

Putting Land First?
*Exploring the Links between
Land and Poverty*

Edited by

Diana Montero Melis
Milanga Abeysuriya
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Preface

This volume contains the papers presented at the 6th Annual Symposium on Poverty Research in Sri Lanka which was held from 22nd to 24th November 2005 at the BMICH in Colombo. The Symposium was organised for the sixth consecutive year by the Centre for Poverty Analysis (CEPA) in association with the Social Policy Analysis and Research Centre (SPARC) of the University of Colombo, and was sponsored by the German Development Cooperation (GTZ), the International Development Research Centre (IDRC) and The Asia Foundation (TAF). More than 160 participants, including researchers, practitioners, government officials and other stakeholders, attended the Symposium.

This year the Symposium's theme was 'Putting Land First? Exploring the Links between Land and Poverty' and the papers presented focused on three main issues: (i) land ownership issues such as titling and tenure systems; (ii) access to land and rural poverty; (iii) land policies and land reforms. An introduction to some of the issues discussed in the research papers as well as an overview of land issues in Sri Lanka is provided in the first chapter of this volume. In addition to the presentation of research papers, two panel discussions were held on land policy and reform, and tsunami-related issues pertaining to land and poverty. This volume contains the papers presented during the Symposium including the keynote addresses delivered by Professor Savitri Goonesekere and Professor T. Jogaratnam.

The main language of the Poverty Research Symposium was English, but presentations were translated simultaneously into Tamil and Sinhala. For the first time, the publication of the proceedings includes a translation in Tamil and Sinhala of the introductory chapter as well as the abstracts of the different papers. We hope that this will encourage wider readership of this volume.

On behalf of CEPA, I would like to thank everyone who contributed to the Symposium and this publication, but in particular to the

authors who put in a lot of work to incorporate numerous comments from the editorial and review panels. A special thank you is due to Professors Goonesekere and Jogaratnam who converted their addresses into papers at short notice, and to the sponsors, GTZ, IDRC and TAF, whose support enabled us to stimulate an interesting debate among a very diverse group of people.

Priyanthi Fernando
Executive Director, Centre for Poverty Analysis
Colombo, June 2006

Foreword

Land is one of most significant determinants of poverty in a pre-industrial society. “Land is to rule.” In a pre-industrial society those who own land possess wealth, power and status. Land is not just a resource; it is a strategic resource. Those who have land are wealthy; those who do not are deprived. Land confers social status. Conversely some people’s social status, such as caste, deprives them of land. There are also political implications in land policies that have come to the forefront recently.

Amartya Sen’s view of poverty as a lack of ‘entitlements’ is particularly useful in highlighting the links between land and poverty. The relationship people have with the land they live in and work on is a key determinant of the nature of the ‘entitlements’ they have access to. The conditions under which people hold land are important; whether it is owned, leased or rented, the type of lease and rental amounts. In addition, the productivity of land also determines people’s ‘income entitlements’ if they are relying on the land as a primary livelihood. The links between land and poverty are therefore manifold in a predominantly agricultural and rural society.

The significance of land diminishes as an economy diversifies and other economic opportunities become available. Sri Lanka has begun this process of transition – land is not as significant today as it was 30 years ago. However, even today, despite the fact that only 16% of GDP comes from agriculture, over 35% of the population is directly or indirectly dependent on land. Therefore, until further economic diversification, land is an important determinant of poverty. Aside from agriculture, land is vital for housing, industry and recreational activities. There are also ecological issues connected with the utilisation of land and conflicts over how scarce resources are used and distributed.

In legal terms there have been significant developments over the past 50-60 years on land issues, such as the Paddy Lands Act of 1958 and the land reforms of 1972 and 1974. These have been partial attempts to rectify disparities in incomes and livelihoods in the country. However, their impact has been minimal and the terms on which land is held continue to be controversial.

Despite the significant relationship between land and poverty, discussion of the pertinent issues has been limited to the point of neglect in recent years. However, it is an issue that will certainly emerge in importance in the near future. With this in mind, the Centre for Poverty Analysis (CEPA) selected this theme for the 2005 Annual Symposium on Poverty Research. It focussed on land reforms, the social implications of land ownership, the requirements to change the distribution of land holding and links with the ethnic conflict.

The papers published in this volume explore different facets of the issue and implications for poverty reduction. Several papers deal with land issues relating to poverty, such as the land rental market and the links between land and poverty through a rights based approach. It includes, *inter alia*, papers on spatial clustering of the poor, on negotiating land tenure rights in pre-conflict Sri Lanka and on revitalising productivity and income effects of social capital for rural poverty reduction in Sri Lanka. The paper 'How the Current Situation of Land Grants and Permits Impacts on Poor Households, and How Reforms of the Land Development Ordinance Could Benefit the Poor' is particularly topical at present. The volume also includes a paper on the Indian experience of land possession, landlessness and poverty in three states.

The backgrounds, affiliations and experiences of the authors are varied and interesting and their explorations of the varied facets of, and links between land and poverty will greatly contribute to future debates and policy discussions on the issue. I sincerely hope

that this volume will assist those who are engaged in the formulation of land policies and poverty reduction strategies relating to land.

Nimal Sanderatne
Chairperson, Centre for Poverty Analysis
Kandy, June 2006

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Abbreviations and Acronyms

ARTI	Agrarian Research and Training Institute
CENWOR	Centre for Women's Research
CEPA	Centre for Poverty Analysis
CPA	Centre for Policy Alternatives
DCS	Department of Census & Statistics
DS	Divisional Secretariat
ESCAP	UN Economic and Social Commission for Asia and the Pacific
FAO	Food and Agriculture Organization
GDP	Gross Domestic Product
GN	Grama Niladhari
GNP	Gross National Product
GOSL	Government of Sri Lanka
GTZ	German Technical Cooperation
ha	Hectare
HARTI	Hector Kobbekaduwa Agrarian Research Training Institute
IDRC	International Development Research Centre
ILO	International Labour Organisation
IPS	Institute of Policy Studies
IWMI	International Water Management Institute
JVP	Janatha Vimukthi Peramuna
LDO	Land Development Ordinance
LG(SP)	Land Grants (Special Provisions)
LR	Likelihood Ratio
LRC	Land Reform Commission
LTRSP	Land Titling and Related Services Project
MDG	Millennium Development Goal
MIMAP	Micro Impacts of Macroeconomic and Adjustment Policies

MRI	Medical Research Institute
NGO	Non-government Organisation
OLS	Ordinary Least Square
PA	People's Alliance
PPP	Purchasing Power Parity
PRA	Participatory Rural Appraisal
PRSP	Poverty Reduction Strategy Paper
PSIA	Poverty Social Impact Analysis
SLFP	Sri Lanka Freedom Party
SLIS	Sri Lanka Integrated Survey
SLO	State Lands Ordinance
SOAS	School of Oriental and African Studies
SPARC	Social Policy Analysis and Research Centre
TAF	The Asia Foundation
UK	United Kingdom
UN	United Nations
UNICEF	United Nations Children's Fund
UNP	United National Party
US	United States
WHO	World Health Organization

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EXPLORING THE LINKS BETWEEN LAND AND POVERTY IN SRI LANKA: AN OVERVIEW

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Exploring the Links between Land and Poverty in Sri Lanka: An Overview

Land is vital for human existence – for cultivation, for housing. Civilization and culture are also intimately connected with land, ecology and nature... Land, water, [and] environment, so important for human life, is [sic] so often not given adequate importance in government policy and planning.
(Balassuriya, Silva and Maude 1991:i)

In Sri Lanka, the relationship between the land and its people has historically been strong and pervasive. Until recent times, the country's economy was dominated by the agricultural sector and farming continues to provide a livelihood for many. As in other peasant societies, social structures and relationships in the traditional agrarian economy have been organised along land tenure systems and people have consequently developed strong attachments to the land. However, with the decline of agricultural productivity and the rising prominence of the manufacturing and service sectors, migration – to urban areas and abroad – has increased. In this context, many have questioned the place of land policy in poverty reduction and whether adequate importance has been given to land issues in government planning – hence the title of this volume.

This chapter provides an introduction to land, land use and land reforms in Sri Lanka and highlights some of the key issues pertaining to land and poverty which are addressed in greater depth in the research papers that follow. While the topic of land is vast, this chapter focuses exclusively on issues relating to the rural sector and takes a historical approach to contextualise the current policy framework.

1. Land and land use in Sri Lanka

Sri Lanka has a total land area of approximately 6.5 million hectares (ha) (65,000km²) and the average population density is three persons per hectare (300 per km²). It is far higher in urban areas, such as Colombo or Gampaha (where the density rises to 3000 per km²) and much lower in rural areas such as Mullaitivu or Moneragala, with 50 and 72 persons per km² respectively. About 65% (4.24 million ha) of the island is covered by state managed forests, reserves and inland water bodies. Less than 1% (0.05 million ha) of the land area is classified as urban, whereas agricultural land makes up about 34% (2.26 million ha) of the country (IPS 2004:40).

On the basis of land use, the agricultural sector can be divided into two sub-sectors: plantations and smallholdings. The plantation sector, which has three main crops, tea, rubber and coconut, is commercially oriented and medium to large-scale in operation. The smallholding (or domestic) is agricultural sector mainly grows tea and paddy (rice), other field crops and fruit and vegetables, is semi-subsistence oriented and consists mainly of small, rural farms (IPS 2004). About 92% of the agricultural land area held and operated privately by families is in smallholdings of below two hectares. These smallholdings are distributed over 3.5 million distinct land parcels held by about 3.6 million rural households under a wide range of tenure forms and transactional relationships which have developed over time (HARTI 2000).

Ownership and access to land in Sri Lanka is somewhat obscure. According to official figures, almost 84% (5.5 million ha) of the land is owned by the state while the other 16% (1.07 million ha) is owned privately (IPS 2004). However, a variety of informal arrangements, such as *thattumaruru*, *kattimaruru* (rotational tenure forms), *ande*, *vi poronduwa* (share tenancies), *gambaraya* (associated with absentee landlordism) and *paraveni* (ownership rights acquired through long

use) have developed over the years and provide the rural population with access to land. Furthermore, different rights are attached to land under different ownership categories such as *sinnakkara* (freeholding which is recognised by the state and where the land can be sold or leased), and *swarnabhoomi* / *jayabhoomi* and Land Development Ordinance (LDO) permits (which are deeds, grants or long term leases under which land was provided to settlers in government initiated colonies, and carry restrictions on outright sale¹) (CPA 2003). Encroachment of state (or ‘Crown’) land is also a widespread phenomenon, especially in the dry zone. It can occur in various ways and can range from large-scale (mainly for cash crop cultivation) to small-scale (mainly for subsistence crop cultivation).

2. History relating to land holding

Sri Lanka is often divided into two zones – the dry and the wet. The concept of irrigated agriculture, probably introduced during the Early Iron Age, developed into sophisticated and large-scale systems which served as the economic foundation of settlements in the dry zone during the early history of the country. Since the time of the ancient kings, however, the dry zone has been sparsely populated and it was not until colonisation schemes began in the 1940s, and the Mahaweli irrigation scheme, started in the 1970s that large-scale settlement began to take place in the dry zone. The wet zone, in contrast is characterised by dense population rates and the continuing importance of plantation agriculture. Consequently, settlements in rural Sri Lanka can be defined according to their historical status; ‘old villages’ (*purana gama*), colonies initiated by the government, or spontaneous settlements. Both in the wet and the dry zone, old villages were often concentrated around small

¹ “Jayaboomi deeds were issued by the SLFP-led government (1970-77), Swarnaboomi by the UNP government (1977-1994), and Janmaboomi by the PA government (1994-). Jayaboomi and Swarnaboomi deeds are identical in content.” (Shanmugaratnam 2000:48)

irrigation systems – in the wet zone water is often acquired through a diversion weir in a stream (*anicut*), whereas in the dry zone the water system relies on tanks.

The form of land ownership recognised today began with the ‘regularisation’ of land introduced in the 19th century under the British colonial occupation. Under the Crown Lands Ordinance of 1840 and the Waste Lands Ordinance of 1897, the British Crown claimed authority over all ‘unoccupied and uncultivated’ land. A large number of persons, who were unable to show ‘proof of legal ownership’ in the form required by the new laws were evicted. Subsequently, the Land Reform Commission (LRC) was instituted in 1927 to improve the situation of the landless peasantry by allocating state-owned land for various development purposes. Following a Survey of Land during the 1930s, the Land Development Ordinance (LDO) was introduced in 1935. Under the LDO, land was set aside (alienated) for specific purposes such as village expansion schemes, re-colonisation of the dry zones, and regularised encroachment.

The colonial period also contributed to a change in land use patterns, with the introduction of the tea and rubber plantations. In addition to restricting access to common land over which farming households had usufruct rights for chena (swidden/shifting) cultivation, the related, large-scale importation of indentured labour that enabled plantation expansion also affected population concentrations and settlement patterns. The land available for cultivation was also increased, sometimes at the cost of forest and grassland areas that had traditionally been kept aside for watershed purposes.

3. Land policy as an instrument of poverty reduction

Some writers argue that the British colonial approach to land ownership, based on the perception that land is a public resource

over which the state has sole authority, shaped the land policies of independent Sri Lanka (Ratnayake 2002). Land distribution and colonisation programmes introduced after independence in 1948 were mainly targeted at improving the lot of the impoverished population. Subsidy schemes for agricultural inputs, a minimum wage mechanism and a progressive tax system were designed to transfer surpluses, generated for example by the plantation sector, towards building the necessary socio-economic infrastructure (Alailima 2001).

The abovementioned Land Development Ordinance (LDO), introduced in 1935, contained a clear policy for the alienation of state land. Using this policy the government developed new land, provided irrigation facilities and social welfare infrastructure and allocated the land to selected peasants who were given their allotments on the basis of permissive tenure under the LDO (Weerawardena 1991:49-50). Settlement schemes, or colonies, in the dry zone are the most prominent programmes of land alienation under the LDO, which were greatly expanded alongside the Accelerated Mahaweli Irrigation Scheme from the late 1970s onwards. The land ownership legislation introduced in the 1970s was influenced by socialist ideas which also drove the nationalisation of assets owned by private companies and large land holdings (over 50 acres) held by local elites (Balassuriya 1991:24). Village expansion schemes, also under the LDO, were initiated in the wet zone and provided land mainly for home gardens, as these lands were not agriculturally viable. To date, more than 300,000 *swarnabhoomi* and close to 700,000 *jayabhoomi* grants have been issued under the LDO (IPS 2004).

Restrictions on land ownership and mortgaging were eased in the 1980s and grantees were able to mortgage their holdings with State Lending Agencies, which helped obtain loans for investment (Ratnayake 2002). In 1996, the government, with the support of the World Bank, introduced policies that attempted to improve equity

of ownership and the efficiency of land markets. These policies focused on providing clear titles to land and removing restrictions on outright sales. These reforms were based on the assumption that smallholders with full ownership rights would invest to improve, protect and utilise the land to its maximum 'productivity' potential. The Land Titling and Related Services Project (LTRSP) was implemented in 2001 as part of this policy and to systematically replace the current deed system with a registered titles system by granting a secured title on privately held land (IPS 2004). In early 2003 the government proposed the removal of restrictions on state land alienated under the LDO and the Land Grants Special Provisions (LGSP) Act. The objective of this policy proposal was to increase security of tenure for permit holders and tenants by allowing unrestricted sales and transfers. However, the policy did not reach the stage of cabinet approval and since the subsequent change of government in 2006, policy direction in this area has not been made clear.

4. Understanding the links between land and poverty

Although land is a topic of significant research in Sri Lanka, much of the focus has been on historical aspects of land ownership, land productivity and conflict relating to land issues. The 6th Poverty Symposium specifically focused on the interface between land and poverty to understand to what extent land is, or should be, a focus area for poverty reduction policies and programmes. The topic is particularly relevant at this time for two reasons; land reform is a topical issue among policymakers with several land reform policies currently being drafted and discussed within policymaking circles; in addition, tsunami-related displacement has thrown up a host of new questions relating to land loss and land re-allocation.

The questions that the Symposium and the papers in this volume sought to address included the following:

1. What is the link between land and poverty? Including, but not limited to, issues relating to landlessness, land ownership and productive and non-productive land.
2. What are the issues relating to land policy in Sri Lanka? Including the historical development of land policy as well as the policies and reforms on the agenda today.
3. What are the alternatives to a purely economic approach to the link between land and poverty?
4. Should land policy and land reform be a focus area for poverty reduction?

Two keynote addresses were delivered at the Symposium and they are reproduced in chapters 2 and 3 of this volume. The dominant discourse regarding land and poverty focuses on land as a productive asset and this approach is reflected in the keynote address by Professor T. Jogaratnam, 'Land and Poverty'. The main thesis of this argument is that poverty is linked to unequal land ownership and other productive characteristics such as farm size, physical environment, type of farming system, terms and conditions of tenancy, security of titles to land and fragmentation of land. Therefore, giving the rural poor increased access to land – the single most important productive asset in the rural sector – is seen as central to the reduction of poverty.

Professor Savitri Goonesekere approaches the issue from a rights perspective and challenges the current policy and research dialogue, questioning why, despite many years of policies and laws providing access to land, rural poverty persists and agricultural productivity remains low. She suggests that the reasons may be found in both education and rural development policies and a failure to provide the necessary investment and strategies to promote agricultural production as a viable means of acquiring an adequate income.

The rising demand for land from a growing population has directly contributed to the substantial reduction in the average size of holdings. This is further aggravated by the continued and largely informal accommodation of family members, tenants and others, leading to a process of ownership and user rights fragmentation. It has also led to the physical fragmentation of land reflected in the significantly diminished average size of land parcels held over the past decades. According to the Department of Census & Statistics, the average size of a holding in Sri Lanka declined by 64% over the last 56 years, from 1.3 ha in 1946 to 0.47 ha by 2002 (DCS 2002). Land fragmentation and the diminishing size of land holdings is often seen as a cause for concern as it prevents economies of scale, and the production capacity of smallholdings is generally seen as relatively low. The paper by Ranjith Wanigaratne (Chapter 4) explores these issues through a discussion of life histories concerning land rights, fragmentation and the implications for poverty.

The paper by Dharmaratna *et al* (Chapter 5) challenges the assumption that rural poverty in Sri Lanka is significantly influenced by land tenure patterns. Much of the country's land, especially in the major irrigation areas, comes under the Land Development Ordinance (LDO) and the paper investigates the links between LDO land and rural poverty based on an empirical study of ten villages representing different agro-ecological zones, livelihood patterns and irrigation settlements. While there are many negative impacts on the poor, the authors challenge the assumed strong relationships between LDO tenure and productivity, access to credit or ability to engage in off-farm employment.

Drawing on economic theory and international experience, Marawila and Samaratunga (Chapter 6) consider the argument that in situations of restricted tenure, rural economic productivity could still be improved by adopting rental market strategies. These strategies are considered less risky than sales markets with higher

transaction costs. In the Sri Lankan context, the authors argue that streamlining the land rental market is one way forward, albeit one that needs to be complemented with support services such as input capital, market access and other infrastructure facilities.

Another important dimension regarding the relationship between land and poverty is provided in the paper by Rachel Brulé (Chapter 7), which looks at the role of public institutions in mobilising and transferring resources such as land to disadvantaged groups. The paper focuses on land reforms to understand how state institutions may generate divisive alliances, for example along ethnic lines, when minority needs and wishes are neglected.

Recent research also suggests that access to land alone may be insufficient for poverty alleviation. The paper by Amarasinghe *et al* (Chapter 8) looks at how access and availability of natural resources, especially land and water, are associated with spatial clustering of poverty in rural areas. Evidence suggests that the income of tenant farmers is more dependent on factors such as access to agricultural inputs, irrigation facilities, technology for high yielding crop cultivation, access to markets, roads and other infrastructure, rather than tenure arrangements. These ideas are also discussed in the paper by Kanta Kumbhar (Chapter 9), which looks at the impact of land reforms on 'the poor' by looking at the Indian states of Orissa, West Bengal and Kerala.

The objective of this volume is to focus the attention of researchers, policymakers and other stakeholders on the links between land, land policy and poverty. While substantial research has been undertaken on the relationship between land and poverty, much of this research evidence has not come to bear on policy. It is hoped that this volume of papers will challenge some of the conventional thinking regarding this relationship and generate further discussion on these issues, within the research community as well as among policymakers and other stakeholders.

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² For further reading please refer to the References in each chapter and to Abey Suriya, 2006.

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ශ්‍රී ලංකාවේ ඉඩම් සහ දිළිඳුතාවය අතර පවත්නා සම්බන්ධතාව පිළිබඳ ගවේශනාත්මක විවරණයක්

භූමිය මිනිසාගේ පැවැත්මට අත්‍යවශ්‍ය සාධකයකි. ඔහුට අවශ්‍ය බෝග වගාවට මෙන්ම නිවාස තැනීම සඳහා ද භූමිය අවශ්‍ය වේ. මිනිසාගේ ශිෂ්ටාචාරය සහ සංස්කෘතිය ද භූමිය, ජෛව විද්‍යාව හා සොබාදහම සමග දැඩි ලෙස සම්බන්ධ වී පවතී. එනමුත් මිනිසාගේ ජීවිතය සඳහා අතිශය වැදගත් වූ භූමිය, ජලය ඇතුළු සමස්ථ පරිසර පද්ධතිය පිළිබඳව රාජ්‍ය ප්‍රතිපත්ති හා සැලසුම්වල එතරම් වැදගත් ස්ථානයක් දී නොමැත (බාලසූරිය, සිල්වා සහ මාලා 1991:1).

ශ්‍රී ලංකාවේ, භූමිය සහ එහි ජනතාව අතර ඇති සම්බන්ධතාවය ඉතා ඇත ඉතිහාසයේ සිට පැවත එන ඉතාමත් ශක්තිමත් වූත් පෘථල වූත් සංසිද්ධියකි. මෑතක්වන තුරුම කෘෂිකාර්මාන්තය ශ්‍රී ලංකාවේ ආර්ථිකයේ ප්‍රධාන ස්ථානයක් ගත් අතර ගොවිතැන රටේ බහුතර ජනතාවගේ ජීවනෝපාය ලෙස පැවතුණි. අතිකුත් ග්‍රාමීය සමාජයන්හි දක්නට ඇති පරිදි ශ්‍රී ලංකාවේ ද සාම්ප්‍රදායික කෘෂිකාර්මික ආර්ථිකයේ සමාජ ව්‍යුහය සහ සමාජ සම්බන්ධතා වර්ධනය වූයේ ඉඩම් අයිතිය පදනම් කරගෙනය. එහි ප්‍රතිඵලයක් වශයෙන් ජනතාව විසින් භූමිය සමග ප්‍රබල බැඳීමක් ඇති කර ගෙන ඇත. එනමුත්, කෘෂිකාර්මික අංශයේ වලදායිතාවය ක්‍රමයෙන් අඩු වීමත්, කර්මාන්ත සහ සේවා අංශයේ ඇතිවෙමින් පවත්නා දියුණුවත් හේතුවෙන් ග්‍රාමීය ප්‍රදේශවල ජනතාව නගරයට ඇදී ඒම මෙන්ම විදේශ රටවලට පවා යෑමේ ප්‍රවණතාවක් මතු විය. මෙම පසුබිම යටතේ ජනතාවගේ දිළිඳුකම අවම කිරීමෙහිලා ඉඩම් ප්‍රතිපත්තිවල කාර්යභාරය කුමක්ද යන්නත් රාජ්‍ය සැලසුම් ප්‍රතිපත්තිවල දී ඉඩම් සම්බන්ධ ගැටලුවට කුමන මට්ටමේ ප්‍රමාණවත් වැදගත්කමක් ඇත්ද යන්නත් බොහෝ දෙනෙකු විසින් විමසන ලදුව ඒ සඳහා විවරණයක් සිදු කිරීම මෙමගින් අපේක්ෂා කෙරේ.

මෙම පරිච්ඡේදය යටතේ ඉඩම්, ඉඩම් පරිහරණය, ශ්‍රී ලංකාවේ ඉඩම් ප්‍රතිසංස්කරණ යනාදිය පිළිබඳව හැඳින්වීමක් සිදු කරන අතර ඉඩම් හා දිළිඳුතාවය අතර පවතින වැදගත් කරුණු ගැඹුරින් සාකච්ඡා කිරීම ද අනතුරුව අපේක්ෂා කෙරේ. භූමිය යන විෂය ඉතා පුළුල් බැවින් මෙම පරිච්ඡේදය යටතේ ග්‍රාමීය අංශයේ ඉඩම් කාවිතයට අදාළ ගැටලු සඳහා විශේෂ අවධානය යොමු කරන අතර ඓතිහාසික යොමුව හරහා වර්තමානයේ ඉඩම් ප්‍රතිපත්ති දක්වා වූ ප්‍රතිපත්තිමය රාමුව සකස් වී ඇති ආකාරයද විවරණයට ලක්කරණු ලැබේ.

1. ශ්‍රී ලංකාවේ ඉඩම් සහ ඉඩම් පරිහරණය

ශ්‍රී ලංකාවේ භූමි ප්‍රමාණයේ විශාලත්වය දළ වශයෙන් හෙක්ටයාර් මිලියන 6.5 ක් (එනම්, ව.කි.මී. 65,000) වන අතර එහි වර්තමාන සාමාන්‍ය ඝනත්වය හෙක්ටයාරයකට පුද්ගලයින් තිදෙනෙකි (ව.කි.මී. එකකට පුද්ගලයින් 300 කි). නමුත් ග්‍රාමීය හා නාගරික ප්‍රදේශ වෙන් වෙන් වශයෙන් ගත්විට, කොළඹ හා ගම්පහ වැනි ජනාකීර්ණ ප්‍රදේශවල ජන ඝනත්වය ව.කි.මී. එකකට පුද්ගලයින් 3000 ක් පමණ වූ ඉතා ඉහළ අගයක් ගන්නා අතර මුලතිව් හා මොණරාගල වැනි ග්‍රාමීය ප්‍රදේශයන්හි පිළිවෙලින් ජන ඝනත්වය ව.කි.මී. එකකට පුද්ගලයින් 50 - 75 ක් පමණ වූ පහළ අගයක් ගනී. ශ්‍රී ලංකාවේ භූමි ප්‍රමාණයෙන් 65% ක් (හෙක්ටයාර් මිලියන 4.24 ක්) අයත් වන්නේ රජය විසින් පාලනය කරනු ලබන වනාන්තර, අභය භූමි හා අභ්‍යන්තර ජලාශ යටතටය. නාගරික භූමි ප්‍රදේශ ලෙස හඳුනාගෙන ඇත්තේ 1% කට වඩා අඩු (හෙක්ටයාර් මිලියන 0.05) භූමි ප්‍රමාණයකි. කෘෂිකාර්මික / ග්‍රාමීය භූමි ප්‍රදේශ ලෙස මුළු දිවයිනෙන් 34% ක් (හෙක්ටයාර් මිලියන 2.26) වශයෙන් හඳුනාගෙන තිබේ (අයි.පී.එස්. 2004:04).

භූමි පරිහරණය අනුව සලකා බලන විට කෘෂිකාර්මික අංශය උප අංශ දෙකකට බෙදා හඳුනා ගත හැකිය. එනම්, වතු වැවිලි අංශය හා කුඩා ගෙවතු ආශ්‍රිත ග්‍රාමීය අංශය වශයෙනි. වතු වැවිලි අංශය හේ, රබර් හා පොල් වගාවන් ප්‍රධාන කොට ඇති වැවිලි අංශයෙන් සමන්විත වන අතර මධ්‍යම හා විශාල පරිමාණයෙන් යුක්ත වූ වෙළෙඳාම අරමුණු කරගෙන ක්‍රියාත්මක වේ. කුඩා පරිමාණ හෝ ගෙවතු ආශ්‍රිත කෘෂි අංශය තුළ හේ වගාව, වී ගොවිතැන, වෙනත් ක්ෂේත්‍ර හෝග සහ පළතුරු හා එළවලු ආදිය අර්ධ වශයෙන් යැපුම් අරමුණු ඇතිව වගා කරන අතර ඒවා භූමි ප්‍රමාණයෙන් කුඩා ඒකක වේ (අයි.පී.එස්. 2004). පෞද්ගලික පවුල් මට්ටමින් හිමිකාරිත්වය පවතින සහ ක්‍රියාත්මකවන මුළු කෘෂිකාර්මික ඉඩම් ප්‍රමාණයෙන් 92% ක්ම පවතින්නේ හෙක්ටයාර 2 ට අඩු කුඩා ඉඩම් වශයෙනි. මෙම කුඩා ගෙවතු ආශ්‍රිත කෘෂිකාර්මික කටයුතු මිලියන 3.5 ක ඉඩම් කට්ටි ලෙස විසිර පවත්නා අතර ඒවා මිලියන 3.6 ක් පමණ වූ පවුල් ඒකක විසින් කාලාන්තරයක් තිස්සේ විකාශනය වූ විවිධාකාර ඉඩම් අයිතීන් යටතේ පරිහරණය කරති (එච්.ඒ.ආර්.ටී.අයි. 2000).

ශ්‍රී ලංකාවේ ජනයා අතර ඉඩම් සඳහා ඇති අයිතිය සහ ප්‍රවේශය යන සංකල්ප තරමක් අපහැදිලි බවක් පෙන්වයි. නිල සංඛ්‍යා ලේඛනවලට අනුව ශ්‍රී ලංකාවේ ඉඩම්වලින් 84% ක් (හෙක්ටයාර් මිලියන 5.5) රජයට අයත් වන අතර ඉතිරි 16% (හෙක්ටයාර් මිලියන 1.07) පෞද්ගලික අංශය සතුව පවති (අයි.පී.එස්. 2004). නමුත් තට්ටුමාරු, කට්ටිමාරු, අඳ, අයිතිය, වී පොරොන්දුව, ගම්බාරය, පරවේනි

ක්‍රමය වැනි අවධිමත් ඉඩම් බුක්ති ක්‍රම කාලයක් තිස්සේ වර්ධනය වී ඇති අතර එමගින් ග්‍රාමීය ජනතාවට ඉඩම් පරිහරණය කිරීමේ ප්‍රවේශකත්වය ලබා දෙයි. තවද, ඉඩම්වල නිමිකාරත්වයන් සඳහා පුද්ගලයින් සතු අයිතියේදී විවිධ බවක් ඇති බව පෙනේ. එනම්, සිත්තක්කර අයිතිය (මෙය රජය විසින් පිළිගත් ඉඩම් අයිති ප්‍රභේදයක් වන අතර ඒ යටතේ ඉඩම් විකිණීම හෝ බද්දට දීම කළ හැකිය), ස්වර්ණ භූමි / ජය භූමි සහ ඉඩම් සංවර්ධන අඥා පනත යටතේ බලපත්‍ර (මේවා යටතේ ඉඩම් සඳහා ඔප්පු හෝ පැවරුම්, බදු ඔප්පු රජය විසින් ලබා දී ඇත්තේ ගොවිජනපද ව්‍යාපාර, නැවත පදිංචිකරවීම ආදිය යටතේය. නමුත්, ඒවා යම් යම් කොන්දේසි සහ සීමාවන්ට යටත්ව ජනතාවට ලබා දී ඇති අතර එකී ඉඩම් අත්සතු කිරීම සම්පූර්ණයෙන්ම තහනම් වේ). (සී.පී.ඒ. 2000). රජයේ ඉඩම්වල අනවසරයෙන් වගා කිරීම වියළි කලාපයේ බහුලව දක්නට ඇති තත්ත්වයකි. එය විවිධාකාර මුහුණුවරින් දැකගත හැකිය. එය සමහර විට මහා පරිමාණයේ (වාණිජ වශයෙන් සඳහා) රජයේ ඉඩම් අනවසරයෙන් භාවිතා කරන) සිට කුඩා පරිමාණයේ (යැපුම් මට්ටමේ කෘෂිකාර්මික කටයුතු සඳහා) පරාසයක් තුළ විසිර පවතී.

2. ඉඩම් අයිති ක්‍රමය හා බැඳුණු ඓතිහාසික පසුබිම

ශ්‍රී ලංකාව දේශගුණික වශයෙන් වියළි කලාපය හා තෙත් කලාපය වශයෙන් ප්‍රධාන කලාප දෙකකට බෙදා හඳුනාගෙන ඇත. ශ්‍රී ලංකාවේ වියළි කලාපය යටතේ විශාල භූමි ප්‍රදේශයක් ආවරණය වන අතර ප්‍රාග් ඓතිහාසික යුගයේ සිටම වාරිමාර්ග තාක්ෂණික ක්‍රම උපයෝගීකර ගනිමින් වියළි කලාපීය කෘෂිකාර්මික කටයුතු ආරම්භකර ඇති බවද පසුව විශ්මයජනක මහා වාරිමාර්ග ඉදිකර වියළි කලාපය තුළ ඉතා ශක්තිමත් කෘෂිකාර්මික ජීවන රටාවකට පදනම දමා ඇති බවද ඉතිහාසයෙන් සනාථ වේ. පැරණි රජයන්ගේ සිටම ශ්‍රී ලංකාවේ වියළි කලාපීය ප්‍රදේශ වල තරමක් අඩුවෙන් ජනාවාස ව්‍යාප්තව පැවති බවත් 1940 ඇති වූ ගොවිජනපද ව්‍යාපාරය සහ 1978 දී ආරම්භ කළ මහවැලි ජනපද ව්‍යාපාරය හරහා එකී ප්‍රදේශවල විශාල වශයෙන් ගොවිජනපද බිහිවීම සිදු වූ බවත් දැකිය හැකිය. මෙයට භාත්පස වෙනස් තත්ත්වයක් තෙත් කලාපය තුළ දක්නට ලැබේ. එනම්, එහි අධික ජනගහනයක් ජීවත්වන අතර වැව්ලි වතු අංශය නිසා ආර්ථික වශයෙන් වැදගත්කමක් හිමිකරගෙන ඇත. ඒ අනුව, ශ්‍රී ලංකාවේ ග්‍රාමීය අංශයේ ජනාවාස ඒවායේ ඓතිහාසික පසුබිම අනුව නිර්වචනය කරන්නේ නම් පැරණි ගම් (පුරාණ ගම්), රජය විසින් ආරම්භ කරනු ලැබූ ජනපද හෝ ස්වාභාවිකව ව්‍යාප්ත වන්නා වූ ගම්මාන වශයෙන් හඳුනාගත හැකිය. වියළි කලාපය සහ තෙත් කලාපය යන දෙඅංශයම සලකා බලන විට සාමාන්‍යයෙන් පැරණි ගම්මාන සියල්ලම පාහේ

කුඩා වාරිමාර්ග ක්‍රම ආශ්‍රය කරගෙන පවතින බව පෙනේ. තෙත් කලාපයේ පිහිටි මෙම කුඩා වාරිමාර්ග ක්‍රම සඳහා ජලය ලබා ගන්නේ ජල පාරවල් හරස්කර ඉඳි කරනු ලබන අමුණු හරහාය. වියළි කලාපයේ දී ඒ සඳහා වැව් ඉඳිකිරීම මූලික වී ඇති බව පෙනේ.

වර්තමානයේ පවත්නා ඉඩම් අයිතීන් ප්‍රධාන වශයෙන්ම නිර්මාණය වී ඇත්තේ බ්‍රිතාන්‍ය පාලකයින් විසින් දහනව වැනි සියවසේ දී හඳුන්වා දුන් ‘ඉඩම් අයිතිය නියමානුකූලකරණය කිරීමේ නීති’ අනුව බව පෙනේ. බ්‍රිතාන්‍ය පාලකයින් විසින් 1840 දී හඳුන්වා දුන් රාජ්‍ය ඉඩම් ආඥා පනත යටතේ වගා නොකරන ලද සහ පදිංචි නොවූ සියලුම ඉඩම් රජයට පවරා ගන්නා ලදී. මෙම ආඥා පනත යටතේ තමා පදිංචි වී සිටි ඉඩම සඳහා අයිතිය තහවුරු කිරීමට අපොහොසත් වූ විශාල ජනකොටසකට තමන් සතුව තිබූ ඉඩම් හිමිකම අහිමි විය. අනතුරුව වර්ෂ 1927 දී ඉඩම් ප්‍රතිසංස්කරණ කොමිසම පිහිටුවා ඉඩම් නොමැති ග්‍රාමීය දිළිඳු ජනතාව සඳහා රජයේ ඉඩම් විවිධ ව්‍යාපෘති යටතේ වෙන් කර දීමේ ක්‍රියාවලිය ආරම්භ කරන ලදී. ඉඩම් පිළිබඳව 1933 දී සිදු කරනු ලැබූ සමීක්ෂණයකින් අනතුරුව 1935 දී රජය විසින් ඉඩම් සංවර්ධන ආඥාපනත හඳුන්වාදෙන ලදී. මෙම ආඥාපනත යටතේ පසු කාලීනව රජය විසින් ගම් පුළුල් කිරීම, වියළි කලාපයේ නැවත ජනපද පිහිටුවීම සහ අනවසර පදිංචිකරුවන්ගේ අයිතිය තහවුරු කිරීම ආදී විශේෂිත අරමුණු සඳහා ඉඩම් වෙන් කිරීම සිදු කෙරිණි.

මෙම යටත් විජිත පාලන සමයේදී තේ සහ රබර් වගාව හඳුන්වා දීමත් සමගම රටේ භූමි පරිහරණයට අදාළ විශාල වෙනස්කම් රාශියක් සිදු විය. පොදු ඉඩම් හේන් වගාව සඳහා යොදා ගැනීම සඳහා ග්‍රාමීය ජනතාව සතුව තිබූ අයිතිවාසිකම් සීමා කිරීමට අමතරව තේ සහ රබර් වගාවන් සඳහා විශාල වශයෙන් දකුණු ඉන්දීය කම්කරුවන් මෙරටට ගෙන්වා පදිංචි කරවීම නිසා රට අභ්‍යන්තරයෙහි වූ ජනාවාස ව්‍යුහයේ දී විශාල වෙනස්කම් රාශියක් සිදු විය. ඒ අතර, එතෙක් ජලපෝෂිත ප්‍රදේශ ලෙස පැවති වනාන්තර හා තණබිම් බොහොමයක් වතු වැවිලි වගාවන් සඳහා සිසු ලෙස විවෘත වන්නට පටන්ගත්තේය.

3. දිළිඳුකම අවම කිරීමේ මෙවලමක් ලෙස ඉඩම් ප්‍රතිපත්ති

සමහර පර්යේෂකයින් විසින් තර්ක කරනුයේ, බ්‍රිතාන්‍ය යටත් විජිතවාදීන් විසින් හඳුන්වා දුන් ඉඩම් අයිතියේ ප්‍රවේශය වශයෙන් සළකනු ලබන ‘භූමිය පොදු දේපළක් බව සහ එහි පූර්ණ අධිකාරීත්වය රජය සතුය යන සංකල්පය, නිසා

හිදුනස් ශ්‍රී ලංකාවේ ඉඩම් ප්‍රතිපත්ති ඒ අනුව හැඩගැසුණු බවයි. (රත්නායක 2000). 1948 හිදුනස ලබා ගැනීමෙන් අනතුරුව රජය විසින් ක්‍රියාත්මක කරනු ලැබූ ඉඩම් බෙදා දීම සහ ජනපද බිහිකිරීමේ වැඩසටහන් තුළින් ග්‍රාමීය ප්‍රදේශවල පිටින් වූ දිළිඳු පවුල්වල පිවන තත්ත්වය වැඩිදියුණු කිරීම මුලිකව අරමුණු කරනු ලැබීය. මේ හා සමාන්තරව රජය විසින් හඳුන්වා දුන් වතු වැඩිලි අංශය සඳහා කෘෂිකාර්මික යෙදවුම් සහනාධාර, අවම කම්කරු වැටුප් සහ බදු සහනාධාර ආදිය සැලසුම් කරනු ලැබූයේ වතු අංශයේ අතිරික්ත ආදායම් රටේ පොදු සමාජ ආර්ථික හා යටිතල පහසුකම් සංවර්ධනය සඳහා යෙදවීමේ අපේක්ෂාවෙනි. (අලයිලිමා 2001).

ඉහතින් සඳහන් කරනු ලැබූ 1935 වසරේ දී හඳුන්වා දුන් ඉඩම් සංවර්ධන ආඥාපනත යටතේ රජය සතු ඉඩම් ජනතාවට වෙන්කර දීමේ පැහැදිලි ප්‍රතිපත්තිය ක්‍රියාමාර්ග හඳුන්වාදී ඇත. මෙම ආඥා පනතේ ප්‍රතිපාදන ප්‍රයෝජනයට ගනිමින් රජය විසින් අළුතින් ඉඩම් සංවර්ධනය කිරීම, වාරිමාර්ග සහ සමාජ සුභසාධනය හා යටිතල පහසුකම් සැපයීම, හඳුනාගනු ලැබූ ග්‍රාමීය දිළිඳු ජනතාවට එකී ඉඩම්වලින් කොටස් වෙන්කර දී පොරොන්දු ගිවිසුම මත අයිතිය පැවරීම සිදු කර ඇත (වීරවර්ධන 1991:49-50). රජය විසින් වියළි කලාපය තුළ ක්‍රියාත්මක කරනු ලැබූ ජනපද ව්‍යාපාර සහ කොළඹි ක්‍රම ආදිය ඉඩම් සංවර්ධන ආඥාපනත යටතේ ඉතා වැදගත් ඉඩම් වෙන්කර දීමේ ක්‍රමවේදයන් වූ අතර එකී ජනපද ක්‍රම 1970 දශකයේ අග භාගයේ සිට ක්‍රියාත්මක වූ කඩිනම් මහවැලි යෝජනා ක්‍රමය යටතේ වඩාත් පුළුල් ලෙස ව්‍යාප්ත විය. තවද, 1970 දශකයේ රජය විසින් හඳුන්වා දෙනු ලැබූ ඉඩම් අයිතිය පිළිබඳ නීතිරීති සඳහා සමාජවාදී රාජ්‍ය පාලන තන්ත්‍ර මුලධර්මවල බලපෑම බෙහෙවින් ඉවහල් වූ අතර එමගින් පුද්ගලික සමාගම් සහ පුද්ගලික අයිතියට නතුව තිබූ අක්කර 50 කට වැඩි ඉඩම් රජයට පවරා ගැනීම සිදු විය (බාලසූරිය 1991:24). ඉඩම් සංවර්ධන ආඥාපනත යටතේ ගම් පුළුල් කිරීමේ ව්‍යාපාර තෙත් කලාපයේ ද ආරම්භ කළ අතර එම ඉඩම් බොහෝමයක් සාම්ප්‍රදායික කෘෂිකර්මයට නුසුදුසු නිසා ගෙවතු වගා කටයුතු සඳහා යෙදවීම දක්නට ලැබුණි. වාර්තාගත තොරතුරු වලට අනුව මේ වන විට ඉඩම් සංවර්ධන ආඥාපනතට අනුව ස්වර්ණභූමි ඔප්පු යටතේ ඉඩම් කට්ටි තුන් ලක්ෂයක් (300,000) සහ ජය භූමි ඔප්පු යටතේ ඉඩම් කට්ටි හත්ලක්ෂයක් (700,000) ජනතාව අතර බෙදා වෙන්කර දී ඇත (අයි.පී.එස්. 2004).

මෙලෙස රජය විසින් ලබා දුන් ඉඩම්වල අයිතිය සහ ඒවා උකස් කිරීම සම්බන්ධව පැවති බාධක 1980 දශකයේදී ලිහිල් කරන ලදී. ඒ අනුව, එකී ඉඩම් රාජ්‍ය අංශයේ බැංකු හා ආයතනවලට උකස් කිරීමේ අවකාශ ලැබීම තුළ ඒවා සංවර්ධනය සඳහා අවශ්‍ය ප්‍රාග්ධනය සපයා ගැනීමට හැකි විය (රත්නායක 2002). 1996 දී

රජය විසින් ලෝක බැංකු ආධාර යටතේ ඉඩම් අයිතියේ සමානත්වතාව සහ ඉඩම් වෙළෙඳපොළෙහි කාර්යක්ෂමතාව වර්ධනය කිරීමට අදාළ ප්‍රතිපත්ති හඳුන්වා දෙන ලදී. මෙම ප්‍රතිපත්තිවල එක් ප්‍රධාන අංශයක් වූයේ ඉඩම් සඳහා පිරිසිදු ඔප්පු ලබාදීමත් ඒවා වෙළෙඳපොළේ හුවමාරු කිරීමට තිබූ බාධක අවම කිරීමත්ය. මෙවැනි නව ඉඩම් ප්‍රතිපත්ති හඳුන්වා දීමෙන් බලාපොරොත්තු වූ වැදගත් කරුණක් වූයේ එමගින් කුඩා ඉඩම් හිමියන් පවා තම ඉඩම් උපරිම ඵලදායීත්වය අත්කර ගැනීම සඳහා ආයෝජනය කිරීමට පෙළඹෙන බවයි. මෙම ප්‍රතිපත්තියේ කොටසක් ලෙස “ඉඩම් හිමිකම් සහ අනුබද්ධිත සේවා ව්‍යාපෘතිය” (එල්.ටී.ආර්.එස්.පී) වසර 2001 දී ක්‍රියාත්මක කරමින් අපේක්ෂා කරන ලද්දේ එමගින් ඉඩම් සඳහා පුද්ගලයන් සතු අයිතිය පැහැදිලිව ලියාපදිංචි කර ඔවුන් සඳහා ඔප්පු නිකුත් කිරීමේ ක්‍රියාදාමයකි (අයි.පී.එස්. 2004).

මේ යටතේ, ඉඩම් සංවර්ධන ආඥාපනතේ සහ ඉඩම් හිමිකම් විශේෂ විධිවිධාන පනත යටතේ ජනතාවට ලබා දී තිබූ ඉඩම්වලට අදාළ කොන්දේසි ලිහිල් කිරීමට වසර 2003 මුල් කාලයේ දී රජය විසින් නව ප්‍රතිපත්ති හඳුන්වා දෙන ලදී. මේ යටතේ ඉඩම් බලපත්‍ර හිමියන්ට සහ කුලී පදනමින් රජයේ දේපළ බුක්ති විඳින අයට ඒවා අත්සතු කිරීම සඳහා පනවා තිබූ බාධක ඉවත් කිරීම අපේක්ෂා කරන ලදී. එනමුත් මෙම නව යෝජනා අමාත්‍ය මණ්ඩල අනුමැතිය සඳහා ඉදිරිපත් නොවූ අතර 2006 ඇති වූ නව රජය බලයට පත්වීමත් සමග එම ප්‍රතිපත්ති කුමන ආකාරයකට පිළිගනිවි ද යන්න පිළිබඳව පුරෝකථනය කළ නොහැකිය.

4 ඉඩම් බුක්තිය සහ දිළිඳුකම අතර ඇති සහසම්බන්ධතාවය අවබෝධ කර ගැනීම

ශ්‍රී ලංකාව තුළ ඉඩම් සම්බන්ධ වූ විවිධ මාතෘකා ඔස්සේ බොහෝ පර්යේෂණයන් සිදු කර තිබෙන අතර ඒවා බොහොමයක් තුළින් සිදුවී ඇත්තේ ඉඩම් අයිතියේ ඓතිහාසික පැතිකඩ, ඉඩම්වල ඵලදායීතාව සහ ඉඩම් සම්බන්ධ විවිධ ආරවුල් ආදිය පිළිබඳ ගැටළු බොහොමයක් විමසීමට ලක් කිරීමය. තවද, දිළිඳුකම තේමාකරගත් හයවැනි සම්මන්ත්‍රණයෙහි විශේෂිත අරමුණ වූයේ ඉඩම් අයිතිය සහ දිළිඳුකම අතර පවත්නා අන්තර් සම්බන්ධතාවය විශ්ලේෂණය කරමින් කොපමණ දුරකට, ඉඩම් අයිතිය, දිළිඳුකම අවම කිරීමේ ප්‍රතිපත්ති සහ වැඩසටහන් තුළ ඉලක්කගත විය යුතුද යන්න විවරණය කිරීමයි. ඉඩම් අයිතිය පිළිබඳව වූ විමර්ශනය වර්තමානයේ දී කාරණා දෙකක් නිසා ඉතා වැදගත් බව පෙනේ. එයින් එක් කාරණයක් වන්නේ ප්‍රතිපත්ති සම්පාදකයින් විසින් ඉඩම් ප්‍රතිසංස්කරණය සඳහා

වූ විවිධ ප්‍රතිපත්ති සකස් කරමින් ඒවා පිළිබඳව වාද විවාද කිරීමත්, අතින් කරුණු වශයෙන් මෑතක දී ඇති වූ සුනාමි ව්‍යසනය නිසා උන්කිටි තැන් අතිමි වූ විශාල ජනතාවකට තම ඉඩම්වල අයිතිය ලබා ගැනීමට මෙන්ම රජය පැත්තෙන් ගත්විට ඉඩම් වෙන්කර දීම සම්බන්ධයෙන් වූ අලුත් ආකාරයේ ගැටලු රාශියක් මතු වී තිබීමත් ය.

