of paddy cultivation to the household income.

Less than 15% of the total land area in the two villages were under paddy. Landlessness and micro nature of holdings were distinct characteristics of paddy cultivation in the villages. Ambana faced an extreme situation with 90% of the households landless in paddy and the remaining 10% concentrated in holdings of below one acre. Most paddy holdings in this village were below 0.5 acre in size. Mawela faced an almost similar situation with 75% of the households landless in paddy and 22% owning micro holdings of below one acre. Most paddy holdings in this village were between 0.5 and 1.0 acre in size. Single ownership was the most important tenurial condition associated with

paddy cultivation in the two villages. Joint ownership was less prominent. Eighty-three percent (83%) of paddy cultivators of Ambana and 65% of the cultivators of Mawela were share-croppers.

Most share-croppers in both villages cultivated lands belonging to outsiders. In Mawela, 75% of the share-croppers cultivated lands belonging to out-of-village landlords, while in Ambana all of the share-croppers operated lands belonging to landlords outside the village.

For 87% of the share-croppers in Ambana the landlords were from nearby villages or were absentee landlords who resided in Colombo. For 52% of the share-croppers of Mawela the landlords were from the neighbouring villages of Pahala Kadugannawa, Angoda, and Molligoda. Few of the tenants of both Ambana and Mawela cultivated paddy lands which belonged to the Land Reform Commission.

In Ambana a "rich-poor" bifurcation existed within a situation of high land scarcity. The "rich" usually had a fragment of an acre more than the "poor". Though in economic terms the bifurcation on the basis of "extent of lands held" criterion was rather indistinct, in social terms it did have a bearing in the eyes of the villagers, on the social positions held by individuals and groups within Ambana.<sup>1</sup>

The situation in Mawela differs much from Ambana. A "rich-poor" bifurcation on the basis of land ownership exists in a more marked manner between a small group of families who own relatively more lands and had tenants under them, and the rest. The higher social standing of these families comes through the extent of lands they own and through their family backgrounds than through other social considerations like caste. These families belonged to the Goigama caste in a Goigama dominated multi-caste society that was Mawela. Rather than through caste, social evaluation among people of Mawela is based on

<sup>1</sup> For example, in terms of social considerations related to land ownership, Ambana divided itself into three distinct sectors: the Ihalagama (consisting of residences of the "rich"), the Pahalagama (consisting of residences of the "poor") and the colony (a village-expansion scheme located in the heart of the village consisting of residences of the "poorest").

the extents of lands held, family background, and education and employment accomplishments of members of the families.

Ambana as a whole had little bargaining power for employment or for other benefits as a result of its relatively low social and economic standing in the area. This general feature in turn had a depressing effect on the efficiency of its village organisations and the ability of the inhabitants to move up in society. While the picture which emerges is one of servility on the part of Ambana inhabitants, there however, are sporadic developments which indicate the existence of a certain amount of restlessness and resistance within some sections of the people.<sup>1</sup>

The Mawela environs are relatively deficient in employment opportunities, especially in those outside paddy cultivation. No estates existed in the immediate neighbourhood which could generate employment opportunities; nor, are there many opportunities for non-agricultural employment both within Mawela and surrounding villages and their environments. The only non-agricultural avenues for employment and income generation within the villages are through a few traditional village occupations like carpentry, masonry, smithery and tinkering, which were both unremunerative and impermanent. Some limited opportunities exist for casual employment associated with highland cultivation of mixed crops<sup>2</sup>, which is as

<sup>1</sup> Certain radical leaders and spokesmen has emerged from the ranks of the villagers, themselves, especially since late 1960s. One such as the Chairman of the now defunct CC also holds positions of responsibility in a number of other organisations in Ambana. Over the years he had consistently been the spokesman for the village and commands a broad following. He was responsible for the drive to register tenancies during the period 1970-1977. Though he was a tenant himself, his landlord was the LRC(Land Reform Commission) (he operated a parcel of paddy land belonging to the LRC, adjacent to the Ambana rubber estate). He had no strong links with the extra-village landlords and thus could assert himself more than other tenants.

<sup>2</sup> Between 35% to about 60% of the total land area in Mawela and its neighbouring villages are under mixed crops-usually spices, rubber, cocoa and vegetables. (ARTI: Socio-Economic Survey of the Beminiwatte Agricultural Productivity Area - 1975).

important as paddy cultivation.

In the absence of adequate employment opportunities in the area employment seekers of Mawela and its surrounding villages tend to fall back on the little resources that as yet remain within the villages.

A distinct social gap existed between Ambana as a whole and the surrounding villages in terms of caste and social recognition. These villages belonged to the Goigama caste and owned larger land extents than Ambana, which belonged to a socially lower caste (panna) and had very little land. In addition, the surrounding Goigama caste villages also harbour groups of families who were members of houses of note (walawwas) in the area. Some of their members resided in Colombo though they owned lands in the Ambana environments. Members of these Walawwas commanded high social recognition in the area, as a result of large extents of land they owned, their social accomplishments, and their intimate social links with the area politicians.

Many of Ambana tenants cultivated lands belonging to member families of these Walawwas. For most landlords, the Ambana tenant cowed down by caste and other socio-economic considerations formed the "ideal tenant" who posed no threat to their own social or economic positions and was generally passive in his acceptance of conditions of tenure laid down by the landlords. In fact many of the landlords preferred Ambana tenants over others of surrounding villages to operate their lands. Generally the Ambana tenant was relatively secure in tenancy, even though this security was a result of their servility and not through their ability to assert themselves.

The depressed conditions associated with Ambana made the tenants highly dependent on non-Ambana landlords not only for tenancy rights to paddy land but also for other fringe benefits-such as access to vegetables in their homegardens, permission to collect firewood and coconut fronds for weaving, occasional work opportunities in their private estates and in their households, and receipt of small cash loans and rice in times of distress. In turn, the tenants were loyal to the landlords and very few attempted to endanger their relationship with them.

In terms of social backgrounds Mawela does not differ greatly from the surrounding villages. All are multi-caste villages, their people often linked together through kinship ties and are generally from common social backgrounds. The villages have equal access to education, health, and other state sponsored social amenities, to employment opportunities and to organisations like the Cooperatives, the village councils, APC-CC, etc., serving the area.

Mawela has relatively more land than the surrounding villages, but it also harbours a far larger population than the rest of the nearby villages taken together.<sup>1</sup> It has less land to go around, and of land available within the village about 65% is in highland. The competition for land has thus condensed more around paddy lands which is relatively scarce in the village.

Paddy cultivation as a major source of employment and subsistence, and the possession of paddy land (in the absence of estates in the environment) as a symbol of family wealth<sup>2</sup> and status has added to the competition to gain access to paddy land.

1. **Man Land Position of Mawela In Its Neighbourhood (Early 1970 )**

	Villages				
	Mawela	Pahala	Kadugannawa	Angoda	Molligoda
No. of families	201		66	36	24
Extent of land (ac.)	252		79	86	64
Per family extent (ac.)	1.2		1.2	2.4	2.7

Source: University of Sri Lanka, Maha Oya-Kuda Oya

Community Development Project: Preliminary Survey Report  
(1972) pp. 4-7.

2. The average paddy yields in Mawela (1978) was about 53 bushels per acre ( a moderately high yield by district standards.) The value of an acre of paddy land in Mawela in 1970 was about Rs.11,000. By 1978 it had increased to about Rs.16,000- an almost 45% increase in paddy land values between 1970 and 1978.

All of the above considerations have a strong bearing on the landlord-tenant relationships associated with paddy cultivation in Mawela. Its tenants cultivate paddy lands belonging to both within village and out of village landlords under various share tenancy arrangements. Except for a few landlords in Mawela and surrounding villages who stand out from the rest in terms of relatively larger extents of paddy lands they own and in terms of social recognition, the majority of the landlords are small paddy land owners. The scattered nature of individual paddy parcels, their microscopic size, high cost of labour, pre-occupation with the cultivation of higher value highland crops, and a social obligation to continue to retain tenants who had cultivated their lands for decades are some of the chief reasons why these small paddy land owners in fact have leased out their lands on share-tenancy, than cultivate the lands themselves.

The shortage of paddy lands and inadequacy of non-agricultural employment opportunities have pushed the Mawela tenants to a position of competition among themselves to obtain access to paddy lands. The landlords exploit this situation to their own advantage through devious strategies aimed at making the tenants unstable and dependent on them. Where the landlords are from nearby villages, the tenants have to compete with other tenants of such villages for cultivation rights. Here the personal relationships with the landlord, views of the landlord concerning locality groups, and the conditions associated with tenancy rights which are generally unfavourable to Mawela tenants become prominent. The foregoing account of socio-economic characteristics and landlord-tenant relationships of the two villages shows the complexity of tenancy arrangements.

In this context granting of cultivation rights to a tenant by a landlord may be viewed as an end product of a complex contractual system covering and defining privileges, obligations, and duties associated with land-lord-tenant relationships. The practice of making preliminary cash payments (madaran) and gifts (dakuma) at the begining of a cultivation season and the obligation on the tenant to perform additional free services to the landlord are aspects of this contractual system. While

the preliminary cash payments and gifts are more dictated by economic and social wants and customs, the performance of additional free services to the landlord has overtones of servitude attached to

Ambana tenants performed numerous free services in lieu of cultivation rights to paddy lands owned by non-Ambana landlords. Such services were, cutting drains and digging wells, weaving palm fronds for thatching purposes, thatching of sheds in properties belonging to landlords, and working in their households as unpaid part-time domestic servants. These free services exhibited a strong element of servitude attached to them. In contrast the only free services performed by Mawela tenants were through involvement in cultivation tasks along side their landlords. The fact that both landlords and the tenants did not show much differentiation on the basis of social considerations like caste might have had a bearing on the quality of free services required of Mawela tenants by their landlords.

The bestowal of gifts (sheaves of betel leaves, and confectionaries) to the landlords in-lieu of tenancy rights was more traditional in character and symbolised privileges and obligations associated with the dyadic relationship between the landlords and tenants. The aspect was more prominent in case of Mawela, and less so in case of Ambana. In contrast, making preliminary cash payments was more prominent in Ambana.

### 2.3.2 Provision of Security of Tenure

Viewed against the village backgrounds the position of the tenant in both Ambana and Mawela seems tenuous. The village represented a situation where competition for land was keen and the tenant economically weak. The bargaining position of the tenant was also affected through the presence of traditional criteria governing the relative social positions of the tenant and the landlord. Limited opportunities for employment in occupations other than agriculture added to the position of insecurity of tenants. The resultant manifestations of tenant insecurity are seen in the duration and termination of tenancy, in rent arrangements, and in the effectiveness of tenancy law implementing organisations in the two villages.