ඉඩම් පිළිබඳව ඉහතින් දැක් වූ සම්මන්ත්‍රණය හා මෙම විවරණය මගින් අමතනු ලබන කාරණා පහත පරිදි වේ.

- i. ඉඩම් අයිතිය සහ දිළිඳුකම අතර ඇති සහසම්බන්ධතාවය කුමක්ද? මේ සම්බන්ධයෙන් විශේෂිත වශයෙන් ගත් කළ ඉඩම් සඳහා හිමිකමක් නැතිකම, ඉඩම් අයිතිය, ඉඩම්වල වලදායිතාව හා නිෂ්ඵල ලෙස සිදු කරනු ලබන භාවිතය ආදී කරුණු විමසා බැලීම.
- ii. ශ්‍රී ලංකාවේ ඉඩම් ප්‍රතිපත්තිය හා සම්බන්ධ වූ ගැටලු කවරේ ද? ඉඩම් ප්‍රතිපත්තිවල වෙනිසාසික විකාශනය මෙන්ම වර්තමානයේ ඉස්මතු වී ඇති ඉඩම් ප්‍රතිසංස්කරණ භ්‍යාසය පත්‍ර කරුණු.
- iii. ඉඩම් හා සම්බන්ධ ආර්ථිකමය ප්‍රවේශය හා දිළිඳුකම අතර පවත්නා සහසම්බන්ධතාවය මෙන්ම ඒ හා සම්බන්ධ වූ විකල්ප පිළිබඳව විමසීම.
- iv. දිළිඳුකම අවම කිරීම සඳහා ඉඩම් ප්‍රතිපත්ති හා ඉඩම් ප්‍රතිසංස්කරණ ක්‍රියාමාර්ග ප්‍රමුඛ ඉලක්කය ලෙස සැලකිය යුතුද?

ඉහතින් සඳහන් ඉඩම් පිළිබඳ සම්මන්ත්‍රණයේ දී, පැවැත් වූ සමාරම්භක දේශන දෙකෙහි අඩංගු කරුණු මෙහි දෙවැනි හා තුන්වැනි පරිච්ඡේදයන් හි අඩංගු කර ඇත. මහාචාර්ය ටී. ජෙගරත්නම් විසින් “ඉඩම් අයිතිය සහ දිළිඳුභාවය” යන මෑයෙන් පවත්වනු ලැබූ සමාරම්භක දේශනයෙහි ප්‍රධාන තර්කය වූයේ, ඉඩම් ආර්ථික නිෂ්පාදන ක්‍රියාවලියේ වැදගත් යෙදවුම් සම්පතක් බවය. තවද, මෙම ඉදිරිපත් කිරීමේ ප්‍රධාන ප්‍රස්තුතය ලෙස ඉස්මතු වූයේ දිළිඳුකම වනාහි අසමාන වූ ඉඩම් අයිතිය හා බැඳී පවත්නා ප්‍රපංචයක් වන බවයි. තවද, ඒ හා සම්බන්ධව නිෂ්පාදන ක්‍රියාවලියට බලපාන ඉඩම් කට්ටිවල විශාලත්වය, භෞතික පරිසරය, වගා කිරීමේ ක්‍රමවේදයන්, ඉඩම් භුක්තියට අදාල කොන්දේසි, අයිතියේ සුරක්ෂිතභාවය සහ ඉඩම් කට්ටි බෙදියාමේ ප්‍රවනතාවය ආදී වැදගත් කරුණු රාශියක් ඉස්මතු කර ඇත. ඒ අනුව, ග්‍රාමීය දිළිඳු ප්‍රජාවට ඉඩම් සඳහා ඇති ප්‍රවේශකත්වය පුළුල් කිරීම-ඉඩම යන සාධකය නිෂ්පාදන ක්‍රියාවලිය හා සම්බන්ධ ප්‍රධානවූත් / තිරණාත්මකවූත් සාධකය බැවින් - දිළිඳුකම අවම කිරීම සඳහා ඉතාමත් වැදගත් සාධකයක් ලෙස හඳුනාගෙන තිබේ.

ඉහතින් සඳහන් තර්කයට පරිබාහිරව මහාචාර්ය සාවිත්‍රී ගුණසේකර විසින් ඉඩම් සඳහා වූ සන්නකයේ ඇති සාපේක්ෂ වැදගත්කම ඉස්මතු කරමින්, ඒ මත සිට වර්තමානයේ පවත්නා ඉඩම් ප්‍රතිපත්ති විවේචනය කරනු ලබයි. ඇය විසින් තර්ක කරනුයේ වර්ෂ ගණනාවක් තිස්සේ ජනතාවගේ ඉඩම් සඳහා වූ ප්‍රවේශකත්වය පුළුල් කිරීම සඳහා වූ විවිධ ප්‍රතිපත්ති හා නීති පැවතිය ද, ග්‍රාමීය දිළිඳුබව හා ග්‍රාමීය අංශයේ ඵලදායිතාවය පහත මට්ටමක පවතින බවට හේතු කවරේ ද යන්නයි. ඇය විසින් තර්ක කරනු ලබන්නේ මේ සඳහා වූ හේතු කාරණා රටේ අධ්‍යාපනික ප්‍රතිපත්ති හා ග්‍රාමීය සංවර්ධන ප්‍රතිපත්ති සමග බැඳී පවත්නා බවත් කෘෂිකාර්මික නිෂ්පාදන අංශය තුළින් ජීවත්වීමට සරිලන ආදායමක් උපයා ගැනීමට ග්‍රාමීය ජනතාව අපොහොසත් වී ඇති බවත් ය.

දිනෙන් දින වර්ධනය වන අධික ජනගහනය හේතුවෙන් ඉඩම් සඳහා වූ ඉල්ලුම ඉහළ යන අතර ඒ හේතුවෙන් ඉඩම් කට්ටිවල විශාලත්වය ක්‍රමයෙන් හිතවි යන බව පෙනේ. මෙම ප්‍රවණතාව තව තවත් තිවු වීමට එක් හේතුවක් වන්නේ අවිධිමත් ලෙස සිදුවන්නා වූ ඉඩම් පැවරීම් වේ. විශේෂයෙන්ම පවුලේ සාමාජිකයින් සඳහා පදිංචියට ඉඩකඩ සපයා දීම, කුලියට ලබාදීම, වගා කටයුතු සඳහා ඉඩම් පවරා දීම ආදී සමාජ ක්‍රියාකාරකම් නිසාය. මෙලෙස, ඉඩම් භාවිතයේ සිදුවන්නා වූ වෙනස්කම් මත භෞතික වශයෙන් ඉඩම් කට්ටි කොටස් කිරීම නිසා ඒවායේ විශාලත්වය පසුගිය දශක කිහිපය තුළ එන්න එන්නම කුඩාවීම දක්නට ලැබේ. ජන හා සංඛ්‍යාලේඛන දෙපාර්තමේන්තු දත්තයන්ට අනුව ශ්‍රී ලංකාවේ පුද්ගලයකු විසින් අත්කර ගෙන ඇති ඉඩම් කොටසක සාමාන්‍ය විශාලත්වය පසුගිය වසර 56 ක කාලය තුළ 64% කින් පහළ ගොස් ඇති බව පෙනේ. එනම්, 1946 දී හෙක්ටයාර් 1.3 ක් වූ එම ප්‍රමාණය 2002 දී 0.47 ක් විය (ඩී.සී.එස්. 2002). ඉඩම් කට්ටි කිරීම සහ ඉඩම් කට්ටි වල විශාලත්වය අඩුවීම ආර්ථික පරිමාණුකලාවල පහළ යාමට බලපාන අතර කුඩා ඉඩම්වල නිෂ්පාදන ධාරිතාව සාපේක්ෂ වශයෙන් පහළ මට්ටමක පවතින බව පෙනේ. රංජිත් වනිගරත්න විසින් මෙහි හතරවෙනි පරිච්ඡේදයේ කර ඇති විවරණය මගින් ඉඩම් අයිතිය හා ඉඩම් කට්ටි කිරීම සහ දිළිඳුකම සම්බන්ධයෙන් එහි ඇති බලපෑම මනාව විග්‍රහකර තිබේ.

ධර්මරත්න සහ අනෙකුත් අය විසින් මෙහි පස්වැනි පරිච්ඡේදයෙහි කර ඇති විග්‍රහයට අනුව ශ්‍රී ලංකාවේ ග්‍රාමීය අංශයේ දිළිඳුකාවය සඳහා ඉඩම් බුක්තියේ ස්වභාවය මගින් විශාල බලපෑමක් කර ඇති බව හෙළිකරයි. ලංකාවේ ඉඩම්වලින් බොහොමයක් ම එනම්, විශේෂයෙන්ම ප්‍රධාන වාරිමාර්ග ජලය සැපයෙන පුද්ගලවල ඉඩම්, ඉඩම් සංවර්ධන ආඥා පනත යටතට අයත් වේ. එම පත්‍රිකාව මගින්, ශ්‍රී ලංකාවේ විවිධ කෘෂිකාර්මික කලාපයන් තියෝජනය වන ලෙස ගම්මාන දහයක්

ආශ්‍රයෙන් කරනු ලැබූ ප්‍රායෝගික අධ්‍යයනයක් මගින් ඉඩම් සංවර්ධනය ආඥාපනත යටතේ බෙදා දී ඇති ඉඩම් සහ ග්‍රාමීය දරිද්‍රතාව අතර ඇති සම්බන්ධය විශ්ලේෂණය කර ඇත. මේ යටතේ විවිධ කෘෂිකාර්මික කලාප තුළ, විවිධ වාරිමාර්ග යෝජනා ක්‍රම යටතේ විද්‍යාමාන වන්නා වූ පිවන රටාවන් අධ්‍යයනයට භාජනය කර ඇත. මෙම ජනපද වැසියන්ගේ පිවන තත්ත්වය කෙරෙහි සෘණාත්මකව බලපාන්නා වූ කරුණු බොහොමයක් හඳුනාගෙන ඇති අතර, ඉඩම් සංවර්ධන ආඥාපනත යටතේ බෙදා දුන් ඉඩම් භාවිතය හා ඵලදායිතාව, ණය පහසුකම් සඳහා ප්‍රවේශකත්වය සහ කෘෂිකාර්මික නොවන සේවා නියුක්තිගී නිරත විය හැකි ආර්ථික කටයුතු අතර පැවතිය හැකි යැයි උපකල්පනය කළ දැඩි සම්බන්ධතාවය අභියෝගයකට ලක් කර ඇත.

සීමාන්තික ඉඩම් බුක්තියක් යටතේ භාවිතාවන ඉඩම්වල ඵලදායිතාවය වර්ධනය කිරීම සහ ග්‍රාමීය ආර්ථිකය වැඩිදියුණු කිරීම සඳහා, ආර්ථික විද්‍යා න්‍යායන් සහ විදේශීය රටවල අත්දැකීම් අනුවද සලකා බලනවිට කල්බදු සහ කුලී පදනම මත වගා කටයුතු සඳහා ඉඩම් හුවමාරු කිරීමේ වෙළෙඳපොළ උපායමාර්ග වඩාත් වැදගත් විය හැකි බව මාරුවල සහ සමරතුංගයන් විසින් මෙම අධ්‍යයනයේ හයවැනි පරිච්ඡේදයේ විග්‍රහ කර ඇත. කල්බදු සහ කුලී හුවමාරු වෙළෙඳපොළ උපායමාර්ග, පුර්ණ අයිතිය අත්සතු කිරීමේ වැඩි වියදම් හුවමාරු ක්‍රමයට වඩා අඩු වියදම් ක්‍රමයක් බව ඔවුන්ගේ අදහසයි. ශ්‍රී ලංකාවේ පවත්නා සමාජ ආර්ථික තත්ත්වයන්ට අනුව ඉඩම් හුවමාරු සඳහා කල්බදු හා කුලී වෙළෙඳපොළ හුවමාරු ක්‍රමය වර්ධනය කිරීම සඳහා සහාය සේවා පද්ධති වශයෙන් යෙදවුම් ප්‍රාග්ධන වෙළෙඳපොළ, වෙළෙඳපොළ ප්‍රවේශකත්වය හා වෙනත් යටිතල පහසුකම් සැපයිය යුතුව තිබේ.

ඉඩම් අයිතිය සහ දිළිඳුකම අතර පවත්නා සහසම්බන්ධතාවයේ තවත් වැදගත් අංශයක් පිළිබඳ විශ්ලේෂණයක් රුවෙල් බෲලේ විසින් හත්වැනි පරිච්ඡේදයෙහි දක්වා ඇත. එහිදී, විශේෂයෙන්ම වරප්‍රසාද අතිමි ජනකොටස් සඳහා ඉඩම් අයිතිය ලබාදීම වෙනුවෙන් රාජ්‍ය අංශයේ ආයතන හා සම්පත් යොමුකිරීමේ රජයේ ක්‍රියාවලිය විමසීමකට ලක් කර ඇත. මෙම විග්‍රහය තුළ සාකච්ඡාවට බඳුන්කර ඇති තවත් වැදගත් කරුණක් වූයේ ඉඩම් ප්‍රතිසංස්කරණ ක්‍රියාවලිය තුළ සුළු ජනකොටස්වල අවශ්‍යතා සහ අභිමතයන් නොසලකා කටයුතු කිරීම නිසා රාජ්‍ය අංශය විසින් ජනකොටස් අතර බෙදීම් නිර්මාණය වීම සඳහා දායක වී ඇත්තේ කෙසේ ද යන්නයි.

මෑත කාලයේ දී කරනු ලැබූ පර්යේෂණයන්ට අනුව භූමිය සඳහා ප්‍රවේශකත්වය පුළුල් කිරීම පමණක් තුළින් දිළිඳුකම අවම කිරීම අපහසු බව හඳුනාගෙන ඇත. අමරසිංහ සහ අනෙකුත් අය විසින් අටවැනි පරිච්ඡේදයෙහි කර ඇති විග්‍රහය තුළින් භූමිය සඳහා ප්‍රවේශකත්වය සමඟ ඒ හා සම්බන්ධ වූ ස්වභාවික සම්පත් විශේෂයෙන්, ජලය සහ භූමියේ ගුණාත්මකභාවය හේතුකොට ගෙන ග්‍රාමීය දිළිඳු ප්‍රදේශ පොකුරු වශයෙන් හඳුනා ගැනීමට හැකි බව සොයා ගෙන තිබේ.

පර්යේෂණයෙන් හෙළිදරව් වූ කරුණු අනුව බදු පදනමින් වගා කටයුතු කරන ගොවීන්ගේ ආදායම් තත්ත්වය සඳහා ඉඩම් අයිතියේ ස්වභාවයට වඩා සෘජුවම බලපානු ලබන්නේ කෘෂි බීජ නීතිකලට ලැබීම, ප්‍රමාණවත් ජල පහසුකම්, වැඩි අස්වනු බෝග සඳහා තාක්ෂණික දැනුම, වෙළෙඳපොළ සඳහා පහසු ප්‍රවේශකත්වය, ග්‍රාමීය මාර්ග පහසුකම් සහ වෙනත් යටිතල පහසුකම් සලසා දීමය. මෙම කරුණු පිළිබඳව සහ ඉඩම් ප්‍රතිසංස්කරණ ප්‍රතිපත්ති දිළිඳු ජනතාව කෙරෙහි කර ඇති බලපෑම පිළිබඳව විමසීමක් කාන්ත කුමිහර් (නවවැනි පරිච්ඡේදය) විසින් ඔරිස්සාවේ, බටහිර බෙංගාලයේ සහ කේරළයේ කරනු ලැබූ අධ්‍යයනයන් තුළින් සිදුකර ඇත.

ඒ අනුව, මෙම වෙළුමෙහි අරමුණ වන්නේ ඉඩම්, ඉඩම් ප්‍රතිපත්ති සහ දිළිඳුභාවය අතර පවතින සම්බන්ධතාවයන් පිළිබඳ පර්යේෂකයන්ගේ, ප්‍රතිපත්ති සම්පාදකයන්ගේ සහ අනෙකුත් පාර්ශව වල අවධානය යොමුකරවීම වේ. ඉඩම් සහ දරිද්‍රභාවය අතර පවතින සම්බන්ධතා ආශ්‍රිතව සිදුකරන ලද පර්යේෂණ ගණනාවක්ම දැකිය හැකි නමුත්, එම පර්යේෂණ තුළින් අනාවරණය කරගත් කරුණු බොහොමයක් ප්‍රතිපත්ති සම්පාදන කාර්යයේදී අවධානයට ලක්කර නොමැත. එබැවින්, මෙම සම්බන්ධතා පිළිබඳ පවතින සාම්ප්‍රදායික මතයන් යම්දුරකට වෙනස්කිරීමට මෙම ලිපි මාලාව ඉවහල් වනු ඇතැයි මෙන්ම පර්යේෂණ ප්‍රචාර මෙන්ම ප්‍රතිපත්ති සම්පාදකයන් සහ අනෙකුත් පාර්ශව අතර මෙම කාරණා පිළිබඳ වැඩිදුර සාකච්ඡා ඇතිවීමටද මෙම ලිපි මාලාව ඉවහල් වනු ඇතැයි අපේක්ෂා කෙරේ.

යොමුව

එම්. අබේසූරිය (2006) ඉඩම් ධුක්තිය හා දිළිඳු භාවය: ශ්‍රී ලංකාවේ ඉඩම් ප්‍රතිපත්තිය සහ දිළිඳුභාවය අතර සහසම්බන්ධතාවය පිළිබඳ ගවේශනය - ප්‍රසිද්ධ නොකල ඇමී. ඒ. නිබන්ධනය, සමාජ සංවර්ධන ප්‍රතිපත්ති හා කළමනාකරණය පිළිබඳ වූ හෙල්ඩ් විද්‍යාලය, මැසචුසෙට්, ඇමරිකා එක්සත් ජනපදය

පී. ජේ. අලයිලිමා (2001) ශ්‍රී ලංකාවේ ආර්ථික සංවර්ධන ප්‍රතිලාභ බෙදාහැරීම හා ප්‍රතිව්‍යුහගත කිරීම: මුදල් සහ ක්‍රම සම්පාදන අමාත්‍යාංශය, කොළඹ

විකල්ප ප්‍රතිපත්ති සඳහා වූ මධ්‍යස්ථානය (සී.පී.ඒ.) 2003, අභ්‍යන්තර අවතැන් වූ ජනතාව සඳහා ඉඩම් බුක්තිය හා ඉඩම් අයිතින් පිළිබඳ විමසීමක්, විකල්ප ප්‍රතිපත්ති මධ්‍යස්ථානය, කොළඹ

ජන හා සංඛ්‍යාලේඛන දෙපාර්තමේන්තුව (ඩී.සී.එස්.) 2002: කෘෂිකාර්මික සංඛ්‍යාලේඛන, ජන හා සංඛ්‍යාලේඛන දෙපාර්තමේන්තුව, කොළඹ

ප්‍රතිපත්ති අධ්‍යයන ආයතනය (අයි.පී.එස්.): ශ්‍රී ලංකාවේ ආර්ථික තත්ත්වය, ප්‍රතිපත්ති අධ්‍යයන කේන්ද්‍රය, කොළඹ

ටී. බාලසුරිය, ඩී. සිල්වා සහ එම්. මාලඩ (විසින් සම්පාදිත), 1991, ශ්‍රී ලංකාවේ ඉඩම් බුක්තිය හා ඉඩම් පරිහරණය පිළිබඳව හැඳින්වීමක්, ලෝගෝස් සඟරාව, අංක 3 හා 4, වෙළුම 29, ආගමි සහ සමාජයීය කේන්ද්‍රය, කොළඹ

ඉඩම් සහ සංවර්ධන අමාත්‍යාංශය, (සම්පාදිත) 1985, ශ්‍රී ලංකාවේ ඉඩම් ප්‍රතිපත්ති වලට අදාළ තීරණාත්මක සන්ධිස්ථාන: තෝරා ගනු ලැබූ දේශණ හා ලිපි: ඉඩම් සංවර්ධන ආඥා පනත, ස්ඵර්ණ ජයන්ති සැමරුම, 1835-1985 ජනාවාස සංවර්ධන ක්ෂේත්‍රයේ විශේෂඥතා නඟා සිටුවීමේ - ශ්‍රී ලංකා ව්‍යාපෘතිය, ඩී. ජා. සං. වැඩසටහන

ආර්. එම්. කේ. රත්නායක, 2002: දිළිඳුකම අවම කිරීමේ උපාය මාර්ග. ශ්‍රී ලංකා සිද්ධි අධ්‍යයනය මුදල් හා ක්‍රම සම්පාදන අමාත්‍යාංශය විසින් ඵලදායීවන ලදී.

එස්. ෂන්මුගරත්නම්, 2002: බලපෑම නිසා සිදුවන්නා වූ ජන සංක්‍රමණ සහ වෙනස් වෙමින් පවත්නා සමාජ ආර්ථික ප්‍රවාහය: ශ්‍රී ලංකාවේ වයඹ දිග කලාපය හා ආශ්‍රිත සිද්ධි අධ්‍යයනයන් - තෝරාගත් ප්‍රායෝගික අධ්‍යයනය ලිපි අංක 22, බලපෑම් නිසා සිදුවන්නා වූ සංක්‍රමණය, දිගු කාලීන සංවර්ධන හා පාරිසරික වෙනස්වීම්: පරිසරය හා සංවර්ධන අධ්‍යයනයන් සඳහා වූ ජාත්‍යන්තර මධ්‍යස්ථානය, ඕස්ට්‍රේලියාව.

අයි. කේ. විරවර්ධන: 1991, කුඹුරු ඉඩම් අයිතිය සහ ප්‍රතිසංස්කරණ: ලාගෝස් ප්‍රකාශන, 3 සහ 4 වෙළුම 29 ආගමි සහ සමාජයීය කේන්ද්‍රය, කොළඹ.

ලෝක බැංකුව, 2003, සංවර්ධනය සහ දිළිඳුකම අවම කිරීම සඳහා ඉඩම් ප්‍රතිපත්ති වල බලපෑම: ලෝක බැංකු ප්‍රතිපත්ති පර්යේෂණ වාර්තාව - වොෂින්ටන් ඩී. සී. සහ ඔක්ස්ෆර්ඩ්, ලෝක බැංකුව සහ ඔක්ස්ෆර්ඩ් විශ්වවිද්‍යාලයීය මුද්‍රණයකි.

இலங்கையின் நிலம், வறுமை ஆகியவற்றிடையே உள்ள தொடர்புகளை ஆராய்தல் ஒரு மேலோட்ட பார்வை

“நிலம் மனித வாழ்வுக்கு - பயிர்செய்கை, வீடமைத்தல் முதலான தேவைகளுக்கு - மிக முக்கியமானது. நாகரிகமும் பண்பாடும் நிலம், உயிர்ச் சூழல், இயற்கை ஆகியவற்றுடன் நெருங்கிய தொடர்பினைக் கொண்டுள்ளன. நிலம், நீர் மற்றும் சுற்றுப்புறச் சூழல் மனித வாழ்வுக்கு மிகவும் முக்கியமானவை; இவ்வம்சம் அரசாங்க கொள்நெறி மற்றும் திட்டமிடுதல் தொடர்பாக போதியளவு முக்கியத்துவம் கொடுக்கப்படுவதில்லை”
(பாலசூரியா, சில்வா, மற்றும் மோட், 1991:1)

இலங்கையில் நிலத்துக்கும் மக்களுக்கும் இடையே ஏற்பட்ட தொடர்பு வரலாற்று ரீதியாக பலமாகவும் பரவலான விதத்திலும் இருந்துள்ளது. அண்மைக்காலங்கள் வரை, நாட்டின் பொருளாதாரம் விவசாயத்துறையின் மேலாதிக் கத்திற்கு உட்பட்டிருந்தது; அது அநேகமானவர்களுக்கு பயிர்ச்செய்கையினூடாக வாழ்வாதாரமாக அமைந்தது. மற்றைய விவசாயச் சமூகங்களிருப்பதுபோன்று, சமூகக் கட்டமைப்புகளும், உறவுகளும் பாரம்பரிய விவசாயம் பொருளாதாரத்தின் நிலவாட்சி முறைமைகளைத்தழுவி அமைக்கப்பட்டுள்ளன. ஆதலால் மக்கள் நிலத்துடன் பலமான இணைப்பையும் கொண்டிருந்தனர். எப்படியாயினும், விவசாயத்தின் உற்பத்தித்திறன் வீழ்ச்சியடைந்ததுடன், பொருளாதாரத்தில் தயாரிப்புத் துறைகள் மற்றும் சேவைத்துறைகள் ஆகியவற்றின் முக்கியத்துவம் அதிகரித்து வரவே, நகர்ப்புறங்களுக்கும், வெளிநாடுகளுக்கும் மக்கள் கூடுதலாகச் சென்றுள்ளனர். இச்சூழ்நிலையில், வறுமைத்தணிப்பில், நிலக் கொள்நெறியின் இடம் தொடர்பாக பலர் கேள்வி எழுப்பியுள்ளனர்; மற்றும், நிலம் சம்பந்தமான விடயங்களுக்கு அரசாங்க திட்டமிடுதலில் போதியளவு முக்கியத்துவம் கொடுக்கப்பட்டுள்ளதா என்பதும் கேள்வியாக எழுப்பப்பட்டுள்ளது; இதற்குக் கொடுக்கப்பட்டுள்ள தலைப்பு இக்காரணத்தை முன்னிட்டுத் தெரியப்பட்டுள்ளது.

இவ்வத்தியாயம், இலங்கையில் நிலம், நிலப்பயன்பாடு, நிலச்சீர்த்திருத்தம் ஆகியவற்றுக்கு ஒரு அறிமுகத்தினைச் செய்வதுடன், நிலமும் வறுமையும் தொடர்பாக முக்கியமான பிரச்சினைகளை முனைப்பாகக் காட்டுகின்றது. அவைபற்றி பின்வரும் ஆய்வுக் கட்டுரைகளில் ஆழமாக ஆராயப்பட்டுள்ளன. நிலம் பற்றிய கருத்தாடல் பொருள் பெரியது, பரவலானது இவ்வத்தியாயம் கிராமியத்துறை தொடர்பான விடயங்களை மட்டும் முக்கிய கவனத்திற்கு எடுத்துக் கொள்கின்றது. அத்துடன், தற்போதுள்ள கொள்நெறிச் கட்டமைப்பின் சூழ்நிலைப் பொருத்தப்பாடுபற்றிய ஒரு வரலாற்று அணுகுமுறையினைக் கையாளுகின்றது.

1. இலங்கையில் நிலமும் நிலப்பயன்பாடும்

இலங்கையில் மொத்தமான நிலப்பரப்பு ஏறத்தாழ 6.5 மில்லியன் ஹெக்டரையர்களாக உள்ளது. (65,000 கி.மீ.²) ; சராசரி குடிசன அடர்த்தி ஒரு ஹெக்டரையருக்கு 3 ஆட்கள் (கி.மீ ஒன்றுக்கு 300) எனக் காணப்பட்டுள்ளது. இது இலங்கையின் நகரப்புறங்களில், கொழும்பு, கம்பஹா போன்ற இடங்களில், மிகவும் உயர்ந்ததாக உள்ளது (குடிசன அடர்த்தி ஒரு கி.மீக்கு² 3000); மற்றும் கிராமியப் பகுதிகளில் இது மிகவும் குறைவாக உள்ளது; முல்லைத்தீவு அல்லது மொனறாகல்ப் பகுதிகளில், ஒரு கி.மீ.ஹருக்கு முறையே 50 மற்றும் 72 ஆட்களாகக் காணப்பட்டுள்ளது. நாட்டின் ஏறத்தாழ 65 சதவீத அளவு (42 மில்லியன் ஹெக்டரையர்கள்) அரசாங்கத்தினால் முகாமை செய்யப்படும் காடு, ஒதுக்கப்பட்டநிலம், மற்றும் உள்ளூர் நீர் நிலைகள் ஆகியவற்றை உள்ளடக்குகின்றது. ஒரு சதவீதத்திற்கும் குறைவான நிலப்பரப்பு (0.05 மில்லியன் ஹெக்டரையர்கள்) நகரப்புறப் பகுதியாக வகைப்படுத்தப்பட்டுள்ளது. விவசாய நிலமாக வகைப்படுத்தப்பட்டது மொத்த நிலப்பரப்பில் 34 சதவீத (2.26 மில்லியன் ஹெக்டரையர்கள்) அளவினை எடுக்கின்றது (IPS, 2004 : 40)

நிலப் பயன்பாட்டின் அடிப்படையில், விவசாயத்துறை இரண்டுபகுதிகளாகப் பிரிக்கப்பட்டுள்ளன; அவையாவன பெருந்தோட்டங்கள் மற்றும் சிறு நில வைத்திருப்புக்கள். பெருந்தோட்டத்துறையில் மூன்று பிரதான பயிர்களாகிய, தேயிலை, இறப்பர், தெங்குப் பொருள்கள் ஆகியவை உள்ளன. இத்துறை வர்த்தகச் சார்பான, நடுத்தர அளவிலிருந்து பெரிய அளவிலான செயல் நடவடிக்கைகளை உள்ளடக்குகின்றது. சிறு நில வைத்திருப்புக்கள் உள்ளடக்கும் அல்லது உள் நாட்டு விவசாயத்துறை முக்கியமாக தேயிலை, மற்றும் நெல் மற்றும் களப்பயிர்கள், பழவகைகள், மற்றும் மரக்கறிபயிர்கள் ஆகியவற்றைக் கொண்டுள்ளது. இத்துறை அரைவாசி பிழைப்பு மட்டச் சார்பான, அநேகமாக சிறு கிராமியப் பண்ணைகளை உள்ளடக்குகின்றது (IPS, 2004). ஏறத்தாழ 92 சதவீத விவசாயப் பயிர்ச்செய்கை நிலம் தனியார் குடும்பங்களினால் பயன்படுத்தப்படும் சிறுநில வைத்திருப்புக்களாக, 2 ஹெக்டரையர்களுக்குக் குறைந்த அளவுடையவையாகக் காணப்பட்டுள்ளன. இச்சிறு நில வைத்திருப்புக்கள் 3.5மில்லியன் நிலத்துண்டுகளாகப் பகிர்ந்து கொள்ளப்பட்டு, 3.6 மில்லியன் கிராமியக் குடும்பங்களினால் வேறுபட்ட நில உரிமை ஒழுங்குகள், நடவடிக்கை உறவுகள் ஆகியவற்றின் அடிப்படையில் வைத்திருக்கப்படுகின்றன; இவை தொடர்பான நில உரிமை ஒழுங்குகளும் அவற்றின் இயல்புகளும் காலப்போக்கில் விருத்தியடைந்துள்ளன. (HARIT, 2000)

நிலம் தொடர்பான உடைமை பற்றியும், நிலத்தின் பெறுகைகுறித்தும் மிகவும் தெளிவாகப் புலப்படாத நிலை இலங்கையில் இருந்து வருகின்றது. உத்தியோகபூர்வமான புள்ளிவிபரங்களின் படி 84 சதவீத நிலம் (5.5 மில்லியன்

ஹெக்ரையர்கள்) அரசாங்கத்திற்குச் சொந்தமானது; மற்றைய 16 சதவீதம் (1.07 மில்லியன் ஹெக்ரையர்கள் தனியார் உடைமைக்கு உட்பட்டன, எவ்வாறாயினும், பல்வேறுவகைப்பட்ட முறைசாரா ஒழுங்குகள் நிலவிவந்துள்ளன. அவையாவன: ஷதட்டுமாறு கற்றிமாறு (சுழற்சியாக பயிர்செய்யும் முறை) ஷஅன்டே, பொறென்டுவா (பகிர்ந்து கொள்ளும் உரிமைமுறை) ஷகமபாறாயா (வருகையில்லா நிலப்பிரபுக்கள்), மற்றும் ஷபறவெனி (நீண்டகால பயன்பாட்டின் மூலம் பெறும் உடைமை முறை). இவ்வாறு காலப்போக்கில் விருத்தியடைந்த நிலவாட்சி முறைகள் கிராமியக் குடிசனத்திற்கு பயிர்செய்கைக்காக நிலத்தினைப் பெறுகின்ற ஒழுங்குகளை நிர்ணயித்துள்ளன. மேலும், நிலம் தொடர்பாக வேறுபட்ட உரிமைகள் வெவ்வேறு உடைமை முறைகளில் இருந்துவந்துள்ளன; இவைகளில் முக்கியமானவை, ஷசின்னக்காரா (சுதந்திரமான அரசினால் முழு அங்கீகாரம் பெற்றுள்ள, விற்பனை, செய்யக்கூடிய அல்லது குத்தகைக்கு விடக்கூடிய உரிமையுடைய நிலம்), மற்றும் சவர்னடிமி, ஜெய புமி மற்றும் நில அபிவிருத்தி உரிமைக்கட்டளை அனுமதிச்சான்றுகள் ட்யுனெ னுநளநடபிஅநவெ முசனையெஊநிநசஅவைள (நில உறுதிகள், நில நன்கொடைகள், அல்லது நீண்டகாலத்துக்கான குத்தகைகள் என்பவற்றின் கீழ் அரசாங்கத்தினால் தொடக்கப்பட்ட குடியேற்றங்களில் வழங்கப்பட்டவை; இவை முழுமையாக விற்பனை தொடர்பாக கட்டுப்பாடுகளைக் கொண்டவை) (ஊயுஇ 2003). அரசின் (அல்லது முடிக்குரிய) நிலங்களில் அத்துமீறிக் குடியேறுதல் பரவலாக ஏற்பட்டுவந்துள்ளது, குறிப்பாக வரண்டவலயப் பகுதிகளில் இது பல்வேறு வழிகளில் ஏற்பட முடிந்துள்ளது; இவை தொடர்பாக பெரியளவான (முக்கியமாகக் காசுப்பயிர் செய்கை) அத்துமீறுகைகள் என்பவற்றிலிருந்து சிறு அளவு (முக்கியமாக பிழைப்புப் பயிர்செய்கை) வரையான நடவடிக்கைகள் இடம்பெற்றுள்ளன.

2. நில வைத்திருப்புத் தொடர்பான வரலாறு

இலங்கை பொதுவாக இரண்டு வலையங்களாக; - வரண்ட வலயம், ஈரவலயம் - பிரிக்கப்பட்டுள்ளது. நீர்ப்பாசன விவசாயம் என்ற கோட்பாடு முறைமை, முன்வந்த இரும்புக் காலத்தில் அறிமுகம் செய்யப்பட்டிருக்கலாம், செம்மையான முறையில் பெரிய அமைப்புகளாக விருத்தியடைந்து, நாட்டின் முந்திய வரலாற்றுக் காலத்தில் வரண்ட வலையத்தில் அமைந்த குடியேற்றங்களின் பொருளாதார அடித்தளமாக இருந்துள்ளன. முற்காலத்து அரசர்களின் காலத்திலிருந்து, வரண்டவலயம் குடிசன அடர்த்தி மிகவும் குறைவாக இருந்துள்ள பிரதேசமாகக் காணப்பட்டது. 1940 களில் தொடக்கப்பட்ட குடியேற்றத்திட்டங்கள், பின்பாக 1970களில் ஆரம்பிக்கப்பட்ட மகாவெளி நீர்ப்பாசனத்திட்டம் ஆகியவற்றிற்குப் பின்னரே மக்களின் குடியேறுதல்கள் பெரியளவாக நடந்துள்ளன. ஒப்பீட்டு ரீதியில், ஈரவலயம் குடிசன அடர்த்தி நெருக்கமானதாக உள்ள பகுதியாகும். பெருந்தோட்ட

விவசாயம் இப்பிரதேசத்திற்கு தொடர்ச்சியான முக்கியத்துவத்தினையும் வழங்கியுள்ளது. இப்பின்னணியில், இலங்கையில் கிராமிய குடியிருப்புக்கள் அவற்றின் வரலாற்றுக் கால அடிப்படையில் வரை விலக்கணப்படுத்தலாம்; ‘பழமைவாய்ந்த கிராமங்கள்’ (purana gama), அரசாங்கத்தினால் தொடக்கி அமைக்கப்பட்ட குடியேற்றங்கள், அல்லது தன்னியல்பாக வளர்ந்த குடியிருப்புக்கள். ஈர வலயத்திலும், வரண்டவலயத்திலும் பழைமை வாய்ந்த கிராமங்கள் அநேகமாக சிறு நீர்ப்பாசன அமைப்புக்களைத் தழுவி அதிகமாக அமைந்துள்ளன; ஈரவலயத்தில் நீர், நீரோட்டத்தில் அணைக் கட்டினை அமைத்துத்திருப்பப்பட்டுப் பெறப்பட்டது; வரண்ட வலயத்தில் நீர் பெறுகை முறை குளங்களில் தங்கியுள்ளது.

பிரித்தானிய காலத்தில் 19ஆம் நூற்றாண்டில் நிலம் தொடர்பான ‘ஒழுங்கு முறைப்படுத்தல்’ செய்யப்பட்டதுடன் இன்று அறிந்துள்ள, அங்கீகாரம் பெற்ற, நில உடமை ஒழுங்குகள் ஆரம்பித்தன. முடிக்குரிய நிலங்களின் உரிமைக் கட்டளை 1840 லும், பயன்படுத்தா நிலங்களின் உரிமைக் கட்டளை 1897 இலும் நடைமுறைக்குவந்தன. அவற்றிற்கு ஏற்ப பிரித்தானிய முடியரசு “எல்லாக் குடியிருக்காத, பயிர்செய்யப்படாத” நிலம் அதற்கே உரிமையானது எனப்பிரகடணப்படுத்தப்பட்டது. அதிகமான எண்ணிக்கையினர், “சட்டப்படியான நிலத்திற்கான உரிமையை” தேவைப்பட்டதற்கு ஏற்ப காட்டமுடியாதவர்கள் புதிய சட்டத்திற்கு இணங்க வெளியேற்றப்பட்டனர். பின்னர் நிலச் சீர்திருத்த ஆணையம் 1927இல் அமைக்கப்பட்டது. இதனுடைய பிரதான நோக்கமாக, நிலமில்லாத குடியான்களுக்கு அரசு நிலத்தினை வெவ்வேறு அபிவிருத்தித் தேவைகளை முன்வைத்து வழங்கப்பட்டு அவர்களின் நிலைமையை முன்னேற்றுதல் இடம் பெற்றது. 1930களில் நிலம் தொடர்பான ஒரு மதிப்பீடு செய்யப்பட்டபின்னர் நில அபிவிருத்தி உரிமைக்கட்டளை Land Development Ordinance (1935இல் அறிமுகம் செய்யப்பட்டது. இந்த நி.அ.உ.கட்டளையின் கீழ், கிராமிய விரிவாக்கத் திட்டங்கள், வரண்ட வலயங்களில் மீள் குடியேற்றங்கள் மற்றும் அத்துமீறுகைகள், அனுமதி ஒழுங்குப்படுத்தல் ஆகிய குறிப்பிட்டதேவைகளுக்காக நிலம் வழங்குதலுக்கு ஒதுக்கப்பட்டுள்ளது.

காலனித்துவக் கால இலங்கையில் நிலப்பயன்பாடு முறைகளில், தேயிலை, இறப்பர், பெருந்தோட்டங்களின் வருகையுடன், மாற்றத்தை ஏற்படுத்தியது. பொது நிலம் தொடர்பாக, பயிர்ச் செய்கையில் ஈடுபட்டிருக்கும் விவசாயக்குடும்பங்களுக்கு, சேனைப்பயிர்செய்கைக்கான, பிறர் உடைமை பயன்படுத்தும் உரிமைக்கிணங்க, கிடைப்பதாக இருந்துள்ளபோதும்; அவ்வசதியைப்பயன்படுத்துவது கட்டுப்படுத்தப்பட்டுள்ளது. அத்துடன், பெருமளவு தொழிலாளர்களை உடன்படிக்கையின் அடிப்படையில் இறக்குமதிசெய்து பெறப்பட்டு அதனூடாக பெருந்தோட்டவிரிவாக்கம் ஏற்பட்டதும் குடிசன இருப்புக்களின் குவிவுகளையும் மற்றும் குடியேற்ற அமைப்புகளையும் பாதித்துள்ளது. பயிர் செய்கைக்கான நிலம் அதிகரிக்கப்பட்டது; ஆனால் சில வேளைகளில் காடு, மற்றும் புல் நிலங்களை,

இவை பாரம்பரியமாக நீர் கீழ் நோக்கிப்பாயும் சரிவு நிலங்களாக ஒதுக்கப்பட்டிருந்தன, பாதிக்கும் வகையில் பயிர்நில அதிகரிப்புகள் ஏற்பட்டன.

3. வறுமைக் குறைப்புத் தொடர்பாக ஒரு செயற்கருவியாக நிலக்கொள்நெறி

சில ஆய்வாளர்களின் கருத்துப்படி, நிலம் ஒரு பொதுச் சொத்து என்ற வகையில் அரசு அதன் மீது முழு அதிகாரத்தையும் கொண்டிருப்பது என்ற நோக்கில் அமைந்துள்ள பிரித்தானிய காலனித்துவ அணுகுமுறை சுதந்திரமடைந்த இலங்கையின் நிலக் கொள்நெறிகளின் தன்மை மீது செல்வாக்கினைச் செலுத்தியுள்ளது (Ratnayake 2000) நிலப்பங்கீடு மற்றும் நிலக் குடியேற்றம் தொடர்பான சுதந்திரத்திற்குப் (1948) பின்னரான காலத்தில் அறிமுகப்படுத்திய திட்டங்கள் பிரதானமாக ஏழ்மை நிலையில் இருந்த குடிசனத்தினரின் நிலைமையினை முன்னேற்றுவதற்காகக் கொண்டுவரப்பட்டன. விவசாய உள்ளீடுகளுக்கு மானியம் வழங்கும் ஒழுங்குகள், குறைந்தபட்சக் கூலி முறை மற்றும் முன்னேற்றமுடைய விருத்தி முறை வரியமைப்பு ஆகியவை, பெருந்தோட்டத்துறையில் கிடைக்கப் பெற்ற ஷமிகைகளை வேண்டிய சமூக பொருளாதார உட்கட்டுமானத்தைக் கட்டியெழுப்புவதற்குப் பயன்படுத்துவதற்கான செயற்கருவிகளாக பங்களிப்பைச் செய்துள்ளன. (Alailima, 2001)

முன்பு குறிப்பிட்ட நில அபிவிருத்தி உரிமைக் கட்டளை, 1935 இல் அறிமுகம் செய்யப்பட்டது. இது அரசு நிலங்களை வேண்டியவர்களுக்குப் பகிர்ந்து கொடுப்பது பற்றிய ஒரு தெளிவான கொள்நெறியினை உள்ளடக்கியது. இக்கொள்நெறியினை நடைமுறைப்படுத்தி, அரசாங்கம் புதிய நிலங்களை விருத்திசெய்து, நீர்ப்பாசன வசதிகளையும், சமூக உட்கட்டுமான வசதிகளையும் செய்து தெரிவு செய்யப்பட்ட குடியான்களுக்கு நிலத்தைப் பங்கிட்டு வழங்கியது; அவ்வாறு தெரிவு செய்யப்பட்ட குடியான் கமக்காரர்களுக்கு ஒதுக்கப்பட்ட நிலத்துண்டுகள், வற்புறுத்தலில்லாத நிலஞ்சார்ந்த உரிமை அனுமதி நில அபிவிருத்தி உரிமைக் கட்டளையின் ஒழுங்குகளுக்கு ஏற்றவாறு, வழங்கப்பட்டது (Weerawardene 1991). வரண்ட வலையத்தில், குடியேற்றத்திட்டங்கள் அல்லது குடியிருப்புக்கள் ஆகியவை மிகவும் முக்கியத்துவம் கொண்ட நில அபிவிருத்தி உரிமைக் கட்டளையின் கீழ், செய்யப்பட்ட நிலம் வழங்கல் நடைமுறைப்படுத்தப்பட்டது; இவை மேலும் மகாவெலி நீர்ப்பாசனத்திட்டத்தினூடாக, 1970 களின் பிற்பகுதியிலிருந்து, விரிவாக்கம் செய்யப்பட்டன. நில உடைமை தொடர்பாக 1970களில் அறிமுகஞ் செய்யப்பட்ட சட்டவாக்கம் சோசலிச கருத்துக்களின் செல்வாக்குக்கு உட்பட்டவையாக இருந்தன; இவை, அத்துடன் உள்ளூர் உயர் குழாமினரின் பெரிய நில வைத்திருப்புக்கள், மற்றும் தனியார் கம்பனிகளுக்குச் சொந்தமான நிலச்சொத்துக்கள் ஆகியவையும் தேசியமயமாக்கப்பட்டதிலும் பெரும்

செல்வாக்கினை வகித்தன (Balasuriya, 1991) நில அபிவிருத்தி உரிமைக் கட்டளையின் கீழ், கிராமிய விரிவாக்கத் திட்டங்களும், ஈரவலயப் பிரதேசங்களிலும் நடைமுறைப்படுத்தப்பட்டன; இவை அதிகமாக வீட்டுத்தோட்டங்களுக்கான நிலம், அத்தகைய நிலங்கள் விவசாயத்திற்கு நீண்டகாலம் பயனில்லாதவையாகவும் காணப்பட்டன. வழங்கப்பட்டது. இன்றுவரை, 300,000 க்கு மேலான சுவர்னபூமி மற்றும் ஏறத்தாழ 700,000 ஜெய பூமி கொடை நிலங்கள், நில அபிவிருத்தி உரிமைக் கட்டளையின் கீழ் (Land Development Ordinance), கொடுக்கப்பட்டன.