The average duration of past tenancies before final loss of tenancy computed for eleven cases of the Mawela village and three cases of the Ambana village reveals a significant decline in the duration of tenancy over time. It was more prominently displayed in the Mawela village.

Table 2:1 Average Duration Of Tenancies Before Final Loss

Date tenancy rights received	Ambana (years)	Mawela (years)
Before 1958	5	14
1958 - 1964	7	7
1965 - 1971	-	3
1972 - 1977	2	2
After 1977	-	-

Both villages showed examples of loss of tenancy with Mawela showing a relatively higher incidence. Two of the Ambana tenants within the sample indicated having suffered losses of tenancy rights since 1958. One of the tenants suffered eviction twice after 1958: once (in 1960) from a paddy parcel (.40 acre in extent) which he had cultivated with out a break for five years, and once (1977) from a parcel (.25) acre in extent ) which he had cultivated without a break for two years. The other tenant lost his tenancy rights (1969) to a paddy parcel, .35 acre in extent, which he had cultivated without a break for seven years. In both cases the landlords were from a surrounding village and were members of a house of note in the area. The fact that both tenants did not seek legal redress to regain their tenancies shows the helplessness of the tenant against overwhelmingly powerful land-owners.

Altogether eleven cases of loss of tenancy between 1958-1978 were reported by tenants of Mawela. Seven of the cases were associated with Mawela paddy lands while four were related to tenancies associated with the Molligoda Yaya a tract of paddy part of which was taken over by the Land Reform Commission in 1972.

Table 2.2 Mawela Village : Cases of Loss of Tenancy

Period of occurrence

1958 - 1964	2 cases of loss of tenancy
* 1965 - 1971	5 cases of loss of tenancy
* 1972 - 1977	3 cases of loss of tenancy
After 1977	1 case of loss of tenancy

\* A single tenant lost tenancy rights to 2 paddy parcels during this period.

Of the eleven cases of loss of tenancy three were cases of forced eviction while eight were cases of voluntary relinquishment of tenancy rights by the tenants themselves. In most cases "voluntary relinquishment" of tenancy were found to have been engineered by landlords themselves, through threats of severance of social and economic ties with tenants, and through pressure of village opinion brought to bear upon them.

In a situation of high competition among tenants to gain access to his paddy land, a tenant with a stigma of unreliability attached to his name had very little chance of obtaining land to cultivate on a share-tenancy basis. This reality conditioned many tenants to passively relinquish their claims to paddy parcels whenever their landlords wanted back the cultivation rights. In this context, it is significant that of eleven cases of losses of tenancy in Mawela only one sought legal redress on ground of forced eviction.<sup>1</sup>

The most common reason provided by tenants for opting to relinquish their tenancies on a voluntary basis was a reluctance on the part of the tenants to strain the social and economic relationships they had with their landlords. The socio-economic relationships were associated

<sup>1</sup> Recourse to legal action by tenants has been always a tedious and expensive procedure. This is so well known in all parts of the island that an affected tenant is hardly motivated to seek legal redress. There is also a reluctance on the part of tenants to take tenancy disputes to court due to the fear of becoming branded as "trouble-makers".

with a complex array of kinship ties, social obligations and duties, as well as material fringe benefits ( e.g. loans in kind and cash).

Besides the recorded cases of loss of tenancy the Mawela village has also witnessed much disguised eviction of tenants between 1970-1978. Such evictions are done through methods like tenant rotation on a cultivation season basis, Koottu ande<sup>1</sup> arrangements, and through forcing tenants to write off their claims to the land.

Tenants cultivating lands which have been vested in the Land Reform Commission (LRC) under the Land Reform Law No.1 of 1972, have now become tenants of the State. Although this should have meant a greater security to the tenants the situation in the study villages indicate to the contrary. The authorities in charge of management of paddy lands belonging to the LRC in both Mawela and Ambana, since mid - 1977, have begun to restrict the rights of the tenants to the lands.

In case of Ambana , the JANAWASAMA<sup>2</sup> authorities who at present manage the LRC paddy lands have forced the tenants to change their paddy plots (to which they have claims through registration) and to accomodate more tenants in the paddy plots they cultivate. For example, a single tenant who operated an extent of half an acre of paddy which belonged to the LRC adjacent to the Ambana rubber estate between 1972 to mid 1977 has been ordered by the JANAWASAMA authorities to leave the paddy plot and occupy another of a similar extent, but of a less productive nature located adjacent to a nearby estate. He has to share this extent of 3/4 acre with two other tenants.

<sup>1</sup> Koottu Ande: A tenancy arrangement whereby the land owner also works fully or partly alongside the share tenant. The owner reserves 3/4 of the total harvest to himself and the entire decision-making with respect of cultivation. For all legal purposes the owner thus becomes an "owner-cultivator" relegating the tenant to a position of an agricultural labourer .

<sup>2</sup> Janatha Wathu Sangwardena Mandalaya

(Peoples Estate Development Board) - an organisation created in 1974 to manage estates taken over under the Land Reform Law No. 1 of 1972.

The study indicated that the APC and CC as implementing organisations of the Paddy Lands Act in the 1972/1977 period were responsible for renewal of activity with regard to tenant registrations. Of the 16 tenants within the sample who were found to have registered their tenancy status, only 19% were registered between 1958-1964. This proportion continued in the succeeding time interval of 1965-1971. In contrast 62% of tenant registrations in the two villages took place in the 1972-1977 period coinciding with the setting up of the APC-CC system.

Table 2.3 Registration of Tenants  
No. of tenants registered

	Ambana N = 10	Mawela N = 6
1958 - 1964	3	0
1965 - 1971	2	1
1972 - 1977	5	5
After 1977	0	0

The increase in tenant registration especially after 1972, not only reflects greater activity of the APC-CC system in performing this task, but also the effects of incentives associated with registration given to the farmers by the State. For example, tenant registrations provided in the 1972/1977 period a stronger position for the tenants to secure their tenancy as a result of the creation of the agricultural tribunals. Registration of tenancy also opened out opportunities to the tenants to receive subsidized fertilizer, agro-loans on easy repayments conditions, and many other benefits.

In terms of the relative efficiency of implementing organisations in tenancy registration in the two villages, the Ambana CC was found to be more active especially after 1972. Among the tenants of Ambana 76% had registered themselves with the CC, most of them between 1972-1977. In contrast the CC which catered to Mawela was less active. Only 40% of the tenants had registered themselves and most of them during the 1972-1977 period.

The tenants of Ambana had not achieved a higher bargaining position with their landlords through registration of their tenancy status. Their depressed social and economic position keeps them in an almost permanent state of servility and dependence on their landlords. The higher registration in Ambana may well be a symbolic gesture of defiance of a depressed group towards the social and economic restraints placed upon them by landowning interests outside the village.

In Mawela the lower proportion of tenant registration was primarily a result of the landlord-tenants relationship in the village. Sixty percent (60%) of the tenants of Mawela were not registered. Of those who could not register themselves as a result of technical considerations 71% were found in Mawela. Many of these technical considerations were in fact created by landlords themselves to prevent tenants from asserting themselves. Strategies like treatment of tenants as labourers for legal transactions (as in case of transfer of property rights to an heir), and various adverse practices like Madaran<sup>1</sup> and Kootu ande were aimed at preventing tenant registration and at keeping the tenants on a position of dependency on the landlord.

The landlords had always gained representation in the CCs which served the village since 1958. There was also a certain amount of reluctance on the part of the tenants in the village to strain the relationships which existed between them and the landlords which perhaps resulted in a general reticence to register their tenancy status with the CCs.

In both villages the APC and the CC have largely attempted to settle tenancy disputes at the field level, than take them up to Agricultural Tribunals for final legal settlement. For example, in Mawela of 19 distinct complaints made to the APC by the Mawela cultivators between 1974 - 1977, 17 were found to have been solved by the intervention of the APC Chairman. Only two cases were referred to the Agricultural

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<sup>1</sup> Madaran: A preliminary cash payment made by the tenants to the Landlords at the beginning of a cultivation season.

Tribunal by the APC and these were the cases of forced eviction of tenants where both parties refused to come to an amicable settlement. It is especially noteworthy that no direct appeal had been made by tenants or landlords in both villages to the agricultural tribunals.

The settlement of disputes over tennurial rights brought about by the Agricultural Productivity Committee was of a temporary nature and as a result failed to remove the insecurity of the tenants. As far as the study villages were concerned the existence of the Agricultural Tribunals did not improve the tenant's position to counter illegal evictions.

#### **Monitoring Rent Conditions**

The stipulated land rent for Ambana was 1/4 share of the total yield or 8 bushels, which ever was less.<sup>1</sup> In case of Mawela it was 1/4 share of the total yield or 12 bushels per acre, which ever was less.<sup>2</sup> However, only 18% of the tenants in the two study villages in fact paid according to the stipulated rent conditions. Twenty-three percent (23%) of the tenants of Ambana and 13% of the tenants of Mawela paid the stipulated rents. The rest of the tenants paid a rent of 1/2 share of the total yield under various arrangements generally disadvantageous to the tenant.

Nearly 68% of the tenants in the two villages quoted the provision of inputs to the tenant by the landlord. On the basis of responses received from tenants, 4 main rent characteristics were identified.

<sup>1</sup> Ceylon Government Gazette : 11436 of 25th July 1958.  
(Date of effect of determined rent : 21st July 1958.)

<sup>2</sup> Ceylon Government Gazette : 11655 of 30th January 1959.  
(Date of effect of determined rent: 27th January 1959.)

Table 2.4: Rent Characteristics in Paddy Cultivation

Character of Rent	No. of Tenants	
	Ambana N = 13	Mawela N = 15
1/4 share without provision of inputs by the landlord	3	2
1/2 share without provision of inputs by the landlord	0	4
1/2 share to include cost of inputs provided by the landlord	5	0
1/2 share of the residue harvest after deductions made for cost of inputs provided by landlord	5	9

None of the landlords supplied inputs to tenants in situations where the share given by tenants to the landlord was 1/4 of the total yield of the paddy land.

About 14% of the tenants in the two villages paid 1/2 share of the total yield to the landlords without receiving any inputs from them. This form of rent payment was confined to Mawela village where the average share of a landlord under this arrangement was above the stipulated rent, while the average extent per cultivator is lower than that of Ambana.