நில உடைமை மற்றும் ஈடுவைத்தல் போன்றவை மீதான தடைவரம்புகள் 1980களில் தளர்த்தப்பட்டன; நிலமளிக்கப்பட்டவர்கள், தங்களுடைய நிலவைத்திருப்புக்களை அரசாங்க கடன் வழங்கும் முகவர் நிலையங்களில் ஈடுவைப்பதற்கு அனுமதிக்கப்பட்டனர்; இதனால் முதலீடு செய்வதற்கு அவர்கள் வேண்டிய கடன்களைப் பெறமுடிந்தது. 1996இல் அரசாங்கம், உலக வங்கியின் உதவியுடன், உடைமை பங்கு முறைகளையும், நிலச் சந்தைகளின் செயற்திறனையும் முன்னேற்றமடையச் செய்யும் நோக்கத்துடன் கொள்நெறிகள் சிலவற்றை அறிமுகப்படுத்தியது. இக்கொள்நெறிகள், தெளிவான உரிமைச் சான்றுகள் நிலம் தொடர்பாக வழங்கப்படுவது பற்றியும், நிலத்தினை முழுமையாக விற்பதற்கான தடைவரம்புகளை நீக்குவது பற்றியும் கவனம் செலுத்தியுள்ளன. இத்தகைய திருத்தங்களும் மாற்றங்களும், சிறு நிலங்களை வைத்திருப்பவர்கள் முழுமையான உடைமை உரிமைகளைக் கொண்டிருப்பின், அவர்கள் அவற்றைத் திருத்தி, உற்பத்தித்திறனைக் கூட்டுவதற்கான முதலீடுகளைச் செய்வதற்கும், அவற்றைப் பாதுகாத்து, பயன்படுத்தி உச்ச உற்பத்திப் பயனைப் பெறுவதற்கு முன் வருவார்கள் என்ற எடுகோள்களைத்தழுவின செய்யப்பட்டன. நிலத்தின் சட்டப்படியான உரிமைப் படுத்தல் மற்றும் இணைந்த சேவைகள் பற்றிய செய்திட்டம் (The Land Tiling and Related Services Project, LTRSP) 2001 இல் நடைமுறைக்கு வந்தது. இச்செய்திட்டமும் அதனுடைய சேவைகளும் தொடர்பாக, கொள்நெறிசார்ந்த ஒழுங்குகளை முறையாக, தற்பொழுதுள்ள உறுதிமுறைமைக்குப் பதிலாக வேறொரு பதிவு செய்யப்பட்ட உரிமைப்படுத்தல் வழியினை தனியார் வைத்திருக்கும் நிலத்திற்கு ஒரு உறுதியான தெளிவான உரிமையாளிக்கும் முறையினை நடைமுறைக்குக் கொண்டு வரும் நோக்கத்துடன் பின்பற்றப்பட்டது (IPS, 2004). 2003இன் முற்பகுதியில், அரசாங்கம் நில அபிவிருத்தி உரிமைக்கட்டளை மற்றும் நில நன்கொடை விசேட சட்ட ஒழுங்குகள் ஆகியவற்றினூடாக வழங்கப்பட்ட அரசு நிலங்கள் மீது உள்ள தடைவரம்புகளை நீக்குவதற்கு முன்வந்தது. இந்தக் கொள்நெறி சார்ந்த உத்தேசிக்கப்பட்ட நடவடிக்கையின் படி நிலவுரிமை தொடர்பான உறுதிப்பாட்டை, அனுமதிப்பத்திரங்கள் வைத்திருப்பவர்கள் மற்றும் குத்தகை நிலக்காரர்கள் ஆகியோர்குறித்து, அதிகரிப்பதற்காகவும், தடையற்ற விற்பனைகள் மற்றும் மாற்றுதல்கள் என்பவற்றையும் அனுமதிப்பதற்கும் ஒழுங்குகள் மேற்கொள்ளப்பட்டன. தற்பொழுது இக்கொள்நெறிமுறை தெளிவற்றுள்ளது.

4. நிலம் மற்றும் வறுமை ஆகியவற்றிடையே இணைப்புகளை விளங்கிக்கொள்ளுதல்

இலங்கையில் நிலம் தொடர்பாக அதிகளவுக்கு ஆராய்ச்சி செய்யப்பட்டுள்ள பொழுதிலும், அவற்றின் கூடுதலான கவனம், வரலாற்று ரீதியான நிலவுடமை பற்றிய அம்சங்கள், நிலத்தின் உற்பத்தித் திறன், நிலம் தொடர்பான விடயங்களின் முரண்பாடுகள் ஆகியவற்றின் மீதே சென்றுள்ளது. ஆறாவது வறுமை பற்றிய கருத்தரங்கு (6th Poverty Symposium) குறிப்பாக, நிலமும் வறுமையும் பற்றிய ஒன்றுக்கொன்றிடையே உள்ள தொடர்புகள் மீது கவனஞ் செலுத்தியது, இதனூடாக, வறுமைக் குறைப்புப் பற்றிய கொள்ளெறிகள், திட்டங்கள் குறித்து, நிலம் எவ்வளவுக்கு முக்கியமானவையாக இருக்கின்றது அல்லது இருக்கவேண்டும் என்பதை விளங்கிக் கொள்வதற்கான வழியாகின்றது. இவ்விடயம் இப்பொழுது முக்கியமாக இருப்பதற்கு இரண்டு காரணங்கள் உண்டு: நிலச்சீர்திருத்தம் ஒரு நடைமுறை முக்கியத்துவம் கொண்டதாக இருப்பதுடன், கொள்ளெறியாளர்களிடையே பல நிலச் சீர்திருத்தக் கொள்ளெறிகள் வகுக்கப்பட்டு கொள்ளெறிசார்ந்த வட்டாரங்களில் அக்கரையுடன் விவாதிக்கப்பட்டு வந்துள்ளன; அத்துடன் சனாமி அனர்த்தம் தொடர்பாக ஏற்பட்ட பாதிக்கப்பட்ட மக்களின் இடம்பெயர்வு பல புதிய கேள்விகளை, நிலம் தொடர்பான இழப்புகள் மற்றும் நிலத்தின் மீள் பகிர்வு என்பவை தொடர்பாக முன்னிலைக்கு வந்துள்ளன.

இக்கருத்தரங்கும் அதில் சமர்ப்பிக்கப்பட்ட ஆராய்ச்சிக் கட்டுரைகளின் இத்தொகுப்பும், ஆராய்ந்த முக்கியமான விடயங்கள் பின்வரும் பிரச்சினைகள் மீது பிரதான கவனத்தைச் செலுத்தியுள்ளன:

1. நிலத்திற்கும் மற்றும் வறுமைக்கும் இடையே உள்ள தொடர்புகள் என்ன? நிலமின்மை, நிலவுடமை, மற்றும் உற்பத்தியுடைய உற்பத்தியில்லாத நிலம்.
2. இலங்கையின் நிலக் கொள்ளெறியின் பிரதான அம்சங்கள் எவை? இதில் வரலாற்று ரீதியாக நிலக் கொள்ளெறியின் விருத்தி, மற்றும் இன்று நிகழ்ச்சிநிரல் இடம்பெறும் கொள்ளெறிகள் மற்றும் சீர்திருத்தங்கள்.
3. நிலத்திற்கும், வறுமைக்கும் இடையேயுள்ள இணைப்புக்கள் குறித்து, தனியான பொருளாதார அணுகு முறைக்கு மாற்று நோக்குகள் எவை?
4. வறுமைக்குறைப்பில், நிலக்கொள்ளெறியும் நிலச் சீர்திருத்தமும் கவனத்தை எடுக்கும் முக்கிய அம்சங்களாகச் சேர்க்கப்படுதல் வேண்டுமா?

இக் கருத்தரங்கில், மையப்பொருளைத் தழுவிய இரு பேருரைகள் இடம்பெற்றன; அவை இக் கட்டுரைத் தொகுப்பில் அத்தியாயம் 2,3 ஆகியவற்றில் பிரசுரிக்கப்பட்டுள்ளன. நிலமும் வறுமையும் தொடர்பாக முன்னிலைப்படுத்திய பொருள், நிலம் ஒரு உற்பத்திசார்ந்த சொத்து என்பதும், அவ்வணுகுமுறையினைப் பிரதிபலித்த பேருரை பேராசிரியர் த. யோகரத்தினம் அவர்களினால் ஷநிலமும் வறுமையும் என்ற தலைப்பில் வழங்கப்பட்டது. இதனுடைய சாராம்சம், வறுமை, சமனற்ற நிலவுடமை மற்றும் உற்பத்திப் பண்புகளாகிய பண்ணையின் பருமன், பௌதீக சூழமைவு, கமஞ் செய்யும் முறைமைகள், நிலவுரிமை பற்றிய நிலைமைகள், நிலத்தின் உரிமை சான்றுகளின் பாதுகாப்பு, நிலம் துண்டாடுதல் போன்றவைகள் முக்கியமாகின்றன. ஆகவே இப்பின்னணியில் கிராமியப் புறத்தில் வறுமையிருப்பவர்களுக்கு கூடுதலான நிலம் பெறக்கூடிய வாய்ப்புகள் - இதுவே தனியொரு மிகவும் முக்கியமான உற்பத்திச் சொத்து - என்பவையே வறுமைத்தணிப்பில் மையப்படுத்திய பிரச்சினைகளாகின்றன.

பேராசிரியர் சாவித்திரி குணசேகரா, பிரச்சினையினை உரிமைகள் நோக்கில் அணுகியுள்ளார்; தற்போது நிலவுகின்ற கொள்நெறி மற்றும் ஆராய்ச்சி உரையாடல்கள் தொடர்பாக கேள்விகளை எழுப்பியுள்ளார்; பல ஆண்டுகளாக இருந்துள்ள கொள்நெறிகளும் சட்டங்களும் நிலம்பெறுகை தொடர்பாக நடைமுறைப்படுத்திய பொழுதும், கிராமிய வறுமை தொடர்ந்து செல்கின்றது; மற்றும் விவசாய உற்பத்தித்திறன் குறைந்த நிலையில் உள்ளது என்பவை பற்றியும் அவரினால் கேள்வி எழுப்பப்பட்டுள்ளது. அவர்களின் விளக்கத்தில், கூறப்படும் காரணங்கள், கல்வியிலும், கிராமிய அபிவிருத்திக் கொள்நெறிகளிலும் காணப்படுவதுடன், விவசாய உற்பத்தியினூடாக போதியளவு வருமானம் பெறக்கூடிய விதத்தில் வேண்டிய முதலீடு, பொருத்தமான உபாயங்கள் ஆகியவற்றை உறுதிப்படுத்தத் தவறியுள்ளமையும் காரணமாக இருந்துள்ளது.

அதிகரித்து வந்த குடிசனத்தின் தேவைகள் குறித்து நிலத்திற்கான உயர்வடைந்த கேள்வியும் நிலவைத்திருப்புகளின் சராசரிப்பருமன் அதிகளவுக்குக் குறைந்து சென்றதற்குக் காரணமாக இருந்துள்ளது. இந்த நிலை, தொடர்ந்தும் மற்றும் அதிகளவுக்கு முறைசாராத வகையில் குடும்ப உறுப்பினர்கள், குத்தகையாளர்கள், மற்றவர்கள் ஆகியோருக்கு இடமளிக்கப்பட்டதனால், அதன் விளைவாக உடைமை முறைவழியும் மற்றும் பயன்படுத்துவோர் உரிமை வழிகள் மூலமும் நிலக்கூறுபாடுகளும் அதிகரித்தன. இதன் விளைவாக பௌதீக ரீதியான நிலக் கூறுபாடும் ஏற்பட்டுள்ளமை சென்ற தசாப்தங்களில் வைத்திருக்கப்பட்ட நிலக்கூறுகளின் சராசரி அளவு முக்கியமாகக் குறைந்திருப்பதில் பிரதிபலிக்கப்பட்டது.

குடிசன மற்றும் புள்ளிவிபரத்திணைக்களத்தின் தரவுகளின் படி இலங்கையில் நில வைத்திருப்போன்றின் சராசரி அளவு சென்ற 56 வருடங்களில் 64 சதவீதத்தால் வீழ்ச்சியடைந்துள்ளது; 1946 இல் 13ஹெ என்பதிலிருந்து 2002

இல 0.47 ஹெ அளவுக்கு குறைந்துள்ளது. நிலம் சிறு சிறு கூறுகளாகப் பிரிக்கப்பட்டுள்ளமையும், நிலம் வைத்திருப்புக்களின் அளவு குறைந்து சென்றுள்ளமையும் ஒரு பிரதான, கரிசனை கொள்ள வேண்டிய விடயமாகக் கருதப்பட்டுள்ளது; காரணம் இது அளவுப்படியான சிக்கன நன்மைகளைப் பெறுவதையும் தடைசெய்கின்றது; அத்துடன் சிறு நிலவைத்திருப்புக்களின் உற்பத்தி இயலுமை பொதுவாக குறைந்தது எனக் காணப்பட்டுள்ளது. அத்தியாயம் 4இல் இரஞ்சிற் வனிகரத்தனாவினுடைய கட்டுரை இத்தகைய விடயங்களை, நில உரிமைகள், நிலம் துண்டாடுதல், மற்றும் இவற்றின் வறுமை தொடர்பான விளைவுகள் ஆகியவற்றின் வாழ்வு வரலாறுகளின் கருத்தாடல் மூலம் ஆராயப்பட்டுள்ளன.

தர்மரட்டனாவும் மற்றையோரும் அளித்த ஆய்வுக் கட்டுரை, அத்தியாயம் 5, கிராமிய வறுமை, இலங்கையில், முக்கியமாக நில உரிமை முறைமைகளின் செல்வாக்குக்கு உட்பட்டது என்ற எடுகோள் தொடர்பாக கேள்வி எழுப்பியுள்ளனர். நாட்டின் அதிகமான அளவு நிலம், குறிப்பாக பிரதான நீர்ப்பாசனத்திட்டங்கள், நில அபிவிருத்தி உரிமைக் கட்டளையின் கீழ் வருகின்றன; இதிலிருந்து கட்டுரையாளர்கள்; பத்து கிராமங்களைத் தெரிந்து, இவை வேறுபட்ட விவசாய உயிரின வலையங்கள், வாழ்வாதார எடுத்துக்காட்டு நிலைகள் மற்றும் நீர்ப்பாசன முறைமைகள் ஆகியவற்றை பிரதிநிதிப்படுத்துபவையாக எடுத்துக் கொண்டு அவற்றின் அடிப்படையில் நில அபிவிருத்தி உரிமைக்கட்டளை (LDO) நிலம் மற்றும் கிராமிய வறுமை ஆகியவற்றிடையே உள்ள இடைத் தொடர்புகளை ஆராய்ந்துள்ளனர். வறியவர்கள் மீது பாதகமான தாக்கங்கள் ஏற்பட்டிருப்பினும், கட்டுரையாளர்கள், எடுகோளாக ஏற்கனவே கொண்டுள்ளதன் மூலம், நில அபிவிருத்தி உரிமைக் கட்டளையின் கீழான நில உரிமை முறைகள் மற்றும் உற்பத்தித் திறன், கொடுகடன் கிடைப்பு நிலை, அல்லது பண்ணக்கு வெளியே வேலைபெறும் ஆற்றல் என்பவற்றிடையே பலமான உறவுகள் இருப்பதாகக் கூறியதனை ஏற்றுக்கொள்ளவில்லை.

பொருளாதாரக் கோட்பாடு மற்றும் சர்வதேச அனுபவம் ஆகியவற்றிலிருந்து பெற்றவையின் அடிப்படையில் மாறவில் மற்றும் சமரத்துங்க ஆகியோர் (அத்தியாயம் 6) கட்டுப்படுத்தப்பட்ட நிலஉரிமை முறைகள் இருப்பினும், கிராமிய பொருளாதார உற்பத்தித் திறன் குத்தகைச் சந்தை உபாயங்களைக் கையாளுவதானால் முன்னேற்றமடையச் செய்யலாம் என்ற கருத்தினை ஆராய்ந்துள்ளனர். இத்தகைய உபாயங்கள் உயர் கொடுக்கல்வாங்கல் செலவுகளுடைய விற்பனைச் சந்தைகளை விட இடர்நிலை குறைந்தவையாகக் காணப்படுகின்றன. இலங்கையின் சூழ்நிலையில், கட்டுரையாசிரியர்கள் முன்வைக்கும் கருத்து எதுவென்றால், நிலக்குத்தகைச் சந்தையினைச் சீர்ப்படுத்துவது ஒரு பிரதான முன்னேற்றமடையும் வழியாகும்; அதற்கு துணைபோகும், ஆதரவளிக்கும் சேவைகளாகிய, முதல் உள்ளீடுகை, சந்தைப் பெறுகை, மற்றும் உட்கட்டுமான வசதிகள் ஆகியவையும் பிரதான பங்களிப்பைச் செய்ய முடியும்.

இன்னொரு முக்கியமான பரிமாணம், நிலம் மற்றும் வறுமை தொடர்பான உறவுகள் குறித்து, ரேலே புறுலே என்பவரின் கட்டுரையில் வசதி குறைந்த மக்கள் பிரிவினருக்காக வளங்களைத்திரட்டி அவற்றை மாற்றுதல் செய்வதில் பொது நிறுவனங்களின் பங்களிப்பை பற்றிய ஆய்வாக வழங்கப்பட்டுள்ளது. இக்கட்டுரையில், ஆசிரியர் நிலச்சீர்திருத்தங்கள் தொடர்பாக அரசு நிறுவனங்கள் பிரிவுபடுத்தும் செல்வாக்குகளை விளைவிக்கக் கூடும் என்பதன் மீது கவனம் செலுத்தியுள்ளார்; உதாரணமாக இனத்துவ ரீதியில், இவை நடக்க முடிகின்றது, சிறுபான்மையினர் தேவைகளும் விருப்பங்களும் கவனிக்கப்படாமல் இருப்பதனால் அத்தகைய விளைவு ஏற்பட இடமுண்டு.

அண்மைக்கால ஆராய்ச்சியில் இருந்து தெரியவருவது, வறுமைத் தணிப்புத்தொடர்பாக நிலம் குறித்த பெறுகை மட்டும் போதுமானதல்ல. அமரசிங்காவும் மற்றவர்களும் தயாரித்த ஆய்வுக்கட்டுரை (அத்தியாயம் 8), எவ்வாறு, இயற்கை வளங்களின் பெறுகையும் கிடைப்பும், குறிப்பாக நிலமும், நீரும் கிராமப்புறங்களில் இடஞ்சார்ந்த வறுமையின் சொத்தமைவு நிலையுடன் தொடர்புடையது என்பதை நோக்குகின்றது. கிடைக்கும் ஆதாரங்களின் மூலம், குத்தகை விவசாயிகளின் வருமானம் கூடுதலாக நில உரிமை ஒழுங்குகளைவிட பின்வரும் காரணிகள் மீது தங்கியுள்ளது: விவசாய உள்ளீடுகளின் கிடைப்பு நிலை; நீர்ப்பாசன வசதிகள்; உயர் விளைவுகள் தரும் பயிர்ச்செய்கை குறித்து தொழில்நுட்பம், சந்தைகளின் பெறுகை, பாதைகள் மற்றும் மற்றைய உட்கட்டுமானவசதிகள். இக்கருத்துக்கள் மேலும் காந்த கும்பார் (அத்தியாயம் 9) என்பவரினால் அவருடைய கட்டுரையில் ஆராயப்பட்டுள்ளன. இக்கட்டுரைநோக்குவது நிலச்சீர்திருத்தங்கள் ஷவறியவர் மீது ஏற்படுத்தியுள்ள தாக்கத்தினை, இந்திய மாநிலங்களாகிய ஒரிசா, மேற்கு வங்காளம், மற்றும் கேரளா ஆகியவற்றின் அனுபவங்களை மையப்படுத்திய விளக்கமாகத்தரப்பட்டுள்ளது.

இக் கட்டுரைகளின் தொகுப்பின் நோக்கம், ஆய்வாளர்கள், கொள்நெறி வகுப்போர், மற்றையபங்காளர்கள் ஆகியோரின் கவனத்தை, நிலக்கொள்நெறி மற்றும் வறுமை தொடர்பான இடை இணைப்புக்களை முன்னிலைப்படுத்த திசைப்படுத்தும் பணியினைச் செய்கின்றது; இதில் சில முக்கியமான வழிமையான சிந்தனைகள் தொடர்பாக மறுதலிப்பினைத்தம் தெரிவிப்பதும் தேவைப்படுகின்றது இறுதி அத்தியாயத்தில், பதிப்பாசிரியரின் கருத்துரை வழங்கப்படுவதுடன், செய்யப்பட்ட ஆய்வுகளை ஒருங்கு சேர்த்து அவற்றிலிருந்து எழுகின்ற கொள்நெறிச் சாத்தியப்பாடுகளும் கவனத்திற்குக் கொண்டு வரப்பட்டுள்ளன.

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Land and Poverty

T. Jogaratnam

Keynote Address

Poverty alleviation has come to occupy centre stage in any discussion of socio-economic development. Concepts of convergence and divergence, of growth rates and growth stages, dual economies, diffusion models and the like appear to have relevance only if they lead to the reduction or alleviation of poverty. A growth rate of 10% or thereabouts is now targeted because only then will growth impact on poverty. This is not surprising, given that poverty is a basic characteristic of underdevelopment, and considered degrading and demeaning, a violation of human rights and freedom. It is also argued that democracy and poverty cannot coexist. However looked at, the fact is that large numbers of people, approximately one quarter to one third of the world's population, are estimated to live in poverty, with a heavy concentration in South Asia. This appears to be the reason for the burgeoning literature on the subject, the proliferation of research organisations and institutes, and the focus of attention of international agencies.

Poverty, it has been said, must be experienced before it can be described. It is also said that to know poverty, one must see poverty. I do not know how many of us would qualify on the first count, but hopefully most of us, if not all, would qualify on the second. Poverty has been described in terms of low income, under-nutrition and inadequacies in respect of many of the social indicators that go to make for decent standards of living. It is multifaceted, but mostly studied in terms of absolute poverty with a poverty line set on the basis of nutritional standards. While the arbitrariness of poverty measurements are well recognised, poverty reduction strategies have assumed crucial importance in developing economies, and require an assessment of who the poor

are, why they are poor and what should be done to lift them out of poverty. The sections that follow consider each of these themes in some detail, though necessarily incomplete, but not ignoring the theme set out for this Symposium.

1. The Measurement of Poverty

It is well known that poverty is multidimensional, that it has many faces. It can be described in terms of inadequacies with respect to income, food consumption and nutrition, health, education, potable water supplies, infrastructure, and so on to include many other basic needs. It is also usual to distinguish between absolute and relative poverty, and chronic and transient poverty. Poverty measurements can therefore be one-dimensional or multidimensional. There are composite indicators that take into account all or many of these measures. The general approach, however, appears to emphasise the monetary approach anchored on the energy requirements based on physiological needs. People are considered poor if their level of energy consumption, expressed as kilocalories (kcal), falls below a minimum acceptable level. This constitutes the food poverty line, adjusted for non-food consumption and expressed in monetary terms. Crucial to such an exercise is to estimate the level at which the energy intake falls short of a predetermined adequacy level. Minimum energy requirements can depend on height, weight, age, sex, activity level, and temperature or altitude. Because information is usually not available on all of these variables, many countries depend on determinations made by the World Health Organization (WHO) or the Food and Agriculture Organization (FAO) and adjusted to suit local conditions.

Adjustments have been made by the Medical Research Institute (MRI) of Sri Lanka, where an energy requirement level of 2200kcal per day has long been used. However, these are not appropriate for regional or community-specific comparisons, as they do not control

for differences in activity levels and altitudes. FAO in 2002 suggested that in calculating food energy requirements, physical activity norms for adults should be specified in terms of light activity, moderate activity and heavy activity. The selection of the minimum energy adequacy level to determine the poverty line also varies between countries. Thus, Bangladesh considers 80% or 90% of the minimum requirement as the cut-off point for food poverty. On the other hand, it has also been argued that the human body could adapt itself to lower energy intakes and poverty levels have been set at levels as low as 1600kcal.

In Sri Lanka, several attempts have been made to establish poverty lines since the 1980s using data from as early as 1969/70. All these studies use cross-sectional data, either from the Central Bank or the Department of Census & Statistics (DCS). However, one should not overlook the inherent dangers in studying dynamic processes on the basis of cross-sectional studies. Given that more than a dozen studies attempted to estimate poverty incidence over the period 1980 to 1990, it is disconcerting to find that the evidence is inconsistent and sometimes contradictory. This may be attributed in major part to differences in methodologies, differences in sources of data, as well as to uncertainties over data, prices, indexes, representative samples and the like.

Despite data inconsistencies and conflicting evidence, it appears that poverty apparently increased over the period 1978 to 1987, or at least was not reduced by much, if at all. According to Gunaratne (1989) (cited in Alailima 2001), all island poverty increased from 22.3% to 27.4% of the population during this period. This was in spite of per capita GNP growing at 3.3% per year. This suggests that income distribution must have worsened and available evidence supports this. Alailima (2001) suggests that poverty increased sharply from a little below 20% in the 1950s to about 35% in the mid-1980s before declining to earlier levels by the mid-1990s. A World Bank (1995) study indicates that there was little decline in

consumption poverty between 1950 and 1965, but a sharp decline between 1965 and 1985, and a continuing gradual decline thereafter. Gunewardena (2000) estimates that the incidence of poverty moved from 25% in 1985/86 to 19% in 1990/91, but increased to 25% in 1995/96, and dropped back to 19% the following year. More recent estimates by the World Bank suggest that poverty incidence is not only recalcitrant, but widely varying regionally, that is by districts. It must however be mentioned that none of these estimations take into account the distinction between acute and transient poverty.

It will be difficult to discern any trend in poverty incidence. The data sources are different, the nutritional criteria vary and no account is taken of transient poverty influenced by climatic variations. While the multidimensional aspects of poverty are acknowledged, the emphasis is on income poverty. As in the case of GNP calculations, where it is acknowledged to be a poor indicator of development, but continues to be used as a proxy for development, so too in the case of poverty, income continues to be used for poverty lines. While income is anchored on calorie intake, minimum calorie requirements also vary. Energy inadequacy is set at 2270 calories in the 1996/97 Consumer Finance Survey and at 2015 calories in the 2002/2003 survey. Admittedly these are not nutritional surveys.

While the evidence on the numbers living in poverty is inconclusive, there is general agreement on who the poor are. The poor are concentrated in the rural sector, among landless labourers and operators of mini holdings of below one to two acres in size.

2. Causes and Characteristics of Poverty

Poverty is not only multifaceted, but has also been described as a dynamic variable “capable of instantaneous cyclical and secular

changes" (Mellor 1985). It is associated not only with low incomes and slow economic growth, but also with other factors such as poor health, illiteracy, inadequate schooling, social exclusion, powerlessness, gender discrimination, ethnicity, and the like. In the rural sector, poverty is linked to unequal land ownership and other productive assets, farm size, physical environment, type of farming system, tenancy and its terms and conditions, security of titles to land, fragmentation of land and so forth.

Increasing access of the poor to productive assets is seen as central to the alleviation of poverty. Land constitutes the single most important asset in the rural sector and land reforms in East Asia are credited with providing an enabling environment for rapid economic growth and poverty alleviation. In Sri Lanka, the land reform measures of 1972 and 1975 did not result in any redistribution of land. However, under the provisions of the Land Development Ordinance of 1935, the allocation of state land for peasant settlements was widely seen as being pro-poor. Data from the Land Commissioner's Department indicates that by 1997 about 2.43 million acres of land had been alienated and about 1.35 million families settled. The village expansion scheme is estimated to have accounted for over 30% of the area alienated and 38% of the beneficiaries. The corresponding figures for regularised encroachments were 21% and 30% respectively, and for major settlement schemes, 28% and 7% respectively.

The unit of allotment for village expansion averaged one quarter to half an acre. It was associated with homestead development in the wet zone where much of the village expansion schemes were located. Based on the assumption of an average allotment size of half an acre, about 45% of the population should have benefited. However, Peiris (1996) concluded that a reasonable figure would be one third of the population. In the case of settlements under the major irrigation schemes, the unit of allotment initially was five acres of lowland and three acres of highland. But with increasing

population, the size of allotments progressively declined to about two acres (one hectare) and a homestead under the Accelerated Mahaweli Development Project.

In enacting the Land Development Ordinance of 1935, the vision was to “create a prosperous, self respecting and self supporting multitude of peasant proprietors” who had to be protected “not only against their own improvidence but also against the rapaciousness of speculators and others” (Land Commission 1990). It was thus that the concept of protected tenure evolved. Security of tenure was ensured by preventing the sale of land, mortgage, or disposal in any way without permission. Land could not be sold on any decree of the courts and only unitary succession was recognised. B.H Farmer summarised the situation as follows:

“By 1931, then, Ceylon was moving towards a system of tenure which would, it was hoped, at once encourage the colonists and protect them and their holdings.”

The selection of settlers was such that there is general agreement that the beneficiaries were the landless and operators of mini-holdings identified as poor.

The crucial question to answer is whether the continuation of protected tenure, progressively being relaxed, or the introduction of private property rights would serve the country better, in terms of broad based pro-poor growth. No attempt is made here to enter into a rigorous analysis, but to refer to the literature, unfortunately scarce, dealing with some of the issues.

Binswanger *et al* (1995) in a comprehensive review of agricultural land relations across the developing world concluded that great variations are to be found that cannot be explained purely in terms of property rights and markets alone. Such variations are the outcome of power relations and distortions. Others argue that there is a central disjunction between the social good and individual

rationality, and call for the creation and enforcement of institutions to bridge this gap. Institutions themselves are said to emerge in response to the inefficiencies and distortions associated with the access to land. Market oriented economists would say that the establishment of property rights is central to the process of economic development. Bromley (1989) argues that property arrangements are not bimodal but are found along a continuum including common property resources and open access resources. Lipton (1995) in quoting Killick that the current trends towards market reform may be a “reaction too far”, calls for market reform to be supported by distributive reform. The World Bank, as is well known, calls for the liberalisation of the land and labour markets.

A few micro level studies have been carried out on land relations in Sri Lanka. One of the earliest, by Sarkar and Tambiah in 1957, concluded that freehold tenure did not confer any advantages, and resulted in the transference of land to non-cultivating owners who viewed land as an investment. A number of studies since then throw enough evidence of illegal land transfers, the creation of larger operational holdings and greater commercialisation, as well as the displacement of inefficient cultivators. A more recent study concluded that a perfect private title is not a prerequisite for increasing productivity. Bloch (1995) observed:

“The available data [...] almost exclusively about Dry Zone paddy do not [...] show a clear relationship between agricultural productivity and the formal security of tenure.”

3. Access to Land

While the distribution of state land to the poor has been actively pursued by subsequent government policies, population growth has led to the fragmentation of land. The Census of Agriculture of 1982 reported that over 25% of all agricultural holdings were less

than two acres in extent. The Census of Agriculture of 2002 reported that the number of smallholdings had increased by over 80%, and that 45% of such holdings were less than one quarter acre or 40 perches.¹ The districts of Colombo, Gampaha, Kalutara, Jaffna, Mannar, Batticaloa, Ampara and Trincomalee reported that over 50% of the holdings were less than 40 perches. On the other hand, Moneragala, Hambantota, and Badulla districts reported 12%, 23%, and 30% respectively were less than 40 perches. The Consumer Finance Survey 2003/04 reported that 91% of all households owned land, and that even in the lowest quintile, 83% owned land. Land however, was defined to include homestead, agricultural, industrial, commercial, and unutilised land. In the rural sector, 96% of households owned land, while 41% owned agricultural land. It was also reported that 11% of agricultural lands were less than 40 perches and over 50% less than one acre.

4. Agriculture and Poverty

The productive potential of land in the rural sector draws attention to agricultural land use and the associated returns to land. Paddy is the single most important crop cultivated in Sri Lanka. Currently, it accounts for over 40% of the total area cropped, and about 75% of the area under non-plantation crops. In the rural sector, it would not be too far off the mark to say that paddy cultivation is synonymous with agriculture. The paddy sub-sector development reflects substantial increases in areas cultivated and in productivity in terms of yields per unit of land. Based on the 1982 Census of Agriculture, about 45% of paddy holdings were less than one acre in extent, and another 25% were between one to two acres, while only about 6% were over five acres. Paddy is the only major crop that has benefited from the technological advances associated with the Green Revolution.

¹ 1 acre = 160 perches

Technological advances that increase yields can have both direct and indirect effects on the poor. Increased production can increase home consumption, improve nutrition, bring higher returns from sales, and raise the welfare of poor farmers. Indirect effects arise when adoption of the new technologies by both poor and non-poor farmers reduce the price for net buyers, and has employment and wage effects both within and outside of agriculture. There can, however, be trade-offs between direct and indirect effects brought about by unequal distribution of land, market failures, and degree of access to public goods.

The relationship between agricultural growth and poverty has been extensively studied in India, made possible by the availability of time series data over an extended period of time. Ahluwalia (1978) in a pioneering study concluded that:

“there is strong evidence to suggest agricultural growth, within the existing institutional system, tends to reduce the incidence of poverty.”

This has been supported and contested by many others, for example Hazell and Haddad (2001), who conclude that:

“the net effect of agricultural growth is difficult to quantify and qualitative assessments very often provide a better understanding of the relationships.”

A recent study by Datt and Ravallion states:

“consistent with the view that achieving higher aggregate economic growth is only one element of an effective strategy for poverty reduction in India. Sectoral and geographic composition of growth is also important, as is the need to redress existing inequalities in human resource development and rural and urban areas.”

This highlights the importance of paying attention to the concepts of initial conditions and level playing fields. According to Mellor and Desai (1985):

“empirical identification is made difficult because of conceptual issues involved in defining the many dimensions of poverty, data constraints in measuring its incidence, and econometric problems in estimating relationships between causal factors and poverty levels.”

In the considered opinion of many, agriculture in Sri Lanka faces a crisis. This is attributed mainly to declining real prices of output and escalating input prices, resulting in a cost-price squeeze, slow advances in technology, and a lack of comparative advantage. A high proportion of non-viable holdings have seen the emergence of part-time farming and an out-migration of labour without a concomitant increase in labour productivity. The liberalisation of the land market is seen as a possible way out. However, it is also argued that this could lead to excessive concentration of land, inefficiency, inequity, environmental degradation, and the emergence of a peasant proletariat. The widespread existence of incomplete markets, imperfect competition, incomplete information and transaction costs could nullify attempts to liberalise the land market, leading to unintended consequences.

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Putting Land First? Exploring the Links between Land and Poverty

Savitri Goonesekere

Keynote Address

Mr. Chairman, distinguished participants and invitees to this research symposium on the theme “Putting Land First? Exploring the links between land and poverty”. Many of you have conducted in-depth studies on the links between poverty and land and will be presenting your studies in the substantive sessions. I myself do not have this background of expertise in poverty studies. In accepting the invitation to deliver a keynote address, I agreed to share some thoughts and raise some questions for experts in your field, based on my own research interest in land law and policy, and its interface with issues of poverty and development.

The ‘human face’ of poverty and the link between human rights and development forged in the 1990s has sometimes been obscured in the recent focus on Poverty Reduction Strategy Papers (PRSPs) and Millennium Development Goals (MDGs). Preparation of PRSPs and meeting the first MDG of poverty reduction have become accepted as current dimensions of economic transformation, and a basis for accessing development assistance from the donor community. The Paris Declaration of 2005 provides a detailed set of fresh norms on what is described as “aid effectiveness” and “support for recipient countries to strengthen governance and improve development performance”. In achieving the MDGs, these initiatives in many ways seem to undermine the ideology reflected in UNDP’s Human Development Report of 2000 – that addressing poverty is not just an agenda to realise some of the minimalist objectives of the MDGs, but a matter of realising the broad sweep of international human rights on civil liberties as well as basic socio-economic rights, access to national resources, and relief from poverty and

deprivation. This Symposium is to my mind, a forum to consider whether the new economic liberalisation and poverty reduction approaches, with their inevitable impact on land policy, will not reinforce the very 'vulnerability' and 'powerlessness' of the poor that they seek to eliminate or reduce. When policy planning to address poverty, whether in the area of an asset like land, or any other area, does not adopt a holistic view of the link between development and the realisation of international human rights standards, there is a danger that the balance between economic growth and human development, including poverty reduction, will not be maintained. A human rights based approach to development and poverty reduction will require efforts to eliminate structural inequalities, and give access to a whole range of services such as credit, education and technology, health, water and sanitation, as claims of citizenship. Whether access to land ownership per se without these supports can reduce poverty raises doubts when we reflect on the historical experience of Sri Lanka on land policy and legislation. Besides, the justiciability of human rights also makes the State accountable to ensure that economic policies relevant to land and poverty reduction do not infringe what are perceived as constitutional guarantees on human rights.

The necessity for land policies to conform with the rights based approach to development is reflected in the experience on Sri Lanka's Land Ownership Bill 2003. This Bill clearly reflected policies based on economic liberalisation combined with poverty reduction, as envisaged in the PRSPs and the MDGs. The Bill proposed removing restrictions attached to grants on transfers of state land, so as to provide for full ownership. State lands allocated under the pre-colonial Land Development Ordinance (1935), as subsequently amended, transfer land rights to a permit holder, who on the satisfaction of certain conditions, becomes a grantee. However the grantee does not have the rights of full ownership; the grant is subject to restrictions on mortgage, sale and transfer, and also

provides for reversion of the land to the state. The Land Grants Special Provisions Act (1979), provided for the distribution of land vested in the state, when Land Reform Law (1972) imposed a ceiling of 50 acres of high land and 25 acres of paddy land on owners of private lands. This Act also imposed conditions on the rights of the grantee. The Land Ownership Bill sought to give the central government power to remove all these restrictions on land grants by the state in respect of certain areas.

The Bill was challenged successfully in the Supreme Court on the grounds of infringement of constitutional provisions regarding devolution of powers to the Provincial Councils. This interpretation, as well as the analysis that the Bill was an infringement of the government's responsibility to hold national resources in trust for the people is controversial. However, the arguments put forward by the petitioners, and accepted by the Supreme Court, in a judgment by Justice Shirani Bandaranayake, reflect the increasing significance of the courts in scrutinising land policies from the perspective of protecting fundamental rights. Justice Banadarayake's judgment reiterates the premise in the *Bulankulama (Eppawela Phosphates) Case 2000* that, "the national resources of the people [exploitation of mineral deposits in the *Eppawela Case*] are held in trust for the people". Both the statutes to be amended by the Land Ownership Bill were considered by the court to be laws that protected the landless poor, and gave a role and responsibility to the state in protecting their group rights. Similarly, Art. 12 (1) of the Constitution on equality was considered infringed by provisions in the Bill which permitted exemption of land in certain urban and municipal or local authority areas and reserved for "development purposes." The judicial precedents in the *Bulankulame Case* and the Land Ownership Bill suggests that new land laws and policies in Sri Lanka will have to be formulated with greater concern for their implication for fundamental rights protected by the Constitution. This experience is reflected in

judicial developments in other countries, and especially in the Philippines, India and South Africa. The right to life guaranteed by the Indian Constitution has been interpreted to cover socio-economic rights of the people, while the recent independence Constitution of South Africa has specific provisions on fundamental socio- and economic rights.

The concept of protecting fundamental socio-economic rights need not be seen as a constraint on economic growth, but rather as a guide to holistic policy planning on land which balances economic growth and human development. It is an incentive for the state to retain accountability. While our visionary policies on health and education, which sometimes were not even enacted into law, improved the quality of life of the low income population to some extent, policies and legislation giving access to land did not achieve the desired result of poverty reduction and agricultural productivity. The concept of rights sensitive land law and policy formulation provides space for community scrutiny and contribution to more holistic outcomes that take into account research and evidence as made available by professionals and civil society organisations. The Supreme Court has today become the only forum for scrutiny of policy when constitutional remedies are used to challenge legislation at the Bill stage. In countries like India, the Supreme Court has taken the initiative to bring the voice of professionals and civil society organisations to policy formulation by obtaining reports from them before making determinations or requiring the state to do so before policy formulation in matters that affect the public interest. Our Supreme Court, on the other hand, relies only on the arguments of counsel, or as we have seen recently, subjective perceptions of the public interest. This in itself can become a dangerous trend where subjective judicial opinions which are not based on solid evidence or research, replace a genuine and professional consultative process in policy formulation and law making. Perhaps we need to advocate for the late colonial

period and post independence tradition of appointing *ad hoc* commissions and publishing their reports on sessional papers of parliament. These reports were often the foundation of policy formulation and legislation in key areas. They provide us with an insight into how community voice and professional expertise could blend and inform law and policy formulation.

The early colonial legislation of this country was not based on an ideology of human rights of the poor as citizens with entitlements. We still have legislation known as the Poor Law Ordinance 1939, with provisions on the “treatment of the poor”, providing for minimal welfare facilities. Vagrants Ordinances from 1841 to 1947 punished “idle and disorderly” persons who, “being able to maintain themselves by work or other means, wilfully refuse or neglect to do so.” It is this Vagrants Ordinance which is used today to arrest women who work in street prostitution. The first Maintenance Ordinance (1889), which was repealed only in 1999 provided criminal penalties for failure to provide minimal means of family support, since the English Common Law did not recognise duties of family support and maintenance. The early policy of the English law was to ensure that the poor did not become a liability in society, and restrictive family support laws were perceived as a response to preventing the poor becoming a burden on the state. These early policy perspectives of insensitivity to the situation of the poor were reinforced by later colonial legislation such as the Waste Land Ordinance and the Grains Tax, which both created landlessness and impoverishment in rural communities. The Crown Lands Encroachment Ordinance (1947), sometimes referred to as the Waste Lands Ordinance, vested in the state all lands to which title could not be established. According to research, many people in agricultural communities lost their lands as owner cultivators in the central and western part of the country, and this land was later used for the foreign plantation industry or by local entrepreneurs. Research has recorded the reluctance of the Sinhala

peasants who were cultivators to become agricultural labourers, resulting in the import of Indian labour to work on the plantations. This in turn created a category of even more impoverished agricultural labourers on these estates. Land was sold in the market under this early legislation, and became available to locals who could afford to buy land in the growing cash economy. Peasant land was sometimes bought up by others with the means to do so, further increasing rural poverty. It was as late as 1927 that there was an official response to the problem of rural poverty and landlessness initiated by Governor Sir Hugh Clifford. A Land Commission was appointed and the Land Development Ordinance (1935) formulated. It was a new policy enacted with a view to making available state land in the dry zone for landless peasant cultivators, in small plots of 1-5 acres of highland or paddy land. The initial permit holder of land could become a grantee, but not the owner of the land. Rights were limited – something like a lease in perpetuity with the reversionary right of the state. The grantee could not lease, mortgage or fragment the land by transfer. Court cases decided that transactions that violated the conditions were invalid.

We must recall that in these early decades, land in rural communities was still perceived as a social and economic asset base. Subdivision of co-owned land and disputes connected with fragmented plots of land were a frequent source of litigation and even violence. The ‘protective’ policy suggested that state grants of land should not encourage transfer, absentee landlordship or fragmentation. Since the general law of the land introduced in 1876 provided for equal shared rights of intestate inheritance among spouses and children, the Land Development Ordinance introduced a new table of inheritance for grantees, to prevent fragmentation of these lands. This inheritance pattern was based on the English law concept of primogeniture or succession of the eldest male in any category of heirs, if a grantee did not nominate a successor.

Government policies on avoiding fragmentation of state lands have prevented a review of this table of inheritance in all these years after independence. The concept of giving access to land as a poverty alleviation strategy has been sustained and combined with a 'protective' approach to the grantee.

The Land Development Ordinance (LDO) is sometimes perceived as a device introduced to shift the ethnic balance in the dry zone through land settlement. However the core policy objective was to address the problem of landlessness and poverty by giving an economically productive resource to the impoverished peasant. This objective was not achieved because of reasons that had little to do with the protective ideology of the LDO. Research supports the view that factors such as the inhospitable environmental conditions, malaria, and the lack of all the connected resources needed to foster productive agriculture, contributed to an entrenchment rather than a reversal of poverty. The inability to dispose of and transact with the land prevented fragmentation, but it did not relieve the pressure to provide for other members of the grantees' family who had no source of income. The scenario that surfaces in the papers to be presented by Dinusha Dharmaratna and others appears to have been similar in the 1960s, 25 years after the introduction of the LDO. Besides, while state policies on support for agricultural production by the landless had not been effective or adequate, free education policies had provided low income families with another path for upward economic mobility. The Central School System in particular, created centres of excellence that were accessible to rural children with academic ability. It was not surprising that access to education and formal employment rather than peasant agriculture was perceived as a way out of poverty. In 1958 the Land Commission which examined the implementation of the LDO in two decades recommended both a change in the table of inheritance on primogeniture and the accepted approach of 'protecting' the allottee, by removing restrictions and creating a free

land market. These proposals were accepted in a modified form and an Act of 1969 was introduced to give grantees ownership and the right to dispose of land. This legislation indeed anticipated the approach reflected in the Land Ownership Bill of 2003. The concept of primogeniture was, however, retained with a view to preventing fragmentation. A new procedure for alienation of state lands was introduced in 1973. The Land Reform Law 1972 had been enacted after the 1971 insurgency, making private land available for state allocation. This Land Reform was envisaged as a critical measure of addressing the problem of rural poverty. Excess land over the prescribed statutory ceiling was vested in the state, and made available for allocation to the landless.

In 1981 the Act of 1973 that introduced a new policy of removing controls on land allocated by the state was repealed and the LDO was reintroduced, with its restrictions, but some amendments on the aspect of succession. Ironically, the 'protective' approach to allocation of state land was reintroduced by a new government committed to liberalisation. The political rather than economic policy motivation for this change can perhaps be surmised from the fact that free *swarnabhoomi* land grants were given to many persons who had settled or encroached on the land. Their status as grantees was legalised. Other legislation apart from the LDO and the Land Reform Act (1972) was enacted to give land rights to peasant cultivators. The Paddy Lands Act (1958) repealed by the later Agricultural Lands Act of 1973 gave tenants access to land rights in paddy cultivation. The *andé* or tenant cultivator obtained security of tenure and the right to nominate a successor, with a similar primogeniture table of inheritance if he failed to nominate a successor. The landlord received only a limited share of the produce. The LDO, the Paddy Lands legislation and the Land Reform Laws were all meant to provide land and agricultural production opportunities to the landless and so reduce or eliminate poverty.

The sad reality is that rural poverty continues and agricultural productivity remains low - mainly subsistence agriculture - despite these policies and laws on providing access to land. Could this be due to a combination of both our education and rural development policies and a failure to provide the necessary investment and strategies to promote agricultural production as a viable means of acquiring an adequate income? Law and policy formulation is one exercise. Resource allocation and providing interlinked supportive institutions and strategies for effective implementation is another matter. As some of the papers in this seminar clarify, we need to put in place the resources and implementation strategies to make agricultural production effective rather than focus exclusively on amending the LDO and providing for a free land market. What resources do we need to provide for access to credit, markets, agricultural extension support, research and technology? What education policies need we put in place to make agriculture and cultivation socially acceptable and economically productive vocations? If development is not carried to the villages in terms of good schools, health services, and opportunities for off-farm employment, can we expect a younger generation of low income youth with aspirations created by access to at least O-level and A-level schooling to engage in agriculture? Can we strengthen service delivery by health, educational and technology professionals when they have difficulties in schooling children outside the metropolis? Current research suggests that in the absence of these supports, agriculture has become an additional rather than a sole source of income. Dependence on agriculture even with access to land only serves to perpetuate poverty.

If agriculture and land use is to become a sole source for moving out of the poverty trap, much more resources and thought must be given to putting in place the support system to agriculture and cultivation of land and development of rural communities. In some countries like South Africa action plans and resource allocation are

required as an inherent aspect of law making. These processes are integrated into the legislative process in parliament. Unless this is done, new legislation on land ownership to remove constraints like those in the LDO and 'free' the market for land may encourage private investment in the agricultural sector, but will possibly replicate the experience of land speculation. Such initiatives may lead to further impoverishment of peasant cultivators who will probably sell their land and receive nothing more than the immediate cash and ephemeral gains that accompany a consumer culture. We may recreate the scenario of the nineteenth century where cultivators lost their land to entrepreneurs and became further impoverished. It is certainly time to revisit the policy of state protection and give the grantee of state land the right to own and transact with this important asset like any other private owner of land. However, this change must surely be combined with the connected policies and initiatives to support and encourage peasant farmers and their families who wish to retain and cultivate their land to do so. Investment in education and employment creation must continue and be strengthened so that these provide an alternative path to improved economic status which will enable and promote investment in cultivation.

The PRSP process has not been successful in addressing the interface between gender and poverty. The MDGs have reinforced this gender neutrality by differentiating between the goal of poverty reduction and the goal of women's empowerment. The MDGs set minimalist goals for women's empowerment in terms of targets on primary education and employment of women in the formal sector. Review of land policies in terms of the new economic order and development effectiveness in the area of poverty and education cannot afford to be gender neutral.