The extraction of 50 percent of the produce under such conditions is highly exploitative of the tenant. The extremely small size of holdings limits the quantity that can be appropriated by the land owner. In the circumstance he tends to demand a bigger share of the produce to maximise his gain. The tenant as a result is most severely affected.<sup>1</sup>

<sup>1</sup> Contrary to popular belief the spread of the NHYVs have not benefited the tenants in both villages. The NHYVs demand greater inputs as well as attention. Cost of production is thus enhanced. While the tenants have adopted NHYVs the additional inputs required or their costs are not borne by the landlords who continue to extract the traditional half-share while providing the quantum of inputs they use to provide for traditional varieties. The tenants invariably meet the additional costs while the landlord becomes the major beneficiary of the increased yields, under traditional arrangements.

Of the 13 Ambana tenants interviewed, five paid 1/2 share of the total production which included the cost of inputs incurred by the landlord. This rent condition was agreed to by both the landlord and the tenant before the harvest, usually at the time the tenancy rights for the paddy land was given. This condition was only found in Ambana, where landlords were from the surrounding villages or were resident in Colombo. Some of the landlords either gave money to the tenants to buy inputs or supplied the inputs themselves to the tenants. In actual fact it was more advantageous to the landlords who on the excuse of providing inputs were entitled to 1/2 share of the total yield. The tenants besides working the land, had usually to bear-up a part of the cost of obtaining inputs, which in terms of cost-benefit factors was of little help to the family economy.

Fifty percent(50%) of the tenants in the two villages received 1/2 share of the harvest after deducting the cost incurred by either the landlord or by the tenant.<sup>1</sup> Thirty-eight percent \*(38%) of the tenants in Ambana and 60% of the tenants in Mawela, were provided a part of the agro-input requirements by the landlord.

The rent stipulations of the Paddy Lands Act and the efforts taken by the implementing organisation have been largely unsuccessful in preventing exploitation of the tenant by the landlord in rent payments. Of the 28 tenants interviewed in the two study villages 22 (82%) were found to be paying half share or more of the total produce to the landlord. The tenants were able to pay the stipulated rent mostly in paddy lands which belonged to the Land Reform Commission.

Up to mid - 1977 the tenants working in the LRC lands assiduously paid up their 1/4 share because of adequate supervision by implementing organisations ( in case of Mawela the APC, and the Electorate Land Reform Cooperative in case of Ambana) Since the disbandment of the APC-

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<sup>1</sup> Invariably the agro-input expenditure - side tended to be exaggerated by both landlords as well as tenants, to increase their overall share of the total produce. Here the force of individual personalities and the strength of patron-client bonds prevailed.

CC system as well as the Electorate Land Reform Cooperatives after mid- 1977 the tenants operating in the LRC land in Mawela have not ventured to pay the 1/4 share.

#### **Implementing Agencies : Performance of functions in the village**

Both the APC-CC and the Agricultural Tribunal were vested with wide powers over the implementation of tenancy provisions contained in the Agricultural Lands Law No: 42 of 1973.<sup>1</sup> However, in the study village context these implementing agencies largely failed to provide the required security to the tenants. The tenants continued to be evicted despite the setting up of stronger implementing agencies in the 1970s. These implementing agencies also failed to regulate the rent arrangements between the landlord and the tenant according to the stipulated conditions laid down by law. Even though tenant registration was done in the post - 1972 period on an organised scale it failed to provide the envisaged security, accruing through registration, to the tenants.

The failure of the implementing agencies primarily reflect the failings of the law which in turn exposed the agencies to the forces which operate at village level which adapt to and undermine legislative measures.

A primary implementation problem which arose out of the legal fixation of relationships which existed between the landlord and the tenant was concerning the duration of tenancy and rent.

The legal attempt to provide security of tenure on a permanent and heritable basis was based on the legal fixation of the position of the tenant as one who has been let an extent of paddy under oral or written agreement made before or after the Law came into operation. In

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<sup>1</sup> As mentioned before, the Paddy Lands Act No.1 of 1958 was superseded by the Agricultural Lands Law No. 42 of 1973. It was introduced with a view to removing the short-coming and disabilities of the paddy Land Act and the Cultivation Committee established under it.

order to fix a tenant to a particular parcel of land it was stipulated that he has to perform one or more of the functions associated with the development of the land. At the field level, both in Ambana and Mawela, the above legal fixations were negated by a number of strategies. Tenants were rotated among different parcels of paddy land on a seasonal basis so that they could not claim tenancy rights to a particular parcel of land. Social pressure and other coercive measures were brought to bear on the tenants by the landlords to prevent them registering their status with the Cultivation Committee as tenant cultivators on particular parcels of land.

Similarly, the legal fixation of rent was difficult to implement at the village level. Strategies like exaggeration of the quanta of inputs provided by the landlord, the landlord cultivating besides his tenant in a parcel of land and so on, resulted in most tenants of both Ambana and Mawela, paying rents over and above the stipulated limits. The implementing agencies were unable to effectively judge the veracity of claims and counter-claims of landlords and tenants as they could not continuously monitor the entire cultivation process in their respective areas of authority.

In addition, legally established categories such as landlords, owner cultivators, tenants, and agricultural labourers which were necessary to fix the landlord tenant relationship by law did not reveal the system as it worked on the ground.<sup>1</sup>

<sup>1</sup> The Agricultural Lands Law No. 42 of 1973 defined the categories as follows:-

Landlord	: With reference to any extent of paddy land a person other than an owner cultivator who will be entitled to rent in respect of an extent of paddy land.
Owner Cultivator	: With reference to any extent of paddy lands denotes a person who is the owner or usufructuary mortgagee of such extent and who is the cultivator of the entirety of such extent.
Agricultural Labourer	: Denotes a person who is employed to perform for wages in money or kind, any work connected with the production of paddy or the cultivation of any extent of paddy.
Tenant-cultivator	: Denotes a person who is a cultivator of any extent of paddy let to him under any oral or written agreement.

Source: Agricultural Lands Law NO. 42 of 1973, Part I (2)Part III(54)

The categories of tenants, owner cultivators, landlords and labourers were vague in the Mawela context where 'ottu ande' arrangements were present. According to this tenancy arrangement the landlord worked beside his tenant in the paddy holding. In terms of the law the landlord was thus positioned as an "owner cultivator". In this legal capacity as an "owner cultivator" the landlord invariably registered himself with the cultivation committee. In terms of registration the same plot of land could not possess both an "owner cultivator" and a "tenant cultivator" in terms of tenancy law. Thus, a tenant working in the particular plot of land was relegated to that of an agricultural labourer who was supposed to be paid a wage for his labour. Yet in the field what prevailed in fact was a tenancy arrangement whereby the tenant paid a land rent to the landlord who however worked besides him to negate the conditions of the law. The tenant in turn, received a share of the produce in kind for his labour and other inputs. By this arrangement the landlord is able to gain the best of both, the traditional share-cropping system as well as the Tenancy Law.

Besides such subtle tenancy arrangements landlords of both Ambana and Mawela used social pressure and other coercive tactics to prevent tenants from registering themselves. Usually in such cases, landlords were found to have registered themselves as owner cultivators.

According to both the Agricultural Productivity Law No. 2 of 1972 and the Agricultural Lands Law No.42 of 1973, members for both the Agricultural Productivity Committee and the Cultivation Committee were appointed by the Minister of Agriculture and Lands on the recommendation of the area politician. These members or such persons as the Minister may think necessary for appointment were to represent the interests of persons engaged in agriculture. The law did not specifically define that cultivators' should be appointed to these committees. As mentioned before it was partly dictated by the requirements rising out of the multiplicity of functions that the APC was to perform. From this emerged a number of problems which subsequently

affected the performance of the APC and the CC in the two study villages.

The nominative principle adopted led to deep politicisation of the organisation along party lines. The looseness of the law concerning selectees to the organisations enabled members of the village traditional elite groups to infiltrate into these committees. Both factors in turn affected the ability of these organisations to generate a suitable atmosphere for harnessing popular involvement in their activities.

Ambana was located within the area of authority of Pallewela APC, and Mawela within the Beminiwatte APC. Both villages were represented in the CCs during the 1972-1977 period. Ambana had 8 members of the village in the CC (Ambana CC No. 1/2/20), one of whom was its Chairman, another its Vice Chairman and the third is Administrative Secretary. Mawela was represented by three members from the village in the CC (No. 22/4/1), one of whom was its Administrative Secretary. Ambana was represented in the APC, through its Chairman, whereas Mawela did not have a village representative in the APC. However, the Beminiwatte APC Chairman resided in a neighbouring village which made the APC relatively more accessible to the village.

The appointments to the APC-CC system in the two villages were done along political lines as specified by the law. The list of eligibles was sent up to the MP by the SLFP organisation in the area, who in turn sent up the list with his own preferences to the Minister of Agriculture and Land, who appointed them.

Because of the mode of recruitment of members to both the APC and the CC within the study villages these organisations were politically affiliated to the ruling party. For example, the Chairman of both APCs, were powerful affiliates of SLFP in their respective areas. In addition, the APC Chairman for Mawela was the son-in-law of the MP of the area. In case of the CC, though diverse interests were represented all were either members or sympathisers of the SLFP or were politically neutral. In terms of politicisation, the Ambana CC occupied a prominent place. The Chairman was also the chief organiser of the SLFP organisation in the village, and the Secretary

of the SLFP organisation was also the Administration Secretary of the Ambana CC.

The APC-CC system was primarily accountable to the area politician who was responsible for the selection of its members and was generally the sponsor of the organisations in his electorate. In both villages the APC-CC organisation did not at any point work against the wishes of the area politician to whom it was responsible.

As a farmer organisation created specifically to help boost up agricultural production and improve and safeguard the status of cultivators the APC-CC organisation was not at all accountable to the cultivators and more so to the underprivileged sections. This was more prominent in case of Beminiwatte APC-CC serving Mawela, and was limited to the APC serving Ambana. Even though the Ambana CC was representative of the underprivileged sectors of the village, it served more the interests of a faction of the village (Pahalagama Section) based on familial and political rivalries.

The distribution of power in the APC and CC is a reflection of the existing stratification of the two villages. The APC which is more vital than the CC with respect to the supportive areas was more or less monopolised by the privileged groups. Political patronage was more favourable to these groups. The Chairman of both Pallewela APC and the Beminiwatte APC were businessmen and landowners in their respective areas. Besides them, the two APCs also had a quota of farmer elites, many of whom had tenants working on their own lands. In case of the CC the representation of such interests was not so prominent, Mawela had two members in the CC who represented relatively large land owning groups in the area, but the rest were mostly small owners of paddy, tenants and youth. In case of Ambana almost the entire CC consisted of tenants and agricultural labourers, many of whom were youth.