Recent research in CENWOR by a group of colleagues, suggests that in rural areas in Moneragala, Anuradhapura and Batticaloa, there

is a relatively high percentage of women who own land. However, that ownership has not translated itself into a capacity to move out of poverty. The research points to the fact that, as in the case of men, a range of support services and facilities are required to enable access to land to reduce poverty and provide something more than the means of subsistence. In order to create a more conducive environment problems such as access to health services, child care support, sanitation and protection against domestic violence (particularly due to easy access to illicit liquor) must be addressed. The research also suggests that access to alternative employment, whether through education, employment overseas or in garment factories has helped women to improve the quality of life of their families and move out of poverty. Providing access to land must, therefore, not be considered a single solution in reducing poverty among women. Access to alternative employment and the skills and training to achieve that must not be subsumed by a focus on giving low income women and girls access to basic health, education and land. A range of opportunities and not merely access to land are critical to reduce poverty in our female rural population.

However, it is also important to note that the LDO as well as the Agricultural Lands Acts introduce a concept of primogeniture that gives preference to male heirs. The surviving spouse who is not the nominee of the grantee has only a life interest in the land under the LDO. This life interest is lost on remarriage. These are gender neutral provisions applicable to both men and women. Research indicates that they affect women's access to land. Gender discriminatory provisions remain in the statute book despite the fact that the Land Commission 1958 suggested the repeal of the table of inheritance and women's groups have lobbied for change for many years. Though raising the issue of gender discrimination in allocation of land grants has resulted in more allocation to women, the statutory limitations on women's access to state lands remain and, according to research, operate as a constraint on access

to land. These constraints must be removed as an important dimension of reform of land law and policy. Similarly, the concept of “male head of household and breadwinner” that was removed from the Family Support Act in 1999 continues to feature in isolated statutes and government administration. It is not articulated in the agricultural land laws with the exception of the Land Reform Law. This law effectively deprived women of land ownership by considering husband and wife together as entitled to the statutory limit on land. It reflects the ideology of the male head of household. This concept of a male head of household must be eliminated from the legal system and not be allowed to resurface in future land law and policy.

Inheritance laws in many countries discriminate against women and deny access to land. In Sri Lanka the general law is egalitarian, and intestate succession provides for inheritance of equal shares by women, as spouses and siblings. However, the Kandyan and Muslim laws impose constraints, and the issue of reform of personal laws has been considered too politically sensitive for any government to address in the post independence era. Even if such personal law reform is not forthcoming there is a clear obligation on the part of the state to reflect a non-discriminatory approach to inheritance in the allocation of state land. It is therefore vital that reforms in allocation of state land introduce a table of equal inheritance based on the general law rather than enable the concept of ownership of the grantee to reactivate the differences in personal laws. Many women and women’s groups advocate for joint ownership or community of property between husband and wife when land is allocated by the state. Community of property under Roman Dutch law was abolished by the British in 1923 in the interest of giving women separate property rights. Joint property claims have been revived as an issue with regards to allocation of land for shelter or agriculture in tsunami affected communities. However, co-ownership poses its own problems, and will require

proceedings under the Partition Act, unless there is a division of the land by agreement. Not surprisingly the LDO and UDA laws which are against fragmentation and problems of co-ownership do not provide for allocation of state land jointly. In this situation, a solution must be found by allocating separate property rights in divided shares, and also requiring each party to confer ownership rights on the survivor.

All the recent initiatives on poverty reduction and the MDGs refer to development cooperation and community participation. The recent Paris Declaration refers to and prioritises 'national ownership'. And yet we have today a development assistance and policy formulation scenario where local sources of knowledge, at community and professional level are rarely used in the process of development assistance or government formulation of law and policy. Organisations like the Centre for Poverty Analysis provide an opportunity and a forum to both create expertise and bring a people's voice to law and policy formulation processes. It is important in my view to combine research with both public advocacy and awareness raising. Your work can become an important source for both public interest litigation as well as for direct consultations. I hope your deliberations receive the recognition they deserve and are reflected in efforts to advocate and lobby for future changes to our land laws.

3

A TENTATIVE EXPLORATION OF LINKS BETWEEN LAND AND POVERTY THROUGH A RIGHTS-BASED APPROACH

Ranjith D. Wanigaratne

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A Tentative Exploration of Links between Land and Poverty through a Rights-based Approach

Ranjit D. Wanigaratne

Abstract

Land related in-depth empirical studies are considered vital to help identify the ground-level processes responsible for persistent poverty. The objective of this paper therefore is to encourage and promote these studies, which have become short in supply since the 1970s. Often, both national scale poverty alleviation programmes as well as so-called micro, location specific programmes tend to treat the surface symptoms of poverty rather than tackle its causal processes, which lead and sustain it. This paper explores ways to discern the intricacies underlying the causal processes and seeks to direct efforts to find cost-effective ways and means of tackling them.

Through a selected review of recent land based case studies the paper brings together experiences of individual families who have gained, lost or are losing rights they held over land parcels. Further, the dynamics of these families as they move to invest in strengthening their legal rights to improve their incomes and household welfare are also presented. The review thus attempts to bring into focus processes operating at the ground level, which are responsible for the gain or loss of rights. The determinants of the evolved economic status of the household and future possibilities for planning interventions are considered.

දරිද්‍රතාවය සහ භූමිය අතර පවත්නා වූ සම්බන්ධතා පිළිබඳ යාවත්කාලීන ගවේශනය: අයිතිවාසිකම් ප්‍රවේශයක් ආශ්‍රයෙන්

රංජිත් ඩී වනිගරත්න

1. හැඳින්වීම

අඛණ්ඩ දරිද්‍රතාවය (*Persistent Poverty*) හේතුවන මූලික කාරණාවන් හඳුනාගැනීම සඳහා ඉඩම් සම්බන්ධයෙන් සිදුකරන සවිස්තරාත්මක ආනුභවික අධ්‍යයනයන් ඉතා වැදගත් වන බව සැළකේ. දරිද්‍රතාවය දුරලීම සඳහා ජාතික පරිමාණයෙන් මෙන්ම ක්ෂුද්‍ර ආංශික මට්ටමින් සිදුකරන වැඩසටහන් වලදී බොහෝවිට සිදුවන්නේ දුර්ගතාවය ආශ්‍රිත මතුපිට සාධක වලට පිළියම් සෙවීම මිස දුර්ගතාවය ඇතිවීම උදෙසා ඉවහල් වන මූල සාධකයන් මර්ධනය කිරීම නොවේ. එම මූල ඩීප් ක්‍රියාවලියට හේතුවන සංකීර්ණ තත්වයන් පැහැදිලිව අවබෝධකරගැනීමට ඉවහල් කරගතහැකි ක්‍රමෝපායයන් පිළිබඳ සොයාබැලීම මෙම ලිපිය තුළින් සිදුකරන අතර එම මූල ඩීප්‍රයන් අවහිර කිරීමෙහිලා යොදාගත හැකි වඩා ලාභදායී ක්‍රම සහ විධි පිළිබඳ සොයාබැලීමක්ද මෙතුළින් සිදු කරනු ලබයි.

ඉඩම් සම්බන්ධව මෑතකදී සිදුකරන ලද සිද්ධි අධ්‍යයන වලින් තෝරාගන්නා ලද ලිපි මාලාවක් ආශ්‍රිත කොට ගනිමින්, තමාගේ ඉඩම් කට්ටි සම්බන්ධ නිමිකම් අතිමි වූ, අතිමි වෙමින් පවත්නා මෙන්ම නිමිකම් ලබාගත් තනි තනි ගෘහ කුටුම්භ වල අත්දැකීම් මෙම ලිපිය තුළින් ගොනුකොට දක්වයි. එසේම, ගෘහ කුටුම්භයන් තම ආදායම් තත්වයන් මෙන්ම පවුලේ ශුභ සාධනය වර්ධනය කර ගැනීම සඳහා තම ඉඩම් සම්බන්ධ නෛතිකමය තත්වයන් ස්ථායී කරගැනීමට සිදුකරන ආයෝජනයන් හේතුකොටගෙන ගෘහ කුටුම්භ තුළ සිදුවන විවිධ වෙනස්කම්ද මෙම ලිපිය තුළින් මතුකිරීමට අපේක්ෂිතය. ඒ අනුව, අයිතිවාසිකම් අතිමිවීම හෝ ලබා ගැනීම යන කාර්යයන්ට අදාළව ප්‍රාවෘතීන් මට්ටමින් ක්‍රියාත්මක වන ක්‍රියාවලියන් පිළිබඳ සමාජ අවධානය ඉහළ නැංවීම මෙම ලිපියෙහි එක් අරමුණක් වන අතර ගෘහ කුටුම්භයන් තුළ ඇතිවී ඇති ආර්ථික තත්වයන්ට හේතු සාධක වූ තීරකයන් සහ සැලසුම් සම්බන්ධයෙන් සිදුකළ හැකි මැදිහත්වීම් සඳහා පවතින අනාගත හැකියාවන්ද මෙහිදී සැලකිල්ලට භාජනය කරනු ලබයි.

உரிமைகள் சம்பந்தப்பட்ட அணுகுமுறை மூலம் நிலத்துக்கும் வறுமைக்கும் இடையிலான தொடர்புகள் பற்றிய ஓர் மேலோட்ட ஆய்வு

ரஞ்சித். டி. வனிகர்தன்

வறுமை நீடிப்பதற்கு காரணமாகவுள்ள அடிப்படை செயன்முறைகளை கண்டுபிடிப்பதில் நிலம் சம்பந்தப்பட்ட ஆழமான அநுபவ ரீதியான ஆய்வுகள் முக்கிய பங்கை வகிக்கின்றது. தேசிய அளவிலான வறுமை ஒழிப்புத் திட்டங்கள் மற்றும் “சிறிய அளவில்” என்று அழைக்கப்படும் சிறந்த திட்டங்களும் வறுமையின் காரண செயன்முறைகளை கையாளுவதைவிட, வறுமையின் அடிப்படை அறிகுறிகளை நோக்கவதற்கு அடிக்கடி முயற்சிக்கின்றது. இன்னும், வறுமையின் காரண செயன்முறைகளே வறுமை தொடர்ந்து காணப்படுவதற்கு வழிவகுக்கின்றது.

வறுமையின் காரண செயன்முறைகளுக்கு குறிப்பாக அமைந்துள்ள சிக்கல்களை நுண்ணியமாக அறியும் வழிவகைகளையும், செலவுமிக்க வழிகள் மற்றும் அவற்றை கையாளும் வழிமுறைகளையும் கண்டறிவதற்கு நேரடி முயற்சிகள் எடுக்கப்படுவதை இவ்வாய்வுக் கட்டுரை வலியுறுத்துகின்றது.

இவ்வாய்வுக் கட்டுரையானது நிலப்பகுதிகள் மீது உரிமையுடையவர்கள் உரிமையற்றவர்கள் மற்றும் உரிமையை இழக்கின்ற தனிக் குடும்பங்களின் அநுபவங்களையெல்லாம், அண்மையில் மீள் ஆய்வு செய்யப்பட்ட காணி சம்மந்தமான சமவங்களை தெரிவு செய்து அதன் மூலம் ஒன்றாக வெளிப்படுத்துகின்றது.

மேலும், பல்வகைப்பட்ட குடும்பங்கள் அவர்களது குடும்ப வருமானங்களை அதிகரித்தல் மற்றும் குடும்ப நலனையும் கருத்திற்கொண்டு தமக்கு சட்டப்படியுள்ள உரிமைகளை பல்படுத்துவதில் முதலீடு செய்கின்றது. எவ்வாறாயினும், இம் மீளாய்வானது அடிப்படை மட்டத்தில் கையாளப்படுகின்ற செயன்முறைகளை வெளிச்சத்திற்கு கொண்டுவர முயற்சிக்கின்றது. அத்துடன் உரிமைகளைப் பெறுவதற்கும், இழப்பதற்கும் இவையே காரணமாக அமைகின்றது. குடும்ப பொருளாதார தரத்தை தீர்மானிக்கும் காரணிகள் மற்றும் எதிர்காலத்தில் திட்டமிட்டு செயல்படக்கூடிய சாத்தியக்கூறுகள் போன்றன கவனத்திற் கொள்ளப்பட்டுள்ளது.

A Tentative Exploration of Links between Land and Poverty through a Rights-based Approach

Ranjit D. Wanigaratne

1. Introduction

Land related in-depth empirical studies are considered vital to help identify the ground-level processes responsible for persistent poverty.¹ The objective of this paper therefore is to encourage and promote these studies, which have become short in supply since the 1970s. Often, both national scale poverty alleviation programmes as well as so-called micro, location specific programmes tend to treat the surface symptoms of poverty rather than tackle its causal processes, which lead and sustain it. This paper explores ways to discern the intricacies underlying the causal processes and seeks to direct efforts to find cost-effective ways and means of tackling them.

Through a selected review of recent land based case studies the paper brings together experiences of individual families who have gained, lost or are losing rights they held over land parcels. Further, the dynamics of these families as they move to invest in strengthening their legal rights to improve their incomes and household welfare are also presented. The review thus attempts to bring into focus processes operating at the ground level, which are responsible for the gain or loss of rights. The determinants of the evolved economic status of the household and future possibilities for planning interventions are considered.

The paper takes a rights-based approach to land. Conceptually, this approach holds that what is being accommodated and fragmented are rights to land and not the land itself. Land is finite as a resource

¹ A brief national overview of the land base and the incidence of poverty are provided as Annex 1.

and inalienable in the sense that it cannot be 'cut into pieces'. From a rights-based approach, commonplace terms such as 'state lands' and 'private lands' are semantically invalid. The state is the custodian who safeguards the past, present and future rights of people to land, and not the owner.² Similarly, 'private lands' are held by private individuals and organisations against the maintenance of superior custodial rights of the state for public benefit.

Land is claimed by those who possess or assert access to it within physical, legal, and socio-culturally defined boundaries. Such boundaries mark the limits within which rights are claimed and exercised by those who possess them. When claimed boundaries are verified through past records against possible alternate claims and physically surveyed on the ground, staked and/or fenced-in, and subsequently registered, what is fenced or staked-in is a bundle of rights held or claimed by persons over a distinct spatial extent of a land parcel, as distinct from bundles of rights held by others outside of such boundaries, i.e. over other land parcels.

Ownership, use and other rights and interests exercised as a bundle of rights over a land parcel may be held by an individual or by a group. These rights and interests are in a state of constant flux in economic and socio-cultural dimensions on account of processes which are either directly related to the land base or have a bearing upon it. Affixation of such rights and interests in a legal dimension through common, customary and natural laws build up new complexities through nuances of legal interpretation.

² A Supreme Court determination No. 6/2001 (Decision on the Seventeenth Amendment) holds that "land is being held in trust for the people by the State". Justice Amarasinghe, Judge of the Supreme Court, discussing the trusteeship elaborates that "The organs of the State are guardians to whom the people have committed the care and preservation of the resources of the people" (Hansard of Wednesday, 17th December 2003), p.1943.

The processes associated with the *economic dimension* include those related to investment in, and obtaining a return from, tilling the land. The processes yield both immediate productivity gains as well as long-term returns in land quality maintenance through continual augmentation of lost 'quality' due to cultivation of the land. The investment made in land quality maintenance and the returns gained in increasing surplus value of production ultimately determines the ability of landholders to withstand production and family related exigencies. These often result in distress sale, mortgage and other forms of cash based land transactions which force landholders to relinquish portions of the totality of their rights held in land.

On the formal *legal rights dimension*, state determination of uses to which land should be placed in the public interest has connotations upon the exercise of individual rights to land parcels. This has a particular bearing upon those affected by land right insecurities, such as co-owners, tenants and encroachers, to further secure their rights to land.

Recent moves by the state aims at ensuring that potential adverse impacts on rights of affected persons are fully addressed in case of evacuation of communities affected by war and natural hazards as well as households displaced due to new infrastructure developments, such as highways, power projects and irrigation water storage dams. These moves provide examples of the exercise of custodial rights by the state to promote development projects while planning out and implementing appropriate social safeguard measures to minimise adverse impacts.

The displacement of households and accompanying process of involuntary resettlement poses a complex task - of unravelling a complexity of rights in both home locations from where people were displaced as well as in locations where they are to be resettled. It entails a dismantling of people from their rights to land,

its produce, privileges, easements, etc., in their former habitats. It involves stock taking socio-economic surveys identifying the characteristics and rights claims of people. It involves development of intensive awareness creation campaigns, publicising the call for claims, negotiation, displaying finalised lists of claimants, development of social safeguards, including suitable compensation packages in lieu of the loss of rights to land. As prescribed by a recently developed set of new guidelines for an involuntary resettlement policy (2003) a suitable implementation action plan also prescribes a re-linking of re-settlers with a strengthened bundle of rights (e.g. through a land title grant) in new resettlement destinations. The latter locations themselves need to be cleansed *a priori* of any residual rights of absentee claimants to minimise conflicting claims to lands allocated for incoming involuntary resettlers. In addition, the state provides compensatory measures through attractive resettlement subsidy packages as well, to compensate for resettlement stress faced by new re-settlers to ensure rapid economic and socio-institutional stability in resettled communities.

On the *socio-cultural dimension*, processes which bear upon land rights are those related to:

- Socially prescribed rights of accommodation and access needs of family members and members of a larger village community in what is perceived as commonly held land, leading to the fragmentation of rights over access to and use of the land and its product;
- Physical fragmentation through subdivision and parcel scattering as social/legal demarcation of individual rights within distinct and increasingly smaller land parcels. Under given levels of technology, choice of crops and expected returns, agricultural land subject to excessive rights accommodation impede their placement under more

profitable uses, other than for realisation of low levels of subsistence³;

- Servitudes and product shares to absentee landlords, for the right to occupy and till the land; and
- Easements with implications upon land values and land market formation, etc⁴.

Concomitant responses to economic and socio-cultural processes are found in the changing shapes and size of the land parcels and their operational configurations over which such changing rights and interests are held. Since this leads to a relativistic state which forbids fixation of bundles of rights over physical space covering a group of land parcels in a given location (e.g. a village) a legal affixation is done for rational management of physical space. Such legal affixation of rights within determined physical land boundaries creates a physical demarcation of a legally prescribed differentiation of land rights held by individuals from groups and from the public domain to maintain the institutional base of the society and its stability.

Study Concept of Poverty

In this paper, poverty is considered as a generic term which describes and separates a segment of the population from the rest. Those classified to be in poverty under whatever criteria adopted in fact do not form a uniform group. They are in different states of deprivation such as near poor, poor, destitute, indigent and beggary. Those identified to be in different states of deprivation may

³ Traditional rotational tenure forms such as *tattumaru* and *kattimaru* associated with co-ownership and use of paddy lands represent moves by co-owner/user populations to stem increasing subdivision of rights over land parcels leading to operational fragmentation of land and returns to investment.

⁴ The multiplicity of rights associated with an ideal land parcel is graphically presented in Annex 1.

on a temporal dimension be mobile within and across such states over their own lifetime and across successive generations in a lifeline of change. People in poverty and near poverty also may move in and out of poverty over the lifeline of a family or across successive generations of families, depending on their ability to take advantage of available opportunities for betterment or stand to lose to sink further into poverty.⁵

Conceptual Links of Land Rights with Poverty

Within the land rights-based conceptual approach advocated in this study, the phenomenon of poverty, its accommodation and its deepening is seen to be contingent upon a process of weakening and eventual loss of rights over land held by certain segments of the population, classed as the poor. This process hinges upon the weak socio-economic bargaining positions among the poor. In turn they result in an inability among the poor to exercise a check against forces which result in their loss of rights over the land.

The process of impoverishment is also generated by the exercise of stronger rights by others, backed by higher investment capacity and drawing upon other sources of power and influence. The precedence of their rights over the weaker rights exercised by the poor upon access to and use of land is usually manifested through a systematic acquisition (largely through credit transactions) or enforcement pressure (through law or customary practice) of their demand to gain access to land.

As a consequence, the poor face a process of structural disintegration of the bundle of rights over lands they held before. If continued, such a process of disintegration will eventually result in

⁵ Poverty in its worst manifestations is found within rural areas which also accommodates nearly 75% of the national population, while about 24.7% of the rural population has continued to exist in a "hard rock" persistent poverty condition below the poverty line over the last four decades (World Bank, 1998, 2005). Rural areas also harbour a high incidence of micro holdings which also has increased over the last three decades.

the lands of the poor becoming systematically absorbed by the expanding borders of land holdings owned and operated by those who wield economic, social, legal and administrative power.

From the standpoint of the poor such a weakening of the ability to exercise rights over a land extent may eventually lead to a state causing (a) a complete severance of the poor from the bundle of rights they held previously over the land resource, (b) a critical weakening and final severance of the ability of the poor to gain access to and possession of a share of the economic and socio-cultural 'beneficial rights' over opportunities accruing through possession and exercise of rights to land, leading to (c) a negation of anticipated positive impacts of current and planned future land reform.

Hypotheses

Within the above land related concept of poverty, this study considers the following hypotheses:

1. The movement of persons across different states of poverty as well as in and out of poverty in the context of Sri Lanka is determined upon:
 - (a) the nature and strength of the bundle of rights held over land, and
 - (b) the relative ability to manipulate and exploit such rights as a principal means by which the poor gain or lose access to other resources to become mobile.
2. The affixation of the rights of the poor over land and its strengthening through a land title defining rights held will not only
 - (a) enhance the individuality of the 'owner' of rights, but will also

- (b) determine the individuality of the 'land parcel' over which such rights are strengthened, to improve its value as a commodity which may be used by its owner to improve his lot. It also may result in improving its attractiveness for those who seek land to invest in, thus elevating the commoditisation position with respect to such land.

Analytical Framework

In line with the above reasoning, both land rights as well as poverty are considered by the paper to exist in a relativistic state:

- (a) the relative access, possession and security of land rights to landholders, particularly to the poor,
- (b) poverty with its socio-economic gradations contingent upon the relative responses of the poor to opportunities for socio-economic betterment and threats to their income and living standards.

Interlinkages between (a) and (b), above, arises from:

- (c) The relative ability of the poor to make use of opportunities arising from the land resource for their socio-economic betterment, including their social standing within the community.

The interaction of (a), (b) and (c), above, is considered to determine the relative position of the poor at a particular point in time as they weave in and out of poverty or sink further into poverty as an intergenerational lifeline phenomenon.

The land rights dimensions which bear upon relative states of the poor are examined using empirical case studies of individual families drawn from two principal categories of landholdings and their user occupiers:

- State managed lands and their user-occupiers, and
- Private lands and their user-occupiers.

Data

The paper is based upon recent findings on individual family case experiences drawn from settler families from the Mahaweli downstream systems conducted in the years 1980-2001, as well as from recent land based case studies conducted in project locations under the Sri Lanka Land Titling Project of the Ministry of Lands from early 2004.

2. Illustrative Case Studies

The following empirical case studies illustrate the land rights dimensions which bear upon relative states of the poor. Group A (two case studies) examines private lands and their user-occupiers, whilst Group B (two case studies) examines state managed lands and their useroccupiers. The final section concludes.

A. Family Case Experiences: Private Lands⁶

Case 1: Sithi Deen, Samurdhi recipient, Kirimetitenna, Balangoda

Biographical data: Sithi (age 40 years) is the wife of Hakeem, a former produce transporter (now incapacitated), and currently the sole income earner and household decision maker of a relatively poor Muslim family of two sons (aged 14 & 11) and two daughters (aged 18 & 16). The eldest daughter has left school and is to be given in marriage, while the second daughter is in high school. The eldest male child is currently sitting for his General Certificate of Education (Ordinary Level) examination and the youngest child (son) is also schooling, currently studying at grade eight.

Initial Movement in Land Rights Dimension

On her marriage Sithi received a 7 perch non-partitioned land parcel from a parental property of a 50 perch parcel located

⁶ On ethical considerations the real life names of respondents have been altered

adjacent to Balangoda-Mawalatenna main road on which she and her husband constructed their two-bedroom home. In 1992, Sithi and her husband, seeking undivided rights of ownership to their 7 perch home-lot, formally bought the land from her father for Rs. 5,000, as her share of total cost incurred by him for legally partitioning the family property of 50 perches among his six sons and one daughter (Sithi). Thereby, Sithi's ownership claim to the home-lot was made secure through a registered deed. By mid-1990s on the land rights dimension the Sithi family was secure, and in the economic dimension, they were moving up with plans to purchase another small land parcel to invest in small holder tea production and vegetables to diversify and improve their household income.

Movement in the Poverty Dimension

Up to 1997 Sithi and her family were at an economic position above poverty and moving further towards a position of 'subsistence-affluence', investing in a house plot purchase and building a two-bed roomed house.

In 1997, her husband, the sole breadwinner of the family suffered a stroke and was paralysed. This was a setback for Sithi and her family, pushing them into poverty. Sithi as the only able-bodied adult in the family, and not wishing to move into a state of destitution where she and her family would be placed on a dependency footing upon her own parents and relatives, now took upon herself the responsibility of earning to maintain her family. In this struggle to move up, she initially lobbied with area politicians, bureaucrats in charge of national poverty alleviation programmes, and other contacts who helped her to become a holder of a *Samurdhi* entitlement.

The period 1997 to 2005 saw her and her family at the early stage of an upward spiral climb out of poverty. She received a *Samurdhi* entitlement during the same year and emerged as an active member of the *Samurdhi* thrift and savings and self-enterprise development

groups sponsored by the programme. She then applied for a loan of Rs. 15,000 from the *Samurdhi* Bank.

In 1997, a *Samurdhi* Bank loan of Rs.10,000 was provided to her, from which she constructed and stocked a small one-roomed grocery store on the road in front of her 7 perch property as well as a small outer room to her two-roomed home for her paralysed husband. The husband and two sons who shared the room with him were shifted into the outer room with a separate toilet facility.

She managed the business herself, with the support of her eldest son during his leisure time from school-work. The two daughters also helped her in household work and in preparation of meals. Within a short time she also moved to supply lunch packets through her grocery to truck drivers, former friends of her husband and through their assistance to workers of the nearby Lanka Porcelain Factory. In addition, the vacant room formerly occupied by her husband and two boys was now rented out on a board-and lodging arrangement to two female workers employed in the nearby Lanka Porcelain Factory, charging each Rs. 1,500 per month.

By October 2005 (the last interview date) Sithi was well on her way to completely paying off the first *Samurdhi* loan, which she hoped to complete by December 2005. Having nearly paid off the first *Samurdhi* loan she sought a fresh loan of Rs. 15,000 to expand her grocery store, build two more rooms with separate entrances and toilets and to expand drawing room space to her family. By the end of 2005 she had diversified her income sources: through her grocery store, through sale of lunch packets and provision of board and lodging to female factory workers.

In addition, she has improved the quality of life of her family. In 2004 when the household was first visited Sithi's stamp-size drawing room had a second hand radio-cum-speaker set and a few ramshackle chairs. By October 2005 the drawing room was newly

white washed and had a small TV as well as a comfortable chair set with a table - all purchased on easy-payment basis. All the children now sleep on beds, rather than mats on the ground as they did before in 2004. All the boarders too have beds to sleep on. Sithi's household now has pipe borne water. Through it all, the education of her children has continued.

Though she yet receives a reduced *Samurdhi* entitlement, Sithi has reached a point where she has now moved out of poverty. But they are yet at the lower subsistence margin in view of the cost of maintaining her family, which includes an incapacitated husband, one daughter who had finished schooling and to be given in marriage, another daughter and two sons still schooling.

New Movements along the Land Rights Dimension

In 2004, Sithi's seven perch land parcel was surveyed by the Land Titling & Related Services Project (LTRSP) under the Ministry of Lands, which is a technical assistance project funded by the World Bank, and she is due to receive a title certificate to her land.⁷ This should help strengthen her ability to apply for institutional loans by expanding her financial transactions to other banks which could provide higher loan sums while significantly reducing the transaction costs of loan taking through a title certificate. She has already attended initial awareness creation programmes initiated by the LTRSP and had met relevant members of the project field office at Balangoda for further clarification. She expects to receive a title certificate to her small 7 perch property shortly.

On receipt of the title certificate she plans to raise a larger loan from a state commercial bank (Bank of Ceylon) to the tune of Rs. 200,000 to purchase a small parcel of land (about 40 perches) in the neighbourhood she had already ear-marked for purchase and had

⁷ A brief on the Land Titling Project and the title certificate is provided in Annex 2.

negotiated with its owners. Once purchased she plans to place the small land parcel for cultivation of a primary saleable crop such as tea, drawing upon tea grower subsidy programme funds from the tea small-holder authority. She also plans to grow high value vegetables or poultry in a selected portion of the property, about which she had discussed with the field extension officers of relevant departments.

She has already lobbied with the *Samurdhi* programme officers and the *Samurdhi* Bank to allow her to take a fresh loan from a commercial bank on her property. She has convinced them that she will also be able to payback the Rs. 15,000 *Samurdhi* Bank loan she applied for before and which she is scheduled to receive at the end of her first loan in December 2005. She has built up a high degree of confidence with the *Samurdhi* Bank over her prompt payment of previous loan instalments and with the *Samurdhi* programme organisers in the area for her enthusiastic involvement in programme activities since the day she received *Samurdhi* entitlements in 1996—nine years ago. Both the *Samurdhi* Bank as well as the *Samurdhi* organisers in the area are positively inclined to help her move up, as a successful example of programme services, by volunteering to help her to negotiate the new loan with a selected commercial bank, after she receives the title certificate to her land.

She is on a path of moving up in the land rights dimension, strengthening her claim upon the currently owned property by seeking to gain a title certificate, developing the property through productive investment in grocery shop development, and house-building, as well as placing part of the house under rental arrangement. She has not only strengthened her own rights to her micro land parcel, but also ventured to expand into providing occupational rights for others *in lieu* of a rental payment for such occupation to improve her own income and living status. At the same time she actively seeks to improve her standard of living, increasing household assets and amenities, as well as secure an additional income by taking on more boarders and expanding her

grocery shop. She now seeks to move beyond her 7 perch micro land parcel, the developed value of which she has increased, which she now plans to use with the higher legal strength of the title certificate to raise a higher loan at a commercial interest rate to purchase an additional larger plot. This additional plot of land she plans to cultivate a commercial crop under an attendant cultivation subsidy programme which can reduce initial development costs, or place under vegetable or poultry production.

Sithi is frugal in personal spending, prompt in the repayment of loans, active in the *Samurdhi* group work, and active in diversifying her income sources, while investing in the education of her two male children with expectations of future capitalisation benefits to improve the family economy. The eldest child, a male, is doing his GCE (O/L) and she expects to invest in him to further his studies.

Within the next three years or so, barring any unforeseen constraints, she is likely to move back into the path of 'subsistence affluence' moving out of poverty altogether. In 1997 Sithi's family had been classed as being among the destitute poor by the *Samurdhi* programme and entitled to maximum benefits. By September 2005, eight years after sliding into abject poverty, the family had moved out of it.

Sithi's tenaciousness and entrepreneurship have had an effect in reversing the slide-down of the family into poverty and dependence. It is noteworthy that in her upward movement before the slide she and her husband had invested in land to improve their quality of life by (a) initially, purchasing rights to land (by paying off the cost of subdividing parental land) and obtaining full ownership of the land parcel through a deed of gift, and subsequently, (b) by constructing a home and purchasing rudimentary living amenities.

Sithi's case has demonstrated that the usual association of micro-holdings with the generation of poverty is not always clear on the ground. High individual initiative and inventiveness does help families and individuals to move out of poverty.

Case 2: Eknaligedera Sethuhami, Panwilatenna, Kahawatta, Udapalatha

Biographical data: Sethuhami is a 70 year old female from the Uduwila area. She was married to Rankira, until he died in 1985. She has nine children who are all married. Some reside in the neighbourhood whilst others have moved away. The current household comprises eight members: the youngest son, his wife and their daughter; a widowed daughter (28 years); her three children and Sethuhami. Sethuhami and her widowed daughter are *Samurdhi* entitlement holders. The only breadwinner is her youngest son (Gunaratne), a mason.

Sethuhami inherited from her husband a 0.25 acre paddy parcel, a 0.52 acre highland parcel and a 0.75 acre homestead parcel, as well as their house. Gunaratne has access to a 0.47 acre Land Reform Commission (LRC) land parcel. Sethuhami's widowed daughter has received a 0.42 acre land grant under the village expansion scheme. All of the lands are neglected and in a low state of productivity.

Movement in Land Rights Dimension

The 0.25 acre spring-fed, two-season cultivated paddy land parcel owned and cultivated by Rankira, formerly belonged to the Manakolawatte Tea Estate. The tea estate was formerly owned by a British planter who sold it to a Tamil tea estate owner in the late 1940s. The paddy land parcel which technically belonged to the Manakolawatte estate was tilled over by successive generations of Rankira's ancestors who operated it as estate tenants from the late 19th century when the estate was managed by British planters. Rankira's rights as a tenant were made permanent and heritable under the Paddy Lands Act No. 1 of 1958, which enabled him to purchase the land from the then owner at the undervalued rate of 75 rupees in 1960.

While Rankira's tenant status was converted into owner status, his successor by custom, his son Gunaratne, now acts as a "owner-cum-tenant" of the land, in addition to a tenant to whom the land has been let on a crop share basis by him with the concurrence of his mother, Sethuhami who serves as caretaker of the family land at the death of Rankira.

At Rankira's death in 1985, Sethuhami took up the role of a caretaker over the management of the land parcel. At present it is cultivated by a tenant with a co-cultivator-cum-owner arrangement in *koottu ande* by Gunaratne, Sethuhami's son, in a low productive way on a half-share basis.

In 1976, Gunaratne (then aged 32 years) on a claim of landlessness received a 0.47 acre land parcel under a village expansion scheme carved from Castle Milk Estate, which was formerly owned by a foreign company and subsequently vested with the LRC in 1975. Until a *Jayabhoomi* Grant Deed⁸ was issued to him in 2005, 29 years later, he had not received a regular permit or a deed to the land and it could not be used in formal transactions. Even at present the

⁸ This Land Grant title was introduced in 1994 and was applied to both Land Development Ordinance (1935) based Irrigated settlement lands as well as lands alienated under the Land Reform Laws of 1970s. Where Land Reform Lands were concerned, since the former private and company owned estate lands acquired under Land Reform Laws of 1972 (for private and local rupee company estates) and 1975 (for British sterling company owned estates) were vested with the Land Reform Commission (LRC), they had to be re-acquired by the state for public uses such as for land alienation for the Landless under village expansion schemes. This re-acquisition took place under a separate law, the Land Grant Special Provisions Act (Number 43) of 1979, section 2, after which the land acquired land could be parceled out alienated under a Land Grant, variously titled as *Swarnabhoomi* (during United National Party political regime from 1978 to 1994), *Jayabhoomi* Land Grant (under the United Front Government from 1994 to 2002), and to *Isurubhoomi* Land Grant (under the United National Party regime from 2002 to 2004) and now back to *Jayabhoomi* Land Grant (under the new United Front Government from 2005). While the title has changed to fit the populist ethos of ruling governments from time to time the provision of a land grant remains relatively unchanged since 1979.

banks do not accept Gunaratne's deed as collateral for loan taking. Currently, the land is not placed under any economic use.

In 1980, Rankira and a brother (Karunaratne) jointly purchased a highland parcel of 1.2 acre from the Manakolawatte estate for Rs.15,000. The parcel was undivided and its timber was felled by both to construct their own houses and for sale. With rising timber prices, a dispute arose over the ownership of the land and timber, leading to a court case and a partitioning of the land by a court surveyor.

In 1991 by court order Rankira received three partitioned lots with a total extent of 0.52 acres. At his death it is being managed by Sethuhami and Gunaratne without any form of land development. Wooden stakes marking the court order-instituted boundaries are now missing, adding to a fresh dispute over affixation of land rights between Sethuhami and Gunaratne on one side and Karunaratne's children on the other over the use of timber trees on the alleged parcel boundary.

Under the World Bank funded new Land Titling Project (introduced since 2003) the parcel boundaries have been freshly and exactly surveyed using the latest survey techniques, taking into account the court order survey co-ordinates. However, differences have ensued in the current surveyed extent and what was done by court order using older probably 'chain-and-tape' methods. Timber (jak) trees on the border of the land claimed by Karunaratne's children have now come within the boundaries of the newly re-surveyed land parcel belonging to Sethuhami and her son Gunaratne.

Where before under the court order base survey, both parties were reconciled to enjoy the benefits of their land parcels separated by a staked-out border, the more refined survey - by changing the boundaries of the properties - have in essence placed the exercise of individual land rights into a new spatial configuration, creating a

cause for a fresh boundary dispute. The new survey demarcation with permanent stone boundary markers has brought some valuable timber (jak trees) into Sethuhami's 'property space', which is hotly contested by her neighbour who in fact is a close relative of the Karunaratne household.

All of the above differences in the spatial affixation of limits of land rights exertion due to surveyed area differences caused by the older survey instrumentation *vis-à-vis* new advanced instruments that were adopted under the new land titling project has increased uncertainties regarding the economic utilisation of the land by both parties. In the absence of an adequate administrative response, Sethuhami is now poised to seek a fresh legal judgement to support her claim for the new 0.52 acre land parcel demarcated under the latest and more accurate survey technology adopted by the Land Titling Project. A fresh court order is to be sought which will lead to long drawn out suffering and high litigation costs, to obtain the sole right to use the disputed 0.52 acre highland parcel with its valuable timber resource.

In 1994, Sethuhami's widowed daughter received a similar land grant of 0.42 acres under the resettlement of the landless through the village expansion scheme programme. She received an initial official notice on her selection for receipt of the grant certificate to the land. However, she now claims that as a widow and a *Samurdhi* entitlement recipient she is unable to meet the routine charge and other transaction costs to obtain a *Jayabhoomi* Grant Deed. Nor is she able to dispose of the land through sale or use as collateral for institutional credit taking as she does not possess a legally valid claim to the land to facilitate such transactions.

In summary, the Sethuhami household claims land use access to:

- 0.52 acre court partitioned highland parcel (of three court-partitioned lots), currently under boundary dispute due the parcel size changes resulting from advance land survey techniques adopted by the Land Titling Project,
- 0.75 acre inherited home-garden parcel with house, in a neglected Kandyan home-garden,
- 0.25 acre paddy parcel operated jointly by a tenant and Sethuhami's son, Gunaratne, in a low productive *koottu ande* form,
- 0.47 acre undeveloped LRC highland parcel held on a grant deed by Gunaratne under the Village Expansion Scheme in 1976, and
- 0.42 acre undeveloped LRC highland parcel held by Sethuhami's widowed daughter without permit or deed under the village expansion Scheme since 1994.

However, the household is unable to fully utilise the land to improve their family incomes and move up from poverty in view of (a) disputes over rights to own and use the property, (b) costs of litigation over settlement of boundary disputes, (c) a high household dependency ratio, (d) low surplus income from economic pursuits in and off land, and (e) little or no savings, affecting investment capacity. In addition extraneous factors such as measurement problems arising from usage of old and new survey instrumentation to secure legally valid boundaries to their property over which their rights could be affixed and strengthened, has added to land rights disputes and uncertainties.

Movement in Poverty Dimension

Sethuhami's household has moved down from a state of relative prosperity in the years 1976 to 1994 when Rankira was alive and the household was diversifying investment to cultivate crops, fell

timber in purchased land parcels and moved to acquire additional land for future capitalisation.

By the end of 2005, Sethuhami's household has been pushed down into a state of low consumption poverty, receiving *Samurdhi* entitlements. The household is further constrained and appears to be immobile in the scale of poverty, languishing below the poverty line despite *Samurdhi* entitlement and claims over a number of land parcels due in large part to an inability to make use of the land asset to raise investment funds.

This situation may be due to an amalgam of strains faced by the household such as:

- (a) land title uncertainties resulting from boundary disputes affecting land development further aggravated by increases in the exploitable value of the land (e.g. timber) in recent years,
- (b) recourse to costly litigation and transaction costs incurred in recourse to administrative action to settle such disputes which remain unresolved⁹;
- (c) death of household income earners, reducing the capacity of the household to seek alternate income sources which could enhance household investment capacity;

⁹ A slow bureaucratic response to securing the land rights claims of persons and households to whom lands have been alienated by the state agencies is noted. This may partly be a product of a lack of a thorough consultative process arising through a lack of conflict resolution mechanisms at the grassroots level involving landholders in securing land rights and in rapidly responding to their needs. Such a mechanism could lessen the administrative burden of land dispute resolution at Divisional and District levels. The current conciliation boards operating at Divisional levels cannot effectively perform their mandated task of dispute resolution through quasi-judicial negotiation due to the large number of cases referred to them from quarters besides purely land based disputes. It may in part be also a result of a deep politicisation process at work in the country over the decades, distorting administrative priorities and impartiality of service provision.

- (d) accommodation of consumption and other needs of successive generations of dependents by Sethuhami as an aging household head, eleven years after she assumed this role at the death of her husband. This has further pushed the household to seek subsistence security at the expense of seeking means of raising income to increase re-investment capacity;
- (e) absence of adequate able bodied members in the family constraining the derivation of a higher income from lands claimed by the household;
- (f) the irregular income of Gunaratne, Sethuhami's son, the only breadwinner for a large extended family, from sale of his skills as a mason and hired labour is unable to adequately meet the consumption needs of the household, with its highly skewed labour-consumer ratio.

However, it must be noted that Sethuhami and her son are not bowing down to pressure. They are on a determined struggle to move out of the economic and land rights uncertainties they face at the moment. As with Sithi, they in their own way are fighting against the constraints pushing them down into poverty. Unlike Sithi who sought a smoother and positive negotiation stance in obtaining assistance of others in overcoming economic obstacles, Sethuhami and her son have moved into a costly litigation and conflict-ridden path to attain the same objective.

At the same time Sethuhami and her son, Gunaratne, plan to grow vegetables and tea replanting in the 0.47 acre LRC land parcel to which a land grant has been provided, and also in the 0.52 acre highland parcel currently affected by a boundary dispute which the ongoing Land Titling Project now hopes to resolve through a new village level dispute solving mechanism which is to be installed in villages of Udapalatha.

B. Family Case Experiences: LDO Lands

Case 1: R.M. Gamini, Oluwewa, System H

Biographical data: Gamini is the eldest son (43 years) of a family of seven children relocated from Kotmale in 1980 and settled in System H. The family received the usual 1.2 ha holding (1 ha of irrigated lowland and 0.2 ha of homestead parcel). The youngest son, with a low level of formal education (up to grade 6) was named nominated successor by H.M.K. Wijeratne, the head of the household and LDO permit holder.

Gamini received formal education up to GCE (O/L), is married and has 4 children. He started his career as an encroacher, running a small tea-kiosk-cum-grocery in a road reservation, at the lower poverty margin.

Movement in Land Rights Dimension

In 1980, Wijeratne (Gamini's father) named his youngest son the legal successor to the 1.2 ha holding, with the consent of the family. The eldest son, Gamini, was dispossessed of legal access to the family holding as its permit holder. As a consequence, he encroached upon a road reservation nearby. He established a small grocery store with *athamaru* loans received from his father and what he saved from being involved as an occasional hired help in agriculture. He also resided in the store to secure his goods from theft.

In 1985 after a phase of lobbying with the Mahaweli field staff he received a 10 perch commercial lot in Oluwewa hamlet centre, transferring his grocery into a newly established permanent structure built from his savings, personal loans from his family and friends and material provided by the Mahaweli Authority as a part of its business promotion drive. He rapidly exploited location advantages for expanding his clientele and commercial undertakings to move into money lending and produce repayment cycle coupled with frugal personal expenditure.

By 1987 he had accumulated adequate savings (coupled with personal loans raised from his family and close associates) to purchase on his own a 1.2 ha holding for Rs.400,000 from another settler who left System H. He went into occupation, developed the lowland and the home lot, building a house for himself. At the same time he lobbied with the Mahaweli system staff to cancel the permit held by the former owner and issue a fresh permit to him.

In 1988 he married into the Ramukukwella family, Kandy, receiving wider social recognition in the Oluwewa unit and wider economic and social linkages to move up in the settler society.

By 1990, Gamini was a regular land owning second generation settler, who not only operated a commercial lot at Oluwewa, but also his own paddy land and homestead. Between 1990 and 1996 he was actively operating his grocery store, with the help of his wife and hired help, cultivating his own land while taking on other paddy lands on *ukas*, while emerging as a paddy collector in the area.

In 1996, from his widening income generation sources he had collected sufficient funds to invest in a paddy huller (rubber roller for better hulling), de-husking about 1,200kg per day. The huller was installed alongside a paddy warehouse he built on a vacant commercial lot in the Oluwewa junction adjacent to his grocery. By 2000 profits from milling and other sources were invested in purchasing a reconditioned lorry to transport paddy. With it he joined his paddy buying and selling to wholesalers and milling to emerge as the principal wholesale buyer and transport agent for paddy of Oluwewa and surrounding units.

He had also become an informal lender drawing a ring of dependent farmers around him. During Yala 2002, for instance, he was providing around Rs.5-600,000 in private loans to be paid back in cash or produce.

By 2002, the last date of investigation, he was a principal wholesale buyer in System H, transport agent of paddy to mills in Polonnaruwa, Vavuniya, Puttalam, Ambalantota, Ambalangoda, Dunagaha and Horana, collecting and distributing about 25,000kg of paddy per month from his warehouse. He has two permanent employees to assist him.

From a dispossessed eldest son of a settler family and an encroacher living in a road reservation at Oluwewa, System H in 1980, Gamini, at 43 years of age in 2002, has emerged to reach the long held 'land-owning commercial settler' ideal in frontier settlement of Sri Lanka¹⁰. He has reached the top 10% of very wealthy and influential settlers in System H. By 2002 he also was at the centre of an expanding inter-locked credit and paddy produce purchasing and marketing network in the area wielding both economic as well as social influence.

From a conceptually insecure land rights position as a dispossessed son of an involuntarily displaced settler, Gamini has within a period of 22 years, gained a strong foothold in the distribution of proprietary rights in alienated state lands under the Land Development Ordinance. He has achieved this through actively pursuing his case with the land management bureaucracy, with whom he has established cordial personal links, as well as via negotiation with fellow settlers to informally part with the property which they are unable to develop.

It is a matter open to debate whether his land accumulation efforts does indeed compromise the underlying equity ideal in the allocation of state lands to the landless and to the 'landowning

¹⁰ This ideal pervaded the entire frontier resettlement policy of the island built up from early 1920s by visionary promoters of frontier settlement for landless peasantry in the island such as E.W. Perera and D.S. Senanayake and their successor in Gamini Dissanayake responsible for the Accelerated Mahaweli Programme.

entrepreneur farmer' ideal in frontier settlement. This is a possibility when considering the ground situation in the evolution of irrigated settlement projects, where some portion of the settlers would inevitably represent a 'drop-out' population and their lands are channelled through informal land market ways into the hands of more entrepreneurial settlers, among others. The conditions underlying the provision of the permit does allow for subsequent re-allocation, meant to re-allocate such parcels to other landless families.

In the case study under consideration, Gamini received a commercial lot and was thus classed as a non-farm entrepreneur. However, this has not precluded him from gaining official acceptance of his new role as a 'landowning entrepreneur farmer' through receipt of a fresh permit in 1994 for the 1.2 ha holding he informally bought from its former owner. Gamini developed the holding over 14 seasons from 1987 while also constructing a spacious house in the 'purchased' home-lot justifying his legal possession of the holding under the 'landowning entrepreneur farmer' ideal. In his case the 'equity' ideal was overlooked.

In the above context, the separation of a former owner from his entire holding, or a portion of it, through an informal land transaction does not inevitably lead to pauperisation of the former owner. In the case where Gamini 'bought over' the entire holding, the original settler owner had opted out of the 'settler farmer' mode to seek to invest the money gained in the transaction elsewhere¹¹, and no coercion was involved. It was the same case with the commercial lot he purchased where his paddy mill is installed.

¹¹ The original settler may have considered his re-investment was more profitable and socially desirable to him.

Movement in Poverty Dimension

In the case of Gamini it was a linear movement from a near poverty position as a dispossessed landless encroacher in 1980 to a commercial lot owner five years later in 1985 and then to a paddy land owning settler and a rich agri-businessman by 2002, 17 years later. Gamini prudently used both economic and interpersonal relationships and produced marketing linkages with irrigated agricultural projects across the island to support his upward drive.

Gamini has chosen to remain an influential person in the economic and social dimensions, without making a concurrent move into local political activity. Cost-benefits of such involvement and popularity ramifications they hold for personal career development do not appeal to him. He also has not moved to accumulate more land as he is quite aware of the management cost considerations such an accumulation would signify. Consequently, it is likely that he may continue in the future to ply a path of constant, but high investment in trades he is familiar with, for example, produce purchasing and marketing, transport, milling and informal lending rather than moving into uncertainties associated with land speculation and accumulation for productive management.

Case 2: A.A. Punchimenike, Tisponapura, System H

Biographical data: Punchimenike (63 years in 2002), a first generation involuntarily displaced relocated person from Kotmale in the 1980s, is the life-holder¹². Her husband Kirimudiyanse died in 1994 and she has a family of six children. Kirimudiyanse's family received 1.2 ha of lowland-homestead holding.

¹² According to the Land Development Ordinance which governs the rights of occupiers of alienated state land, a life-holder is the spouse (usually the wife) of the settler who has the permit to land. The spouse has inalienable occupational and use rights to the permit holder's land during his/her life time.

Her fifth child Wijesinghe is the nominated successor, who assumed the role of permit holder at the death of Kirimudiyanse. Aged 26 years and educated up to grade 10, he is married with two children and is by profession a soldier operating in the Northern front. Wijesinghe has taken up residence in Negombo in his wife's home.

Of the remaining five children, the youngest, an unmarried daughter, resides in the family home with Punchimenike. She currently works in a garment factory at Tambuttegama and is the only breadwinner in Punchimenike's household. Punchimenike also accommodates a married and separated daughter with her two children in her home. The daughter is a *Samurdhi* recipient.

The other remaining children are married and have taken up residence at Tisponepura unit and elsewhere in System H.

Movement in Land Rights Dimension

In 1994 Kirimudiyanse died and Wijesinghe, his youngest son and nominated successor, inherited the family holding. In 1999 in order to defray costs of house-building at his wife's home at Negombo where he has taken up residence, he informally mortgaged a 0.4 ha portion of his inherited paddy land for Rs.14,000. Wijesinghe part-finances the cultivation of the rest of the holding by Punchimenike and her married children who reside at Tisponepura.

By 2002 he had not redeemed it, with the result that it is being cultivated by the mortgagor, a settler neighbour of Punchimenike's household. Punchimenike, the life-holder, does not have the finances to redeem the mortgage. The other married sons and daughters will not redeem it since they do not have a legal claim for the 1.2 ha holding.

Both Punchimenike, who is now of poor health, and her unmarried daughter fear that at the death of the life-holder her brother Wijesinghe will assume full control over the homestead and the

paddy land and sell or mortgage the lands, as he has not exhibited a biding interest in the development of the land or taking up residence at Tisponapura.

The bundle of land rights held by Punchimenike and her unmarried daughter over their family land has shrunk through the moves of Wijesinghe as the inherited permit holder. He has mortgaged a parcel of family land without follow-up redeeming action. Punchimenike cannot exert a control over the transaction process. As the life-holder she can only claim access rights to the land and product during her lifetime and that too can only be asserted through recourse to seeking administrative action by the Mahaweli management. This she does not opt for because of fear of severing the relationship with her son and dependence upon occasional economic benefit flows to her to maintain her in old age.

Assuming the role of an absentee landlord, Wijesinghe continues to provide a share of production expenses for the cultivation of the balance holding by his (married) siblings and Punchimenike, claiming an equivalent share of the output, plus his right of ownership to land as the new permit holder. In this way he counters any official move to transfer his permit to Punchimenike or her unmarried daughter on grounds of non-residence or non-cultivation.

The maintenance of Punchimenike's land rights as a life-holder and her household management is further stressed on account of recent accommodation in her household of a married daughter who had separated from the husband and her two children. They exert a claim to the homestead and the family house, which is tacitly contested by Punchimenike as the mother and more openly by Wijesinghe who is the legal permit holder.

Movement in Poverty Dimension

From the early 1980s to late 1980s while Kirimudiyanse, the father and first generation permit holder, was alive all family members

operated the land as a family enterprise, also taking up additional lands under informal user right arrangements. The family economy was stable and above poverty at a subsistence satisfaction level.

From late 1980s to early 1990s four of the legally dispossessed children who have moved away after marriage continue to share the cultivation of their family paddy land with Punchimenike, largely to help her out. The remaining primary family household after Kirimudiyanse's death was managed by Punchimenike and her unmarried daughter in a frugal, subsistence maintaining way with occasional cash flows from married family members.

At the death of Kirimudiyanse in 1994 Wijesinghe took over as the nominated successor in his new status as the permit holder. His adverse and illegal transactions involving family land as well as production decisions in the capacity of an absentee owner (permit holder) have increased household and family land management insecurity, with accompanying cash and food insecurities faced by Punchimenike and her married daughter.

The accommodation of a married and separated daughter and her children in the Punchimenike household in 2001 and thereafter have further stressed the Punchimenike household to a point of acute despondency and poverty. As a coping action the unmarried daughter has moved to a garment factory job, drawing a net salary of about Rs.3,000 per month. The separated daughter and her children also receive a small monthly allowance from her husband, in addition to receiving a *Samurdhi* entitlement.

The above countervailing measures have however been unable to raise the now expanded Punchimenike household above poverty largely due to their inability to gain higher access to the family holding and its product, which is controlled by the nominated successor and the product shared among married family members who provide inputs including labour in cultivation. Punchimenike

receives her share as the mother and life-holder adequate to maintain a modicum of food security by her and her unmarried daughter. However, the married and separated daughter and her children are dependent upon Punchimenike's share, thereby reducing the per capital consumption of the produce share that comes to Punchimenike. Thus, all of them have to rely on the traditional food supply re-distributional processes that occur within families and members of close communities, with some supplementation from *Samurdhi* entitlements and from earnings of the unmarried daughter.

The unmarried daughter is engaged to be married to a youth in the neighbourhood. In the event of Punchimenike's death, both Punchimenike and her unmarried daughter anticipate the possibility of Wijesinghe taking over the homestead parcel as well as the house, eventually mortgaging or selling it for his own ends. The accommodation of the family of the married and separated daughter, who since coming into occupation of the family home is also asserting her claim to take up permanent residence, has introduced a further constraint to Punchimenike in managing the household and to her unmarried daughter.

The above series of events inevitably affect both the welfare of the married and separated daughter and her children as well as the future of the engaged, but yet unmarried daughter. Punchimenike has suggested that the younger daughter claim the homestead and the house as dowry property items at her death. However, the daughter would lose her 'life-holder' claim when she marries, and in the likely scenario of Wijesinghe taking over the homestead and family house management. In addition to these woes the family of the youth to whom she is to be wedded is displeased that she has taken up a garment factory job.

The Punchimenike household faces a land rights problem at present resulting from the LDO inheritance rules, where at her death her

unmarried daughter may not emerge as a life-holder, and would have to fend for herself. Potential benefits accruing from the envisaged removal of the male bias in the unitary succession rule, when it is eventually applied may benefit the Wijesinghe household, but not that of Punchimenike or her unmarried daughter, or the other claimants among members of the former primary family of Kirimudiyanse.

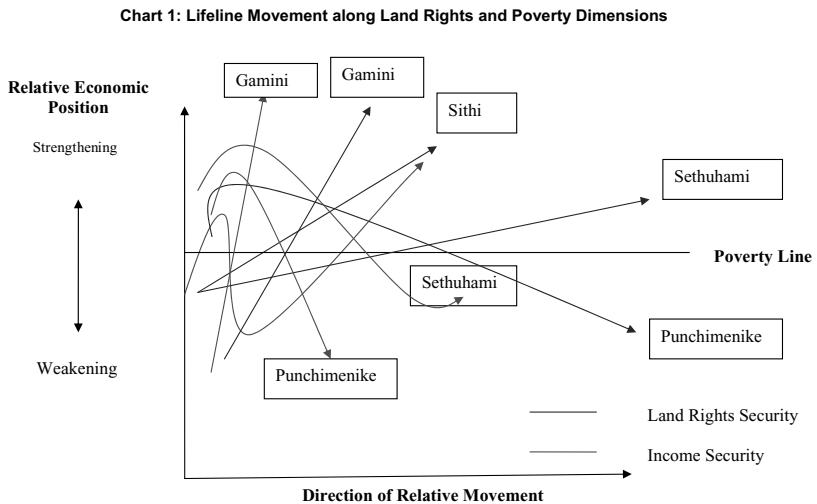
Both Punchimenike and the unmarried daughter have been compelled to seek help from the Mahaweli system management to help redress their grievance and obtain assurance of access to the homestead and the house. But beyond linking them up with the *Samurdhi* programme and listing the unmarried daughter and the married and separated daughter and her family for consideration in any new land alienations to be done in the future, the system management has not been able to proceed further. Punchimenike as the life-holder has use rights to the paddy land, homestead and the house, but cannot use them in legal transactions (e.g. to raise institutional credit) without prior approval of the permit holder.

Wijesinghe's nominated successor's claims on the land permit to Kirimudiyanse's and Punchimenike's holding could be refuted on the ground of his residential absence from System H. However, he technically cultivates his inherited property and attends *kanna* meetings quite regularly. His married brothers, who also cultivate the holding with him, use his funds to finance their own cultivation operations, and who stands to materially gain through gifts and grain shares by continuing to maintain interpersonal cordialities with him, will also not oppose him. The Mahaweli system management is therefore of little help to actively attend to the critical land rights and income needs of the members of the Punchimenike household.

3. Conclusions

The selected case studies of private and LDO land parcel holders reveal several commonalities in intervening causal factors which determine the quality of the relationship between land rights and poverty.

Graphically depicting the lifeline developments indicated in the case studies (Chart 1, below) lend to a generalised view of the case families across both poverty and land rights dimensions as a lifeline movement.



- Under widely different conditions, Gamini, in a dynamic LDO guided Settlement of Mahaweli System H, and Sithi, in private micro highland parcel, have both moved up relative economic positions through a land rights and income security strengthening path. Gamini's upward movement is steady and highly cumulative, at a higher economic base, as he takes advantage of the economic opportunities opened up through the vast agricultural

(largely paddy) production, processing and marketing mechanism associated with major irrigated settlement concentrations in the dry zone. His economic strength does not bind him to exercise his entrepreneurial skills on a risky path of highland accumulation within the legally restricted, but highly productive, state land base. Instead he has moved to expand his rights over the more lucrative storage, processing and marketing of the output, where substantial profits under high risk is made, and where his entrepreneurial abilities are constantly tested and honed. Sithi operates at a much lower economic base, as a micro-holder. Yet her movement, in land rights security attainment and her entrepreneurial approach to improve her incomes and to rise above the poverty line with calculated investments made on her micro land parcel, is systematically upward bound. Her upward movement is largely upon value additions she made on land and overall increased surplus incomes derived through frugal spending and careful investment of institutional loans, increasing her creditworthiness for larger loans for higher and diversified income yields.

- Both Sethuhami and Sithi seek to strengthen and expand their rights over land as the principle means of income generation. Sethuhami has access to a number of land parcels held by herself and members of her family which she is unable to place under productive use due to constraints in exercising rights held over them (such as insecure titles to land and rights disputes). Nevertheless she has moved into a costly litigious path to strengthen the family rights over disputed land, while she and her resident son are on the verge of investing in small holder tea and high value vegetable production in their secure land parcels. However, the internal family pressures

arising from her old age and large household dependent population she has to cater to, keeps her progress slow on both land rights securing and household income securing fronts. Sithi also has a dependent household population of 4 children (3 of them school-going) and a paralysed husband, but is younger and very much entrepreneurial. She has improved the life chances of her family single-handedly within a relatively short period by capitalising on her micro land holding and investing in her children's education with definite plans to reap future capitalisation benefits.

- Having had a secure land base and a satisfactory income when her husband was alive, Punchimenike in Mahaweli System H is losing her struggle to secure her rights to her holding and to a regular source of income from the family land to keep her and her dependent household above poverty. This is due to failings of the settlement law and the Mahaweli land management bureaucracy which has failed to take innovative steps within the law to safeguard her rights.

Case study findings and their validation of study hypothesis

To recap, Study Hypothesis 1

The movement of persons across different states of poverty as well as in and out of poverty in the context of Sri Lanka is determined upon

- (a) The nature and strength of the bundle of rights held over land; and
- (b) The relative ability to manipulate and exploit such rights as a principal means by which the poor gain or lose access to other resources to become mobile.

Study Hypothesis 2

The affixation of rights of the poor over land and its strengthening through a land title, defining rights held, will not only

- (a) Enhance the individuality of the 'owner' of rights, but will also
- (b) Determine the individuality of the 'land parcel' over which such rights are strengthened, to improve its value as a commodity which may be used by its owner to improve his lot.

It also may result in improving its attractiveness for those who seek land to invest in, thus elevating the commoditisation position with respect to such land.

All four case studies referred to above seem to establish the validity of hypothesis 1 of this study. The cases of Sithi in private lands and micro holdings, and Gamini, a displaced second generation settler in a state land settlement (the Mahaweli Project), in particular revealed the different paths taken by persons in private and state lands to gain access to legal means through which the initial bundle of rights held over land have been strengthened, expanded and manipulated to gain access to other resources.

Sithi for nearly a decade strengthened her rights within a micro-land parcel initially provided to her by her father upon which she and her husband build their home as a rudimentary rights claim assertion move. The land rights strengthening process took off with the receipt of a deed of gift from her father for the lands she occupied *in lieu* of her undertaking to pay lawyers' fees and the cost of sub-division. An accident which left her husband, the breadwinner, paralysed for life forced Sithi to take on the role of rebuilding the economic position of the family which had moved down into poverty.

Her subsequent steps involved a mutual causal combination of securing small self enterprise and living quality improvement loans which she invested in new constructions which yielded additional income sources (a grocery store and household space to take-in

boarders), increased the value of her land, expanded the bundle of rights which she held over the land (right to develop, right to income returns from investment in land, right to use the land asset in economic transactions such as retail and other services, and as collateral in loan takings, to accommodate board and lodging needs for cash rental receipts, and to add physical space and amenities to improve her family life chances to move out of poverty).

With each successive step supported by Samurdhi Bank loan takings she added value to her micro-land parcel through new constructions, increased her income sources and clientele through diversification of services provided by her self-enterprise, in turn improving her creditworthiness which served her move to take larger loans to re-invest in her land, home and self-enterprise. At the same time the opportunity to strengthen her title claims through moves of the Land Titling Project to resurvey and grant a title certificate to the property at no expense to her was welcomed, as it opened up scope for larger commercial loan takings. This move was reinforced by her creditworthiness in the Samurdhi Bank and the support they extended in recommending her case to the Bank of Ceylon.

The larger volume of credit she anticipates on the land title certificate is for re-investment in expanding her bundle of rights, through purchasing a new land parcel to establish a small holder tea and high value vegetable garden as a commercial agricultural enterprise, to derive a higher and diversified agricultural income. At the same time she is investing in capacity building among her children, particularly her sons, in anticipation of future capitalisation benefits to the family.

Sithi's moves to strengthen her rights to land, and to manipulate such rights to gain access to new credit resources for re-investing in and adding value to land, and income and living level benefits to her family has helped her to move out of poverty to a path of income and land asset accumulation.

It is surmised that during Sithi's generation the rights strengthening will essentially be around land accumulation, production, product differentiation, which she can manage with hired labour. The next generation particularly her two young sons as they also move into decision making positions within family enterprises, may likely move into collection, processing and transport of both produce from family held lands as well as from other lands in the area.

Gamini in contrast began his steep upwards climb from poverty to affluence in the context of a different land base, a major irrigated settlement, with an initial increase in his hold on land through gaining access to a road reservation based encroachment. This he capitalised through constructing and managing a small grocery. The profits were fed into money lending, small time paddy purchase and access to rights of cultivation of lands of his clients under different tenure arrangements.

He later negotiated with the Mahaweli Authority to receive a commercial lot and strengthening his claim lights, *in lieu* of relinquishing his informal claim to the encroachment. From profits gained through initiating a range of enterprises in the commercial lot he informally leased paddy land for cultivation. He also informally purchased a regular settler holding from a settler who left the area. He built his home, cultivated the land and lobbied with the Mahaweli Authority and received a fresh permit to the land, becoming the legitimate settler owner-cultivator. Thereon he leased in other lands for cultivation and from cumulative profits established a paddy threshing mill.

From the total profits accrued through his different enterprises he systematically developed, he became a major paddy collector and a miller in System H, later developing into a transporter with his own lorries. As the source regions of his paddy supply further expanded his volume of his produce marketing increasing his

financial capacity to make a further diversified investment covering most major paddy producing regions and their milling centres.

At a stage in strengthening his rights along an expanding land base under his control, he moved away from direct production to exercise rights over the produce through money lending and purchasing paddy from both a mill he owned as well as for direct sale to other large milling complexes. As the paddy supply area increased, his own mill was supplanted by wholesale paddy transportation from collecting centres to large milling complexes in other parts of the island.

With this stage being reached, Gamini was found to have also shifted from his earlier stance of accumulating and strengthening ownership rights to land to move into wholesale transport of produce. This involved accumulation of (purchased and negotiated) rights to produce of the land beyond his home location within System H, to the System H at large, and thence to other paddy producing centres in the country. Initially exerting wholesale purchase rights were confined only to raw paddy stocks, which was subsequently expanded into negotiating bulk transportation rights to bulk supplies of processed paddy from large milling complexes in the island to and rice storage complexes as a large scale transporter.

In contrast, Sethuhami who has access to a number of land parcels held by her and members of her family, sought to strengthen and expand her rights over land as the principle means of income generation. However, intervening issues of boundary disputes, some inadvertently created by official intervention in 'strengthening title rights' through refined methods of boundary measurement and not rectified, others lacking a conciliatory mechanism at the village level, as well as official delays in providing grant titles to LRC land provided under village expansion schemes, and low investment capacity to develop the

lands have deterred a stronger assertion of rights over the land parcels as well as adding value to them.

Thus, on account of not being able to use the lands to raise adequate institutional credit or to dispose them for a price which meets the seller's cash needs, the mere possession of a number of land parcels have neither strengthened the bundle of rights of the Sethuhami household over them, nor yielded a satisfactory income which would generate surplus savings for cumulative and diversified re-investment. As a result Sethuhami household has moved down from a reasonable economic position which ensured satisfaction of subsistence needs to poverty, as rights held over multiple land parcels have not been able to yield an income which could counter negative impacts of household subsistence pressures and adverse dependency ratios.

At the extreme end is the Punchimenike household from a Mahaweli downstream System (System H) where the operation of a restrictive land law and a recalcitrant bureaucracy to innovate within the stipulations of the law has left an ageing life-holder mother with a dependent household population of a separated daughter with children and an unwed youngest daughter at the mercy of the nominated successor son who has assumed the position of the permit holder. Punchimenike's rights as 'life-holder' are legally restricted to rights of occupation and use of the land, subject to the authority of the permit holder. She has no rights to transfer her 'life-holder' rights to her unwedded daughter. The separated daughter and her family residing with Punchimenike exert informal user rights to the family home and to the homestead land, as well as a share of the produce, affecting the economic stability of both Punchimenike and her unmarried daughter.

Punchimenike reflects a case of a 'life-holder' settler who with her family was at a satisfactory level of subsistence while her husband was alive, has sunk into poverty since his death. The transference of

the 'permit holder' status to her son as the 'nominated successor', coupled with her advance age, has also resulted in her inability to exercise her life-holder right of access to use the land and to a share of its produce. Currently, she is held in a low state of poverty with consumption support in the form of small paddy supplies extended to her by her former children and the weak financial support of her unmarried daughter.

In contrast to study hypothesis 1, hypothesis 2 was only partially validated.

An assertion of the hypothesis 2 that an affixation of the rights of the poor and strengthening through a land title enhances the individuality of the 'owner' of rights as well as the 'land parcel' over which such rights are exerted was more clearly depicted in case of both the private land holder Sithi and state land settlement based Gamini than of others. In the case of Sithi, the process of strengthening is about to reach a peak through the anticipated receipt of a title certificate to her micro land parcel. She also plans to use this final strengthening to raise a maximum commercial loan to purchase another larger land parcel to launch her next cycle of income and 'ownership' rights accumulation through investment in lucrative agricultural enterprises in it.

The meteoric rise of Gamini, from a second generation dispossessed member who began his career as a spontaneous settler in an encroached road reservation and moved up to be a major transporter of produce in Mahaweli System H as well as a transporter of produce between major paddy producing areas and milling centres in the island, all occurred within a period of little over two decades. In the process he has moved from land accumulation and involvement in direct production to exert ownership rights over produce of land, rather than over the land itself. Receipt of a land title to the minimal extent of lands he holds through a permit as a regular settler has no significant value to

him, as his main income sources have moved into produce processing and transport covering major paddy producing and processing centres of the island. The land he holds in System H merely legitimises his stake as a successful settler, and a home base from where he plans, rests and recuperates. He has no need to use the lands he owns as a commodity.

The land titling project has yet to move into LDO lands, but those who have firm permit holder access to settlement lands have adequate leeway provided through the law to use the land in transactions with named banking institutions, to grow crops and develop livestock enterprises within prescribed limits as conditioned by irrigation water allocations, ground water use and access to services. It is where insecurity of tenure exists in cases of spontaneous settlements in reservation lands that a higher rights security would make a significant change.

The LDO does not permit a commoditisation of allotted lands within a state directed resettlement scheme built for the purpose of rural poverty alleviation and food production for the nation. What may ultimately be realised through the current land titling process in LDO lands would, if at all, be a conditional individualisation, changing the nominated successor rule to an allowable partitioning of the land to a lower 'minimum divisible fraction' than prescribed at present under different crop and livestock regimes, to accommodate a larger number of family level claimants than at present¹³. It may help to stave off problems such as those experienced by Punchimenike and her family, whose access rights to family land is being constricted by the unilateral actions of the 'nominated successor'.

¹³ The rationale behind the LDO of 1935, to use state lands in national poverty alleviation remains true to date as it was then, 7 decades ago. The impact it has had in keeping back the surplus population in the land resource until alternative choices increase in the country, has prevented what otherwise would have been an uncontrolled shift of rural population to strain urban areas, which substantial negative impacts as that faced elsewhere in South Asia.

Land titling will also not be of much help unless a land boundary conflict resolution mechanism is available to resolve boundary disputes emerging from the more accurate resurvey of parcel boundaries for affixation of rights. As the case of Sethuhami household reveals, new boundary disputes following the institution of the land titling process calls for a closer response to potential negative social impacts of land titling. Land titling should be accompanied by a dispute resolution mechanism operating at the village level which is responsive to socio-culturally determined rights and relationships based problems associated with land which need to be resolved alongside individualisation of rights over prescribed spatial dimensions of land parcels that are surveyed.

In essence, in a country where productive lands are scarce with respect to populations seeking a foothold on such land to gain a means of existence, in the absence of alternatives, multiple rights to land and undivided rights to land are the norm rather than the exception. Thus, a strong concurrent process of alternate income and livelihood sources should necessary precede or at least accompany a land titling process for it to be able to effectively address the phenomenon of 'problem parcels' that is widespread in all parts of the island, even within the so called rights defined and cleared LDO land parcels.

As exemplified in the cases above, the exercise of land rights, both in the case of private lands as well as in LDO lands, are intricately inter-linked with evolved intra-household socio-economic pressures and personal drives faced by landholders and priorities they decide upon with respect to the allocation of land. Personal drives and the ability to meet challenges and exploit available rights-based opportunities offered by land already owned by landholders or have gained user access to, have been demonstrated to yield or deplete additional income generating opportunities. This results in either contributing to an increase (e.g. cases of Gamini and Sithi) or depletion (e.g. cases of Sethuhami and Punchimenike) in

household welfare, which have to be taken note of in any carefully planned land titling programme addressed to ultimately commoditise the land resource to promote a flexibility in transactions and to reach the ideal of a more rational allocation of land to its best use in the future.

4. Post Script on Rural Poverty

Previous efforts at land reform¹⁴ and broad-based poverty alleviation and social protection programmes and the liberalised economic policies that have been pursued since 1977 have not made a significant dent in reducing the incidence of poverty up to the present. Nevertheless, they probably have had an effect in preventing a further deterioration in living standards and in freezing the prevailing incidence of extreme poverty conditions and income disparities for several decades.

For example, about 22.3% of the population was below an extreme poverty line of Rs.69/person/month in 1978/79. It increased to 23.6% by 1981/82, (extreme poverty line of Rs.75/person/month¹⁵.) By 1990/91 the extremely poor accounted for only 22.4% of the population¹⁶. By 1995/96, 21.1% of the population remained in ultra-poverty, below an ultra-poverty line of Rs.717/person/month. Its incidence is highest (23%) in the rural sector¹⁷. In 2002 the ultra-poverty line was at Rs.856/person/month and 21% were below the line, and its incidence was highest at 23% in the rural sector¹⁸.

¹⁴ Includes, liberal reforms such as lands to the landless via land settlement schemes as well as radical tenure reforms and take-over of private lands above a ceiling.

¹⁵ Gunaratne, 1987, p.3 and Annex Table A3

¹⁶ WB: 1994: Table 1.4,p.7

¹⁷ Ratnayake: 1998:p.4.

¹⁸ Proceedings of National Conference on Social Development,2002, p.23.

The Gini Coefficient (on the basis of one months income) as an indicator of income disparity remained more or less unchanged over the last five decades up to 2003/04. The Gini Coefficient value for spending units was 0.46 in 1953 as against 0.47 by 2003/04. The Gini Coefficient value for income receivers was 0.50 in 1953 and 0.51 fifty years later in 2003/04¹⁹.

National efforts at gaining further reductions in extreme poverty seem to have hit upon 'a hard rock' in the 1990s, with a base condition in extreme poverty reaching about 21%. This condition has remained unchanged in spite of national scale poverty alleviation programmes such as the *Janasaviya* and the *Samurdhi* programme which succeeded it. It also seems to accompany a stabilisation of economic growth around 5% per year. This base condition paralleled the position that existed over two-decades ago in 1978/79 (22.3%), at the end of a long phase of low economic growth (at less than 3%) within a highly welfare-oriented closed economy. Apparently, the intervening period of relatively higher economic growth established within a liberalising economy and a better targeting of welfare programmes than before, has also not had an effect in improving the conditions of the poorest of the poor in the country in a significant way.

In the above context, the securing of land rights to improve the investment choices among landholders, particularly the poor with weak ownership access to land, through use of their land parcels in improving their investment and income generating choices is considered an important means by which the worst symptoms of poverty among small to micro-holder poor in both rural areas and to some extent in urban fringe areas could be alleviated.

The tentative view of household level processes identified through case studies cited above seem to determine linkages between gain,

¹⁹ Central Bank, Sri Lanka Socio-Economic Data 2004, p.14.

use and loss of land rights and movements into and out of poverty by landholders who seek to improve their life chances under laws regulating the use of the country's land. Both poverty and land rights were identified in the case studies to be manifested in a relativistic way: (a) with landholders moving in and out of poverty paralleling a movement along a land rights continuum bounded by high gain and high loss of rights at either end; (b) with the gain and exercise of land rights determined along conceptualised dimensions characterised by geo-political, economic, and socio-cultural considerations, which in turn determine the nature of linkages between land rights and poverty.

The importance of a relative and process approach that emerges from the above reasoning has found tentative support through the case studies and indicates that a segmented approach, which provides land, but new, more strengthened (and *restrictive*) laws and management bureaucracies, income and food subsidies, will fall short of dissolving a systemic phenomenon such as poverty.

The study therefore points towards an urgent need for the simultaneous launch of a wide-ranging intellectual and policy dialogue in the country to tackle the phenomenon of poverty in a systemic way and means of its alleviation using a process understanding. Since people and land (and water) are the basic resources directly involved, perhaps a thrust towards strengthening individual and group rights to access and use of such resources may be the initial need of the day. A suitable *modus operandi* in this effort may lie in initiating a policy dialogue series at different public resources management levels in the country. The focus needs to be on identifying linkages between the prudent use of the resources and poverty, and strengthening such linkages.

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Annex

Annex 1: A Brief Overview of the Land Base in Sri Lanka

Ownership and Use Distribution of Lands

Sri Lanka occupies a land area of about 6.56 million hectares, of which agricultural land accounts for about 2.26 million hectares (34%)²⁰. About 1.38 million hectares of agricultural land (61% of the total) are owned by the state, managed under various forms of state established and guided settlement projects (575,449 hectares²¹) and as regularised encroachments (260,283 hectares), being occupied and farmed by private farming families who had received small land parcels under lease and grant permits from the state²². An extent of about 397,150 hectares of plantation lands taken over under the Land Reforms of early to mid-1970s was vested with the Land Reform Commission (LRC) which decided on their subsequent use²³.

Another 0.88 million hectares of agricultural lands are held by private farming families under small village tank and anicut (wing-dam) irrigation systems or under rain-fed conditions²⁴. These

²⁰ World Bank, PAD, Sri Lanka Land Titling & Related Services Project, 2001, p.3.

²¹ Land Commissioner's Department Basic Statistics, 1993.

²² A minority of private sector investors (individuals and companies) have received larger holdings usually over 10 hectares for specialised crop and livestock enterprises on commercial scale.

²³ Much of the lands vested with the LRC have since been transferred to various state agencies or sold back to private plantation management agencies. A small portion of less than 30,000 hectares have been alienated as house-plots to landless under village expansion schemes (Wanigaratne 1988: 18). A small balance of lands yet retained by the LRC are being auctioned off to land seekers

²⁴ The irrigated agricultural farmland area accounts for about 0.66 million hectares, or about 29% of the farm area. The area is serviced by irrigation infrastructure that comprises 60 large multi-purpose dams, 260 large to medium sized major irrigation schemes and about 12,000 minor working village tanks. About 85% of the water supply derived from above sources is used for water intensive irrigated paddy agriculture.

agricultural lands and minor irrigation systems are largely serviced by relevant state agencies who are also vested with supervisory authority over the use of their land and water resources.

Urban land accounts for about 0.05 million hectares of private land and 0.01 million hectares of state owned land. The balance of 4.24 million hectares is state land maintained as forests, sparsely used land and lands reserved for future uses.

Thus, altogether 5.63 million hectares (86% of the land area of the country) are directly held in trust by the state, while it exerts a supervisory authority over the rest. Consequently, an envisaged transformation in private landownership, use and land-based investment as a desirable model via a national Land Titling programme ultimately rests upon the prevailing realities of the dominance of the state's trustee role and its control over the use of national land resources.

About 92% of the private farm family held and operated agricultural land area (within major and minor schemes and rain-fed areas) is in smallholdings of below 2 hectares. These smallholdings are found distributed over 3.5 million distinct land parcels held by about 3.6 million rural households²⁵ under a wide range of tenure forms and transactional relationships.

Incidence of Smallholdings

Within the dominance of smallholdings, the average size of a holding in Sri Lanka declined by 64% over the last 56 years, from 1.3 ha in 1946 to 0.87 ha in 1973, to 0.80 ha in 1982 and to 0.47 ha by 2002²⁶. The rising demand for land from a growing population has directly contributed to the substantial reduction in the average size of holdings. This is further aggravated by continued largely informal accommodation of family members, tenants and others in

²⁵ Hector Kobbekaduwa Felicitation Volume, HARTI, 2000, pp. 1-2.

²⁶ Department of Census & Statistics, Agricultural Census Reports.

farm family held agricultural land, leading to a process of ownership and user rights fragmentation. It also has led to a physical fragmentation of land reflected in a significantly diminished average size of land parcels held over the past decades.

Consequently, agricultural transformation and land productivity gain based upon securing firm title rights to land parcels have to contend with a very limited usable land base. It is further constrained by a dominance of small to micro holdings, affected by a deepening process of physical fragmentation, alongside a process of continuous segregation of rights held over land parcels. On this account the land base may be pushed into a parcel scattering state over successive generations increasing land management and land quality augmentation costs and stifling the capacity for attainment of higher productivities and net returns from agricultural land.

Pre-existing Tenure Systems and their Concentrations

Complex tenure systems exist in Sri Lanka with notable regional concentrations due to population pressure on land, socio-cultural and historical considerations, and land policy changes since the 19th century. These tenure systems indicate a wide range of arrangements of ownership and use access rights. They are:

- Rotational tenure forms (*thattumaru*, *kattimaru*²⁷) found mainly in the densely populated and paddy agricultural land scarce wet zone districts;
- Various forms of share tenancies (*ande*, *karu ande*, *koottu ande*, *vi poronduwa*, and other forms), involving different arrangements of labour and input sharing and allocation of use rights on a temporary (seasonal) basis or on the basis of affixation and securing of tenancy rights on a

²⁷ *Tattumaru* system: involves several co-owners taking turns at cultivating a given piece of paddy land; *Kattimaru* system: involves several co-owners taking turns at cultivating parcels of 'more fertile' and 'less fertile' land parcels.

permanent and heritable basis²⁸ found mainly in the wet zone, and in the small tank based paddy lands of the dry and intermediate zones, as well as in state guided irrigated settlement schemes lands;

- Semi-feudal landlordism associated with *Vihargam* and *Devalagam* lands in which temples extract a combination of crop shares and prescribe servitudes from 'tenants' who occupy the land, found mainly in the Central Wet Highland Zone and in particular districts of districts of the dry and intermediate zones;
- Absentee landlordism associated with the *gambaraya* system found concentrated in the South-East Dry Zone districts;
- The *podiyar* system found in the Eastern Province with exploitative rent collecting and grazing rights exertion by representatives (overseers) of absentee landowners²⁹. Similar, albeit more commercialised contractual

²⁸ Securing of tenancies done under past and existing tenancy laws with tenancies registered with the Department of Agrarian Services (now Agrarian Development).

²⁹ Wealthy agri-business investors seeking land investment in crop and livestock production were sold large tracts of state lands through a scheme called the application system introduced by the colonial government in 1910. This system sought to counter prevailing food shortages in the country. On receipt of lands these investors opened up vast tracts of sparsely inhabited woodland areas in the southern, eastern and northern regions of the country using labour gangs from their home areas. This hired labour was provided with land parcels for settlement and cultivation *in lieu* of a share of their crops and livestock products. The rent collection and general management was done by overseers (the *gambarays* and *podiyars*) of absentee landlords. Many of these overseers have emerged to be exploitative in terms of collection of usurious land rents. Over the decades they became large landlords and owners of large herds of cattle and exert right-of-way grazing paths over the lands of 'tenants'. Many of the richer 'overseers' have bought the tenanted lands from their former 'absentee landlords' and tend to exert political, economic and social coercion upon the long held cultivation and occupancy rights of 'tenants' to the lands they cultivate and live on. Consequently, tenancy laws and other state interventions which favour cultivators are subverted on the ground.

transactions are found associated with the *podiyar* system as found in certain districts (Vavuniya and Mullaitivu);

- Small tank based land ownership and use systems found mainly in the North Central and North-Western provinces in particular, still retain much of the communal ownership character in the ownership of homestead land as well as paddy land;
- In the traditional village paddy tract (*purana vela*) individual rights claimed over land parcels tend to become subordinated to a communal decision to cultivate a limited extent of the village paddy tract, with a reduced number of individual land parcels, in times of water shortage in the tank, under what is termed as the *bethma* arrangement;
- Similar, communal ownership exists in the case of *paraveni* (ownership rights through long use) *chena* and *kurulupaluwa* strips of land associated with *purana* small tank villages.

These communal rights maintain the socio-cultural and economic integrity and subsistence maintenance system of the village under environmentally stressful conditions. Individual rights to land parcels are flexible and temporary under such conditions. They are encumbered by servitudes in favour of the community. While the above traditional land rights arrangements are not as widespread as they were before, they continue to persist in the village tank areas of particularly the North Central Province.

Legal Systems

A number of personal laws of regional or ethnic importance co-exist with the Roman Dutch Common Law. Three particularly active laws such as the *Kandyan Law* applicable to Kandyan Sinhalese, the *Thesavalamai Law* applicable to Tamils of Jaffna and the *Mukkuvel Law* applicable to Muslims provide a commonality in that none provides for a unitary system of inheritance in intestate succession³⁰. They

³⁰ SLLTRSP, PIP, Annex 5, p11.

differ in terms of gender rights to property, spatial applicability of the personal law, prescribed subdivision of property among parceners in intestate succession, etc.

The above personal law determinations on rights to property held in land will have a bearing upon both the inclusion of rights held in property in title certificates. Particularly in determining the title rights in intestate succession they need to be taken into account to maintain the continuity of social norms and rules governing inheritance rights to property and thus social stability, without compromising the economic viability of holdings.

In addition, statutory laws with respect to state land allocation and uses such as the Land Development Ordinance No.19 of 1935, State Lands Ordinance No.08 of 1947 and Land Grants (Special Provisions) Act No. 43 of 1979 and other related acts have been able to secure a restricted ownership and succession through long leases and grant permits. These laws place restrictions over use, subdivision and transfers, largely preventing fragmentation and formation of an open land market in alienated state lands. The Agrarian Development Act No.46 of 2000 similarly places restrictions with respect to use of agricultural lands while securing tenancy rights on a heritable basis.

Annex 2: A Brief on the Importance of the Land Title

Land Title

Land Title: It authenticates ownership of, or a legal interest in, a piece of land (Land Parcel)

Act of Registration: Confirms transactions that confer, effect or terminate that ownership or interest.

Type of Title: Absolute (indefeasible) ownership. Cannot be legally defeated, except where the title has been obtained through fraudulent means.

Finality of Title Registration: Title registration & certificate is upheld by state.

Basic Unit of Registration: A land parcel not a deed.

Deed

Deed: A document which gives notice to the public of a claimed interest in land. Does not prove who owns the land, nor does it confer clear or absolute title rights to land.

Act of Registration: Establishes a priority against other possible claimants to the same interest.

Finality: There is no necessity to identify the land described in the deed on the ground.

Basic Unit of Registration: A claimed priority interest in land.

Annex 3: A Brief on the Land Titling & Related Services Project

(Project Period: 2002 –2005)

Preamble

The current project forms the Learning and Innovation phase of a national programme to be launched in future years.

Nature of the Project

Project Goal

To build the foundation for a long-term programme which would improve the socio-economic and environmental conditions of the people of Sri Lanka by increasing land resource productivity³¹.

Project Development Objective

Assess and build the methods, framework, and capacity for making sustainable and comprehensive improvements in the land administration system. The land administration system incorporates a parcel based cadastre, land tiling and title registry³².

Project Outputs

- (a) Operational testing and application of models to improve systematic tiling and title registries, and
- (b) Development of institutional framework (including legal policy, communications, organisational, management and planning aspects) and capacity.

Key Performance Indicators

As related to the project development objective, they are

- (a) Well functioning small-scale titling and title registry operations that provide increased tenure security, efficiency in titling and land transactions, land market choices, and fairness,

³¹ The World Bank Rural Development Sector Unit, March 22, 2001, Project Appraisal Document for the Land Titling and Related Services Project, page 2.

³² *Ibid*, page 3.

- (b) Confidence and knowledge to expand shared by principal stake-holders, and
- (c) A plan for a larger scale follow-on project.

Project Performance Milestones (including different methodologies adopted)

Proposed Amendments to the Land Titling Act No. 21 of 1998. Cabinet has now given approval for the legal draftsman to design the amendment bill. The matter is being followed up. The amendments incorporate changes to existing legal restrictions to settling title such as co-ownership, minimum size, delegation of the authority of the Commissioner of Title Settlement (CTS), and appointment of managers to below minimum sized land parcels, among others.

Proposed amendments to the Land Development Ordinance of 1935: Cabinet has approved recommendations of its sub-committee on the proposed amendments and has referred them to the legal draftsman to design the amendment bill.

Five project site offices (surveying) and four project claims offices currently operating as distinct entities in the project field locations of Balangoda, Gampaha, Gampola, Tambuttegama and Homagama are now being integrated within single project offices in each location, to increase implementation efficiency through inter-agency coordination.

Six Land Registries were converted into Title Registries to increase their relevance and efficiency to serve the needs of the project.

The field functions of surveying and adjudication of land parcels were integrated, with joint teams of field officers from both Surveying and Land Settlement Departments working in active cooperation and collaboration of functions, to increase cost-efficiency and cost-effectiveness.

Nine key field work manuals on different aspects of the land titling process was developed, field tested and improved and now are being adopted by the project, alongside processes and procedures related to them. Currently, these field manuals are being amalgamated into a single integrated manual to be provided to all relevant implementation staff of the project.

A document was prepared containing land parcel based problems encountered in the land titling process, with recommended solutions, for both current and future uses of the project.

A quality control and monitoring strategy to be incorporated within the national Land Titling Project was developed for future uses.

Different methodologies aimed at increasing minimising cost and overall efficiency of land titling are experimented upon by the project.

Total number of land parcels surveyed and received title registration by 15/10/2005 is 19,458 (97% of the project target achieved).

4

HOW THE CURRENT SITUATION OF LAND GRANTS AND PERMITS IMPACTS ON POOR HOUSEHOLDS, AND HOW REFORMS OF THE LAND DEVELOPMENT ORDINANCE COULD BENEFIT THE POOR

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How the Current Situation of Land Grants and Permits Impacts on Poor Households, and How Reforms of the Land Development Ordinance Could Benefit the Poor

Dinusha Dharmaratna, Asha Gunawardena, Dilhani Marawila, R.M. Ranaweera Banda, Paul Steele, and Chamindra Weerackody

Abstract¹

It has been argued that rural poverty in Sri Lanka is significantly influenced by land tenure patterns. Much of the country's land, especially in the major irrigation areas comes under the Land Development Ordinance (LDO). While data is limited, it is estimated that over 70% of smallholder farmers fall under the LDO and over 65% of the land cultivated by smallholders is covered by the LDO. Initially permits were issued under the LDO, but in 80% of the cases these have now been converted to grants.

This study investigates the links between LDO land and rural poverty in Sri Lanka, based on an empirical study of ten villages representing different agro-ecological zones, livelihood patterns and irrigation settlements. Firstly, the study looks at the state imposed restrictions on LDO land where land inheritance, subdivision, sale, mortgage etc. are not permitted without prior approval from the government authorities, and how such restrictions have impacted rural households. While there are many negative impacts on the poor, the study challenges the assumed strong relationships between LDO tenure and productivity, access to credit or ability to engage in off-farm employment.

Secondly, due to the extensive restrictions of the LDO and the slow and cumbersome implementation of any transactions, the study points to the

¹ This paper is a summary of a detailed 170-page poverty and social impact report on land reforms funded by the World Bank and GTZ/BMZ. However this summary paper and the longer report present the views of the research team and do not necessarily reflect the views of the Institute of Policy Studies or the World Bank.

informal and illegal transactions adopted by farmer families in mortgaging, leasing and selling LDO land. Finally, the study explores the likely impact of lifting different aspects LDO restrictions on different stakeholders such as permit holders, non-permit holders, grantees, encroachers etc. It concludes that the poorest families are typically second and third generation descendants of the early settlers, who are either living on their relatives' land or are illegal encroachers. Thus, the most important pro-poor reform is to help landless families increase their off-farm income sources and receive land from the state in a strategic, transparent and fair process of land allocation.

The study recommends that many LDO restrictions be lifted, especially those regarding inheritance and subdivision. However it recommends that restrictions on 'transfers' or sales be retained temporarily as they are not the key pro-poor priority. Sales may have negative impacts on some households as this reform consumes scarce political capital, which needs to be devoted to higher priority reforms.

ඉඩම් ප්‍රදානය හා ඉඩම් බලපත්‍ර පිළිබඳව පවතින තත්වය, දිළිඳු පවුල් වලට බලපාන ආකාරය සහ ඉඩම් සංවර්ධන පනතේ සංශෝධනයන් දිළිඳු ජනතාවගේ යහපතට දායක විය හැක්කේ කෙසේද?

දිනුශා ධර්මරත්න¹, ආශා ගුණවර්ධන², දිල්හානි මාරවිල³, ආර්. එම්. රණවිර බණ්ඩා⁴, පෝල් ස්ටීල්⁵ සහ වාමිනේද්‍ර විරක්කොඩි⁶

සාරාංශය⁴

ශ්‍රී ලංකාවේ ග්‍රාමීය දරිද්‍රතාව, මහ ඉඩම් බුක්තියේ රටාවන් මගින් වෙසෙසියාත්මක බලපෑමක් කරන බව තර්කයට බඳුන් වූ කරුණකි. රටේ ඉඩම් වලින් විශාල කොටසක්, විශේෂයෙන්ම ප්‍රධාන වාරි මාර්ග ක්‍රම වලට අයත් ප්‍රදේශ, ඉඩම් සංවර්ධන ආඥාපනත (ඉ.ස.ආ.) යටතේ පවතී. ලබා ගත හැකි දත්ත සීමා සහිත වන අතර කුඩා ඉඩම් හිමි ගොවීන්ගෙන් 70% ක් ඉ.ස.ආ. පනත යටතට අයත් බවත් කුඩා ඉඩම් හිමියන් විසින් වගා කර ඇති භූමි ප්‍රමාණයෙන් 65% කට වඩා වැඩි ප්‍රමාණයක් ඉ.ස.ආ. පනත මගින් ආවරණය වන බවත් ඇස්තමේන්තු කර ඇත. මුලිකවම බලපත්‍ර නිකුත් කිරීම ඉ.ස.ආ. පනත යටතේ සිදු කෙරුණු අතර මේ වන විට මේවායින් 80% ක් පමණ ප්‍රදානයන් බවට පත්ව ඇත.

විවිධ කෘෂි-පේළව විද්‍යාත්මක කලාප, පීචනෝපාය රටාවන් සහ වාරිමාර්ග ජනාවාස නියෝජනය වන පරිදි තෝරාගත් ගම් දහයක් මත පදනම් වූ, ආනුභවික අධ්‍යයනයක් පදනම් කරගෙන, ශ්‍රී ලංකාවේ ග්‍රාමීය දරිද්‍රතාව සහ ඉඩම් සංවර්ධන ආඥා පනතට යටත් ඉඩම් අතර පවතින සම්බන්ධතාවන් මෙම අධ්‍යයනය මගින් ගවේශනය කෙරේ. ඉඩම් උරුමය, කොටස් වලට කැඩීම, විකිණීම හා උකස් කිරීම ආදිය රජයේ බලධාරීන්ගේ පූර්ව අනුමැතිය නොමැතිව කළ නොහැකිවන ලෙසින් ඉඩම් සංවර්ධන ආඥාපනත යටතේ පවතින ඉඩම් සම්බන්ධයෙන් රජය විසින් පනවා ඇති සීමා කිරීම් සහ එම සීමා කිරීම් ග්‍රාමීය පවුල් වලට බලපා ඇති ආකාරය පළමුව විමසා බලනු ලැබේ. දිළිඳු ජනතාව මත සෘණාත්මක බලපෑම්

¹ ප්‍රතිපත්ති අධ්‍යයන ආයතනය

² රුහුණ විශ්වවිද්‍යාලය

³ ස්වාධීන සමාජවිද්‍යා උපදේශකයෙකි

⁴ මෙම අධ්‍යයන පත්‍රිකාව ලෝක බැංකුව විසින් අරමුදල් සපයන ලද පිටු 170 කින් යුත් සවිස්තරාත්මක වාර්තාවක සාරාංශය වේ. කෙසේ වුවත් මෙම පත්‍රිකාව සහ දීර්ඝ වාර්තාව මගින් නියෝජනය කරනු ලබන්නේ එම පර්යේෂණ කණ්ඩායමේ අදහස් විනා ප්‍රතිපත්ති අධ්‍යයන ආයතනයේ හෝ ලෝක බැංකුවේ අදහස් නොවන බව සඳහන් කළ යුතුය.