In both villages at the CC level, factional and family interests were represented. For example, in Mawela caste and family rivalries were manifested in the membership of the CC. In Ambana, the CC mostly

represented the Pahalagama sector of the village whose residents were politically more aligned with the SLFP and represented the less-traditional grouping of the village.

At the APC level, interests of the under privileged sectors in the village were hardly represented. The Pallewela APC consisted mostly of landed and business interests. It did not have a single tenant or a labourer in its Committee. The Beminiwatte APC was similarly represented. The only youthful member of the latter Committee, personified in the Chairman was a prominent landlord and a businessman in the area.

Since the APC represented mostly the land owning elite and the economically better-off groups little was done upto 1977 towards promoting a higher bargaining position for tenants and for landless to achieve better conditions. Little was done on their own initiative by the APC or the CC to mobilise tenants or the landless to ascertain their rights.<sup>1</sup>

<sup>1</sup> During the 1972-1974 years the Ambana village had a farmer organisation which was created by the cultivators themselves. It came into being as a strategy to obtain a better deal from the government sponsored services network in the area. The Agricultural Extension Officer of the area served as one of its two advisors, the other being the chief organiser of the UNP (Opposition Party) for the village. In addition, most of its members were from the Ihalagama sector (the 'rich') which was noted for its UNP learnings. The organisation proved unsuccessful in achieving a bargaining position for its members due to a lack of popular support. The presence of the Ambana cultivation Committee which performed similar functions and had both statutory backing of the APC as well as the political backing of the SLFP Branch of the village stifled the growth of the society to speak for village. In addition, the relatively weak bargaining position of the entire Ambana village on account of its lower social and economic standing in the area had its bearing on the dissipation of this farmer organisation with time.

The Ambana CC did not carry much weight with the APC, which mostly composed of large land owners, businessmen and family interests. In Mawela there was no spontaneous organisation generated by the tenants and the landless themselves or through the medium of the APC or the CC.

The APC serving the villages only buttressed the leadership characteristics exhibited by traditional landed families in their respective areas. This was especially prominent in the Pallewela APC where many of the members were prominent land owners and businessmen in the area. In addition, some of them also were from families of note in the region in terms of economic status and social standing. Even though the Beminiwatte APC Chairman was a youth he represented land owning interests with strong affiliations to the traditional land owning families and social elites in the Beminiwatte area.

At the CC level the representation of traditional groups which provided leadership to the villages was not as prominent. The emergence of leadership characteristics within members of the Mawela CC was affected and overshadowed by the presence of the APC Chairman in the neighbourhood whose involvement in Mawela activities was prominent during 1972/1977 period. In contrast a few individuals emerged to positions of leadership in the village through the Ambana CC. The foremost of them was the Chairman of the CC who eventually became the Chairman of a number of other village level organisations like the Rural Development Society, a Young Farmers Club, the Temple Committee, besides being the chief organiser of the SLFP organisation in the village. During the 1972/77 period developments which occurred in the village such as increased contacts with the officialdom and the area politician was more due to the result of the drive of the CC Chairman than through efforts of any other member or group in the village.

The APC-CC organisational system was created with a view to better representing farmer interests. It was vested with wide powers to serve such interests. Yet as the two villages show, the very looseness of the law concerning who should be represented in the committees, and

the adoption of the principle of political nomination of members to the committees greatly affected the realisation of the ideals behind its creation.

Due to these failings the APC-CC alienated itself from the target groups it was expected to serve. Its monopolisation by the better-off sections of the village only served to aggravate the state of dependency of those in whose name the system itself was introduced.

## CHAPTER IV

### IMPLEMENTATION OF THE CURRENT LAND REFORM PROGRAMME

#### INTRODUCTION

The agrarian structure inherited at independence, displayed diverse patterns of ownership and management, outmoded tenancy relations and an uneven income distribution. In the context of such a backward agrarian structure an agrarian reform was indeed long overdue in Sri Lanka. The Paddy Lands Act of 1958 as a tenancy reform failed to contribute significantly towards solving the problems associated with share-cropping. The inequalities in ownership perpetuated by the agrarian structure contributed in no small measure to the problems of landlessness, unemployment and poverty in the countryside. The insurrection of April 1971 was a serious political manifestation of the economic crisis affecting the rural sector. The insurrection drove the land question to the forefront forcing the government to launch a land reform programme.

The Land Reform Law No. 1 of 1972, was introduced with the objective of fixing a ceiling of 50 acres (within which a maximum of 25 acres of paddy was allowed) on lands owned by private individuals and private companies.<sup>1</sup> The Law also provided for the establishment of a Land Reform Commission (LRC), "...to fix a ceiling on the extent of agricultural land that may be owned by persons, to provide for the vesting of land owned in excess of such a ceiling in the Land Reform Commission and for such land to be held by the former owners on statutory lease from the Commission, to prescribe the purposes and the manner of disposition by the Commission, of agricultural lands vested in the Commission so as to increase productivity and employment, to provide for the payment of compensation to persons deprived of their land under this Law and

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<sup>1</sup> This excluded lands belonging to public companies and religious bodies.

for matters connected therewith or incidental thereto.<sup>1</sup>

The Law allowed the owners of land in excess of the ceiling to transfer the excess land to their parents and to children above 18 years, subject to the ceiling.<sup>2</sup> According to the Law, lands acquired could be alienated by the LRC, for such purposes as agriculture and animal husbandry development, and for housing. Preference was to be given to landless persons and for collective and cooperative farming. Such alienation was to be on the basis of sale, exchange, rent purchases, or lease with a view to eventual purchase. The Law specifically stated that lands alienated to individuals should be of an economically viable size capable of giving a minimum monthly income of Rs.300.

In August 1975, an amendment to this Law was introduced making provisions for the vesting in the LRC of every estate land owned or possessed by public companies.<sup>3</sup> The Law made it obligatory on the part of the former management to continue as statutory trustees of the estates for a period of one year, unless terminated earlier. The amendment also provided for the payment of compensation to every estate land vested in the commission. It further made provision for the vesting of the business undertakings of all agency houses and organisations that managed the company estates prior to nationalisation.

<sup>1</sup> Land Reform Law No. 1 of 1972 ,

<sup>2</sup> The discretion of the grant of such inter-family transfers was left entirely in the hands of the Land Reform Commission which was expected to act on the recommendations of the District Land Reform Authorities (DLRA) on such matters.

<sup>3</sup> See appendix for the land extents vested under both phases of the Land Reform.

The Land Reform Commission was established as a separate statutory body for the specific purpose of implementing the land reform programmes. The Commission started its sittings from the 8th of September 1972 and completed the entire exercise of taking over the lands in excess of the ceiling under Phase 1 (1972) by the end of August 1974.<sup>1</sup> It may be noted that taking over of the lands was successfully accomplished within a record period of two years.

The Land Reform Commission functioned directly under the Ministry of Agriculture and Lands, which was assisted by a cabinet sub-committee on Land Reforms. The Commission consisted of a Chairman and five other members appointed by the Minister and three ex-officio members, namely the Land Commissioner, the Commissioner of Agrarian Services and the Director of Agriculture. At the head office the functions of the Commission were divided into five departments, each headed by a Director. These Directors were jointly and individually assisted by the Chairman in implementing the Land Reform Programme.

The Commission set up a District Land Reform Authority (DLRA) for each district headed by a District Director. The DLRA was expected to discharge or perform any such powers, functions, duties, of the Commission or as may be delegated to such authority by the Commission. (Section 50: Land Reform Law No.1 of 1972) . The creation of the DLRA was intended to decentralise the implementation of the Land Reform Programme.

Two pieces of complimentary legislation, the Agricultural Productivity Law No. 1 of 1972 and the Agricultural Lands Law No. 42 of 1973 were enacted to strengthen the implementation programme at the village

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<sup>1</sup> Under this phase of the land reform exercise a total of 563,411 acres of private lands above the 50 acre was vested with the State. Subsequently, under the Land Reform (Amendment) Law No. 39 of 1975 an additional extent of 417,957 acres of Sterling and Rupees Company estate lands were vested with the State. Upto June 1977 only 12% of the total extent of 981,368 acres taken over under the entire Land Reform Programme was found to have been distributed among villagers. In contrast, about 48% (469,414 acres) were alienated to various bodies which operated on a cooperative or collective basis.

level.<sup>1</sup> The former law provided for the setting up of Agricultural Productivity Committees (APC), one for each village council area. These were charged with the promotion, and coordination of development of agriculture within their areas of authority. The latter law placed the Cultivation Committee (CC) which operated at the village level under the direct authority of the APC. The CC performed the same functions as the APC, but at the village level. These two village-level organisations were expected to play a vital role in the implementation of the Land Reform Programme at the village level, in assuming the maintenance and improvement of productivity levels of Land Reform lands.

In introducing the Land Reform Programme, the immediate goals set out by the government were to distribute land to the landless, to solve the unemployment problem and to increase the agricultural output. The land reform also had an additional ideal of integrating the estate and the village which had been existing in isolation for over a century.

#### NATURE OF ESTATES IN THE VILLAGE ENVIRONMENT

##### Types of Estates

There were seven estates ranging in extents between 35-1,400 acres, vested in the Land Reform Commission, adjoining the two study villages. The extents of the estates, their land use and the pre-land reform ownership characteristics are given in Table 3.1.

In the Ambana village two of the estates vested were owned by private individuals while the third was owned by a private company. In Mulgama two estates were owned by private individuals and the remainder owned by sterling companies and were managed through agency houses.

<sup>1</sup> At the time of the introduction of the Agricultural Productivity Law, the Bill was characterised as a 'sister' law to the Land Reform Bill and was hailed as giving teeth to the government's Land Reform Policy.

All estates located in the vicinity of Mulgama are tea estates. They also employed large numbers of resident Indian labour. In Ambana only the rubber estate had a resident labour force consisting of both Indian Tamils and Sinhalese. The other two estates made use of village labour on a casual basis.

### **Characteristics of the Pre-Land Reform Estates System**

#### **(a) Management and Productivity**

The company estates, both public and private, had a highly centralised management with resident labour, mostly Indian Tamils. These estates were relatively well managed and their levels of productivity were high.