රැසක් ඇති නමුදු, ඉ. ස. ආ. පනත යටතේ පවතින බුක්තිය සහ ඵලදායීතාව, ණය ලබාගැනීමට ඇති ප්‍රවේශය සහ ගොවිපළ නොවන වෘත්තීන් වෙත යෙදවීමට ඇති හැකියාව අතර පවතිනු ඇතැයි උපකල්පනය කරන ලද ශක්තිමත් සම්බන්ධතාවන් මෙම අධ්‍යයනය මගින් අභියෝගයට ලක්කෙරෙයි.

දෙවනුව, ඉ. ස. ආ. පනත හා සම්බන්ධ බොහෝ සීමාකිරීම් සහ ඕනෑම ආකාරයක ගනුදෙනු ක්‍රියාත්මක කිරීම ඉතාම ප්‍රමාදවීම සහ අසිරුවීම නිසා ගොවිපවුල් අවිධිමත්, හා නිත්‍යනුකූල නොවන ලෙස ඉ.ස.ආ. පනත යටතේ ඇති ඉඩම් උකස්කිරීමට, බදුදීමට හා විකිණීමට යොමුව ඇති බව අධ්‍යයනය මගින් පෙන්වා දෙනු ලැබේ. අවසාන වශයෙන් බලපත්‍රලාභීන්, බලපත්‍ර රහිත ඉඩම්කිමියන්, ඉඩම් ප්‍රදාන ලැබූ අය, නිතිවිරෝධී ලෙස පදිංචි වී ඇති අය ආදී ලෙස විවිධ ආකාරයෙන් ඉඩම් තුක්ති විඳින අය සම්බන්ධයෙන් ඉඩම් සංවර්ධන ආඥාපනත යටතේ ක්‍රියාත්මක වන සීමා කිරීම් ලිහිල් කිරීම මගින් ලැබිය හැකි වන ප්‍රතිඵල පිළිබඳව අධ්‍යයනය මගින් විමසා බලනු ලැබේ. මුල්ම පදිංචිකරුවන්ගේ දෙවන හෝ තුන්වන පරම්පරාවට අයත්වන, ස්වකීය ඥාතීන්ගේ ඉඩම්වල හෝ බලෙන් අල්ලාගත් ඉඩම්වල ජීවත්වන පවුල් ඉතාම දිළිඳු තත්ත්වයක පසුවන පවුල් බව අධ්‍යයනය මගින් නිගමනය කෙරේ. මේ අනුව දිළිඳු අයට ආධාරවීම සඳහා ගත යුතු වැදගත්ම පියවර වන්නේ ඉඩම් අනිමි පවුල්වලට ගොවිපළ නොවන ආදායම් මාර්ග සලසාදීම සහ රජය විසින් ක්‍රමවත් විනිවිද දක්නා සාධාරණ ක්‍රියාවලියක් මගින් ඉඩම් ලබාදීමට වැඩපිළිවෙලක් ක්‍රියාත්මක කිරීමයි.

අධ්‍යයනය මගින් ඉ.ස.ආ. පනතේ බොහෝ සීමාකිරීම් විශේෂයෙන්ම උරුමය හා කොටස්කිරීම සම්බන්ධ සීමාකිරීම් ඉවත්කිරීමට නිර්දේශ කරනු ලැබේ. කෙසේ වුවත්, ඉඩම් පැවරීම හෝ විකිණීම සම්බන්ධ සීමාකිරීම් තවදුරටත් තබාගැනීමට මෙමගින් නිර්දේශ කරයි. එයට හේතුව, එය දිළිඳුකම දුරුලම සඳහා ප්‍රමුඛ අවශ්‍යතාවක් නොවීම සහ සමහරවිට එසේ ඉවත්කිරීම සමහර පවුල් වෙත අහිතකර බලපෑම් ඇතිකිරීමට හේතු විය හැකි වීමයි. සමහර ගෘහයන්ට ඉඩම් විකිණීම අහිතකර බලපෑම් ඇති කළ හැකි අතර ප්‍රමුඛ ප්‍රතිසංස්කරණ සඳහා ප්‍රමුඛස්ථානය දිය යුතු මෙන්ම වැඩියෙන් කාලය හා සම්පත් වැය කළ යුතු නිහඬමින් යුතු දේශපාලන ප්‍රාග්ධනය මෙම ප්‍රතිසංස්කරණ සඳහා වැය වේ.

காணிக்கொடை மற்றும் அனுமதிப் பத்திரங்கள் தொடர்பான இன்றைய நிலை எவ்வாறு ஏழைகளைப் பாதிக்கின்றது? காணி அபிவிருத்திக் கட்டளைச் சட்டம் மறுசீரமைக்கப்படுவது எவ்வாறு ஏழைகளுக்கு நன்மை பயக்கும்?

தினுஷா தர்மரத்ன¹, ஆஷா குணவர்தன, தில்ஹாணி மாறவில,
ஆர்.எம்.ரணவீர பண்டா², போல் ஸ்டீல் மற்றும் சமிந்ர வீரக்கொடி³

இலங்கையில் கிராமப்புறங்களில் நிலவும் வறுமையானது, காணி வார முறையின் செல்வாக்கால் ஏற்பட்டதென சிலர் விவாதிக்கின்றனர். நாட்டின் பெரும்பாலான நிலப்பகுதி, குறிப்பாக பிரதான நீர்ப்பாசனப் பகுதிகள் காணி அபிவிருத்தி கட்டளைச் சட்டத்தின் கீழ் வருகின்றன. 70% சிறு பயிர்ச்செய்கையாளர்கள் காணி அபிவிருத்தி கட்டளைச் சட்டத்தின் கீழ் வருவதுடன், சிறு பயிர்ச்செய்கையாளர்களால் அறுவடை செய்யப்படும் காணிகளில் 65% க்கு அதிகமானவை இச்சட்டத்தின் கீழ் வருகின்றன. முதலில், அனுமதிப்பத்திரங்கள் காணி அபிவிருத்தி கட்டளைச் சட்டத்தின் கீழ் விநியோகிக்கப்பட்டன. ஆனால், தற்போது 80% மானவை காணிக் கொடைகளாக மாற்றப்பட்டுள்ளன.

இந்த ஆய்வானது, இலங்கையில் கிராமப்புற வறுமைக்கும், காணி அபிவிருத்திக் கட்டளைச் சட்டத்திற்கும் இடையிலான தொடர்பை ஆராய்கிறது. வேறுபட்ட விவசாய உயிர்க்கோள வலயங்கள், வாழ்வியல் முறைகள் மற்றும் நீர்ப்பாசன குடியிருப்புக்கள் கொண்ட 10 கிராமங்கள் அனுபவ ரீதியான ஆய்வுக்கு உட்படுத்தப்பட்டது.

முதலில், இந்த ஆய்வானது, காணி கட்டளைச் சட்டத்தின் கீழான காணிகளின் மரபுரிமை, உட்பகுப்பு, விற்பனை, ஈடு என்பன அரச அதிகாரிகளின் முந்திய-அங்கீகாரமின்றி அனுமதிக்கப்படாமை தொடர்பான அரசின் கட்டுப்பாடுகள் குறித்து கவனம் செலுத்துகிறது. இந்தக் கட்டுப்பாடுகள் கிராமிய குடும்பத்தவர்கள் மீது பாதிப்பை ஏற்படுத்துவது குறித்தும் ஆய்வு கவனம் செலுத்துகின்றது. வறியோர்கள் பாதகங்களுக்குள்ளாகும் வேளையில் இவ்வாய்வானது காணி அபிவிருத்திக் கட்டளைச் சட்ட உரிமைக்காலம் மற்றும் வினைத்திறன், கடனுக்கான வாய்ப்பை அல்லது பண்ணைக்கு வெளியிலான தொழில் என்பவற்றுக்கும் இடையிலான உறுதியான தொடர்புகள் குறித்துச் சவால் விடுக்கிறது.

¹ கொள்கை கற்கைகளுக்கான நிலையம்

² ருஹீணு பல்கலைக்கழகம்

³ சுதந்திர சமூகவியல் ஆலோசகர்

இரண்டாவதாக, காணி அபிவிருத்தி சட்டத்தின் அளவுக்கு அதிகமான கட்டுப்பாடுகள் காரணமாகவும், தாமதமாக மற்றும் சிக்கலான நடவடிக்கைகளை நிறைவேற்றல் காரணமாகவும் காணி அபிவிருத்தி சட்ட காணிகளை ஈடு வைத்தல், குத்தகைக்கு விடல் ஆகிய விடயங்களில் முறையற்ற, சட்டவிரோத கொடுக்கல் வாங்கல்களை விவசாயக் குடும்பங்கள் கையாள்வதையும் ஆய்வு சுட்டுகிறது.

இறுதியாக காணிக் கட்டளைச் சட்டக் கட்டுப்பாடுகளை அகற்றுவதால் அல்லது நீக்குவதால் அனுமதிப்பத்திரம் வைத்திருப்பவர்கள், அனுமதிப்பத்திரம் அற்றவர்கள், கொடை பெறுநர், அத்துமீறியோர் முதலானவர்கள் மீது ஏற்படக்கூடிய தாக்கங்கள் குறித்து ஆய்வு ஆராய்கிறது. குடியேற்றங்களில் தமது உறவினர்களின் நிலங்களில் வாழ்ந்த அல்லது சட்டவிரோதமாக காணியில் குடியிருந்த ஆரம்ப குடியிருப்பாளர்களின் இரண்டாம் மற்றும் மூன்றாம் தலைமுறை வாரிசுகளே மிகவும் வறிய குடும்பங்களாக இருக்கின்றன. ஆகவே, காணியற்ற குடும்பங்கள் பயிர்ச்செய்கைக்கு புறம்பான தமது வருமானங்களை அதிகரிப்பதற்கும், அரசின் சிறந்த முறையிலான நிலப் பகிர்வு செயன்முறையின் கீழ் காணியைப் பெறுவதற்கும் “வறியோர் தரவு மிக்க மறுசீரமைப்பானது” உதவுவதாக அமைகின்றது.

இந்த ஆய்வானது, காணி கட்டளைச் சட்டக் கட்டுப்பாடுகள் பலவற்றை நீக்குவதற்கு சிபார்சு செய்கிறது. குறிப்பாக, மரபுரிமை மற்றும் உட்பிரிவு காணிகள் மீதான தடையை நீக்க சிபார்சு செய்கிறது. எவ்வாறெனினும், “கைமாற்றங்கள்” மற்றும் “விற்பனைகள்” மீதான கட்டுப்பாடுகள் தற்போதைய நிலையில் தொடர்ந்து இருக்க வேண்டும் என சிபார்சு செய்கிறது. இவை வறியோர் சார்பு நிலைக்கு பிரதானமான விடயங்கள் அல்ல. அத்துடன், விற்பனைகள் சில குடும்பங்களில் நேர்மாறான விளைவுகளையும் ஏற்படுத்தலாம். மறுசீரமைப்பு முன்னுரிமை அளித்தலுக்கு குறைவான அரசியல் முதலை ஒதுக்குவது அவசியப்படுகிறது.⁴

⁴ இவ்வாணம், இந்த விவகாரம் தொடர்பான 170 பக்கம் கொண்ட ஒரு அறிக்கையின் சுருக்கமாகும். மேலும், இது, உலக வங்கியால் நிதியுதவி செய்யப்பட்டு இவ்வாணமானது ஆய்வுக் குழுவின் பார்வையையே பிரதிபலிக்கின்றது. இந்த பார்வைகள் கொள்கை கற்கைகளுக்கான நிலையை அல்லது உலக வங்கியின் கருத்தைப் பிரதிபலிப்பதாகாது.

How the Current Situation of Land Grants and Permits Impacts on Poor Households, and How Reforms of the Land Development Ordinance Could Benefit the Poor

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1. Introduction

Rural poverty remains pervasive in Sri Lanka, 24.7% of the rural population is considered to be below the poverty line compared with 7.9% in urban areas (World Bank 2005). While agricultural output has increased significantly over the last 30 years following investments in major irrigation settlements, agricultural productivity remains low. Yields, especially for paddy, have stagnated over the last decade. This is despite continued financial support for agricultural inputs and government attempts to control output prices. Agriculture incomes are constrained by the lack of credit, oligopolistic marketing, and poorly developed and maintained infrastructure. Rural factor markets – land, labour and credit – are heavily interlinked, leading to what has been labelled a ‘poverty trap’.

Opportunities to escape low agriculture returns by off-farm employment are limited by a shortage of off-farm opportunities - many of which, such as international migration and joining the army, have high social costs. With growing rural populations, limited land availability and few off-farm opportunities, many second and third

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generation settler families are now encroachers or technically 'landless', living on their parents' or other relatives' properties.

Some have argued that aspects of rural poverty can be addressed by altering the main smallholder tenure systems of the Land Development Ordinance and the Land Grants (Special Provisions) (LG(SP)), which restricts and controls many actions by permit-holders and grantees (World Bank 1996). However in Sri Lanka, even the private land market is subject to many laws (e.g. Temple Act, Paddy Lands Act, Partition Act), customary practices (*thesawalmi* and differing inheritance customs) and widespread disputes over the ownership of land.

1.1 Objectives of the study

This study attempts to explore the links between rural poverty and government involvement in smallholder land tenure. Special attention has been paid to reviewing the existing and potential impacts of different reform scenarios on different stakeholder groups (particularly the poor and vulnerable), in order to identify measures and strengthen positive impacts of reforms. The study also aims to inform policy design and dialogue between the Ministry of Lands, civil society and other stakeholders.

1.2 Hypotheses

This study has two hypotheses:

1. Current restrictions on LDO lands negatively affect poor rural households by limiting their ability to inherit, subdivide, mortgage and sell land without prior approval from government officials. It is assumed that these restrictions negatively affect LDO households by reducing the productivity of land and constraining movement into off-farm employment.

2. Some LDO restrictions can be reformed to increase benefits for poor households. It is assumed that by identifying the impacts of different reform scenarios on different stakeholders it will be possible to identify LDO reforms which would particularly benefit the poorer households.

The study assumes that LDO households are typically more likely to be poor than households holding private title or *sinakara* land, and this was borne out by field discussions in ten selected locations (see section 3.1). Typically, the poorer LDO households had permits rather than grants, and a permit or grant only for a highland plot with no irrigated land⁴. Poorer households were also more likely to share crop and/or mortgage their land. The study also sought to identify female-headed households as they were assumed to be poorer than the average LDO household from our field discussions. Attempts were also made to identify LDO households where alcoholism was prevalent as these were assumed to be poorer than average households from our field discussions, and according to some were more prone to so-called 'distress sales' if LDO lands were allowed to be sold.

During initial fieldwork (see section 3 for methodology), it soon became clear that the poorest households had neither LDO permits nor grants, even for their highland plot. They lived on illegal encroached land or on their parents' or relatives' land with no legal rights. These encroachers or 'landless' were treated as a separate category given their lack of any land holdings.

Wealth ranking techniques were used in each of the ten villages to test the above assumptions and identify the poorest types of households.

⁴ Permits or grants are generally issued either separately or jointly for highland (i.e. non-irrigated land generally used for settlement) and paddy or irrigated land (see section 2.1).

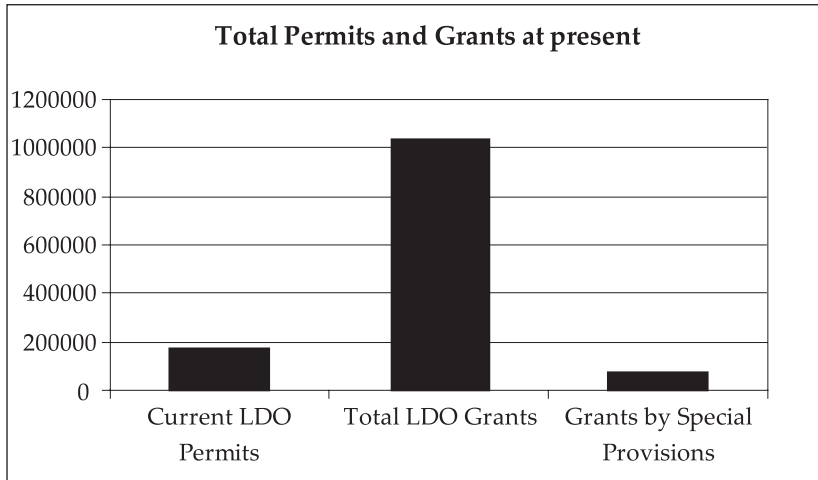
2. Background

2.1 Overview of the Land Development Ordinance and Land Grant (Special Provisions)

Since 1935, when the Land Development Ordinance (LDO) was introduced, 1.2 million LDO permits have been issued (including over 70,000 permits by the Mahaweli Authority) – of which about 80% have been converted to grants. The largest number of permits (just over 500,000) have been for village expansion. Regularisation of encroachment is the second largest category and is the only permit category for which permits are still being issued. Since the 13th Amendment to the Constitution in 1987 and its subsequent implementation, only the Mahaweli Authority and Provincial Land Commissioners (except for a few inter-provincial schemes, which remain the purview of the Land Commissioner in Colombo) issue permits to regularise encroachment. Of the 1.2 million LDO permits, about 1 million have been converted to LDO grants, leaving 200,000 still as permits. In addition about 80,000 grants have been issued under the LG(SP) since 1979, but this has now ceased.

A further complication is that Divisional Secretaries can award permits under the State Lands Ordinance (SLO) and often use this to provide some security for encroachers. Unlike for the LDO, where approval is required by the Provincial Land Commissioner, under the SLO, the Divisional Secretary can issue permits without prior approval from any government body. There is therefore no data available on the number of permits issued and the President has sent a circular to try to stop this practice. The SLO is not covered by this report, but at the household level people are often not aware if their permit falls under the LDO or the SLO.

Figure 2.1. Total permits and grants at present



The LDO was introduced in 1935 to safeguard the peasantry by providing land subject to a series of conditions. Under the act, and subsequent amendments and circulars, several activities related to the land are restricted by the LDO permit. These include:

- Cancellation of LDO Permits for eligible persons if certain conditions are not adhered to;
- Under inheritance restrictions, after the death of a permit holder, if the spouse is the first nominee then she 'succeeds'. On the death of the spouse, the eldest son succeeds, unless an alternative blood relative has been nominated. If the spouse is not nominated then she has the life interest to the land. Multiple nominees are only allowed if they conform to limits on minimum subdivisions;
- Credit for LDO permits can be accessed only from specific organisations;
- Mortgaging and leasing out LDO permit land is restricted and requires government permission; and
- LDO permit land cannot be transferred.

Most of these restrictions also apply to the LDO and LG(SP) grants. The main difference is that an LDO grant cannot be cancelled administratively and can only be transferred for payment in limited circumstances. Transfers must be approved by the government and be to a person in the same “class”⁵. The Land Grant (Special Provisions) was introduced with similar objectives as the LDO in 1979 to provide land to the ‘landless’. The land was taken from the Land Reform Commission and vested in the Land Commissioners Department for distribution. Many of the LDO grant restrictions apply to LG(SP) grantees. The legal differences between the three tenure types are presented in Annex 1.

LDO permits and grants have been issued both for irrigated agricultural land (also known as paddy land) and in the provision of land for settlement (known as highland)⁶. Typically, in addition to the house and depending on the type of soil, climate etc., the highland will have some rainfed agriculture or tree crops (often known as home-gardens). Originally the permits were given for a combination of a larger area of irrigated land and a smaller area of highland. However, over time some people started to possess only highland plots, partly because these can be legally divided into smaller plots and provide dwelling space. At the same time income can be generated as a sharecropper or labourer by working other people’s land. However a segment of the rural population lacks a permit even for a highland plot for residential purposes, and these are typically the poorest and most vulnerable families. The diverse issues that arise in relation to irrigation land and incomes, versus highland for settlement mean that it is difficult to treat these two issues together. Some of the confusion and debate within the discussion of LDO reforms arises from a lack of clarity between these two types of LDO land use – irrigated agriculture and settlement.

⁵ Class is defined in the regulations as peasant, middle class etc

⁶ The term “highland” is somewhat confusing as it simply means “un-irrigated land” and refers to land primarily for settlement – but has nothing to do with being “high” above the ground.

1.2 Number of LDO permits holders and grantees over time and at present

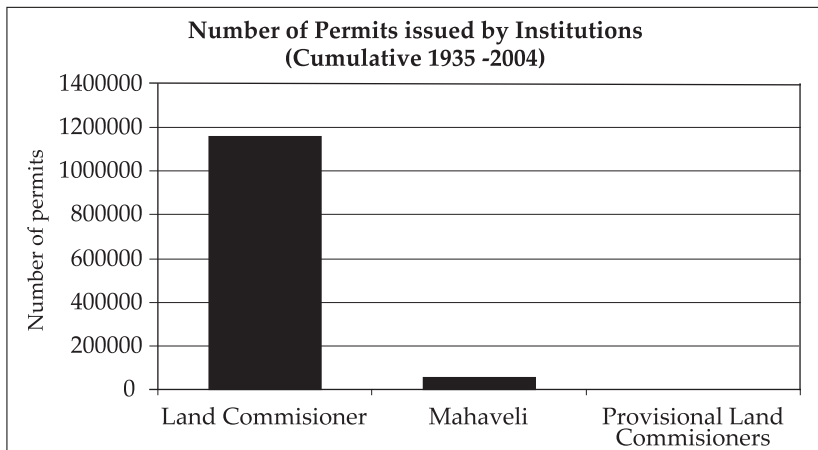
1.2.1 Smallholders in Sri Lanka

There are an estimated 3.264 million smallholdings in Sri Lanka. A holding is defined as an area less than 20 acres and one holding may consist of more than one land parcel. These holdings include both home-gardens and land used for other purposes and cover 3.78 million acres – including both cultivated and uncultivated land. These smallholdings are operated by an estimated 1.78 million people (DCS, 2002).

1.2.2 Issuing of permits

As of 2001, approximately 1.2 million land operators had been given over 2.5 million acres of land under LDO permits. This suggests that over 70% of Sri Lanka's smallholder farmers operate under the LDO system and over 65% of the land cultivated by smallholders is covered within the LDO.

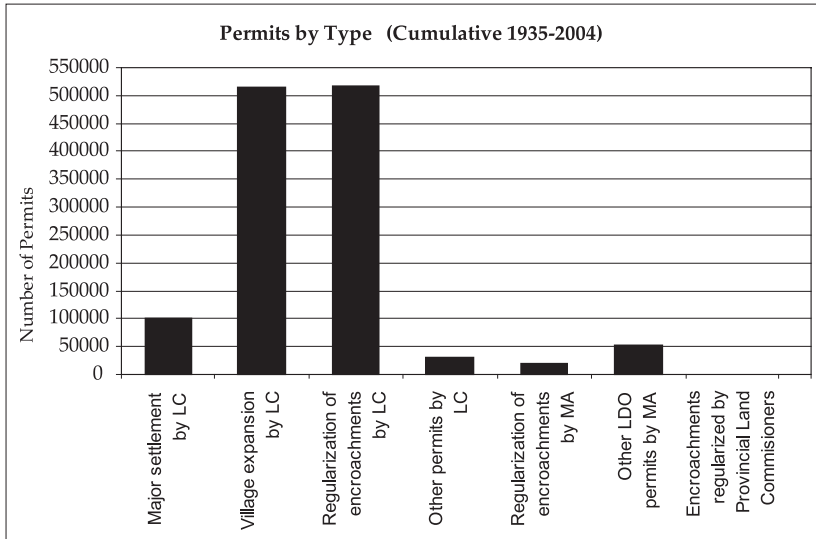
Figure 2.2. Cumulative numbers of permits issued by institutions (1935-2004)



Source: Land Commissioner's Department, 2005

The main types of permits that have been issued are towards the regularisation of encroachers and for village expansion.

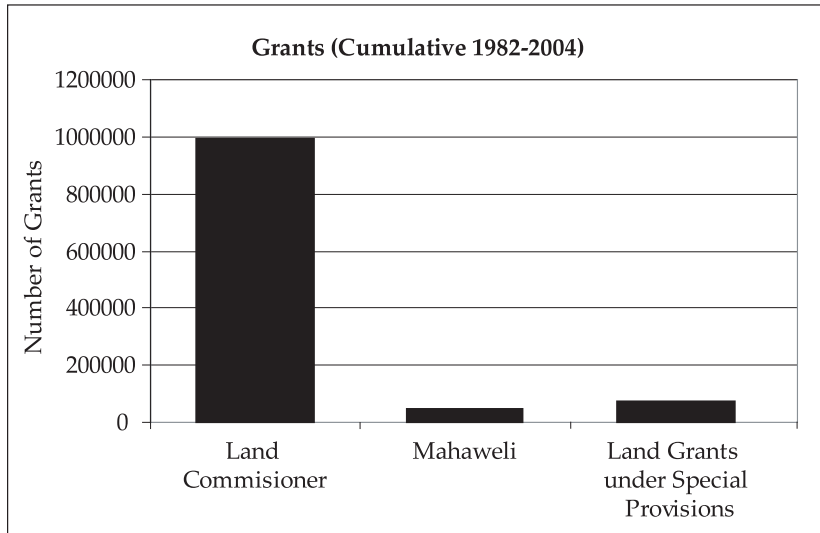
Figure 2.3 Cumulative numbers of permits by type (1935-2004)



Source: Land Commissioner’s Department, 2005

1.2.3 Conversion of permits to grants

Despite provisions in the LDO, the conversion of permits to grants started only in 1982. By 1994 the number of conversions was still very small. In 1995 an amendment was passed (Amendment Act No 9 of 1995) which permitted grants to be issued without the provision of a plan. By 1999, just under 1 million (i.e. 933,213) grants had been issued (Land Commissioner’s Report 2002).

Figure 2.4 Cumulative numbers of grants issued (1982-2004)

Source: Land Commissioner's Department and Mahaweli Authority, 2005

3. Methodology

The socio-economic impact assessment methodology is part of the larger Poverty Social Impact Analysis (PSIA) methodology that was used to review potential impacts on different stakeholder groups, particularly the poor and vulnerable, of different reform scenarios in relation to the LDO and LG(SP)⁷. This assessment reviewed the current situation with the LDO and LG(SP), a reform where LDO and LGSP are converted to freehold, and alternative reform scenarios developed through the Participatory Rural Appraisal (PRA) method with villagers and supported by a relevant literature review. Information was gathered through the collection of secondary data and data collection in ten villages across the country involving key informant interviews, two focus group

⁷ The findings of this study are limited to this component of the PSIA and do not reflect the findings of the overall exercise – for which a Political Economy and Distributional Impact Analysis were also conducted. The final synthesis report is expected in the next few months.

discussions with stakeholders of LDO and with private landowners and ten to twelve household interviews in each village.

3.1 Site selection

The locations were selected to be representative of LDO areas in Sri Lanka. To achieve this the following criteria were used in selecting the villages for the study: villages representing different agro-ecological zones, villages that consist of both private land and LDO lands (to provide a control group), villages that represent different LDO schemes – highland settlements, major settlements, village expansion etc., villages that represent different crop patterns and irrigation systems, villages which have been previously researched (to benefit from previous data) and land used for agriculture.

Table 3.1 List of ten village sites

Name of the village	District	Characteristics
1. Mudungoda, Hurigaswewa, Galnewa	Anuradhapura	<ul style="list-style-type: none"> • Mahaweli system H • Dry Zone
2. Mahawewa and Athugala in the Sevanapitiya Block, Welikanda	Polonnaruwa / Ampara	<ul style="list-style-type: none"> • Sinhala/Muslim area • Border area • Mahaweli system B • Dry Zone
3. Therunansewama, Walawe	Embilipitiya	<ul style="list-style-type: none"> • Pressure from urbanisation
4. Thalcastenne, Rotumba, Deneiyaya	Matara	<ul style="list-style-type: none"> • Tea smallholdings • Highland settlement • Wet Zone
5. Herathpura, Ragala, Walapane	Nuwara-Eliya	<ul style="list-style-type: none"> • Village expansion scheme • Vegetable cultivation • Irrigation through anicuts • District of high poverty • Wet Zone
6. Maulla, Kobeignane	Kurunegala	<ul style="list-style-type: none"> • Small tanks • Coconut cultivation • Village expansion

Name of the village	District	Characteristics
7. Manabaranagama, Mutukandiya	Moneragala	<ul style="list-style-type: none"> • Dry Zone • High poverty district • Dry Zone
8. Atharagalleawa 2 GSD Elaheera / Polonnaruwa Bakamuna scheme		<ul style="list-style-type: none"> • Scheme incorporated into Mahaweli system • Gem mining • Intermediate Zone
9. Mugthankulum	Vavuniya	<ul style="list-style-type: none"> • Tamil community • Dry Zone
10. Medaruppa	Kegalle	<ul style="list-style-type: none"> • District of High poverty • Wet Zone

The following methodological steps were used for collecting data from the selected villages.

3.1 Collection of secondary data

Secondary data on socio-demography and lands in the study villages were collected from the Grama Niladhari, Cultivation Officer, Samurdhi Niladhari, Mahaweli officers etc. The secondary data includes: geographical and administrative boundaries, population related data (total population, number of families, age structure, ethnicity etc.), land ownership and distribution patterns (types of land, land size, tenure patterns etc.), land utilisation patterns (crops cultivated, seasonality, irrigation etc.), productivity of land, other economic activities, land related disputes (reported to Grama Niladharis) and village infrastructure.

3.2 Key informant interviews

Key informants such as Grama Niladharis, land officials, Mahaweli officers, and presidents of farmer organisations were interviewed to gain information on the following land related issues: key

stakeholders of LDO land (both direct and indirect), land transactions (formal and informal, mortgaging, leases etc.), land prices, land related issues (disputes, external pressures etc.), landlessness etc.

3.4 Focus Group Discussions

Focus Group Discussions were conducted with a mixed group of stakeholders (permit holders, tenants, grantees, non-grantees, labourers, etc.) identified through key informants. The groups included males and females, young and adults as well as different ethnic communities (if relevant). Discussions were held jointly and separately with these different stakeholders using the following methods.

3.4.1 Social mapping

The participants of the focus groups were asked to draw a map of the study village indicating the following characteristics: boundaries of the village, cultivated land (paddy and highlands, fertile and barren lands etc.), irrigation channels, major physical infrastructure and household locations. Subsequently this was linked with wealth ranking and rich, average and poor households were identified.

3.4.2 Wealth ranking

A wealth ranking exercise was conducted with the focus groups to identify the socio-economic differentiation/stratification in the study villages as perceived by the community. The wealth ranking was focused to identify characteristics associated with different socio-economic categories in the villages (e.g. rich, middle, poor, very poor etc.). They included: land tenure pattern (for men and women in each socio-economic category), land size (average holdings of different groups), who is excluded and included in

accessing LDO land (eligibility), land utilisation (men and women in each socio-economic category), and incomes from land and land related issues.

3.4.3 Pair wise ranking (optional)

A pair wise ranking exercise was conducted with the participants to identify the priority placed by villagers on land issues compared to the rest of the key development issues/problems faced by the community.

3.4.4 Impact diagramming

An impact diagram was used to visualise both positive and negative implications/impact of LDO land as perceived by different stakeholder groups. Participants of the focus groups were divided into homogeneous groups based on land access, such as permit holders, non-permit holders, encroachers, grantees etc. and through brainstorming, the facilitators in each group visualised on flip chart paper the positive and negative impacts of LDO land as well as their inter linkages. The facilitator also used an interview guide on related issues for probing and directing the discussions. The interview guide included the issues (positives and negatives) listed below for probing and in-depth discussion: land use, investments, social status and security, land transferability, landlessness, vulnerabilities, poverty (who is affected most), wage rates, land transactions, distress sales, root causes of distress sales (e.g. indebtedness), mortgages, coping strategies in crisis, safety nets and land, marketability, land values (LDO vs. private land), the quality of land, access to credit and terms and conditions (choices available in credit contracts), disputes, land related uncertainties and off-farm employment.

After visualising the current status of LDO land in terms of its positive and negative implications, participants of the focus groups were asked to visualise a situation where current restrictions

imposed on LDO land are lifted. This future scenario was also visualised in terms of its possible positive and negative consequences on different stakeholder groups (this exercise was linked to both social map and wealth ranking) and marked on the earlier diagram for comparison and further discussion. Group discussions also elicited proposals and suggestions from participants to mitigate negative effects of lifting LDO land restrictions on different stakeholder groups.

3.3 Household interviews

Household interviews were conducted with selected stakeholders (permit holders, non-permit holders, encroachers, tenants etc. belonging to poor, middle, rich categories) using an interview guide. Ten to twelve household interviews were conducted in each village. Emphasis was placed on identifying and interviewing poor and vulnerable households such as female households who did not participate in the focus group discussions. The households interviewed were identified through the earlier mentioned Participatory Rural Appraisal (PRA) exercises – social mapping, wealth ranking, impact diagram etc. The focus of the interviews was to identify the households' links to LDO land (multiple owners, tenant, lessor or single etc.), the current status of the land and related issues (undivided, mortgaged, sold), tenurial arrangements, coping strategies, land related transactions, root causes of land transactions (informal), access to credit and other services, off-farm employment, perceptions on lifting restrictions on land and its effects on family, community etc., and views of different reform options.

3.4 Focus Group Discussion with private land owners

A focus group discussion conducted with a group of villagers owning private land served as a control group for comparing the

major issues associated with LDO land with privately owned land. The key issues addressed in the discussion included: tenurial arrangements, marketability and land prices, quality of land, access to credit and other services and terms and conditions of contracts, land transactions and transferability, root causes of land transactions, social status and security, land utilisation and productivity, investments, land related uncertainties, perceptions on lifting restrictions on LDO land and proposals/suggestions to mitigate negative effects.

4. Findings: Current situation with LDO and LG(SP) land

4.1 Government processes

As a result of LDO restrictions, the choices of permit holders and grantees regarding land usage (i.e. mortgage, lease, sale, subdivide, pass on to children etc.) are constrained and subject to long delays with much time spent visiting relevant officers, with bribes occasionally expected. In all ten sites, there are common complaints over delays and occasional corruption associated with state involvement in land tenure. This leads to much higher transaction costs for LDO land, which contributes to its lower value. In some cases LDO land value is 15% - 25% below comparable private land.

Delays and transaction costs of approvals for various LDO land actions (i.e. mortgage, leases, sale, subdivision, passing on to children etc.) are made worse by responsible government officers' lack of understanding, including Divisional Secretaries, clerks, Grama Niladharis and others charged with administering the system and handling disputes. The Land Commission published a manual with relevant laws, regulations and circulars about ten years ago, but this has not been updated or reprinted. Many officers make mistakes in administering the LDO that cannot be rectified administratively and may require long legal processes to be rectified.

In addition, only a few permit holders/grantees are aware of their rights or responsibilities under the LDO and understand the complexities of the system. This makes them dependent on public officials, who may themselves be unaware, overworked, disinterested or unscrupulous. Hence, permit holders/grantees do not receive the most appropriate advice or assistance to swiftly gain the required permissions etc. under the ordinance.

As a result of ignorance or indifference, land operators and government officers ignore some of the provisions of the LDO, hence lifting some LDO restrictions would simply be legalising what often already happens informally and illegally. Mortgages and even some sales are generally done illegally without government permission. But while this does not seem to matter for mortgages, it can create insecurity and complications for illegal 'buyers' of the LDO permit/grant.

Currently the LDO is haphazardly enforced and implemented at the local level. Encroachments are equally randomly regularised with no systematic or forward-looking approach to identify lands for the landless. Moreover, conversion of permits to grants are subject to long delays in the complex and bureaucratic process. There are many stages in the issuing of the certificates which are ultimately stamped with the President's seal and signed by the Secretary to the President⁸.

Land maps are important to reduce disputes over LDO boundaries. Most permits were issued with a plan, however, in converting these to deeds, speed was considered vital and so the bulk of the grantees were given deeds without a plan. This has inevitably increased boundary disputes, and meant that the government has no idea of the extent of the country covered by grants.

⁸ The President's rights to issue certificates rather than the minister has been a coveted executive privilege.

4.2 Land inheritance

Inheritance rules cause much distress, since restrictions ensure that in most cases inheritance is by the eldest son, if the permit holder/grantee dies before nominating a successor. Typically only one person will inherit due to minimal subdivision limits. Thus, the established succession rights adversely affect women in particular. This is different to customary law, which applies to most privately owned lands, where if an owner dies without a will, her/his land is shared equally amongst her/his children. In nine out of ten village sites, focus group discussants (especially groups identified as poor/very poor) expressed a strong preference to be allowed to divide their land equally among their children. In these nine sites, the restrictions were identified as causing family disputes and conflict – with many concrete examples cited⁹. Unlike many other restrictive aspects of the LDO (such as requiring government notification), which are circumvented by being ignored, these restrictions are harder to ignore as the legal successor, typically the eldest son, can ensure that the grant/permit goes to him. In the majority of villages, removal of the inheritance and subdivision rules were identified as the key reform needed in the LDO. As one man stated:

“Why do men marry, bring up their children and give their (father’s) name to the birth certificate if they cannot treat all their children equally?”

4.3 Land price

Land prices are often considerably lower for LDO land than for private land. In the four study villages, where comparable data was available, it was lower by approximately 15% to 25%. However,

⁹ The one exception was Herathpura, where people seem to have solved the problem by applying rules of inheritance and subdivisions.

according to farmers other factors, such as soil fertility, access to infrastructure facilities, water, electricity, roads etc. are more important than tenure in determining land prices in general. In addition, the reason given for the lower price of LDO land is not because it can't be easily sold, but because of the restrictions on inheritance and subdivision.

4.4 Land sales (including distress sales)

There were limited illegal sales of LDO land in all ten sites, but even private land sales were not very high. However, there is significant variation between villages. In Herathpura, a vegetable producing area, about a third of the households have sold their LDO land illegally; while in Manabaranagama, almost a quarter of LDO households have done the same. In other villages, the figure is negligible (only one or two families). These illegal LDO sales are typically conducted through a notary public often with a promissory note, sometimes witnessed by the justice of peace. They are typically 'legalised' by the Grama Niladhari or appropriate officer assisting the new owner to register the permit/grant in their name. However, there are some cases of the original owners returning to reclaim their sold land. In general, people prefer not to sell their land, and there is anecdotal evidence of a decline over the last three decades in the area of illegal LDO land sales. Initially in three of the village sites, a number of new settlers sold their land as they found life difficult in the often incomplete settlements. Now, as facilities have improved people are more reluctant to move. There is also pressure from the next generation to prevent parents selling land.

A few illegal LDO sales are linked to poverty, debt and alcoholism. There were one or two examples in each field site of husbands selling land due to debts, exacerbated by alcoholism. However, in general these were not stated as the major reason for land sales.

4.5 Credit and mortgages seem to have only a limited link to LDO tenure status *per se*:

- *Access to credit from formal or semi-formal financial institutions:* There is a relationship between credit and tenure in cases where bank loans are harder to get for LDO permits holders than for grantees and often require government approval. Both permit holders and grantees may occasionally find access to formal credit more difficult than private landowners. It is important to ensure that this is not due to other factors such as better access to irrigation of private lands leading to higher output and lower crop failure. In addition, the poor track record of repayments means that commercial banks are often reluctant to lend to most smallholder land operators – regardless of their tenure status. This leads LDO smallholders and private landholders to informal credit sources.
- *Access to informal credit sources:* Due to lack of access to formal credit, credit is often provided within the village through informal mortgaging or leasing¹⁰. The main difference between these is that in a mortgage, the permit/grantee keeps working the land to pay off the loan, while in ‘leasing out’ the permit holder/grantee loses access to the land until the loan is repaid. Government regulations requiring approval for the loan by the Divisional Secretary are largely ignored. In seven of the ten villages, land mortgages and leasing out are extremely high. For the three villages where approximate data was collected 40%-80% of smallholders had mortgaged or leased their land. This applies both to permit/grantees and private smallholders.

¹⁰ In the case of leased land, the permit/grantee of the land ‘leases’ it to someone who is wealthier and who provides a loan using the land as collateral. The permit/grantee loses access to the land until the loan is repaid – although the debtor may be hired as a labourer on his own land. Interest may or may not be charged. The land may be lost if the loan is not repaid.

The implicit interest rates under these informal mortgages are very high. In the other villages, other informal credit sources are used. For example in the tea growing village of Talgastanne it is the tealeaf buyers who provide credit, while in Mugathankulum private moneylenders are sometimes used.

- *Credit where land is collateral rarely used for agriculture:* Where land is used for collateral for credit (e.g. by mortgaging land), this credit is typically used for consumption, such as family events (weddings or funerals), during crop failure, to invest in the construction of housing, or for migration related costs.
- *Agricultural credit less dependent on land as collateral:* Typically credit for agriculture is already provided by those who provide agriculture inputs (e.g. shops selling fertilisers/pesticides) or by those who purchase outputs. Here again while the credit is accessible it locks people into purchasing and selling arrangements from the person who proves the loan, which may have high implicit interest rates (even though the stated interest rate may be low)¹¹.
- *Leasing out to resolve agricultural credit problems:* With some crops, particularly vegetables, the costs of inputs are extremely high, so in some cases, permit holders and grantees lease out the land to others, as they cannot afford the cost of the inputs.

While informal mortgaging and credit through suppliers and purchasers provide accessible credit for smallholders, it comes at very high implicit interest rates. However, in a situation of high risk and hence high transaction costs for lenders, there may be no other way to provide loans to the poorest.

¹¹ Data from the land titling project suggests that for wealthier private farmers land does sometimes act as collateral for credit for agricultural investments such as farm equipment. However this does not seem to be the case for smaller LDO farmers.

4.6 Land plot size, consolidation

The land plot size shows a declining trend, with only a few cases of consolidation. As settlement schemes have proceeded, the land provided has become smaller - from over five acres of irrigated land and two acres of highland in some schemes in the 1950s to three acres of irrigated land and one and a half acres of highland in the 1980s. Through legal and illegal subdivision and sale, the existing plots have become smaller. In addition, subsequent schemes provide only smaller plots to begin with. The Green Revolution also stimulated agricultural intensification, which helped make smaller plots generate higher yields. There are a few cases, where a single family or families have purchased several plots and so increased their holdings, but this is limited. Rarely does any family own more than ten acres. This suggests that fears over LDO reforms leading to inequitable land consolidation would appear to be misplaced – the historic trend is for people to subdivide land as their family size increases.

4.7 Land plot size and productivity

The link between land plot size and productivity is not clear. Land operators do not see fragmentation as a major issue in terms of productivity. Often, the high costs of inputs and scarcity of labour means that even where LDO permit holders and grantees still have larger holdings, they lease them out or give them out to sharecroppers. This, for example, seems to occur in the vegetable producing areas where the costs of inputs are very high.

4.8 Land area and poverty

Links between the area of land owned and poverty are important. While the link between land plot size and productivity is not clear, it is generally the case that a larger land area brings in more income, provided that farmers can afford the inputs. In technical

terms the marginal rate of return to plot size may be fixed (or even declining), but still in absolute terms more land brings in more income as a larger land area generates a larger harvest. This is one possible way out of the rural poverty trap, but it assumes that there is sufficient land to be distributed, which is not always the case. This is demonstrated by the fact that in almost all the study villages, the wealthier families owned the most land.

4.9 Land use, tenure and crop choice

Irrigated land is almost always used for agriculture. Highland is used both for housing and agriculture. With the population pressure, an increasing number of highland areas are being converted to houses, but this may also lead to more intensively planted home-gardens around the houses. So the impact of highland subdivision on agricultural productivity is not clear.

Most land operators have a clear preference for cultivating paddy on irrigated land where water is available, but other field crops are cultivated when water is less reliable on this land. Often the crop will vary depending on the season, with paddy during the *maha* season, when rain is more plentiful and other field crops during the *yala* season. There seem to be few links between land tenure and crop choice.

4.10 Land productivity and tenure

Contrary to claims by others, our fieldwork suggested that productivity and LDO land tenure are not clearly linked: any link is generally not clear and depends on several factors:

- *Security of tenure*: Generally people with permits/grants feel secure as eviction is rare. Our fieldwork identified very few cases of people having their permit cancelled. It is therefore not clear if people would feel a lot more secure with a

private deed. It was clear however, that encroachers who lacked permits generally felt less secure than those who had been regularised and received permits.

- *Land operator is often not the permit holder/grantee:* Many of the lands are farmed by sharecroppers (both those without agriculture land and those whose land is mortgaged) or those who lease the land. Productivity in terms of land, investments etc. depends more on the incentives faced by the sharecropper or person who has leased the land (i.e. length of lease, size share crop etc.) than tenure status of the permit holder or grantee. Generally mortgages and leases are for a short duration for fear of loss of ownership if the land is mortgaged to a single party for more than a year or two. While the land may be mortgaged for longer periods (i.e. 5-8 years), the annual mortgage is 'rolled' from one lender to the next.
- *Credit* obtained using land as collateral is rarely used for improving land productivity or to invest in the land (see above).
- *Investments regardless of tenure:* In most villages, farmers said there was no direct link between tenure and investment¹². Typically people have put up permanent houses on LDO land. However encroachers without a permit worry about putting up a permanent house. Other factors are considered more important than tenure for productivity, such as soil fertility, irrigation facilities and inputs provided.

4.11 Encroachers and landless

Encroachers are generally the poorest and least secure households, and encroaching does offer a temporary solution to their lack of a

¹² The two exceptions are Mughtankulum, which is a conflict area, and so people feel especially vulnerable without private deeds and Mudaruppa, where land disputes on LDO land reduce investments.

place to live. Encroachers are typically descendents of the original settlers of an area or they come from other areas where land for housing is scarce. Second and third generation descendants of original settlers are often technically 'landless' without any legal land of their own to live on. They often live on the land of their parents or siblings, or encroach into highland areas or other 'reserved' areas to put up their house. For example, in the Mahaweli region the areas 'reserved' for specific use such as cemeteries, schools, temples, tank watersheds and lands for agricultural expansion are often encroached. Generally until they have a permit issued, these encroacher households are the most insecure. In some cases, people are reluctant to put up houses made of permanent materials, as they fear they might have to leave the land. However, despite this insecurity, encroached land is illegally bought and sold. For example, encroachers may illegally sell off a small patch of land to a landless family. As the land does not have a permit and the sale is thus illegal, the price tends to be lower and so more affordable. There are a few cases, primarily in the wet zone, where encroachers may be better off and politically connected and they encroach not for housing, but as a way of increasing their agricultural land.

Regularisation of encroachment seems to be quite haphazard and no data is being collected. The decision to regularise or 'legalise' encroachments by issuing LDO permits varies widely from one area to the next with no clear criteria. Within the Mahaweli, the decision to regularise lies with the Mahaweli and is approved by the Director General. Outside the Mahaweli irrigation areas, the decision to provide LDO land to encroachers used to lie with the Land Commissioner and his staff, but following the 13th Amendment, it now lies with the Provincial Land Commissioners Department (except for inter-provincial scheme). No systematic data is collected on how and where these encroachments are being regularised. From our fieldwork, it appears that in some areas, government officials are quite sympathetic to the plight of the

poorer encroachers; in other areas encroachers have to wait many years for permits, while in others they are turned down year after year. However, there seems to be little evidence of encroachers being forced to move by the state. Indeed, the attempts to prevent encroachments seem to come more from within the village by existing households forcing away people who try to settle in areas such as the cemetery or temple reservation.

4.12 Gender impacts

Most Sinhalese women move to live with their husband after marriage (compared to Muslims where the reverse normally happens) and often come from outside the village. Women in rural areas take part in farming activities generally for lower wages as well as in off-farm employment. Children are often left in childcare as all family members work. There are widespread problems of alcoholism. There is a serious lack of land rights for women while the husband is alive as the permit/grant typically is in the husband's name. The wife only gets the permit/grant after the husband's death and only if nominated by her husband. If this has not been explicitly done, she only has 'life interest' to the land.

4.13 Off-farm employment

Off-farm employment and land tenure do not appear to be clearly linked. Due to declining agricultural incomes, agricultural income may be less than 30% of a household's income. For poor women remittances from international migration and jobs in garment factories are considerable – with women often migrating soon after marriage to earn money to build a house. If they find a decent employer abroad and their husband invests the money sensibly, they can generate considerable savings in a few years (e.g. to construct a large house). But if they have problems with their employment, and/or their husband or others receiving the funds in

Sri Lanka do not invest them wisely then the surplus may be minimal.