The private estates on the other hand were poorly managed. The levels of productivity were often very low. In Ambana both the cinnamon and the coconut estates were in a badly neglected condition, and so were the two privately owned tea estates in Mulgama. The Yarrow estates in particular was in a state of complete neglect. The resident Indian labour had very little work with the estate causing many of them to seek employment in other neighbouring estates or, at times, to depend on the village for seasonal employment. The Erin estate was in a comparatively better state of management. In both estates the resident labour lived under extremely depressing conditions.<sup>1</sup>

#### **(b) Economic Links with the Village**

The economic links between the village and estate were confined to employment opportunities for village people in the estate. The extent of employment generation for village people depend on several factors such as the productivity levels of the estates and the strength of the

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<sup>1</sup> Most of the estate labour lines were in a bad state of repair. In addition many of the lines lacked water and lavatory facilities.

resident labour force. In the case of tea estates around Mulgama and the rubber estate adjacent to Ambana the villagers had only limited opportunities of securing employment as these estates had adequate resident labour. When the estates were in a state of neglect and low productivity, the employment opportunities available to the villagers were further reduced. In most cases the villagers were able to secure for themselves only casual employment. In the case of tea estates the males were engaged mostly in heavy manual work such as uprooting tea bushes, cutting drains, digging holes, etc., while females were employed mostly in tea plucking. Employment in supervisory grades were rarely provided to the villagers.

In estates where resident labour was absent (viz: coconut and cinnamon estates in Ambana) the villagers found seasonal employment in such activities as weeding, cutting drains, plucking, collecting and dehusking coconuts, etc. However, as the productivity levels of these estates were low<sup>1</sup>, the quantum of employment generated for the villagers was not significant.

In Mulgama, there were hardly any other economic links between the tea estates and the village. The villagers rarely benefitted from the superior economic and technological status of the well managed tea estates.

Apart from the little employment from the estates around Ambana the villagers also continued to enjoy certain benefits traditionally extended to them by the two private estates' owners. They were allowed to graze their cattle and collect fronds for cadjan weaving and obtain husks for coir making. The villagers were also allowed to pick a few coconuts, jak fruits, etc., for their consumption needs. Instances were also reported of villagers obtaining loans in times of distress from estate owners. Nevertheless, these hardly made a positive impact on the social and economic advancement of the village.

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<sup>1</sup> The coconut estates in this area were noted for the absence of diversification under coconut which could have generated greater employment opportunities to the villagers.

(ARTI : Land Reform and the Development of Class II Coconut Lands, - 1977).

The private land owners were generally not highly motivated entrepreneurs. In fact they lacked in profit motive and enterprise. Their surplus was in no way comparable to that of the efficiently managed Company estates. The relationship between the private estates and the village was of a personal paternalistic nature, a continuation of a traditional link. In the context of a continuous neglect of the estates they could hardly serve as progressive sources of employment to the increasing village population.

In the environments of the study villages two fundamental characteristics were conspicuous as far as the estates were concerned. Estates which were run with high profit motives and enterprise had adequate resident labour and therefore little scope for employment to villagers. The estates that belonged to landed proprietors had not many resident workers but lacked enterprise and motivation and therefore offered little scope of employment of the villagers.

#### (c) Social Links with the Village

The owners of private estates in Ambana had greater social links with the village. The owners or their representatives were patrons of certain village organisations like Temple Committees and often participated in village functions. This relationship emanated from the dependent position of the village on the land owning elite of the Ambana environs. Hence, this social relationship was more of a patron-client nature and not one which was based on sound economic and other links.

Such social relationships were absent with company owned estates employing resident labour. A wide gap existed between the village and management. The higher level management was inaccessible to the villagers. The immediate contact with the estate management was with lower level supervisory grades such as Kangaries. This made the estate management least sensitive to village problems.

The relationship between the estate workers and the villagers was also a superficial one. Besides contacts between the two groups at work

sites in the estate and occasional visits by the labourers to the village, mainly for toddy, there was very little scope for social relationships between the two groups.

The absence of any kind of close economic and social links was most manifest in Mulgama which represented the village-tea-estate enclave system. Superficially the relationship between the two appeared cordial. However, the virtually isolated existence of the two sectors from each other over the decades had developed a certain degree of distrust between the two social groups. The resident labourers resented, perhaps not openly, the offering of employment opportunities to the village people. The management rarely offered positions of responsibility in estate management to the village educated. The facilities available with the estate such as transport, equipment, electricity, etc., hardly benefitted the village. Those resulted in creating among the village population a sense of alienation and distrust vis-a-vis the estate.

#### IMPLEMENTATION OF THE LAND REFORM

##### Take Over Process

With the introduction of Land Reform Law No.1 of 1972, estates adjoining Ambana, and the Yarrow and Erin estates in Mulgama were vested with the Land Reform Commission. With the exception of the rubber estate<sup>1</sup> adjoining Ambana, the statutory lease period was terminated before September 1974 and the estates vested with the Land Reform Commission. The Le Vellon and Masgolla estates were taken over under the Land Reform (Amendment) Law of 1975.

The take over process was carried out purely as a bureaucratic exercise. The Government's intention at this stage was to as far as possible keep out the involvement of politicians and people, which may have caused delays giving sufficient time for land owners to muster enough

<sup>1</sup> Due to a problem of finalising survey plans this estate was not formally vested until 1976.

moral and political strength to resist the take over programme. However, pervading the entire land take over was the Minister's determination to implement the law irrespective of any form of resistance the land owners might attempt to create. A manifestation of his determination was seen in the establishment of the Land Reform Commission as a separate statutory body for the specific purpose of land reform and granting it the power it needed for a speedy take over of lands above a ceiling. These actions greatly contributed to the smoothness and the speed with which the take over process was accomplished.

## Post-Take Over Implementation

The post take over period of the phase I (1972) of Land Reform was marked by an absence of a well thought out post reform development plan both at the national as well as at the regional level.

In the absence of a district programme there was much confusion regarding the management and development of the lands so vested which invariably led to a reliance on a large number of institutions to manage the vested lands. This problem did not arise in respect of the lands vested under the 1975 amendments, particularly since prior arrangements had been made to vest the entire extent in the hands of the State Plantations Corporation and the newly created JANAWASAMA. This latter phase of the Land Reform Programme has benefitted from the experience gained in phase I. The Government was well prepared to take over and manage the most productive estates in the country.

The management and development of LRC lands were placed in the hands of several agencies since 1972. The main types of agencies involved in management of LRC estates in the neighbourhood of the two villages were as follows:-

(a) 1972-1974 - (i) Janawasa Commission \*(Yarrow)  
(ii) Ad-hoc arrangements to oversee the estates through Grama Sevakas, SLFP branch presid-

<sup>1</sup> A village level officer of the revenue administration.

ents, etc.,

(Ambana rubber estate, Halgahapitiya estate, cinnamon estate, Erin estate) until distribution or permanent arrangements for management were made.

(b) 1974-mid 1977 - (i) Electorate Land Reform Cooperatives ( all estates in (a) ii above, and Masgolla)

(ii) JANAWASAMA (Le Vellon)

(c) Since mid-1977 (i) JANAWASAMA Le Vellon and all estates of  
(a) except Erin.<sup>1</sup>

(iii) Land Reform Commission

(Yarrow and Masgolla)

Main characteristics of the organisational arrangements in land reform implementation are given below:

(a) JANAWASAMA<sup>2</sup> - This is a State Plantation Organisation created in early 1976 to take over a large portion of the lands vested in the second phase of Land Reform introduced in 1975.

(b) Janawasa Commission - This statutory organisation was created in late 1975 to administer, guide, and supervise around 200 Janawasa (co-operative youth settlements) established on Land Reform Lands since early 1973. Until the establishment of the Commission the Janawasas were managed by a separate Division of the Land Reform Commission.

<sup>1</sup> This estate was distributed among landless peasants.

<sup>2</sup> Janatha Wathu Sangwardena Mandalaya (Peoples Estate Development Board).

**(c) Electorate Land Reform**

**Co-operatives**

- In 1974, with the objective of providing " effective participation of the people and their elected representatives, in achieving the objectives of the land reform...." a special co-operative society was created for each electorate under the Chairmanship of the MP of the area. A large extent of lands managed by ad-hoc organisations were handed over to these co-operatives for development aimed specifically at raising productivity and increasing employment opportunities.

**(d) Ad-hoc arrangements**

- A considerable extent of land was placed during the period 1972-1974 in the hands of various ad-hoc organisations such as Multi-Purpose Co-operative Societies, Special Cooperatives, Village Councils, etc., and on administrative personnel such as Assistant Government Agents(AGAs), Grama Sevakas (GSs), and political personalities such as(branch party presidents, etc.,) These were temporary arrangements made with the immediate object of enhancing food production and as interim measures until the lands were handed over to appropriate organisations.These arrangements were however unproductive and reflected the unplanned manner in which the post-take over phase was handled.

With the exception of ad-hoc arrangements the rest comprising of State sponsored organisations responsible for management of the taken over estates only operated at the National, district, or electorate levels. Their organisational network did not percolate to the village level. The only exception was the Electorate Co-operative which had its village link in the village Sri Lanka Freedom Party Organisation.

#### INVOLVEMENT OF VILLAGE LEVEL ORGANISATIONS IN IMPLEMENTATION

The involvement of the people is an essential pre-requisite in the effective implementation of any land reform programme. In terms of the prevailing political climate of the country in the 1970s, such participation was viewed by the Government to be better achieved through organisations at village level which are strongly affiliated to the party in power. These came to the forefront in land reform implementation. This resulted in pushing to the background the possibilities of involving the other village organisations and the possibility of creating new ones which could cater to wider interests of the village.

##### Political Organisations

During the 1972/1977 period the only important political organisation involved in land reform implementation was the SLFP branch at the village level. Members of this organisation maintained a direct link with the local MP who was virtually the principal decision maker at the electorate level concerning the future of the land reform lands. The MP's position in land reform implementation was formalised with the creation in 1974 of the ELRC, of which he was the Chairman. Through him the village party organisation had access to the ELRC. The village party organisation also had links through the MP with other organisations involved in land reform implementation such as the DLRA and the Janawasa Commission.

In both Ambana and Mulgama the SLFP organisation consisted mainly of youth, some of whom represented the more educated groups in the village. Their involvement in land reform was confined to the following:-

(a) **Overseeing and management of estates:**

In Mulgama, the Erin estate until its redistribution and the Masgolla estate until the political change of 1977, was placed under the care of the President of the Mulgama SLFP organisation by the area MP.

(b) **Requests for re-distribution during the 1972/1977 period:**

the SLFP organisation in Ambana made numerous requests to the area MP for a five block of land from the nearby cinnamon estate for construction of dwelling units. During the same period the SLFP organisation in Mulgama requested the MP to re-distribute parts of Erin, Pupuressa and Le Vellon estates.

(c) **Preparation of lists of landless:**

The party organisations of both Ambana and Mulgama prepared lists of landless persons in their respective villages to be given lands. The lists were sent to the area MPs.

(d) **The selection of members and subsequent management of the Janawasa created in the Yarrow estate was done entirely by the Mulgama SLFP organisation.**

(e) A number of requests were made to the area MPs by the party organisations of both Ambana and Mulgama between 1972-1977 for more employment opportunities for the villagers in the estates, and for permission to gather firewood and graze cattle in estate lands.

With the political change of mid 1977 the village political party responsible for the type of functions stated above in both villages changed hands from the SLFP to the United National Party. It too had a strong component of youth, but in both villages it also consisted of a significant proportion of the village elite in terms of land, employment, education and social recognition. It took upon itself the roles which were played by the former SLFP organisation at the village.

The inevitable political biases which favoured party affiliations in recommending persons for estate employment and land allotments remain as strong as they were before the 1977 political change. In Mulgama, the Yarrow Janawasa now has UNP affiliates in its labour and managerial cadres in place of the SLFP affiliates who were employed in such positions prior to the political change. Most of the villagers who received land allotments in Erin and Pupuressa estates through lists of persons prepared by the village SLFP organisation lost their holdings following the political change. A substitute list of persons for land allotment is now being prepared in the village by its UNP branch organisation. The same feature is found in case of Ambana with regard to employment opportunities in the Land Reform estates surrounding the village.

The greatest shortcoming in the involvement of village level political parties with a Land Reform Implementation was the creation of inevitable political biases in recommending allottees for lands for alienation and for employment. Political considerations in land alienation and provisions of employment overshadowed the need to consider adequately the requirements of the village landless and the unemployed as a whole.

#### **Other Village Organisations**

The Agricultural Productivity Committee and the Cultivation Committee as people's organisations were created with a view to assisting the implementing of land reform at the grass root level.

The very nature of selection of members to these organisations made them highly politicised. Such politicisation was considered essential for effective implementation of government policies. In case of both Mulgama and Ambana the Chairman, Vice Chairman and the Administrative Secretary of both APC and CC were appointed from the ranks of the local level SLFP organisations. The rest of the members were mostly party members, or sympathisers of the party.

Even though the APC/CC system exhibited strong political leanings they nevertheless were farmer organisations. Though the members were strongly affiliated to the SLFP, they also represented broader economic

and social interests of the village, including representations from the under-privileged groups. The APC-CC despite its politicisation looked after a wide range of interests all aimed at increasing agricultural productivity and safeguarding rights and privileges of farmers, especially tenants. In contrast, the SLFP organisations at the village level represented only SLFP interests.

Despite departmental circulars which urged that APC/CC be made use of, in fact as an organisational system it was hardly enlisted in the tasks of implementation. The overlapping of members of the APC/CC with that of SLFP organisations led to the latter playing the more dominant role in land reform at the expense of the former. Inherent weaknesses of the APC/CC system such as deep politicisation and representation of sectoral interests precluded it from performing the role expected of it in land reform implementation.

At the national level there was no policy to involve the Co-operative and the Rural Development Societies in land reform. At the village level the Rural Development Society was almost dysfunctional. The co-operatives on the other hand were too pre-occupied with the distribution of consumer items to the villages.

Though both Ambana and Mulgama had a large proportion of under privileged groups such as the landless poor and the unemployed, they did not mobilise themselves either as distinct groups or through the medium of an existing village organisation in order to benefit from Land Reform Programmes. Two principal reasons why such spontaneous organisations among the under-privileged did not emerge within the two study villages were :

- (a) Both SLFP and UNP village level organisations cut across divisions of the village society based on economic and social considerations, with the result that each of them had some representations from the under-privileged groups. However, decision making positions were held especially in case of Mulgama by the economically better off groups in both SLFP and UNP organisations. They invariably strove to better their own interests than those of the under-privileged groups. Though

the decision making posts were held in the SLFP and to some extent in the UNP organisations of Ambana by tenants and other under-privileged groups, the lower status position of the entire village in the region affected their bargaining power even when attempts to get land and employment were channelled through political organisations which supported government in power.

- (b) In both villages on external assistance was made available by the State or non-governmental organisations to guide and mobilise the under-privileged. In this connection the absence of any involvement of the national left parties was conspicuous.

#### **IMPACT OF LAND REFORMS AT THE VILLAGE LEVEL**

Any assessment of the impact of the Land Reform at the village level needs to consider the fact that only six years have elapsed since the introduction of phase I of land reform and only three years since the nationalisation of public company estates through phase II of Land Reform. The post take over management and development programmes are still in an embryonic stage and in certain instances even experimental in nature. Well defined paths of management and development of the lands are yet to evolve.

Within the limitations imposed by such considerations what is attempted below is only a tentative assessment.

##### **Land to the Landless**

In introducing Land Reform the need to re-distribute land among the landless was given wide publicity as a central objective of the land reform. The problem of landlessness was so acute that an adequate solution to the problem would have involved a large scale redistribution of land among the landless. This however was constrained by several factors:

- (a) The need to maintain the production levels of the major

export crops and the need to maintain large units of plantations for reasons of economies of scale.

- (b) The need to consider the position of the resident Indian labour in most of the large estates.
- (c) In view of (a) and (b) above, whatever lands available for re-distribution was confined to marginal and undeveloped lands which require heavy capital investment for development.
- (d) The problem of landlessness was intimately related to the lack of paddy land. The extent of paddy land vested with the Land Reform Commission (20,000 acres) was insufficient to make a significant attack on this problem.
- (e) Any large scale re-distribution programme could only have added to the already alarming problem of land fragmentation.

Several attempts were made during the 1972-1976 period by the SLFP organisation of the Ambana village to obtain around 5 acres of land from the cinnamon estate to ease housing congestion in the village. This request was not fulfilled by the DLRA or the ELRC to which the request was channelled through the MP. Instead, about 20 landless families in the village received 1/4 acre blocks of land from two estates located 5-6 miles away from the village. However, none of them went to occupy these lands due particularly to the difficulties of obtaining employment in an unfamiliar area. Further, many of them were reluctant to permanently leave the security of their village in view of their lower socio-economic standing in the area. Hence, none of the lands received were occupied and since the political change even the little claim they had to these lands was also lost.

The depressed conditions of the Ambana village should have received high priority in land alienation especially in order to solve the problem of high congestion. The demand of the village for LRC lands was not unreasonable, since it reflected the most urgent need of the village. What was offered did not in fact contribute to solve the

problem of congestion and land-hunger.

The problem of congestion was almost similar in Mulgama. However, the aspirations of the people were not merely confined to obtaining land for residential purposes. The Minister of Agriculture and politicians in the Kandyan regions strongly dwelled on the theme that the Kandyan peasantry would have access, again to the lands they lost to the estates.<sup>1</sup> Hence the expectation of the villagers was that the estate lands would be alienated to them. Further, the villagers with their general aversion to estate employment would have preferred to have land than employment as wage labourers. They expected to be as far as possible free of the estate system by securing individual allotments.

The requests for land alienation made to the MP by the village party organisation between 1972-1977 resulted in the partial alienation of Erin and Pupuressa estates. About 13 families received lands in allotments of 1/4 acre each from the Erin estate in 1975. The allottees were given temporary permits by the DLRA. Another 165 families received 1 1/4 acres each from the Pupuressa estate in February 1977, on the eve of the general election. The entire exercise was carried out haphazardly without proper demarcation of the boundaries. The allottees were issued only with temporary letters certifying their right to the land.

In both cases of Erin and Pupuressa, the re-distribution programme was not accompanied by supportive action aimed at helping the recipients to develop their land. The allottees in turn attempted only to exploit the existing crop without any consideration for developing the land.

The MP of the area on his own announced in early 1977 that the Masgolla estate (vested in 1975) would be re-distributed among the villagers of Mulgama and Pungela. As a preliminary step towards re-distribution the resident Indian labour force was evacuated from the estate.<sup>2</sup>

<sup>1</sup> In contrast to the actual practice, the local politician in the case of Ambana was not well disposed towards alienating land to Ambana people.

<sup>2</sup> The labourers were given the option to select alternative estates they would like to reside in, and were provided with transport facilities and financial assistance to settle down in the estates of their choice.

The proposed re-distribution programme could not be implemented as envisaged due to the dissolution of the National State Assembly. However, during this period the entire estate was opened up to the villagers for free plucking.

A further 200 acres from the Le Vellon estate managed by Janawasama was also earmarked by the MP for re-distribution. This programme could not be implemented for the same reason as that of Masgolla. However, the JANAWASAMA took precaution in not permitting villagers to pluck the tea.

Though nearly 175 landless persons of Mulgama did receive lands from the surrounding tea estates the procedure followed in the redistribution process was too erratic and politically biased. This resulted in a great majority of the recipients losing their lands following the political change of 1977.

For example, of a total of 50 families interviewed during the village survey 25 received 1/4 acre blocks of tea land from the surrounding estates between 1972 and 1977. After the political change of mid- 1977. 21 of these families lost their lands. Only 4 of the families were able to retain the land they received, even after the political change. These families had closer political affiliations with the present ruling party.

There was a serious lack of planning especially with regard to the re-distribution of estate lands. The re-distribution programme was more influenced by strategies of local politicians aimed at improving their political stature in their own electorates than through a conscious desire to ameliorate the landlessness in the villages on a permanent basis. Ambana as a village which should have received high priority in land re-distribution was overlooked by the MP on account of its lower social status.

## Employment

### (a) Pre-Land Reform Employment Situation

The pre-land reform estate system was able to provide little employment opportunities for the village population. Private estates which were usually poorly managed could not absorb additional labour from the villages. This was further aggravated when such estates had resident labour. In the well managed company estates which relied almost exclusively on resident labour, village labour was only drawn in occasionally to supplement the resident labour force.

In Ambana, 52% of the households interviewed reported having received work in the neighbouring estates prior to land reform. In the cinnamon estate weeding was the only task to which the village labour was recruited. In the rubber estate few were drawn in for tapping and weeding tasks.<sup>1</sup> More work opportunities were available in the Halgahapitiya coconut estate in plucking, husking, weeding, drain cutting, planting, etc.,

In these estates the employment opportunities offered were of a seasonal nature and of a casual type. Thus even those who were employed in the estate could not entirely rely on the estates as a steady source of income.

Greater employment opportunities could perhaps have been generated in the coconut estate through intensive inter-cropping, livestock rearing, etc. This however was absent.

Mulgama was exclusively surrounded by tea estates employing resident labour which left little room for absorption of labour from the villages. These estates depended on the village labour more as a

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<sup>1</sup>This estate had a resident labour force.