For 'poor' men, the majority of off-farm jobs are in the armed forces and in the construction industry. For less poor families, off-farm incomes include hiring vehicles or owning some form of business. For both poor and non-poor households, the links between these off-farm incomes and tenure is not apparent. Generally at least some family members will remain on the land even if the LDO permit holders or grantees move away to earn incomes outside the village. In some cases, the land will be left with another relative, or leased out, or given for sharecropping. Thus there is little evidence that LDO and LG(SP) limits on sales 'tie' people unwillingly to the land. Nor is it clear that the lack of access to LDO land 'forces' people off the land – although the restrictions on LDO land inheritance and subdivision may create problems for some. Our interviews suggested that those moving to off-farm employment tend to be the younger generation who see little future in smallholder farming. Those who do not want to or cannot find off-farm employment will work as labourers or sharecroppers on others' land and live with relatives or on encroached land.

Table 4.1 Current situation: issues, linkages to LDO tenure and winners/losers

Key Issue	Link to current situation of LDO and LG(SP)	Winners/losers
Government processes	Slow and bureaucratic with land officials and LDO permits holders/grantees ignoring some provisions of the Act.	Permits holders/grantees face long delays and restrictions. Unscrupulous officials can gain from lack of transparency, discretion etc.
Land Inheritance	Constrained by nomination and subdivision restriction, otherwise succession to eldest son.	Eldest son benefits Other family members lose out, especially women.

Key Issue	Link to current situation of LDO and LG(SP)	Winners/losers
Land price	LDO land price 15-25% lower than private land price (where data available).	LDO permit holders and grantees lose out.
Land sales, including distress sales	Approx. 5% of LDO land currently sold illegally since permit/grant issued.	LDO sellers find it hard to find buyer LDO buyers face insecure ownership.
Credit, mortgages and leasing out	Some constraints on bank loans, but other credit sources operate particularly mortgages.	Permit holders/grantees have less access to credit. Those who gain from inter-linked credit markets benefit from lack of alternative credit to LDO permit holders/grantees.
Land plot size, consolidation	Plot size seems to be declining, with few examples of consolidation.	More recent permit holders/grantees generally have received smaller land holdings from the state. Some who have consolidated land have become wealthy.
Productivity	Permit/grant holders generally secure and so do invest in the land. Encroachers without any permits insecure and hence low investment.	No clear winner/loser.
Land use and crop choice	Preference for paddy where water is available (e.g. in maha) and other crops where water is limited.	No clear winners/losers.
Encroachers and landless	Generally poorest families.	Encroachers lose out until permits issued.
Off-farm employment	If people work off farm often prefer to keep land, and where necessary give land for share cropping, lease it or leave it with a relative	Off-farm workers can become better off.

4.14 Importance of non-tenure constraints facing agriculture

Discussions with farmers in the ten villages suggest that the binding constraint to addressing agricultural poverty is not tenure, but lack of competition in rural markets. In many cases, more important issues than tenure are marketing, credit, inputs and infrastructure (social, irrigation and roads) etc. Rural factor markets – land, labour and credit – are heavily inter-linked to create a 'poverty trap'.

The source of many of these inter-linked poverty traps is the lack of competition in rural markets. A few individuals control access to credit, marketing, inputs (e.g. fertiliser and pesticides), technology (e.g. tractors and threshers) and processing (e.g. rice mills). These individuals often act as a cartel to set prices, limit competition and prevent new entrants, to generate maximum profits. They are often located within the village (e.g. owners of local shops or providers of agricultural inputs) or from nearby towns. Introducing competition into these markets is vital to address rural poverty. However, for the reasons highlighted above in this paper, changes in land tenure will not have a significant impact on their ability to control rural factor markets. Even in areas of with private land such arrangements exist.

Discussions also underlined the need to be acutely conscious of the social, cultural and political aspects of land as well as the economic aspects. There include concerns about sharing land among children for family harmony and equity, widespread alcoholism and gender inequality, a sense of injustice that LDO permit holders and grantees are 'second class' citizens compared to private landowners, the social stigma of living on encroached land and the links to the ethnic conflict. Some argue that some settlement schemes have been designed and implemented to alter the ethnic composition of the country. The ongoing conflict has led to significant displacement of

different ethnic groups and there is a perception (although this was not always borne out by our field visits) that certain ethnic groups are 'buying up land' and this would be speeded up by removing restrictions on land sales.

5. Recommendations

5.1 Recommendation to undertake a minimum reform scenario of removing restrictions except sales, and promoting more strategic land management

We recommend the implementation of a minimum reform scenario to tackle rural poverty and make LDO more pro-poor:

- Address agriculture challenges facing LDO permit holders/grantees (i.e. in relation to marketing, infrastructure, credit etc.).
- Create a more systemic approach to assisting the landless and encroachers.
- Facilitate off-farm employment.
- Remove inheritance and subdivision rules for agricultural lands.
- Permit joint ownership of permits/grants.
- Remove the need for permission for credit, mortgages, leasing etc.
- Improve awareness of land rights amongst land operators, LDO permit holders, and grantees.
- Strengthen strategic administration of land management.

This minimum reform scenario includes the most important issues for poverty reduction. Allowing the sale of LDO land, according to our findings, is not key to rural poverty reduction and indeed could in some situations exacerbate some aspects of rural poverty. Most importantly the debate over LDO sales may use up scarce political

capital on issues that, according to our findings, are not the highest priority tenurial reforms for rural poverty reduction. In particular our research shows that the poorest households are typically those who have no legal land title i.e. they are living on land owned by their parents or relatives or they have encroached. They should be the target group for pro-poor tenurial reforms rather than those who already have LDO permits/grants.

5.1.1 Other constraints more important than tenure reforms

Addressing other constraints to viable agriculture may often be more important for rural poverty reduction than tenure reforms – for example fair and stable prices for agricultural output through improved access to markets and credit at lower interest rates. This emerged in many field sites where land operators indicated that other issues were of higher priority than tenure. Marketing is a major problem and government attempts to offer higher prices to the farmers through guaranteed price schemes, are often circumvented by the sellers who then benefit from the guaranteed price. Many rural households, especially the poor mortgage and lease out their land at prohibitive interest rates. Although other credit institutions exist, such as rural banks, Sanasa, Samurdhi and women's societies etc. many people are not aware of the availability of these or that the loan amounts are relatively small. Attempts by the state banks to introduce larger loans have sometimes led to defaults.

5.1.2 Land for encroachers

Land for encroachers and the landless can be managed systematically with new areas identified by updating plans in Mahaweli and other areas. There is clearly a shortage of land, but the current approach is largely reactive crisis management with *ad hoc* regularisation of encroachments. There is need to systematically identify potential areas for new land holdings and allocate them more transparently with clear criteria. Some of the reservations set

out in the original Mahaweli areas are quite outdated and need to be revised - for example in one study village, there is a large area reserved for the temple, even though the temple moved to another location many years ago.

5.1.3 Off-farm employment opportunities

Off-farm employment is vital to reduce dependence on low agriculture incomes, particularly for the landless and encroachers. With growing populations and limited land availability, there will never be enough land for all the encroachers and landless. Many people are already moving into off-farm employment, but they face many challenges. Women migrating overseas face unscrupulous recruitment agencies who often charge very high upfront payments and encourage the applicants to take on huge debts, which they have to use their foreign earnings to repay. Women working in garment factories face problems of low wages (often the same as agricultural wage rates at about Rs 250 per day) but they also have higher living costs of boarding, transport etc. Both workers overseas and in the garment factories can face problems of harassment and being separated from their small children. Both men and women have limited opportunities to develop skills such as in IT and the English language that will help them enter the larger labour market and earn higher wages.

5.1.4 Removal of inheritance rules for agriculture lands

Removing inheritance and subdivision rules for agricultural lands was expressed as a strong preference of almost all people interviewed. There was little evidence from the field that the increase in fragmentation will lead to a decline in productivity.

5.1.5 Joint ownership for permits

Introducing joint ownership for permit holders/grantees will overcome the lack of land rights for women while her husband is

alive. This will limit husbands taking decisions that are detrimental to the wife and children, for example selling lands due to addiction to alcohol etc. However, the wife may still be pressured by domestic violence to do what the husband requires.

5.1.6 Remove need for permission for credit, mortgages, leasing

This would reduce many of the delays and bureaucratic approvals occurring under the current system. It would also free up time for the Divisional Secretariats and other officials by avoiding them having to spend time on routine land approvals.

5.1.7 Improve awareness

Improving awareness of land rights amongst LDO permit holders/grantees and land operators would allow land operators to demand better services from the government officers, to know when they were being misled and to demand redress for wrong decisions. In the short run it might lead to additional work for the government as the land operators would be better informed, but in the long run it could lead to a smooth functioning system. With the reforms proposed here the situation would also be much simpler.

5.1.8 Strengthen administration

Strengthen administration of land management with a more strategic approach to land management, including more capacity to set national standards by the Land Commissioner General's Department and more transparent implementation by the Provincial Land Commissioners. Implementation needs to balance the need for regional flexibility with national guidance. Flexibility could allow for local variation to be reflected – for example wet zone versus dry zone, crop type, cultural practices (e.g. Muslim, Tamil, Sinhalese, inheritance customs) etc.

5.1.9 More time on other land management issues

By removing many of the time consuming routine approvals, land officers will have more time to address the higher priority more strategic land management issues such as pro-actively identifying land for the landless, addressing the backlog of plots without maps and approving sales swiftly and transparently.

Table 5.1 Minimum reform scenario (all restrictions removed except on sales): potential impacts and potential winners/losers by proposed aspects of the reform

Proposed aspects of the reform	Impacts	Potential winners/losers (Losers underlined)
Off-farm employment	New livelihood opportunities. Reduce pressure on landSocial costs of migration, serving armed forces etcPotential shortages of agricultural labour.	Rural households gain income, but can bear social costs of migration etc. Land owners needing labour may face higher wage rates.
More systematic approach to land for encroachers	Less encroachments of important reservation Less haphazard encroachment.	Landless, including 2 nd and 3 rd generation etc benefit if land is found more secure with clearly divided up land and separate titles from parents.
Introduce joint ownership for LDO permits/grants	More gender equity.	Women gain. Husbands have less control over land.
Remove need for permission for credit, mortgages, leasing etc.	Easier transactions More access to credit sources.	Time savings for permit holders/ granteesand for government officials. Corrupt officials may lose out. LDO permit holders/grantees access credit more easily. New credit suppliers gain customers. Earlier credit suppliers/mortgage suppliers may face more competition.

Proposed aspects of the reform	Impacts	Potential winners/losers (Losers underlined)
Improve awareness of land rights by LDO permit holders and grantees		Permit holders and grantees can assert rights more effectively. Corrupt officials/ unscrupulous notary publics lose incomes.
Strengthen administration of land management	Less centralised approval process. More transparent, strategic approach by provincial Land Commissioners.	Permit holders and grantees gain a better service. Executive and central bureaucracy loses approval power, but gain by having more strategic approval over land management.

Speedy introduction of some of these minimum reforms can be made with limited controversy. Some of these ideas are included in the amendments approved by cabinet, but they are packaged with more controversial reforms allowing sales of village expansion land. Such controversial issues may be subject to delay and their pro-poor impact is less certain. Therefore we propose the introduction of a minimum reform package which would not include outright sale of LDO or LG(SP) lands.

Table 5.2 Minimum reform scenario: potential impacts and potential winners/losers by land issue

Key Issue	Link to minimum reform scenario	Winners/losers
Government processes	Removal of permission for everything except sales.	Permits holders/ grantees no longer face long delays and restrictions.
Land Inheritance	Removed.	Eldest son loses out Other family members benefit.

Key Issue	Link to minimum reform scenario	Winners/losers
Land price	LDO land price may rise as many restriction removed.	LDO permit owners/grantees have high value land.
Land sales, including distress sales	Illegal sales could go up or down if LDO land becomes more valuable.	No change from current situation as sales still heavily restricted.
Credit, mortgages and leasing out	Restrictions removed making credit access easier. Land cannot be forfeited if credit not repaid.	Permit holders/grantees have more access to credit
Land plot size, consolidation	Plot size likely to continue declining.	No clear impacts.
Productivity	No clear impacts.	No clear winner/losers.
Land use and crop choice	Preference for paddy and cash crops likely to continue.	No clear winners/losers.
Encroachers and landless	Improved access to land for encroachers.	Landless and encroachers benefit.
Off farm employment	Greater access to off-farm employment.	Rural households benefit.

5.2 Caution urged regarding reform scenarios which also allows sale of LDO and LG(SP) lands

5.2.1 Pro-poor benefits of allowing sale are not clear-cut and there are potentially negative impacts on the poor

- Land market is unlikely to take off: sales of private lands are quite low.
- Land prices could move either way: if LDO sales are liberalised, and more land enters the market, land prices as a whole may fall. It is not clear which effect will dominate and what would happen to land prices of formerly LDO land as a result.

- Output from highland plots could increase or decrease depending on the extent of conversion of agricultural land to housing as opposed to increased agricultural intensification in the home garden around the house.
- Productivity impacts not clear.

It is recommended that a reform scenario including outright sales of permits and grants is only considered after an estimation of the minimum scenario is undertaken, and even then it should be approached cautiously: the benefits of the minimum scenario can then be assessed to determine the extent to which these address the main issues of rural poverty. Even then any introduction of outright sales should be done only following a pilot phase which is evaluated.

It is our view that the full sale scenario is likely to be less pro-poor than the minimum reform scenario where all restrictions are lifted except for sales. In particular, removing restrictions except for sales will almost certainly lead to a rise in the price of LDO land. It was stated that the reason for the low price of LDO land is the restriction on inheritance and subdivision, which leads to family conflict (and not because LDO land cannot be sold). By contrast, permitting the outright sale of LDO land may cause an influx of land into the market meaning that land prices could fall. Secondly, removing government approvals for mortgages will increase access to credit, but restricting sales will guard against forfeiture of land for non-payment. Allowing outright sale will remove this safeguard. The advantages of keeping restriction on sales were corroborated by several focus group participants, who raised concerns towards allowing land sales of LDO without restrictions. Interestingly some members of the control group of private landowners also expressed the advantages of restricting sales.

The scenario of allowing the sale of village expansion land, which is not used for agriculture, has already been approved by the cabinet, although legislation and implementation could take some time.

Sales allowed on all LDO and LG(SP) lands is a reform scenario that was been begun by the last government, but was delayed by a Supreme Court ruling based on a technicality that the appropriate process for the new legislation had not been followed. The impacts of reform depend on how quickly and effectively they were implemented, including the extent to which they were publicised and promoted. The sections below try to determine the impacts of allowing sales – but generally they are likely to be less dramatic than both the detractors and the supporters claim.

5.2.2. Limited stimulation of the land market

Land sales in the study villages are comparatively low even for private land. Land sales conducted both illegally and informally are estimated to be less than 5% at present. There are push factors that contribute to land sales as well as pull factors, which influence people to retain their property. It is the general perception of the people interviewed that perhaps 10% of lands could be sold if the LDO is completely liberalised. But the high extent of mortgages does not, in our view, indicate a desire to sell land outright.

5.2.3 Limited potential 'distress sales'

The most vulnerable group selling land are poor families who are largely dependent on casual labour or other non-farm economic activities (incomes from which are seasonal and irregular), do not have the sufficient capital to invest in cultivation and are deprived of accessing improved infrastructure facilities. Potential distress sales could be addressed by focusing on reducing poverty among these vulnerable groups through improved livelihoods and infrastructure facilities.

5.2.4 Impacts on land prices not clear

While LDO prices are currently lower than private land prices, if LDO sales are liberalised, and more land enters the market, land prices as a whole may fall. It is not clear which effect will dominate

and what the resulting impact would be on former LDO land prices land even in the short term. Prior to reform the price impacts are very difficult to predict. Clearly, in the medium to long run land prices will appreciate and the price difference between LDO and private lands would no longer exist. It is not clear how long this appreciation would take, although given the high demand for land it is unlikely to take a very long time.

5.2.5 Potential that lands could be forfeited for non payment of credit

At present the LDO makes it very difficult for land to be forfeited if credit is not repaid. In the few cases where this has happened, it has often been due to fraudulent practices by the lesser/mortgagers to get the lands transferred to their name. By allowing outright sales, forfeiture of lands may increase.

5.2.6 Limited impacts on access to water infrastructure

Despite increasing fragmentation of irrigated land plots, accessing water irrigation infrastructure was not highlighted as an issue by land operators. There are also other laws and regulations such as the Agrarian Services Act and the Paddy Lands Act which limit farmers' ability to undermine existing irrigation management systems.

5.2.7 Impacts on agricultural output from highland not clear

While some land may be lost if land is subdivided and more houses are built, there may be an intensification of home-garden and highland cultivation around houses leading to a net gain in total agricultural output.

5.2.8 Productivity benefits of land sales not clear and could even be counter-productive:

- Productivity impacts depend on the buyers or sellers being more productive. There are examples of private land being left fallow or kept as land speculation in some other areas.

- Consolidation, assuming it were to happen, may not be such a contribution to productivity. There is a perception among the farmers that fragmentation is a problem that has led to reduced productivity. Attempts have been made to promote larger farms in some Mahaweli areas, although these have largely failed.
- Land tenure is not key for accessing credit, particularly agricultural credit.

Table 5.3 Sales allowed: potential impacts and potential winners/losers

Key Issue	Link to sales of LDO and LGSP	Winners/losers
Government processes	Removal of permission for sales.	Permit holders/grantees no longer face long delays and restrictions.
Land Inheritance	Removed.	Eldest son loses out Other family members benefit.
Land price	LDO land price may rise or fall.	Not clear.
Land sales, including distress sales	May increase slightly, with limited increase in distress sales	LDO buyers find it easier to find buyer. LDO buyers face secure ownership
Credit, mortgages and leasing out	Some constraints on bank loans, but other credit sources operate, particularly mortgages. Concern that lands could be forfeited if credit not repaid.	Permit holders/grantees have more access to credit.
Land plot size, consolidation	Plot size likely to continue declining, with perhaps some increase in consolidation.	Some who have consolidated land could become wealthy.
Productivity	No clear impacts.	No clear winner/losers.
Land use and crop choice	Preference for paddy and cash crops likely to continue.	No clear winners/losers.

Key Issue	Link to sales of LDO and LGSP	Winners/losers
Encroachers and landless	Access to land for encroachers to land depends on how reform is implemented and impact on land prices.	Not clear.
Off-farm employment	No clear impacts.	Not clear.

6. Conclusion

In conclusion we recommend:

- Reforming the LDO and LG(SP) to remove restrictions relating to all issues, except 'transfers' (i.e. sales).
- Introducing joint ownership of permits and grantees.
- Introducing a more systematic approach to encroachment and landlessness.
- Providing training for government officials and conducting a public information campaign for land operators regarding the reformed approach.
- Giving more attention to non-tenure related challenges to rural agricultural and the facilitation of off-farm employment.

This is consistent with the approach advocated to land management by the World Bank in some other countries. For example the Poverty Social Impact Analysis (PSIA) of Zambian land reforms states that:

“Secure, long term leases, especially ones that can be transferred can provide many of the advantages of full ownership. In Israel for instance, most land is state owned and leased to farmers for 49 or 99 years, without any negative impact on land or credit markets.”(Jorgensen *et al* 2005)

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Annex

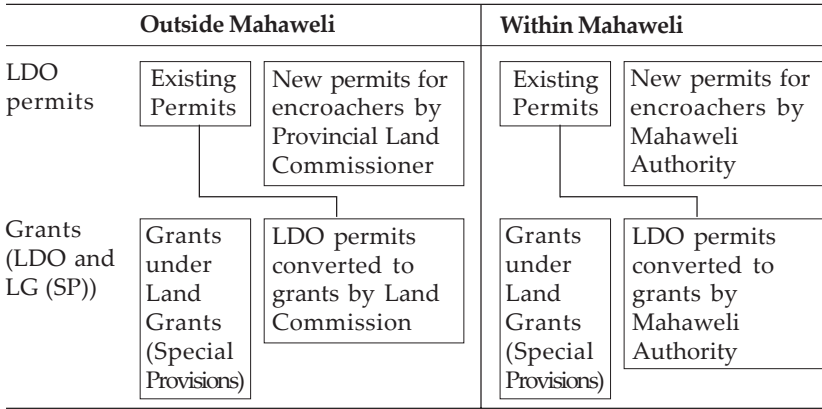
Annex 1: Legal differences between three tenure types

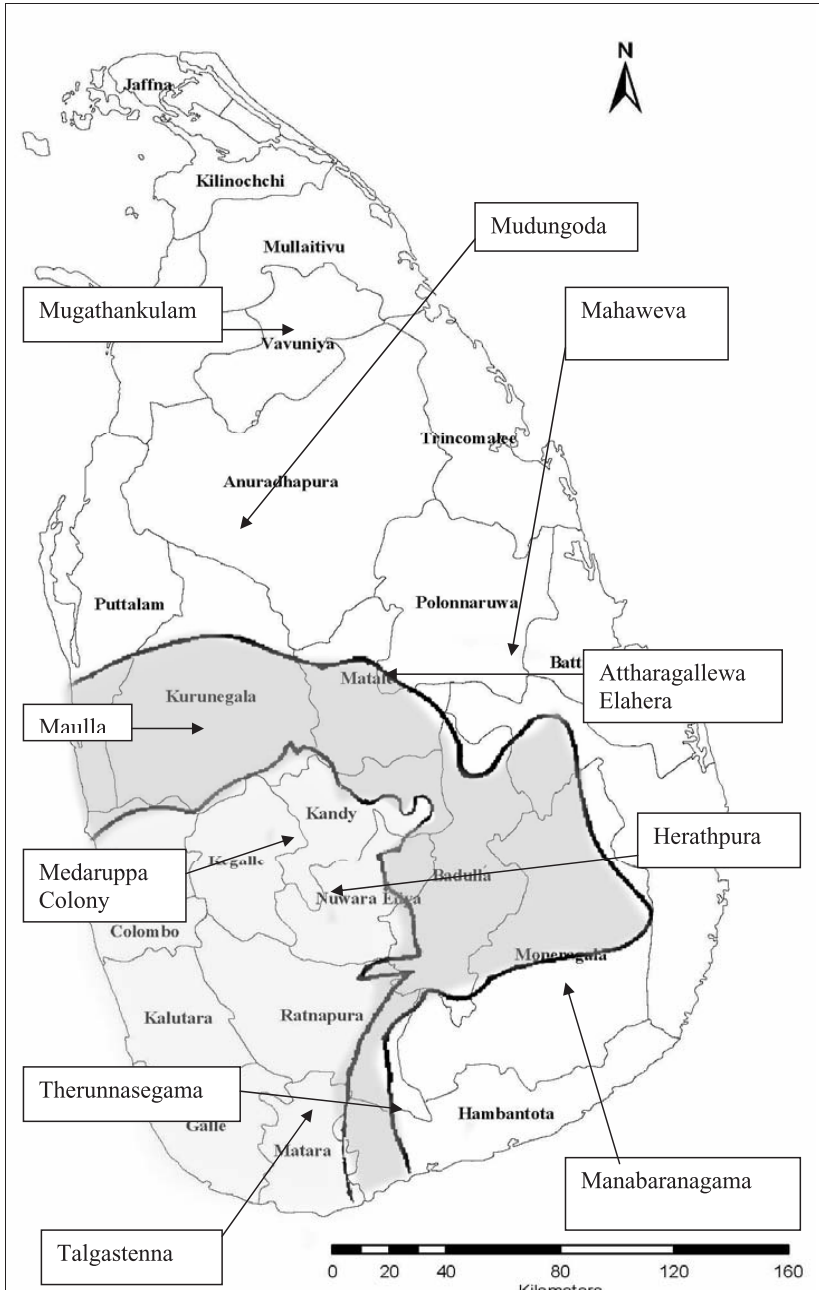
	LDO permit	LDO grant	Land Grant (Special Provisions)
Initial eligibility	Set out in regulations (i.e. live on land and cultivate it).	Set out in regulations.	No land, set income level and capacity to develop land.
Conditions to keep tenure	Compliance with conditions.	Cannot be cancelled.	Comply with conditions.
Process for cancellation	Loss of permit holding if conditions are not met after process of warnings by the government agent.	Not applicable.	Court of law.
Process for sale	Sale forbidden.	Transfer to certain categories allowed if in accordance with regulations.	Transfer allowed with prior written consent of land commissioner (or his nominee).
Process for mortgage	With the written consent of the government agent, land may be mortgaged by permit holder to registered society of which he is a member and other authorised financial institutions.	Grant can be mortgaged only to Peoples Bank, State Mortgage and Investment Bank, registered societies or other prescribed institutions.	Grant can only be mortgaged with prior written consent of land commissioner (or his nominee).
Inheritance by spouse	Spouse 'succeeds' if she has been nominated (unless spouse remarries), if not she has the life.	Same as for LDO permits.	Same as for LDO permits except that spouse only becomes successor if there is no other nominated successor.

	LDO permit	LDO grant	Land grant (special provisions)
	interest to the land. But spouse cannot dispose of land or nominate a successor (unless the spouse is the nominated successor).		
Inheritance by other blood relatives	After spouse's death (unless spouse remarries) permit goes to a nominated blood relative or if no-one has been nominated it goes to the son, daughter, grandsons, granddaughter, father, mother, brothers, sisters etc. Where there is more than one relative in each category the oldest receives first priority (i.e. eldest son, 2 nd oldest son, third oldest son etc). Multiple nominees are possible if this does not contravene the permit conditions or regulations.	Same as for LDO permit.	Same as for LDO permit.

These legal complexities are compounded by an administrative process through which the relevant approval must be obtained.

Annex 2: Flow Diagram of permit and grant issuing process





5

IS THE LAND RENTAL MARKET OF SRI LANKA HELPING THE POOR?

*Thusitha Dilhani Marawila & Parakrama Amaranath
Samaratunga*

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Is the Land Rental Market of Sri Lanka Helping the Poor?

Thusitha Dilhani Marawila¹ and Parakrama Amaranath Samaratunga²

Abstract

Lack of access to land is highly correlated with poverty throughout South Asia. Small peasants and the landless require the means to move up the economic ladder and the land rental market has been identified as the key to this mobility. This study attempts to shed light on the land rental market of Sri Lanka with special emphasis on identifying the determinants of the contract choice of the two agents, landlord and tenant. It also seeks to identify the welfare impacts of the rental markets on the tenants. The study consists of a literature survey and an empirical analysis based on a survey on the agricultural land sector of Sri Lanka (2004). Results emphasise the importance of non-farm income generating activities and land endowment on deciding the contract choice by both agents. Asset endowment, credit from informal institutions, monthly income of households, and inputs by the landlord are other factors considered by the tenant. Encroachment of state land and risk experienced are significant determinants for the landlord. Rental contracts show a positive impact on the tenant's income from agricultural activities, but results of the econometric analysis fails to give evidence of any other welfare gains. This paper argues that there is scope for the development of rental markets as a poverty reduction strategy in rural areas, but the potential gains seem possible only with a real structural change to absorb the marginal (i.e. inefficient) producers leaving agriculture. Rental markets also provide the opportunity for inefficient producers to transfer their lands to efficient producers without losing the ownership rights to their land.

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ශ්‍රී ලංකාවේ අද/බදුකුලි ඉඩම් වෙළෙඳපොළ දිළිඳු ජනතාවට හිතකරද?

තුසිතා දිල්හානි මාරවිල¹ සහ
වෛද්‍ය පරාක්‍රම අමරනාත් සමරතුංග²

සාරාංශය

දකුණු ආසියාව පුරා ඉඩම් සඳහා ප්‍රවේශය (ලබාගත හැකි බව) සහ දිළිඳුකම අතර ඉහළ සහසම්බන්ධතාවක් දැකිය හැක. සුළු ගොවීන්ට සහ ඉඩම් අහිමි අයට ආර්ථික ඉතිමයේ ඉහළට යාම සඳහා මාර්ග අවශ්‍ය වන අතර බදු කුලි ඉඩම් වෙළෙඳපොළක් පැවතීම එවන් සංවලනයක් සඳහා අවශ්‍ය ප්‍රධාන සාධකයක් ලෙස හඳුනාගෙන ඇත. මෙම අධ්‍යයනය මගින් ඉඩම් හිමියා සහ අද ගොවියා අතර ගිවිසුම තිරණය වීමට බලපාන සාධක හඳුනා ගැනීම කෙරෙහි විශේෂ අවධානය යොමු කරමින් ශ්‍රී ලංකාවේ බදු කුලි ඉඩම් වෙළෙඳපොළ විමසා බලනු ලැබේ. පවතින බදු කුලි වෙළෙඳපොළවල් මගින් අද ගොවීන්ගේ සුබසාධනය සම්බන්ධයෙන් සිදුවන බලපෑම කෙබඳු අකාරයේ එකක්ද යන්නත් හඳුනා ගැනීමට මින් උත්සහ කෙරේ. මෙම අධ්‍යයනය, සාහිත්‍ය විමර්ශනයකින් සහ ශ්‍රී ලංකාවේ කෘෂිකාර්මික ඉඩම් අංශය සම්බන්ධයෙන් කරන ලද සමීක්ෂණය (2004) ඇසුරින් කරන ලද ආනුභවික සාක්ෂි යන දෙඅංශයෙන් සමන්විතය. ගොවිපළ නොවන ආදායම් ජනනය වන ක්‍රියාකාරකම්වල වැදගත්කම සහ ඉඩම් හිමියා සහ අද ගොවියා අතර ගිවිසුම තිරණය වීම සම්බන්ධයෙන් ඇතිවන ඉඩම් උරුමය යනාදිය කෙරෙහි මෙහි ප්‍රතිඵලවලින් අවධානය යොමු කෙරේ. වත්කම්වල උරුමය, අවිධිමත් ආයතන වෙත ඇති ණය, ගෘහයේ මාසික ආදායම සහ ඉඩම් හිමියා විසින් දෙනු ලබන යෙදවුම් යනාදිය අද ගොවියකු ගැනීම තිරණය කිරීමේ වැදගත් තිරකයන් වේ.

රජයේ ඉඩම් නිත්‍යානුකූල නොවන ලෙස සන්නක කර ගැනීම (කොටු කර ගැනීම) සහ ඉඩම් හිමියන් මුහුණපාන අවධානම, ඉඩම් හිමියන්ගේ තෝරා ගැනීම් සම්බන්ධයෙන් බලපාන වෙනත් වැදගත් තිරක වේ. කෘෂිකාර්මික කටයුතු මගින් අද ගොවියා ලබන ආදායම මත අද ගිවිසුම (ඉඩම් බදු කුලි ගිවිසුම) ධන

¹ තුසිතා දිල්හානි මාරවිල, ශ්‍රී ලංකා ප්‍රතිපත්ති අධ්‍යයන ආයතනයේ (IPS) පර්යේෂණ නිලධාරියකි.
² වෛද්‍ය පරාක්‍රම අමරනාත් සමරතුංග, ශ්‍රී ලංකා ප්‍රතිපත්ති අධ්‍යයන ආයතනයේ (IPS) පර්යේෂණ

බලපෑමක් සිදු කරන බව පෙන්වන අතර වෙනත් සුබසාධන ලැබීම් පිළිබඳව සාක්ෂි සැපයීමට අර්ථික මිහික විශ්ලේෂණය මගින් ලැබූ ප්‍රතිඵල අපොහොසත් වී ඇත. ග්‍රාමීය ප්‍රදේශවල දිළිඳුකම දුරලීමේ උපායමාර්ගයක් ලෙස බදු කුලී වෙළෙඳපොළවල් සංවර්ධනය සඳහා ඉඩ ප්‍රස්ථා පවතින නමුත් එමගින් ලැබිය හැකි ප්‍රතිලාභ සාධනය කර ගැනීම සාර්ථක වන්නේ කෘෂිකර්මාන්තයෙන් ඉවත් වන ආන්තික නිෂ්පාදනයන් අවශෝෂණය කරගැනීම සඳහා වන උචිත ව්‍යුහාත්මක වෙනස්කම් සිදු වන්නේ නම් පමණක් බව මෙම ලිපියෙන් තර්ක කෙරේ. බදු කුලී ඉඩම් වෙළෙඳපොළ මගින් අකාර්යක්ෂම නිෂ්පාදකයන්ට තමන්ගේ ඉඩම සම්බන්ධ අයිතිය ඵලෙසම තබා ගනිමින් කාර්යක්ෂම නිෂ්පාදකයන් වෙත ඔවුන්ගේ ඉඩම් මාරු කිරීමට අවස්ථාවක් සලසා දෙයි.

இலங்கையின் காணி வாடகை சந்தையானது வழியோடுக்கு உதவுகிறதா?

துஷித்தா தில்ஹானி மாறவில மற்றும்
பராக்கிரம அமரநாத் சமரதுங்க

தெற்காசியா முழுவதும் நிலத்திற்கான அணுகுத் தன்மை போதாமையானது, அதிகளவு வறுமையுடன் தொடர்புபட்டதாக உள்ளது. சிறிய விவசாயிகளும், நிலமற்றோரும் பொருளாதாரத்தைக் கொண்டு செல்வதற்கான வழிமுறைகளை வேண்டி நிற்கும் போது காணி வாடகைச் சந்தையானது, இதற்கான பிரதான காரணியாக அடையாளங் காணப்பட்டது.

இந்த ஆய்வானது, நிலச் சொந்தக்காரர் மற்றும் குத்தகைக்காரர் ஆகிய இருவருக்கும் இடையிலான ஒப்பந்த தெரிவைத் தீர்மானிக்கும் காரணிகள் மீது விசேட அழுத்தம் கொடுத்து, இலங்கையின் காணி வாடகைச் சந்தை மீது கவனம் செலுத்த முயல்கிறது. மேலும் இந்த ஆய்வானது குத்தகைக்காரர் மீது வாடகைச் சந்தையின் நலன்புரி பாதிப்புக்கள்- தாக்கங்கள் குறித்து அடையாளங்காண முயற்சி செய்கிறது.

மேலும் இவ்வாய்வானது, இலங்கையின் விவசாய காணித்துறை (2004) மீதான எழுத்தாய்வு மற்றும் அனுபவ ஆய்வுகளின் அடிப்படையை உள்ளடக்கியதாக விளங்குகின்றது. காணி உரிமையாளரும், குத்தகையாளரும் பண்ணைச் செய்கையற்ற, வருமானம் ஈட்டும் செயற்பாடுகள், மற்றும் நில உரிமையளிப்பு என்பவை தொடர்பாக ஒப்பந்தத் தெரிவை மேற்கொள்ளும் முக்கியத்துவம் குறித்தும் முடிவுகள் வலியுறுத்தப்பட்டு நிற்கின்றன.

ஆதன உரிமையளிப்பு, மரபு ரீதியற்ற நிறுவனங்களிடம் இருந்து கடன் பெறல், குடும்பத்தவர்களின்-குடும்பங்களின் மாதாந்த வருமானம், நிலப் பிரபுக்களால் செய்யப்படும் உள்ளீடுகள் என்பன குத்தகையாளரை குத்தகைக்கு அமர்த்தும் தெரிவை முடிவு செய்வதைத் தீர்மானிக்கும் ஏனைய காரணிகளாகும். அரசு காணிகளின் மீதான அத்துமீறல், மற்றும் நிலச் சொந்தக்காரர் எதிர்நோக்கும் இடர் போன்றவை நிலச் சொந்தக்காரரின் தெரிவைத் தீர்மானிக்கும் ஏனைய முக்கிய காரணிகளாகும்.

வாடகை ஒப்பந்தமானது, விவசாய செயற்பாடுகளின் மூலம் குத்தகையாளர் பெறும் வருமானத்தின் மீது சாதகமான தாக்கத்தை ஏற்படுத்தியதுடன், மற்றும்

பொருளாதார ஆய்வுகளின் முடிவுகளானது வேறேதும் நன்மைகள் கிடைத்தமைக்கான சான்றைத் தரத் தவறிவிட்டன.

கிராமப் பகுதிகளில் வறுமை குறைப்புக்கான மூலோபாயங்கள் உள்ள நிலையில் வாடகைச் சந்தை அபிவிருத்தி அடைவதற்கான வாய்ப்புக் காணப்படுகின்றது. ஆனாலும் விவசாயத்தை விட்டு அகலும் திறமையற்ற தயாரிப்பாளர்கள் உள்வாங்கப்படுவதற்கான உண்மையான கட்டமைப்பு மாற்றம் ஏற்படும் நிலைமையிலேயே வருமானம் ஈட்டப்படுவது சாத்தியமாக இருக்கும்.

Is the Land Rental Market of Sri Lanka Helping the Poor?

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1. Introduction

The incidence of poverty in Sri Lanka is around 23%³ and for the last three decades, absolute poverty has persisted at around 20%. Poverty is predominantly a rural phenomenon with 90% of the poor residing in rural areas (GOSL 2002). The poor are thus largely in the rural sector among the landless, near landless (i.e. operators of agricultural holdings of two acres or less), and agricultural labourers (Alailima 1998). The main source of income of the majority of the poor (52%) is the agricultural sector including livestock and fisheries. Off-farm employment opportunities for the uneducated poor are marginal and not very remunerative in the rural areas. However, due to low returns from agricultural activities, about 50% of the poorest households are engaged in non-farm activities to fulfil their consumption needs (SLIS 1999-2000).

Sri Lanka has a land area of 6.55 million hectares (ha); with 82% of the land owned or controlled by the state⁴ and the rest privately held. The expanding population has exerted high pressure on land over the years and reduced the per capita land availability to 0.29 ha at present. Per capita arable land has been further reduced to approximately 0.15 ha (Mapa et al, 2002). This is expected to create serious problems for the agricultural sector and the whole economy

³ Based on the official poverty line of the Department of Census and Statistics (2002).

⁴ The majority of these lands have been distributed by the government under different land alienation programmes for different groups of people including landless for different purposes. These lands are subjected to strict restrictions mainly on inheritance, subdivision and transfers (sales, rentals, mortgages).

since the current rate of expansion of the other sectors may not be adequate to absorb the population moving out of agriculture. Despite numerous economic opportunities available today, land still plays a key role as the main mean of livelihood and wealth accumulation for the rural poor of Sri Lanka. Having control over the majority of the land, the state is a key regulator, although the role of the 'free market' in the efficient use and distribution of land has been quite significant. In the current context, a freely operating land market seems to be the most promising avenue to improve both efficiency and equity by transferring land to the most productive operators. Imperfections in capital and other factor markets and state regulations have distorted the land sales market thereby limiting the access of the poor to such markets. The land rental market, which requires little or no transaction cost or initial capital outlay, may be the only option available for the landless poor.

The objective of this paper is to provide a theoretical and empirical explanation of the land rental market in Sri Lanka, with a particular focus on its implications for the poor. This study attempts to recognise the socio-economic characteristics of households that influence their decision to participate in the land rental market and also on the decision of the contract choice. The study also seeks to identify the impact of the rental market on the socio-economic status of the tenants involved in such contracts, particularly on the agricultural productivity, asset endowment, obtaining ownership to land and to the homestead they live in.

2. Background

Particularly in agrarian societies, land has been the major source of livelihood, avenue of investment and the means of generating, accumulating and transferring wealth. According to the World Bank (2003), land comprises a large share of the asset portfolio of the poor in many developing countries. Nevertheless ownership and user rights to land are likely to determine farm productivity

and accessibility to financial and labour markets, thereby determining to a large degree the socio-economic status of lower income groups. Despite the great importance attached to land, prevailing market distortions have significantly affected the efficiency of allocation as well as equitable land distribution in many developing countries. In the South Asian region rural poverty arises more from an unequal distribution of operational holdings rather than from poor access to new technology or inputs (Faruque and Carey 1997).

It has been argued that the stagnation of the agricultural sector today is attributable to the malfunctioning land sales market (World Bank 1995), but the role of the rental market has been largely discounted. The rental market seems a more flexible and versatile means of transferring land from less to more productive uses and users, thereby increasing the overall output in the economy. Moreover it smoothes consumption in response to shocks and provides a stepping-stone for tenants to accumulate experience and capital to move up the agricultural ladder towards land ownership. Empirical evidence suggests that active land rental market is the key to accelerate development of the broader rural economy through better land utilisation and the emergence of non-farm enterprises. In Ethiopia, Deininger *et al* (2003) indicate that rentals transfer land from households with low agricultural ability and relatively abundant land endowments to those with high agricultural ability and scarce endowments. Mearns (1999) in his study on rural India concluded that given the rigidities in the land sale market, the lease market plays an important role in matching land, labour and capital endowment. He also found that the rental market is an important means by which the poor gain access to land.

Because of the inability to prove state intervention as an effective tool or policy in the land sales and rental market operations, current mainstream thinking is biased in favour of the market mechanism. It is argued that a decentralised land rental market may contribute

more to equity and efficiency goals having advantages over administrative reallocation (Deininger and Jin 2005). The World Bank (1999) has found that government-induced restrictions on the functioning of land rental markets in developing countries have become a major source of inefficiency. Deininger *et al* (2003) found that in Ethiopia rental markets outperform administrative reallocation in terms of efficiency and equity. Tenure insecurity, policy distortions (restrictions on specific rental transactions) and absence of long term rental contracts seem to be limiting mobility via rental markets in developing countries. Other markets, particularly credit markets may entail distortions and smaller and poor farmers are left at a disadvantage. Removing obstacles, government regulations or imperfections in the markets which prevent the smooth functioning of land rental markets, and taking measures that enhance potential tenants endowment and bargaining power can considerably increase both the welfare of the poor and overall efficiency of resource allocation (Deininger and Feder, 2001:290).

In Sri Lanka land is seen as a secure asset or as a token of social prestige (Gamage 2000). Outright sales of land appear to be limited particularly in rural areas. Moreover, land prices have considerably outstripped the rate of inflation, limiting land sales. However, the land rental market appears to be dynamic in rural areas of the country where households seem to be participating actively. A recent policy and social impact analysis of Sri Lanka's land reform conducted by the Institute of Policy Studies (IPS) noticed an active participation of rural people in land rental markets, even in alienated state lands where such transactions are prohibited. Sanjay (2000) has emphasized that the ladder hypothesis⁵ has

⁵ The agricultural ladder hypothesis implies that farmers climb a 'ladder' from agricultural labourer to share tenants and then to fixed tenancy through gradual acquisition of skills and finally make the transition to land ownership (Deininger 2003; Sanjay 2000).

important policy implications that are especially relevant to countries like Sri Lanka and in the case of share-cropping it provides a vital link by which unskilled tenants acquire necessary management skills in partnerships with landlords.

The welfare impact of rental contracts depends on the terms of the contract. It has long been pointed out that rental arrangements based on fixed rather than shared rents are more likely to maximise productivity (Deininger 2003) than share-cropping contracts, which are the second best solution. Deininger and Feder (2001) show that any contract other than fixed rent would result in undersupply of the effort by the producer and this would lower the total production. The nature of rental contracts seems to be highly biased to a specific locality, for example in Latin American countries, weak and insecure property rights together with high transaction costs are identified as limiting long term contracts. Silva (2000) in his study on tenancy in Sri Lankan rice farms found that time-scarce landlords prefer fixed rent contracts provided that tenants are sufficiently skilled (with entrepreneurial skills, management or decision making abilities, technical know-how of agriculture). Unskilled tenants, on the other hand, are involved in share-cropping activities in order to acquire the necessary management skills in partnership with landlords. Tenants participating in share tenancy and fixed rental contracts in rural areas appear to come from two different 'classes' of people; their concerns regarding the choice of contract may therefore be different.

The tenorial status of agricultural land has changed together with the policy environment of the country over the years. During the early 1950s 32% of the paddy lands of the country were cultivated by non-owners or tenant cultivators. The popular belief was that rental markets exploited poor tenants and all early tenure reforms were aimed at ensuring tenure security. However, the introduction of the Paddy Land Acts of 1953 and 1958 with the objective of guaranteeing tenure security was more detrimental to the

landlord-tenancy relationship. It ultimately resulted in the eviction of large number of tenants so that during the 1958-1972 period about 43,000 of tenants were reported to have been evicted (Gamage 2000) and only 18% ended in the restoration of tenure arrangements. Alwis and Wanigaratne (2001) have stated that the tenancy reforms were largely unable to root out the exploitative elements of tenancy in the country. Abolition of such restrictions strengthened the tenancy relationship and following the Paddy Lands Act effective tenure reforms were not formulated or implemented in the same direction.

Despite the large amount of literature on prevalence and persistence of land tenancy contracts all over the world since the days of Adam Smith (1776) and Alfred Marshall (1890), important questions remain unsolved. Even though a fairly dynamic rental market is found in the rural areas of Sri Lanka, its effect on poverty reduction and the welfare of the rural poor has not yet been well studied. Among the few studies done on the land sector in Sri Lanka there is hardly any empirical work undertaken in the area of land markets, particularly the land rental market.

3. Methodology

This study consists of two parts: first, the hypothesis building through a literature survey and second, empirically testing the hypothesis based on the ground level data.

3.1 Qualitative hypothesis building

Theoretical hypothesis building was done through a comprehensive literature survey, where the key issues associated with the participation of people in the rental market and their contract choices were identified.

Access to non-agricultural labour markets is likely to have a more beneficial impact on land rental market and rural productivity. Both the involvement in off-farm employment and the income generated from it seem to be affecting participation in rental markets as well as the contract choice of both tenants and landlords. Agricultural activities demand more of farmers' time and there is a high opportunity cost attached to renting out land. Studies point out that even rural households engaged in agricultural activities for both consumption and income generation find it insufficient and insecure to be completely dependent on farming (World Bank 1996; Gamage 2000; Epaarachchi *et al* 2002). Hence the number of people seeking off-farm employment opportunities appears to be quite high. Labour force participation in agriculture which was 36% in 1996 has decreased to 30.7% in 2005 (DCS 2005). Deininger and Gin (2005) argue that the high levels of participation in non-agricultural labour markets contribute to the land rental market by providing the opportunity for a greater proportion of less efficient producers to exit agriculture. They have also shown that without a concomitant increase in non-agricultural opportunities, increased supply of land to the rental market is unlikely to lead to better functioning of land markets.

The importance of tenure security for investment is also highlighted in several studies. Secure property rights are considered important to increase agricultural output through incentives for investment, access to formal credit, effort and the ability to transfer land at low cost to more efficient producers (World Bank 1999). This leads to a more sustainable management of resources. Greater tenure security possibly even has an impact on crop choice. Secure and well defined land rights are fundamental for households' asset ownership, productive development, factor market functioning and independence from discretionary interference by bureaucrats (Deininger 2003). It was also noted that without secure land rights, land owners are less willing to rent out their land, which may

impede their ability and willingness to engage in non-agricultural employment or rural-urban migration. A coherent system of property rights that guarantees security of tenure to cultivators facilitates the poor's access to land, encourages investment, and increases sustainability and productivity (Deininger and Feder 2001). In the case of share-cropping, contract conditions determine the level of security attached to the tenure and this appears to influence the choice of contract. In Sri Lanka the lack of land ownership rights is often argued to be the main cause of a malfunctioning land market (World Bank 1996), it is therefore vital to look at the *impact of formal land rights* on the rental decision from the point of view of both parties.

The size of landholdings with proper ownership rights and without ownership rights, but having claims to land both seem equally important for either party when deciding on the rental contract. The extent of land encroachment also seems to be important since this decides the available land for cultivation, thus determining the type of contract. Deininger and Gin (2005) have shown that without economies of scale in agricultural production, rental markets would tend to equalise operational land holdings implying a negative relationship with the per capita land endowment. On the other hand, the rental market seems to be the only option available for the landless who wish to enter the agricultural sector and move along the agricultural 'ladder' to gain access to land. It is therefore essential to include the total land endowment of the landlord and the extent of land operated by the tenants in the model.