<sup>2</sup>The estate owners were urban based and therefore had no strong interest in helping the village economy.

floating labour force irregularly drawn in for specific tasks. The employment opportunities provided to the villagers were mainly confined to casual work. About 48% of the households reported having found such work opportunities in the neighbouring estates. The tasks which were performed by village male labour in the estates included uprooting, curring drains, and other heavy manual work. Females were generally employed for plucking and weeding. Very little employment opportunities in supervisory grades were offered by the estate management to villagers.<sup>1</sup>

The Mulgama villagers were placed <sup>at</sup> a relatively lower bargaining position for estate employment due to the presence of a resident labour force in the estates which constricted additional work opportunities, and due to the absence of any other avenue for work besides estate employment in the area. This was further aggravated by the fact that estate ownership and management were both inaccessible to the village people and were also unconcerned for the village problems and people.<sup>2</sup> In this situation the direct links the villagers had with the estate for employment was the Kangani - a lower supervisory cadre in the estate. The Kangani being members of the resident labour of Indian origin were less favourably disposed towards village labour. In allocating tasks, in entering names in checkrolls, the treatment accorded to the village labour by the Kangani reflected a negative attitude towards the village.

#### (b) Post Reform Developments

It is difficult to make an overall assessment of the impact of Land Reform on the employment problem of the two villages. The problems of ad-hoc management and frequent loss of employment as had occurred in the interim period of the management of the estates and the lack of

<sup>1</sup> The hierarchical system of organisation of labour in the tea estates greatly restricted the absorption of villagers to supervisory grades.

<sup>2</sup> Two of the estates Le Vellon and Masgolla were managed by Colombo based agency houses, which were completely alien management systems having no links with the village.

**PARTICULARS OF ESTATES VESTED**

Name of Estate	Total Extent	Extent Vested	Land Use	Pre-Land Reform Ownership	Post-Land Reform Management	
					Before mid - 1977	After 1977
A M B A N A M U L C A M A	Le Vellon*	1399	1399	Tea	Public Company	JANAWASAMA
	Masgolla*	465	465	Tea	Public Company	ELRC
	Yarrow	455	405	Tea	Private	Janawasa Commission
	Erin	400	80	Tea	Private	Distributed
	Ambana Rubber Estate	206	103	Rubber	Private Company	ELRC
	Halgahapitiyawatte (Coconut Estate)	196	146	Coconut	Private	ELRC
	Kurunduwatte (Cinnamon estate)	35	35	Cinnamon	Private	ELRC

\* Vested under the 1975 amendment.

more stable development programmes associated with the take over estates between 1972-1977 has added to the difficulty of making such an assessment.

The period 1972-1974 was marked by a general decline in employment generation in most of the estates taken over. This was essentially due to the neglect of the estates under the interim phase of management. Most of those who were employed previously in the estates lost their employment.

The management of the LRC estates formalised with the creation of the ELRC in 1974. More employment opportunities materialised in the estates which had to be brought up to a stable level of production from the neglect they have suffered between 1972-1974. In Ambana more employment opportunities came about through the resumption of weeding and other activities in the cinnamon estate and in the Halgahapitiya coconut estate. The creation of a Janawasa In Yarrow estate in late 1973 provided employment opportunities for nearly 70 youths from Mulgama. The vesting of the Masgolla and Le Vellon estates with the LRC in 1975 did not result in any substantial additional employment opportunities.

Since the political change of mid-1977 almost all the estates around both Ambana and Mulgama with the exception of Masgolla and Yarrow (which are managed by the LRC) have been vested in the JANAWASAMA. A production - employment oriented development programme is now being implemented by the JANAWASAMA in its estates. In tea estates the policy is to increase the land labour ratio from 1.3 to 1.5 per acre. At the village level the specific development towards this goal are as follows:-

In Mulgama the change in policy regarding estate employment for villagers has resulted in an increase in employment. Prior to 1977, 48% of the households in the sample had received employment in the estates. This percentage has increased to 76% by mid-1978. The two estates (Yarrow and Masgolla) managed by the LRC pursue a strong employment oriented development programme. More Mulgama villagers have been able to secure employment in these estates than before. This applies to some extent in case of the Le Vellon estate although the attitude of the estate

management towards the village labour reflects an insensitivity to village problems.

The change in policies had not however benefitted the Ambana village. In fact the proportion of households who found employment in the nearby estates have declined from 52% before 1977 to 32% by mid-1978. Ambana as a whole is discriminated in terms of recruitment to estate work because of the lower socio-economic and political status of the Ambana Village and the resultant lower bargaining position. Labourers from nearby villages are preferred over those of Ambana by the management of the estates.

Two important considerations which have long term implications deserve attention with regard to the greater employment opportunities to the Mulgama village by the surrounding estate since land reform.

- (i) A neglect of paddy cultivation - The greater attraction of wage labour opportunities in the estate has resulted in an overall neglect of paddy cultivation in preference to estate work. Certain less productive paddy fields in the village have been abandoned. The increasing dependence of the village on estate employment is exposing the village to possible adverse effects that may arise out of the vagaries of the world market for tea.
- (ii) Increasing school dropouts - More and more children of poorer households reaching the age of 14 years are being drawn out to work in the estates as wage labourers. This may have serious repercussions in the future innovator potential of the village.

#### Estate-Village Relationships

The century old enclaved development of both the estate and the village was long considered a major constraint preventing development of the rural areas in the major plantation regions of the island. The rapid growth of plantations had been achieved at the expense of the villages which had remained in a state of backwardness characterised by landlessness, unemployment and poverty.

Many of the villages remained for long deprived of even the basic amenities enjoyed by the estates such as education, health and transport.

The need to bring about a closer relationship between the estate and the village sectors towards achievement of a balanced development in the plantation dominated areas of the country was highlighted in the numerous deliberations made on the Land Reform since its inception. This aspect was accorded much publicity both by the politicians and the national press.

A proper integration would refer to the processes of bringing together the resources of the estate and the villages around them for total development of the rural economy on a sound economic and social footing.

It should be appreciated that the century old estate-village dichotomy cannot be broken in a matter of a few years. Integration has to form a part of the long process of the total agrarian social reconstruction of the country. Integration should therefore, form an important component of the entire post-land reform development programme.

Post Land reform settlement and development programmes have reached a phase of consolidation since mid-1977. It is only now that directions for future development are being laid down. The period before mid-1977 was characterised in most cases by ad-hoc arrangements towards achievement of short term goals. The Janawasa programme was one of the few attempts made at bringing about some form of integration between the estate and the village through the involvement of village youth in the management and development of estates. The Yarrow estate in Mulgama is a case on point where a large number of village youth were recruited to manage and develop the estate on a cooperative basis.

The development of the estates in relation to the needs of the villages around them was envisaged under the Electorate Land Reform Cooperatives. It was to be a medium for eliciting popular participation in Land Reform implementation. The Electorate Cooperative headed by the MP of the area made attempts to provide greater employment opportunities and

other benefits to the villagers. In Ambana more employment opportunities were offered to the village in the nearby estates. In Mulgama, the entire Masgolla estate was opened up to the villagers. However, the policies adopted by the Electorate Land Reform Cooperatives were short term in nature and were guided by motive of immediate political gains for the MP.

Programmes undertaken by both the Janawasa and Electorate Land Reform Cooperatives were biased towards partisan political interests. As a result these programmes did not bring about a meaningful impact on the estate village relationships. These organisations and the programmes they had undertaken did not, as a result, survive the political change of mid-1977.

All of the estates surrounding the two study villages are now managed by the JANAWASAMA under the Plantation Ministry.<sup>1</sup> The development programmes for the estates including improvements of estate-village relationships have been worked out by the Plantation Ministry. This programme of development encompasses the following :

- (a) Offering of greater employment opportunities in the estates to the villagers, and providing attractive conditions within the estate to the village landless to take up residence in the estates.<sup>2</sup>
- (b) Offering of facilities available in the estates such as technical expertise, planting material, equipment, processing facilities, etc., to the villages.
- (c) Extending social amenities available with the estate such as health facilities, electricity and water supplies, creches, etc., to the villages.

<sup>1</sup> Since July 1978 the two LRC estates around Mulgama, the Yarrow and the Masgolla, have been vested with the JANAWASA.

<sup>2</sup> Attempts are now being made to improve the existing lines, and where possible, to replace them with cottage-type residences.

(d) Bringing the estate and the village under the same administrative umbrella and to develop common organisations, to serve the interests of both sectors.

In order to achieve these objectives the Plantation Ministry has now launched on a programme of reorientation of the estate Superintendents and Managers at both the estate and the regional level. Further, the members of the National State Assembly have also established a closer dialogue with the estate management to evolve suitable programmes related to estate-village development.

It is still premature to evaluate fully the nature of performance of these programmes. However, in the light of what has so far been achieved in the implementation of these programmes in the two village environments, some indicators may be elicited as to the form the estate-village integration may take place in the future.

Though at the national level the policies towards achieving integration seem both desirable and feasible, at the village level their successful implementation is determined by such factors as the attitudes of the estate management towards villages, the socio-economic position, and the relative bargaining power of villages.

In Ambana for instance, the village has now lost most of the benefits received from the estates both during the pre-land Reform period and for several years after the Land Reform. The JANAWASAMA which manages the estates around Ambana seems to adopt a policy aimed at improving the production levels of the estates without any consideration of the needs of the village. This attitude of the present JANAWASAMA management seems to be influenced by the lower bargaining power of Ambana people due to their socially and economically depressed character. The Ambana people today find very little employment in these estates and have lost most of the fringe benefits they used to enjoy earlier. For example, the village is now debarred from grazing its cattle lands. In the absence of grazing land within the village, this has resulted in villagers gradually selling off their cattle. The implications of this development on the village paddy

economy are indeed very serious. In contrast, Mulgama presents a situation of extreme complexity with regard to the question of integration. The village has witnessed nearly a century of enclaved existence with little relationship with the neighbouring estates employing resident Indian labour. Complexities ensuing through this weak relationship makes integration both a difficult and a long-drawn out task. Among the villagers, a certain stigma is still attached to living in the estates as resident labour. A large percentage of villagers interviewed indicated their dislike to reside in the estates. Some expressed fears of losing cultural identity, others feared that their children after them would be entrapped by the estates to become generations of labourers, thus losing opportunities for social and economic mobility. Still others feared to be in an ethnic minority among an estate Tamil majority. The estate workers, themselves, expressed the fear of being out-numbered in the estate by the Sinhala villagers.

In the two estates of Yarrow and Masgolla the estate management has taken positive steps to provide as many employment opportunities as possible to the villagers. In addition the few families who had taken up residence within the Yarrow estate during the period when it functioned as a Janawasa, are integrated as resident labour. In Masgolla too the Management has taken care to absorb the maximum possible number of villagers for work in the estate. It already has a number of village families residing in the estate lines.

The Le Vellon which is the largest estate adjoining the village has not responded favourably to the programmes aimed at integration. The need for integration is most pressing between this estate and Mulgama. The management apparently is least sensitive to the idea of integration on the one hand and to the needs of the village on the other. The only concern of the present management is on profit maximisation which has traditionally been the attitude of the pre-Land Reform estate management. The management is completely inaccessible to villagers. Hence, the absence of any dialogue between the two groups concerning the problems and possibilities of integration. The estate provides much less employment opportunities than it could

generate for the villagers.<sup>1</sup> Working conditions for the villagers are still harsh. The villagers continue to look at the estate with the same degree of fear as it was during the period of company ownership. Hence the attitude of the village towards the estate management is one of marked hostility, especially in view of the fact that the villagers now feel that the estates belong to them through the State.

The picture that emerges from the analysis of the two village situations is far from encouraging as regards integration. It is evident that at the micro-level specific factors such as the attitudes of the estate management and the villagers towards each other have an important bearing on the eventual success in achieving the goals of integration.

<sup>1</sup> The present estate management in fact has plans to fill up vacancies created by repatriation of resident labour with labour of Indian origin from labour surplus estates.

## CHAPTER V

### CONCLUSION

#### Tenancy Reforms

The two study villages demonstrate many complexities that are associated with tenancy as found in most parts of the country where it is a serious problem. Hence, the findings of the study pertaining to the implementation of tenancy reforms do show an element of general validity for regions showing a high incidence of tenancy.

The experience of the two villages indicates that tenancy reforms have by and large failed to make a significant impact on tenancy conditions.

Provisions granting security of tenure on permanent and heritable basis to the tenants were not effectively implemented in both villages. Despite several amendments made to the Law, the setting up of stronger implementing organisations at the village level, and the setting up of Agricultural Tribunals to settle tenancy disputes, tenant evictions have nevertheless continued unabated. Most evicted tenants have not been able to recover their tenancies. A majority of the tenants still continue to work their lands under fear of eviction.

Shortcomings in the implementation of the security of tenure provisions have been largely responsible for the inability of tenants to benefit from rent provisions of the Law. Most tenants continue to pay the traditional half share rent.

Legal loopholes in the Paddy Lands Act were taken advantage of by land lords in order to serve their own interests. The tenants have lost confidence in the efficacy of the law itself, as a result of its inability to provide adequate security to them.

Even though a number of structural alterations were done to strengthen the Cultivation Committee and to gear it to perform its functions more effectively, evidence from the two villages indicate that tenants have not benefitted from these changes. Landlords, business and

family interests have continued to infiltrate the Cultivation Committees ( and the APC ) to the detriment of the tenants. The nominative principle introduced in 1972 did not substantially improve the position of the tenant population.

In addition, the tenants of both villages have not been able to organise themselves to improve their bargaining position. It should however be noted that in the context of the two villages the tenants do not identify themselves as a distinct class. The lack of organisation has made them more vulnerable to the manipulations of the landlords.

The legal and institutional weaknesses coupled with the absence of tenant unity have paved the way for the complex traditional social relations to emerge as obstacles to proper implementing of tenancy reforms. These social relations have over the ages defined the rights, duties and obligations of tenants and landlords in the two villages.

The nature of implementation process as it operated in the two villages seems to cast doubts as to whether moves to provide tenant security through legislative enactments could in fact succeed in Sri Lanka, without a concurrent and a complete transformation of the entire agrarian social structure.

## 2. Land Reform

It is as yet premature to attempt an evaluation of the Land Reform Programme launched in 1972 and 1975. The organisations created for their implementation were experimental in nature. Definite paths along which a long term programme will move are still in their formative stages. Bearing this in mind several tentative conclusions may be made.

The implementation of the Land Reform took a highly politicised turn with the direct involvement of politicians in all aspects of post take-over implementation. The need for involving politicians was dictated ostensibly by a desire to bring about greater popular participation through the elected representatives of the people. This however did not materialise. What in fact happened was an over pene-

tration of narrow partisan interests into implementing organisations and the implementing process. Any form of mass mobilisation of target groups did not come about.

In principle the main target groups of Land Reform i.e., the rural poor, should have been made to feel that land reform implementation required their involvement and participation. But in fact, the rural poor were made to feel that the benefits of Land Reform were extended to them because of the patronage of the area M.P. The implementation process was more a political exercise aimed at boosting the image of the politician rather than one directed to benefit the particular target group.

As politics cut across other divisions in the rural society over-dependance on a party organisation resulted in the exploitation of politics by various established privileged groups at the village level for their own betterment, at the expense of the poorer groups. This made the privileged groups the main protagonists in the implementation scene. It was more noticeable in Mulgama, where economic inequalities were more marked than in Ambana.

The Ambana village as a whole which should have received the highest priority as a beneficiary group of Land Reform, in fact received least priority. In this case, due to the depressed character of the village even the party branch was overlooked in matters of implementation. Even at present, the question of involvement of the people in Land Reforms implementation, especially the underprivileged groups, remains unsolved.

Excessive reliance of politics in Land Reform implementation has completely subverted both the principle of popular participation and the scope for its achievement. The persons who were associated with implementing organisations were selected on the basis of their political affiliations, rather than their representation of under-privileged groups. This resulted in a change of personnel of organisations following national political changes. In Mulgama, with the exception of a handful, all persons who received lands for cultivation and

homesteads, and employment opportunities during the 1972-1977 period lost them following the political change. These were affiliates of the SLFP.

In view of these shortcomings in the implementation of Land Reform, the declared objectives of solving problems of landlessness and unemployment and bringing about a closer relationship between the estate and the village <sup>have</sup> not been satisfactorily achieved.

## **STATISTICAL APPENDIX**

**APPENDIX I : DISTRIBUTION OF LAND USE**  
 ESTIMATED INLAND SURVEY OF SRI LANKA

Land Use	Acres	Percent
<b>Total</b>	<b>16,228,230</b>	<b>100.0</b>
	(100,000)	
1. Settlements and associated non-agricultural lands	48,270	0.3
2. Horticulture	1,418,800	9.0
3. Tree and other perennial crops:		
(a) Tea	636,230	3.9
(b) Rubber	561,850	3.5
(c) Coconut	618,910	3.8
(d) Others	133,510	0.7
4. Cropland :		
(a) Paddy	1,261,910	7.8
(b) Land under development	107,290	0.7
(c) Others	2,495,030	15.3
5. Improved permanent pasture	6,160	—
6. Grassland scrubland	1,052,010	6.4
7. Woodlands	7,164,710	44.2
8. Swamp and marsh	81,020	0.5
9. Unused land	106,620	0.7
10. Inland waters including salterns	505,910	3.2

Source : Aerial Survey based on Canada - Colombo Plan Project - (1961)

APPENDIX II : LAND ALIENATED UNDER LAND DEVELOPMENT SCHEMES :

1936 - - 1966

Type	Land Area (Thousand Acres)	No. of Allottees (1,000)
Major Colonisation	287	59.7
(Paddy Land )	(182)	
(Highland )	(105)	
Highland Colonisation	31	8.8
Middle Class Schemes	147	11.6
Youth Settlement (Started in 1965)	7	2.9
Special Leases (Started in 1965)	58	0.2
Marginal Land (Started in 1968)	70	-
Total Agricultural Settlement	600	83.2
Village Expansion Schemes (Mainly for Residential purposes)	664	504.2
Total Land Alienated	1,864	670.6

Sources :

Government of Ceylon, " Report of the Land  
Utilisation Committee ", August 1967,  
Sessional Paper No. XI (1968), p. 34.

APPENDIX III

EXTENTS VESTED AND REDISTRIBUTED ( PHASE I--1972)

District	Total extent vested	Extent distributed among villages (upto 31.12.1976)			Extent distributed among villagers (upto 30.06.1976)
		Ordered for prior alienation	Ordered for later alienation	Total	
		(Ac)	(Ac)	(Ac)	(Ac)
Kandy	82914	12799	8271	21070	13737
Kegalle	43839	6409	1522	7961	232
Colombo	22296	5864	597	6461	751
Sri Lanka	563411	94815	16987	111802	52215

Source: Land Reform Commission Records.

APPENDIX IV

CROP-WISE CLASSIFICATION OF LANDS TAKEN OVER UNDER THE LAND REFORM LAW

NO. 1 OF 1972

DISTRICT	TEA	RUBBER	COCONUT	PADDY	MIXED CROPS	JUNGLE, PATANA and UNCULTIVATED LANDS	TOTAL
Kandy	55335	2591	1222	53	9341	14372	82914
Kegalle	6993	19028	1974	76	6344	9434	43839
Colombo	-	6344	13615	1222	-	1115	22296
Sri Lanka	139354	82563	112523	18407	30303	180262	563411

Source: Land Reform Commission Records

APPENDIX V

PUBLIC COMPANY ESTATES VESTED IN THE L.R.C. UNDER THE LAND REFORM (AMENDMENT) LAW NO: 39 OF 1975

District	No. of estates	STERLING COMPANIES					RUPEE COMPANIES					Total (Ac)
		Tea (Ac)	Rubber (Ac)	Coconut (Ac)	Others (Ac)	Total (Ac)	No. of estates	Tea (Ac)	Rubber (Ac)	Coconut (Ac)	Others (Ac)	
Kandy	40	35428	-	-	10139	45567	37	25615	-	650	7981	34246
Kegalle	11	2144	7281	7	1345	10777	30	5737	22194	160	2279	30370
Colombo	02	-	1075	1293	166	2534	07	494	4560	4	529	5587
Sri Lanka	166	130474	23404	3695	37571	195164	229	197118	71431	2711	41553	222813

Source : Land Reform Commission records.

APPENDIX VI

INSTITUTION-WISE CLASSIFICATION LAND REFORM LANDS

(by mid 1976)

Institution	Extents (Acres)
SPC	196531
USAWASAMA	67548
JANAWASAMA	230473
Samupakara Janawasa	49651
Land Commissioners Department	70722
Managed by DLRA	28897
Livestock Development Board	7673
Coconut,, Rubber and Tea Research Institute	12003
Coconut Cultivation Board	2261
Under GA's, AGA's	29913
Conservator of Forests	1364
Agricultural Productivity Committees	4208
Sri Lanka Cashew Corporation	165
Sugar Corporation	2829
Multi-Purpose Coop Societies	2735
Special Coop Organisations	1878
District Development Projects	1025
Distributed among villagers	52215
Any other methods of disposal	31000
Electorate level land reforms Cooperatives	184677
<b>Total</b>	<b>981368</b>

Sources : Land Reform Commission records.