Numerous studies argue that a land rental market would transfer land to poor but efficient producers. A study done in Ethiopia by Deininger *et al* (2003) strongly supports the hypothesis that rentals transfer land from households with low agricultural ability and relatively abundant land endowments to those with high agricultural ability and scarce endowment. One could argue that the higher the income generated from agriculture, the more

incentives it provides for a land scarce tenant to rent more land. Even in the presence of imperfections in other markets such as credit and labour it is assumed that the improved resource allocation can be achieved through land rental contracts. The importance of rental markets in equalising returns to non-tradable factors of production such as family labour and bullocks is also emphasised in many studies. Hence, studying the effect of income from agriculture on the rental decision and vice versa, the impact of the rental market on efficiency of production is crucial.

Empirical evidence highlights the importance of the tenant or landlord's ability to cope with risk since this has a great influence on the contract choice of both parties. In risky environments, risk averse tenants face significant uninsured risk, a share contract may well provide the tenant with higher expected utility and thus be adopted despite the lower aggregate productivity involved (Deininger and Feder 2001). Similarly, landlords also face a risk particularly in fixed rental contracts when the tenants have limited wealth. As a consequence, landlords will be more willing to rent out to tenants with sufficient wealth to pay the rent. It is therefore worthwhile to see how the risk experienced by the landlord or tenant affects the choice of the contract.

Empirical analysis on agricultural productivity in rural areas of developing countries has not been able to prove any direct impact of the title or ownership rights to the land. The relationship between low productivity and lack of formal rights to land has been attributed to underdeveloped credit markets. Credit is identified as a key causal conduit between tenure and productivity, but the improper functioning of credit and other markets often hinders its impact. A study on land markets in South Asia by Faruq and Carey (1997) revealed that smallholders are likely to face difficulties in access to credit even in a credit market operating without institutional and government failure. Hence, the ability of tenants to get access to both formal and informal credit markets will decide upon their active participation in the rental markets.

The earliest articulation of tenancy as a partnership between a landlord and a tenant has been extended today to incorporate the roles of landlords and tenants in making key decisions and performing managerial tasks. Empirical evidence shows that the landlord plays a significant role (in terms of decision making, input supply and supervision) in share-cropping and a minimal role in fixed renting (Bell and Srinivasan 1985; Roumasset 1995). In share-cropping supervision and management are provided only when a part or the full range of variable inputs are provided by the landlord. Since capturing the exact involvement of the landlord is not always possible, the *provision of inputs from the landlord* can be considered as a valid proxy for the involvement of the landlord in share tenancy. Studying the consequences of the input provided by the landowner in cultivation will give us an indication of the direction of the contract choice.

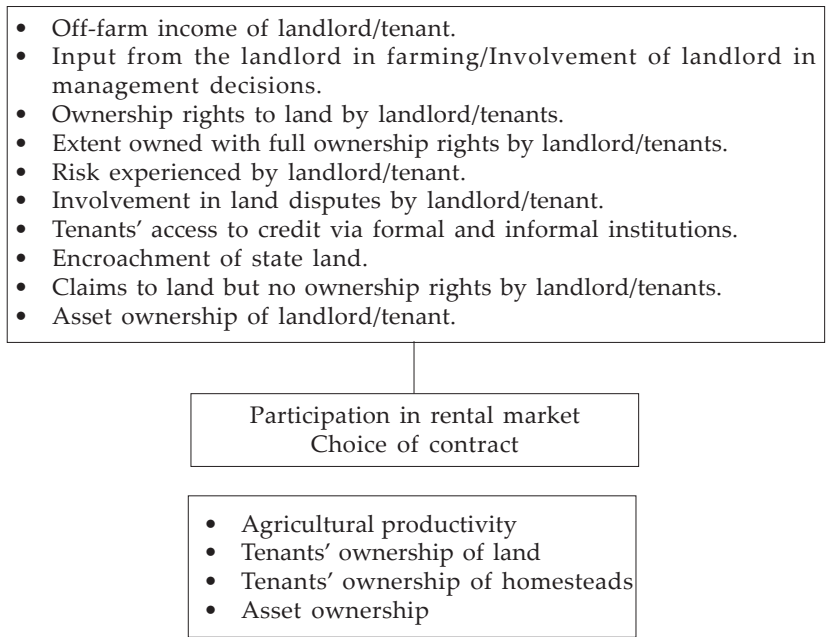
There is substantial evidence that the asset endowment of both the tenant and the landlord has been determining the contract choice to a large extent. According to Rosenzweig and Wolpin, (1993) owing to imperfections in asset markets, households with higher levels of asset ownership are more likely to rent land. Deininger and Gin (2005) found that land rental markets in China appear to transfer land to those with higher levels of agricultural assets. Some studies also argue that the stocks of non-agricultural fixed assets would increase the opportunities open to individuals outside the agricultural sector thus decreasing the propensity to rent land within the sector. Data limitations do not allow us to disaggregate agricultural and non-agricultural assets, for this reason, the impact of the total asset endowment of both landlord and tenant on the rental contract and its effect in reverse will be looked at in the study.

Evidence from other countries, also in the South Asian region, suggests that state regulations and restrictions on transactions as well as the costs involved, including time, have a significant impact on rental contracts. However, in Sri Lanka, even in the alienated state lands, all forms of land transactions are taking place. The

present study shows that very few penalties are imposed on violators. Different forms of rental transactions are taking place and it is difficult to capture the impact of regulations on the land rental market. The impact of state restrictions on the rental market has not been studied in this analysis. At present, there is not enough evidence to support the idea that transaction costs in Sri Lanka are limiting the participation of households in the rental market.

In the process of identifying the determinants of participation in the land rental market and households' choice of contract, we outline several hypotheses based on the empirical evidence. These have been narrowed down to perform the empirical analysis in a more realistic and accurate way. Figure 1 illustrates the possible determinants of rental market participation, the contract choice of the households identified in this process and the possible outcomes, which may have implications on poverty.

Figure 1: Determinants of participation in the land rental market and implications



3.2 Quantitative hypothesis testing

Quantitative hypothesis testing was based on a field survey conducted by the Institute of Policy Studies covering 700 households in seven Sri Lankan districts during October 2004. The study districts (see Annex 1) were purposively selected to include the three agro-ecological zones: dry, wet and intermediate as well as the three elevations: up country, mid country and low country. From each district two Divisional Secretarial (DS) divisions (DSD) and from those DSDs two Grama Niladhari (GN) divisions were also drawn purposively to cover different land use and inheritance patterns. In the wet zone districts, a suburban⁶ village and a traditional⁷ village were included while from the dry zone and intermediate zones a traditional village (*purana*) and a settlement⁸ village were included. The sampling frame was based on the GN's household list (200-300), out of which 50 households were randomly drawn from each village to form the 700 sample. Only 612 households were considered, namely those who were involved in agricultural activities and had participated in the rental market during the past 5 years.

Quantitative analysis includes a descriptive analysis, which gives the broader picture on the situation prevailing at the ground level and more rigorous analysis on the key hypothesis.

3.3 The empirical model

This study focuses on the rental behaviour of both tenants and landlords. The determinants were estimated separately for participation in the rental market and for each type of contract

⁶ In the study sample suburban villages are the villages close to cities.

⁷ Traditional villages are villages that have been there for a long time and have not been affected by urbanisation.

⁸ Settlement villages are colonies on distributed public lands.

choice. These regressands are qualitative and categorical variables with two possible outcomes or probability of the event lying between 0 and 1. The regression model is also non-linear in parameter of, hence a binary logit model – a generalised linear model – guarantees the conditional probability between the logical limits of 0 and 1. Sequential binomial logit equations were used for the different contract choices and the parameters were estimated using the maximum likelihood method. Choice of contract from the viewpoints of both tenant and landlord were modelled in different equations. The choice of renting in and out, share-cropping in and out, leasing in and out were taken as the dichotomous dependent variables for each model and all possible variables identified through the qualitative hypothesis building, illustrated in figure 1 were fitted in each model.

In analysing the impact of rental contract on the ownership to land and homestead of tenants, separate binomial logit models were fitted as well. Having ownership to land or not and having ownership to homesteads or not were used as the dichotomous dependent variables in each model. Some hypothesised factors affecting tenants’ getting access to land and homestead were taken as the independent variables.

Standard binomial logit model

$$L_i = \ln (P_i/1-P_i) = \beta_1 + \beta_2 X_i + \dots \dots \dots \beta_n X_m + U_i$$

Where, L_i = logit or log of the odds ratio, which is liner in X_i as well as in parameters

P_i ranges form zero and one, $P_i = 1, L_i = \ln(1/0)$

$P_i = 0, L_i = \ln(0/1)$

β_1, \dots, β_m = explanatory variables / regressors

β_1, \dots, β_n = parameters

U_i = Stochastic error

Variables were selected using the forward stepwise method and a goodness of fit test was performed in each model. Statistical significance of the coefficients was measured using likelihood ratio (LR) statistics. Given the null hypothesis, LR statistics follow the Chi square (X^2) distribution with degree of freedom equalling the number of explanatory variables (at $\alpha = 0.05, 0.01$ and 0.1 levels).

In the case of analysing its impact on income from agriculture and the asset endowment two linear regression models were fitted. Household income from agriculture and the value of assets were considered as dependent variables in each model and few hypothesised variables that may affect tenants' income and asset ownership including extent they have rented in were taken as the independent variables.

Linear regression model

$$Y = \beta_0 + \beta_1 X_1 + \beta_2 X_2 + \dots + \beta_n X_n + \mu$$

Where Y = Dependent variable

X_1, \dots, X_n = explanatory variables/ regressors

β_0, \dots, β_n = Coefficients

μ = Stochastic error

Data and descriptive statistics

Table 1 provides a description of the household participation in rental market in the seven districts and their distribution over different contract choices. In the study sample 23% of the households have rented land and 13% of them have rented out land during the past 5 years. This also shows that more than 70% of the tenants rely on share tenancy contracts while the balance 30% have entered into fixed term contracts. On the other hand landlords also have given their land more on share contracts (85%) and only a few fixed rentals were reported. Several share-cropping arrangements

such as *Thattumaru*⁹, *Kattimaru*¹⁰, *Ande*¹¹ could be seen and more than 95% of the share arrangements were of *Ande* type. These included a few transfers based on personal relations in which no conditions on share were agreed upon. Out of the 142 tenants 67% were earning below the average¹² monthly income from agriculture.

Table 1 Descriptive evidence on households' rental market participation (Number of households as a percentage)

District	Rent	Share	Lease	Rent out	Share out	Lease out
Kandy	20	87	13	14	100	0
Nuwara Eliya	14	25	75	11	100	0
Galle	16	60	40	3	67	33
Ampara	26	48	52	11	10	90
Kurunegala	24	95	5	21	94	6
Anuradhapura	22	76	23	13	100	0
Polonnaruwa	37	91	9	20	94	6
Total	23	72	28	13	85	15

As Table 2 shows, the average size of the land parcels rented, in the form of share or lease is as low as a quarter of an acre for all districts studied. It can be clearly seen that the average size of a land parcel is very low in the wet zone districts compared to the dry zone districts. This is because relatively smaller holdings can be expected to be cultivated (and also rented) in the wet zone where very intensive types of agriculture are practised in comparison to the dry zone where extensive cultivation practices are usually practised.

⁹ Thattumaru is a system of rotational cultivation to prevent a physical subdivision of the operational unit. Cultivation rights are adjusted among several owners to meet the scarcity of land by way of working economic units for a particular year or season.

¹⁰ Kattimaru is similar in principle to Thattumaru. Cultivators who are joint owners simultaneously rotate a number of parcels amongst themselves.

¹¹ Ande is a form of joint cultivation between a land owner and a tenant and the share of the output is agreed upon.

¹² Average monthly income of households (per family) from agriculture was taken as Rs.5200. This was calculated by taking the average value of the studied districts using the data of Household Income and Expenditure Survey (HIES) 2002. Average size of the family was considered as four

Table 2 Size of the land parcels rented in

District	Average size of the holdings (acre)	Maximum size of the holdings (acre)
Kandy	0.06	1.00
Nuwara Eliya	0.06	1.00
Galle	0.14	3.00
Ampara	0.51	20.00
Kurunegala	0.17	2.00
Anuradhapura	0.38	5.00
Polonnaruwa	0.39	6.00
Total sample	0.25	20.00

Table 3 illustrates the evidence found on a few hypothesised determinants of renting land. Nearly 75% of the tenants are found to be engaged in non-farm employment while 25% were found to be totally dependent on farming. Almost 79% of the tenants had their own land with full ownership rights and only 21% were landless. The average size of holdings shown in table 4 brings up the argument that even those tenants who own land with formal titles really belong to the 'near landless' category since the extent owned averages around one acre. Encroachment seems to be low among the tenants - roughly 27% of the tenants have encroached state land, while 32% reported to have claims on land for which they have not been able to attain the full ownership rights (Table 3).

Table 3 Evidence of some hypothesised determinants of renting (Number of households as a percentage)

District	Off-farm employment		Land ownership status		Encroached state land	Having claims on land
	Involved	Not involved	Owned	Not owned		
Kandy	73	27	67	33	7	33
Nuwara Eliya	67	33	67	33	0	25
Galle	73	27	87	13	7	40
Ampara	88	12	80	20	32	36
Kurunegala	90	10	81	19	5	29
Anuradhapura	57	43	57	43	48	57
Polonnaruwa	73	27	97	3	52	15
Total	75	25	79	21	27	32

Table 4 Average size of holdings owned by the tenants and the landlords

District	Rented in Average size (acre)	Maximum size (acre)	Rented out Average size (acre)	Maximum size (acre)
Kandy	0.37	3.50	2.07	6.00
Nuwara Eliya	0.12	0.38	1.04	2.50
Galle	2.35	19.75	2.06	2.75
Ampara	1.91	6.50	3.32	5.00
Kurunegala	1.22	4.50	2.10	5.00
Anuradhapura	0.74	3.00	2.79	3.00
Polonnaruwa	0.72	4.50	2.53	6.08
Total	1.32	19.75	2.32	6.08

More than 95% of the landlords are involved in off-farm employment and the remaining 5% appear to still be dependent on farming or are not involved in any income earning activity. Less than 9% of the landlords have encroached state land while 14% of them had lands without formal titles but having claims (Table 5).

Table 5: Evidence of some hypothesised determinants of renting out (Number of households as a percentage)

District	Off-farm employment		Encroachment of state land		Claims on land	
	Involved	Not involved	Encroa- ched	Not encroached	Have claims	No claims
Kandy	100	0	9	91	18	82
Nuwara Eliya	100	0	0	100	0	100
Galle	67	33	0	100	33	67
Ampara	100	0	10	90	20	80
Kurunegala	100	0	17	83	28	72
Anuradhapura	83	17	0	100	0	100
Polonnaruwa	94	6	11	89	6	94
Total	95	5	9	91	14	86

Determinants of renting land

Table 6 shows the results from estimated logit functions for households' participation in the land rental market and the decision over type of contract choice.

Land with ownership rights has a significantly negative effect on rental choice and the choice of share contracts, but its effect on leasing was not significant. This may be due to the fact that the landless or land scarce tenants rent land basically in the form of share contracts to increase their operational scale, while that is not necessarily the case for the better endowed tenants who are involved in fixed term contracts. Interestingly the tenants who have claims, but no legal titles to land seem to be more involved in leasing contracts. Monthly income (per family) of the tenants shows a significant, but quantitatively small positive effect on all the choices, implying that an increase in household income increases the involvement of tenants in the rental contracts. As expected, monthly income from non-agricultural activities (per family) shows a small negative impact on all the choices and this supports the hypothesis that *involvement in non-farm employment leads people to move away from agriculture*. Unit income from agriculture has also shown a small negative effect on all three choices, providing further evidence on the inherent characteristic of low efficiency associated with Sri Lankan agriculture. This also illustrates the real situation on the ground: *farmers are not merely driven by economic efficiency in the use of land, social issues are also important*. Tenants' asset endowment shows a negative impact on the choice to rent as well as on the choice of share contracts, implying that there are more avenues open for people owning more assets - particularly in the non-farm enterprises - thus, they will be less interested in farming and renting land.

Provision of inputs by the landlord shows a significant positive relation to the choice of share contract. Resource scarcity may be a key factor limiting and preventing most tenants producing efficiently therefore contribution from the landlord in cultivation seems to be important. In general, once the inputs are provided, landlords keep on monitoring and supervising the output, but this effect cannot be well identified in this study. Credit from informal

institutions also demonstrates a positive relationship in the decision to rent, particularly on the share contracts. With the imperfections in the credit market, especially in the rural areas of the country, tenants who often lack collateral to obtain credit from formal institutions get access to credit mainly via informal lenders. With the increasing access to informal credit people tend to rent and share more.

Table 6 Determinants of renting land - binomial logit estimates

	Rent in	Share in	Lease in
Having land with ownership rights	-0.6853**	-0.8505**	
Extent of land having claims to the operator			0.2175**
Monthly family income	0.000139***	0.0000896**	0.000169***
Unit income from agriculture	-2.063E-05***	-1.304E-05**	-2.675E-05**
Monthly family income from non-agricultural activities	-1.409E-04***	-1.099E-04**	-1.778E-04***
Asset endowment	-4.247E-07**	-3.936E-07*	
Credit obtained from informal institutions	0.8996***	0.6894**	
Input from landlord in cultivation		2.8750***	
Log likelihood	-284.978	-218.875	-125.231

*Significant at 10%

** Significant at 5%

*** Significant at 1%

Determinants of renting out land

Econometric evidence on renting out of land is summarised in table 7. It is interesting to note that in relation to the major determinants, the coefficients mirror what was observed in connection to renting. Having ownership rights to land as well as the *extent* of land with ownership rights exhibit a positive significant relationship to the decision to rent out. Even though land ownership status showed a significant relationship to sharing out land it was not so in the case of fixed rental contracts. Apparently, the larger the holdings the more willing landlords are to rent out, thus increasing land availability for the landless or land scarce tenants. They may have

found it inefficient and non-economical to operate on their own or employ wage labour and opted to transfer their land to tenants who are interested in agriculture. This is further proven by the small but significantly positive relationship between the incomes from non-agricultural activities to the choice to rent out. This is in line with the theoretical expectation that increased opportunities in the off-farm sector for non-efficient farming households will open up the rental market for more efficient agriculture.

Land encroachment by landlords has negatively affected renting out. This could be because people who encroach on land normally are left with the option of cultivating by themselves or keeping the land idle. They cannot put up any permanent structures nor can they rent these lands unless they are regularised. Lack of formal title to such lands does not permit them to be transacted even in the rental market. There is also high risk involved in renting out encroached land. This does not show any significant relationship with fixed term contracts, possibly due to the legal status of those contracts.

Risk experienced by the landlord shows a negative relationship with the decision to rent out land. When the risks are high they tend to keep the land to themselves rather than renting it out. This can be attributed to land being the only or most valuable asset of the households in rural areas. Unit income from agriculture shows a small but significant negative relationship to the fixed rental choice and its impact is not significant in the choice to share out. This implies that the landlords who are operating efficiently in their agricultural lands are less likely to rent out their land. This draws attention to the question over the productivity of lands transferred to tenants. However, without field level efficiency analysis a conclusion cannot be drawn with certainty.

Table 7 Determinants of renting land out and the contract choice

	Rent out	Share out	Lease out
Having land with ownership rights	2.601**	2.472**	
Extent of land owned by operator	0.1309 **	0.0959*	0.1717**
Monthly income from non-agricultural activities	0.0000304**	0.0000339**	
Unit income from agriculture			-1.241E-04*
Encroached land	-0.9811**	-1.0974 **	
Risk experienced	-2.0637***	-2.1768***	
Log likelihood	-191.785	-169.247	-52.309

* Significant at 10%

** Significant at 5%

*** Significant at 1%

Potential gains from land rental markets

Results so far have not been able to prove strongly that development of the rental market is likely to improve the productivity or contribute to any other welfare gains, therefore it is vital to look at the impact of the rental market on these variables. Since many households are involved in diverse income earning activities it is difficult to separate the absolute effect of the rental market on the tenants' welfare. However, some key socio-economic characteristics of the tenants regarding income from agriculture, asset endowment and ownership of land and homesteads were selected as proxies of productivity and welfare, and their relationships with tenurial status were evaluated econometrically.

Income from agriculture

A linear regression model was used for analysing the contribution of rental contracts to households' monthly income from agriculture. This alternative was chosen given the limitation in production data, even though agricultural production efficiency should be analysed instead of monthly income. Households' monthly income from agricultural activities was taken as the dependent variable in the analysis. Taking the effect of rental contract in isolation from the other factors affecting the agricultural income may give an incorrect

picture, so a few hypothesised factors affecting monthly household income from agriculture, were also included in the model (as independent variables).

Table 8 Determinants of household agricultural income – estimates of linear regression

	B	Standard error	Significance
Constant	1190.369	1090.011	0.277
Extent of land rented	697.467	280.186	0.014**
Ownership rights to land	-607.892	1077.102	0.573
Operator owned land extent (with lands having claims)	332.481	200.691	0.100
Off-farm income	0.018	0.074	0.806
Credit obtained from formal institutions	-93.798	891.101	0.916
Credit obtained from informal institutions	-200.437	971.387	0.837
Asset endowment	0.002	0.001	0.002**
Adjusted R ²	0.225		
F statistics –calculated - table value	6.8462.17		
Number of observations	142		

* Significant at 10%

** Significant at 5%

*** Significant at 1%

Results (Table 8) show a positive significant relationship between the extent of land rented and the monthly income from agriculture of the households. Even though predictive ability of the estimates is low, as implied by the low coefficient of determination, highly significant coefficients provide a good picture of the current situation.

Asset endowment

Another linear regression model was used to assess the impact of the rental market on the asset endowment of the tenants; the value of the household's assets was taken as the dependent variable. Some hypothesised variables, including the extent of land by the households were taken as the independent variables. According to

the results there is no evidence (Table 9) of a significant relationship between the rental contract and the asset endowment of the tenants.

Table 9 Determinants of households' asset endowment

	B	Standard error	Significance
Constant	198050.65	118153.01	0.096
Extent of land rented	39326.76	32614.472	0.230
Ownership rights to land	-148257.1	129696.93	0.255
Extent of land owned by operator	166681.81	27514.489	0.000***
Off-farm income	22.452	8.160	0.007**
Income from agriculture	28.674	9.595	0.003**
Adjusted R ²	0.423		

* Significant at 10%

** Significant at 5%

*** Significant at 1%

Ownership to land/homestead

Separate binary logit models were used to assess the impact of the rental contract on attaining ownership rights to land, and secondly to a house or homestead on the land.

The results (Table 10) reveal a negative relationship between the ownership of homesteads and the extent of land rented by the tenants. This implies that an increase in the amount of land rented has not contributed to tenants gaining access to ownership to the home and the homestead they live in. This can be accepted since more than 80% of the tenants in the sample have rented land to produce for their own subsistence and the balance, 20%, were renting for both consumption and marketing.

Table 10 Determinants of tenants' ownership of homesteads

	Coefficients
Extent of land rented	-0.5925**
Extent of land owned by the operator	2.4363***
Log likelihood	-54.054

** Significant at 5%

*** Significant at 1%

However, involvement in rental contracts did not show any statistically significant relationship with ownership rights to land. Involvement in rental markets does not appear to have contributed to savings or wealth accumulation in the form of land or any other assets, contrary to the agricultural ladder hypothesis. As mentioned above, tenants in Sri Lanka, other than those who operate on a large scale, engage in farming for own-consumption than for market. However, the importance of rental markets cannot be underestimated and the reasons for its continued existence in rural areas despite the lower returns should be further researched.

4. Conclusions and Recommendations

Out of the potential determinants identified in the literature survey only a few were significant in the empirical analysis. It is very difficult to generalise such issues given the diverse nature of the rental markets across different agro-ecological zones and geographical zones of the country. Despite the stagnation domestic agriculture is experiencing today it is interesting to note that a considerable number of rental transactions taking place. In the sample nearly 40% of the households were involved in rental transactions. Compared to this the number, outright sales were very low and during the past 5 years only 5% of the households in the sample were involved in land sales or purchases. Any efforts to improve land rental transactions are thus likely to have a positive impact on land market activities.

Similar factors seem to be affecting both share and fixed rental contracts. However, more resource endowed tenants, particularly the land-endowed, are involved in long-term leases. More than 70% of the tenants are involved in share tenancy contracts, which is the most traditional form of tenure in rural areas of Sri Lanka. Share tenancy seems to be the only option available for the majority of unskilled, low resource-endowed tenants and this could be the

reason for wide adoption of share contracts as compared to fixed rentals. Even though fixed rental contracts are assumed to be secure and advantageous to the tenants, the majority of tenants do not have the initial investment capacity and management skills needed. Therefore in the current context facilitating share contracts is likely to have more positive impacts on poor tenants.

Ownership rights to land did not show any link to the fixed rental contracts, while the relationship to share contracts was in accordance with theoretical expectations. Both share and fixed rental transactions are taking place, and the settlers are actively involved - even in the settlement areas where state lands are alienated with prohibitions on all forms of transactions. This allows us to conclude that full ownership right to land is not a necessary pre-condition for the emergence of land rental transactions. Conferring formal titles to land may not have much impact on rental transactions. Efforts taken to liberalise the land market may not bring benefits commensurate with the costs involved. However, removing restrictions on rental contracts on alienated state lands will increase the participation of households in the rental market. This will also reduce the number of informal transactions which can be disadvantageous to the poor, thus ensuring more tenure security. However in order for the poor to benefit fully from such a reform, it needs to be accompanied by the relevant structural changes at the village level to absorb inefficient agricultural producers who need to move out of the sector.

The land endowment of both tenants and landlords was shown to be an important factor in the decision on participation in rental transactions. People appear to be more interested in the user rights to the land they operate, than in the ownership rights. They operate on encroached state lands and also on lands to which they have claims but lack full ownership rights. However, one can still argue that they may not be putting the same effort into this land as they would on land they formally owned. The use of land by tenants

who lack ownership rights has been indirectly supported by the absence of strict law enforcement, penalties for infringement of regulations and a proper institutional framework to implement these regulations at the ground level. However, the opportunity to use encroached land did not demonstrate any significant impact on the participation of tenants in the land rental market. It could be argued that a situation of continued encroaching might eventually negatively affect the rental market since demand for rented land would be reduced.

As expected the non-farm income of the involved parties showed a significant relationship with participation in the rental market, but the impact seems to be very small. This implies that there is scope for the development of rental markets by promoting non-farm enterprises at the village level. Since structural changes are taking place at a very slow pace in these areas, the state will have to play a major role in promoting non-farm enterprises and activities. Necessary measures should be taken to drive the economy and facilitate the process of transition from agriculture to a more diversified economic structure in rural areas. This will also facilitate the smooth functioning of market factors, particularly labour, credit and insurance which are often argued to be imperfect and incomplete. The greatest challenge that the government faces is that the non-farming options which currently exist do not provide enough earning potential to incentivise even inefficient farmers to move out of the agricultural sector.

The impact of rental markets on the productive efficiency of farmers is not yet clear. It is often argued that landlords transfer unproductive lands to tenants, but there is insufficient data to comment on the productivity of land rented out and whether land tends to be transferred to more efficient users. Even though the results have shown that the amount of land rented has a positive impact on the monthly income of the households, this is not adequate evidence to draw any definitive conclusion on land use

efficiency. In the sample 67% of the tenants were in the lower or marginal (agricultural) income group while 33% were earning more than the average level of income. However, without a comprehensive analysis on the production data of the other non-farm activities households are involved in, it is difficult to predict or come to a definite conclusion regarding efficiency.

Contrary to theoretical expectations the results show that the land rental market has not contributed to the wealth accumulation of tenants. Nevertheless, the impact of asset endowment was significant only in shared contracts. The majority of tenants in Sri Lanka appear to cultivate for consumption purposes and have therefore not derived savings or accumulated wealth from agriculture, nor have they been able to get access to land through tenancy. The landless poor are therefore left with limited options for wealth accumulation and do not benefit from the country's overall development,

As expected, informal credit and cultivation support from landlords in the form of inputs seem to positively affect shared tenancies. Tenants lacking resources, particularly land scarce tenants, will benefit from such arrangements since they do not have collateral or a strong resource base to facilitate investments. Credit institutions (i.e. Sanasa) which are operated through cooperative mechanisms at the village level can be promoted to facilitate tenants' access to credit. This will also help prevent the over-dependency of tenants on landlords to ensure tenure security. There is not much evidence to support the belief that rental markets lead to the 'exploitation' of the tenants and different social mechanisms exist at the village level to ensure the smooth functioning of the rental market.

It can be argued that the results of the study do not support the 'ladder' hypothesis, which is the basis for support of the rental market. Although this may be true in the current context one simply cannot underestimate the importance of such a phenomenon

for a developing country like Sri Lanka. As expected, rental markets have not shown a positive contribution to wealth accumulation, getting access to land or to a home or homestead. This may be attributed to the fact that land is usually rented for subsistence rather than for commercial production. Without a marketable surplus none of the above can be achieved. Nevertheless the positive relationship observed between the size of land rented and the income gained gives some support to the hypothesis. It is important to highlight that very poor groups can benefit from the rental market since it provides for their subsistence. Their food requirement is at least partially met by the rental contract which enables them to withstand economic shocks to a certain extent.

Is Sri Lanka still in a transition period and can we expect the rental market to contribute to the welfare of the poor in the future? Gaining access to land via the rental or even sales market will not solve the problems of poor people in rural areas since they are unable to make productive use of land with a low resource endowment and poor technology. Further limitations and imperfections in other markets which have direct relevance to agricultural production, and relative stagnation in the agricultural sector seem to be preventing the realisation of the full potential of the rental market. A well functioning land market which will yield the expected benefits for the poor can only be achieved by removing these obstacles at the ground level.

In the empirical analysis only some of the hypotheses behaved according to theoretical expectations. Even though the rental market appears to be a promising avenue for poverty reduction in rural areas of Sri Lanka, econometric results are not strong enough to come to a firm conclusion as to whether rental markets help or do not help the poor, and further study is needed in this area. The land rental market can have a limited impact on the poor, simply by ensuring they have their basic food requirements, but it can only be used as an effective tool in rural development if complemented with

an improved basic infrastructure and an environment conducive for the absorption of excess labour.

In conclusion it can be recommended that:

- The rental market could be encouraged – particularly in agriculturally progressive areas – by providing a more favourable institutional and regulatory environment, including removal of rental restrictions on alienated state lands.
- Participation of the poor in the land rental market and production on a commercial scale could be encouraged by developing capital and other input markets and infrastructure facilities in rural areas.
- Parallel to the promotion of rental markets, non-farm economic activities should be promoted at the rural level to attract marginal farmers to move out of agriculture.

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Annex

Annex 1 District details

District	Divisional Secretary's Division	Gram Sevaka Division
Galle	Baddegama	Mabotuwana 189
	Kadawathsathara	Ukwatta (East) 108
Kurunegala	Galgamuwa	Mahagalkadawala 82
	Polpithigama	Dagama 370
Anuradhapura	Kebithigollawa	Kanugahawewa 28
	Kekirawa	Kumbukwewa 635
Polonnaruwa	Alahera	Atharagallewa 2
	Thamankaduwa	Palugasdamana 2 Ela 174
Kandy	Thumpane–Hatharaliyadda	Weliwita Pahalagama Sangarajapura 1 352
	Yatinuwara	Kiribathkumbura (West) 130
Nuwara Eliya	Nuwara Eliya	Magasthota 535A
	Walapane Nildandhinna	Kalaganwatta 519
Ampara	Adalachchanei	Deegawapiya 1
	Maha Oya	Tampitiya 145

6

AUDACIOUS INSTITUTIONS NEGOTIATING LAND TENURE RIGHTS IN PRE-CONFLICT SRI LANKA

*Thusitha Dilhani Marawila & Parakrama Amaranath
Samaratunga*

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Audacious institutions negotiating land tenure rights in pre-conflict Sri Lanka

P. Rachel Brulé

Abstract

This is an argument that institutions matter. In the contemporary debate on poverty-reduction, public institutions' ability to mobilise and transfer resources such as land to disadvantaged groups is crucial (Johnson and Start 2001:5). Yet institutions are no silver-bullet – they delineate and enforce a broad 'bundle of rights' with varying rigour depending on time and place-specific notions of rights, state-society relations and the rub of internal competition (Alston et al. 1999:17; Putzel 1992; North 1990). Creating institutions with 'embedded autonomy' (Evans 1992) is insufficient to guarantee equity or efficiency. Sri Lanka's 1970-1983 land reforms illustrate that locally-embedded development institutions mediated by a relatively-autonomous democratic welfare state are capable of instituting either regressive or progressive, capability-enhancing change.

This paper focuses on bottom-up perceptions of institutional legitimacy in order to illuminate some of the deep determinants of 'discriminating institutions' (Knight 1995). Micro-studies of Pavutkulam Settlement in the dry zone, Nigaruppe Village in the Wet Zone and Mulgama Village in the Kandyan Highlands analyse the character and implications of local consent for property rights institutions in pre-conflict Sri Lanka. The case studies provide evidence of narrowing land entitlements that tightly linked institutional legitimacy to ethnic identity – a significant factor driving the country to civil war in 1983. Sri Lanka's land reform process is notable for the divisive alliances it created along state-mediated, rather than revolutionary lines. Understanding local perceptions of institutional legitimacy is crucial in both pre- and post-conflict Sri Lanka because local-level institutional legitimacy provides the most important foundation of an enduring, empowering peace.

අවධිමත් ආයතන - ශ්‍රී ලංකාවේ පුර්ව ගැටුම් සමය තුළ අද, ඉඩම් අයිතිය

රුවල් බාෂලෙ

මෙම ලිපිය මගින් විස්තර වන්නේ ආයතනික වශයෙන් වැදගත්වන විවාදාත්මක විෂය ක්ෂේත්‍රයක් හා බැඳුණු කරුණකි. දිළිඳුකම අඩුකිරීම පිළිබඳ සමකාලීන විවාද පසුබිම තුළ වරප්‍රසාද නොලත් පන්තිය වෙත, ඉඩම් වැනි සම්පත් පැවරීම හා සංවලනය සඳහා රාජ්‍ය ආයතන සතු හැකියාව වැදගත් තීරකයකි. [භේත්සන් සහ ස්ටාර්ඩ් (2001:5)] එහෙත්, ඒ සම්බන්ධයෙන් ආයතනවල ඇති හැකියාව එකම තීරකය නොවේ. ඔවුන්, කාලයට සහ ස්ථානයට විශේෂිත අයිතිවාසිකම්, රජය-සමාජය අතර සම්බන්ධකම් සහ අභ්‍යන්තර තරඟකාරිත්වයේ බාධාව යනාදිය මත තීරණය වන විවිධ වූ දැඩි පිළිවෙත් සමග පුළුල් ‘අයිතිවාසිකම් ගොනුවක්’ ප්‍රයෝජන ලෙස පෙන්වුම් කරමින් ක්‍රියාත්මක කිරීමට බලකරයි. ‘ඇල්ස්ටන් (1997:17), පටිසල් (1992), නෝර්ක් (1990) “ස්වපාලන බලතල” [ඊවන්ස් (1992)] කාවැද්ද ආයතන බිහිකිරීම සමානාත්මතාව හා කාර්යක්ෂමතාව තහවුරු කිරීමට ප්‍රමාණවත් නොවේ. 1970-1983 කාලයේ ශ්‍රී ලංකාවේ ඉඩම් ප්‍රතිසංස්කරණ මගින් පෙනී යන්නේ සාපේක්ෂ වශයෙන් ස්වාධීන ප්‍රජාතන්ත්‍රවාදී සුබසාධන රාජ්‍යයක් මගින් ඇතිකරනු ලැබූ දේශීයත්වය නැංවූ සංවර්ධන ආයතන මගින් ප්‍රගතිශීලී හෝ ප්‍රතිගාමී විය හැකි ශාක්‍යතාව පුළුල් කිරීමට හේතුවන වෙන වෙනස්කම් සිදුකළ හැකි බවයි.

මෙම ලිපිය මගින්, විෂමතා බිහි කරන ආයතන බිහිවීමට බලපාන සමහර ගැඹුරු හේතුසාධක පෙන්වාදීම සඳහා ආයතනික යෝග්‍ය බව පිළිබඳ සංකල්ප ගැඹුරින් විමසා බැලීම සිදු කෙරේ. [නයිට්, (1995)] වියළි කලාපයේ පාවුත්තලම් ජනාවාසය, තෙත් කලාපයේ නිගරැප්පේ ගම සහ උඩරට මුල්ගම ගම්මානය පිළිබඳ කරන ලද ක්ෂුද්‍ර අධ්‍යයන මගින් පුර්ව-ගැටුම් ශ්‍රී ලංකාවේ දේපල හිමිකම් සම්බන්ධ ආයතනික ව්‍යුහය සම්බන්ධ ස්වභාවය සහ ඉන් ගමන්වන කරුණු කෙරෙහි අවධානය යොමු කෙරේ. 1983 දී සිවිල් යුධ තත්ත්වයක් ඇතිවීමට සැලකිය යුතු සාධකයක් වෙමින් වාර්ගික අනන්‍යතාව සඳහා ආයතනික වලංගුභාවයන් ඇතිවීම සම්බන්ධයෙන් ඉඩම් අයිතිවාසිකමේ පටුච්ච බලපා ඇතිබව කෙණ්ත්‍ර අධ්‍යයනවලින් හෙළි වේ. විප්ලවකාරී පදනමකට වඩා රාජ්‍ය මැදිහත් වීම ඔස්සේ සිදුකරන ලද ශ්‍රී ලංකාවේ ඉඩම් ප්‍රතිසංස්කරණ විරුද්ධවාදී කණ්ඩායම් බිහිවීමට හේතුවී ඇති බව දැකිය හැකිය. පුර්ව-ගැටුම් හා පශ්චාත්-ගැටුම් ශ්‍රී ලංකාව තුළ නීත්‍යානුකූල උරුමය සම්බන්ධ දේශීය ආයතනමය සංකල්ප වටහා ගැනීමට අත්‍යවශ්‍ය වේ. මක් නිසාද යත්, කල්පවිනිත හා ශක්තිමත් සාමයක් සඳහා වැදගත්කමක් සහ එහි මූලයන් ඒ තුළ ඇති බැවිනි.

மோதலுக்கு முன்னரான இலங்கையில் காணி உடைமை உரிமை பேரப்பேச்சில் ஈடுபட்ட துணிகரமான நிறுவனங்கள்

ரேஷல் புரூலே

இந்த விவாதம் நிறுவனங்களுக்கு மிக முக்கியமானதாக காணப்படுகின்றது. சமகாலத்தில் இடம்பெறும் வறுமை - குறைப்பு தொடர்பான விவாதத்தில் காணி போன்ற வளங்களைப் பின்தங்கிய குழுக்களுக்காகத் திரட்டுவது, கைமாற்றுவது தொடர்பான பொது நிறுவனங்களின் திறனானது முக்கியத்துவம் பெறுகிறது. (ஜோன்ஸன் மற்றும் ஸ்டார்ட் 2001:5) மேலும் இந்நிறுவனங்கள் காலம், இடம் - உரிமை தொடர்பான விஷேசமான கருத்துக்கள், அரசு - சமூக உறவுகள், உட்போட்டி என்பனவற்றுக்கு அமைவாக பரந்துபட்ட உரிமைகளை வேறுபட்ட கடுமையுடன் விரிந்துரைத்து, நடைமுறைப்படுத்துகின்றன. (அல்ஸ்டன் எட் அல். 1999:17 புட்ஸல் 1992 நோர்த் 1990)

ஒப்புரவை அல்லது வினைத்திறனை உத்தரவாதம் செய்வதற்கு தன்னாட்சி உரிமை கொண்ட நிறுவனங்களை அமைத்தல் போதுமற்றதாகும். தன்னாட்சி அதிகாரம் கொண்ட ஜனநாயக நலன்புரி அரசால் நடாத்தப்படும் - காரியமாற்றுவிக்கப்படும் உள்ளூர் அபிவிருத்தி நிறுவனங்கள் பின்னேற்றத்தை அல்லது முன்னேற்றத்தையும் மற்றும் செயல் திறமையில் மாற்றத்தையும் ஏற்படுத்துபவையாக இருந்ததை இலங்கையின் 1970 - 1983 காலப்பகுதியில் காணி மறுசீரமைப்பு விபரிக்கிறது.

பாரபட்சம் காட்டும் நிறுவனங்கள் பற்றி முடிவு செய்ய உதவுவதற்கு வெளிக் காட்டும் வகையில் நிறுவன ரீதியான சட்டப்பயர்வத்தன்மை குறித்து இந்தக் கட்டுரை கவனம் செலுத்துகிறது. (நைட் 1995) நிறுவனங்களுக்கிடையில் - பாகுபாடு காட்டும் சில ஆழமான தீர்மானிகளை தெளிவுபடுத்துவதற்கு நிறுவன ரீதியான சட்டப்பயர்வத்தன்மை பற்றிய விளக்கங்கள் (கீழ்-இருந்து-மேல்) மீது இக் கட்டுரை கவனம் செலுத்துகிறது. (நைட் 1995).

உலர் வலயத்தில் உள்ள பாவற்குளம் குடியேற்றம், ஈர வலயத்திலுள்ள - மேற்கு பிராந்தியத்தின் நிகரூபே கிராமம் மற்றும் கண்டி மேட்டு நிலத்திலுள்ள முல்கம கிராமம் என்பனவற்றில் மேற்கொள்ளப்பட்ட நுண் ஆராய்ச்சியில்

மோதலுக்கு முந்திய இலங்கையில் உள்ள சொத்து-ஆதன உரிமைகள் நிறுவனங்களின் இயல்புகள், மற்றும் சாதாரண “இணக்கம்-சம்மதம்-உணர்வு” தொடர்பாக உள்ள சிக்கல்கள் குறித்தும் ஆராய்கிறது.

இவ்வாய்வு நிறுவன ரீதியான சட்டபூர்வத் தன்மையை இன அடையாளங்களுடன் இறுக்கமாகப் பிணைக்கும் காணி உரிமையளிப்பு குறுக்கமடைவதற்கான சான்றுகளை முன்வைக்கிறது. 1983 இல் இலங்கையில் சிவில் யுத்தம் நடக்க இது வழிவகுத்தது. இலங்கையின் காணி மறுசீரமைப்பை அவதானிக்கையில் பிணைப்பொன்றியத்தைப் பிளவுபடுத்தக் கூடியதாக இருப்பதைக் காணலாம். இது அரசால் உருவாக்கப்பட்டதேயன்றி, புரட்சிப் பாதையில் உருவானதல்ல.

நிறுவன ரீதியான சட்டபூர்வத்தன்மை பற்றிய உள்ளூர் விளக்கங்கள்-உணர்தலை புரிந்து கொள்வது மோதலுக்கு முந்திய மற்றும் பிந்திய-பிராந்திய இலங்கையில் முக்கியமானதாக இருக்கிறது. ஏனெனில் உள்ளூர் மட்டத்தில் நிறுவன ரீதியான சட்டபூர்வத்தன்மையானது நீடிய சமாதான அதிகாரப் பரவலாக்கம் பற்றிய அத்திவாரத்தை தருகிறது.

Audacious Institutions Negotiating land tenure rights in pre-conflict Sri Lanka

Rachel Brulé

1. Introduction

“[Sri Lanka] is free. She is free to make up for centuries of stagnation. She is free to speak for herself and to look forward to a society, to a social order, based on justice, equality and economic plenty for all...” (Kobbekaduwa, 1975; c.f. Abeysinghe 1976:1).

Since more than three-quarters of the world’s population live in countries that carried out major land reforms in the second half of the twentieth-century, the issue of reform cannot be underplayed in studies of development policy (Horowitz 1993:1003). In the post-1970 rural development ‘poverty agenda’ of improving livelihoods, redistributive reform is a crucial aspect of facilitating rural households’ access to “opportunity, empowerment and security” (Ashley and Maxwell 2001:411; World Bank 2001; Harriss 1982:9).

If one accepts livelihood theory’s politicised focus on household strategies of resource access, it is rational to assume that the complexities of human power relations are an inextricable component of land reform. Yet, since land reform is commonly analysed as *state-led* changes to citizens’ ‘bundle of rights’¹ it is rare to find literature synthesising the state-society dynamics of reform policies (Ghimire 2001:3; Putzel 1992; Herring 1983). A bottom-up analysis of how local coalitions perceive and influence institutional legitimacy is necessary to explain why land reform may magnify social cleavages in states such as Sri Lanka.

¹ Hann (2000) summarises the ‘bundle’ of land rights: ownership, management, use and transfer of agricultural land.

Reform of rights to land has been a project of state authorities motivated by security and welfare concerns since the birth of polities, such as the *lex sempronia agraria* reforms legislated by Tiberius Gracchus in second-century Rome (Tuma 1965; Plutarch 75 CE). The question is, does reform emerge from a narrow interest group's agenda or from a broad institutional commitment to progressive policies like poverty-reduction?

It is too simple to classify state action as a vehicle for vested interests, as do Anne Krueger's (1974) and ideological Marxists' explanations of 'rent-seeking' and 'structural determinism'. In contrast, Peter Evans (1992:148) and Mark Granovetter (1985) advance a more nuanced argument that states are embedded in ongoing social networks and market relationships. Developmental states carry out policies such as land reform both to maintain 'synergy' with local interests – defining their legitimacy according to locally expressed consent – and assert autonomous leadership or 'integrity' to guide national policy (Evans 1992:179).

Yet surely the basis of state legitimacy is wider than Evan's (1992) focus on economic performance. Both Evans (1992:158) and Olson (2000:125) emphasise states' necessary 'encompassing interest' in social development, but they paint states and the coalitions that shape them with a broad brush. Thus, regimes are determined by "the revenue-maximising tax rate" for a leader (Olson 2000:127) or by the balance between a regime's national autonomy and embeddedness (Evans 1992:175). We should instead look more closely at local coalitions' agency. Understanding the importance of local perceptions of legitimacy provides an explanation as to why "flabby and heterogeneous dominant coalitions" (Bardhan cf. Evans 1992:172) persist and prosper *even when* national social, economic and political conditions support progressive development, such as in Sri Lanka.

An often-overlooked issue in 'pluralist' policy studies of coalitions is how local expectations play a crucial role in shaping national policy's relationship with informal institutions (Kohli and Shue 1994). Studying local perceptions of state legitimacy – subjective, compound and contradictory as they are – can provide insight into why land reform fails to further development, instead causing conflict *not through revolutionary alliances such as class* but via *state-mediated alliances and cleavages*.

A look at micro-networks of 'embedded' state-society interactions helps illuminate individuals' consent or dissent for institutions more precisely than statist-theories of reform and revolution (Horowitz 1993; Gurr 1970; Goldstone 1980). National and local coalitions are interdependent actors whose methods of implementing institutional reform reflect their definition of what constitutes 'legitimate' institutions. Legitimacy is therefore a composite of group-specific agendas and long-standing socio-economic institutions. Through local-level analysis of Sri Lanka's redistributive land reform of the 1970s and early 1980s, this article explores the micro-level basis of institutional legitimacy. Such micro-analysis allows development policy-makers and practitioners to engage with the determinants of institutional exclusion, inclusion and change, for better or for worse.

2. Political Bargaining for Access to Land

2.1 Reforming rural development: Territorialising institutions

Land reform is often seen as a crucial means for states to redistribute resources more equitably (Reidinger et al. 2000:2; Dore 1985). Although reform is also billed as enhancing productivity, such claims remain fiercely debated in economic theory (Griffin, Khan and Ickowitz 2002; Ashley and Maxwell 2001:403-409; Berry and Cline 1979). The price of equality is just as ambiguous – the

choice of whose rights are privileged or 'fundamental' is a negotiated, not a natural phenomenon (Herring 1983:228). Thus, the notion of redistribution's traditional beneficiaries: peasant cultivators, is often an ideological project rather than a reality (Lenin 1936:159-286, cf. de Janvry 1981:107-9; Moore 1985).

Some states aim to incorporate and pacify peasant dissenters - from Peru's long-marginalized Quechua Indians to the rural under-employed, educated Sinhala youths who spearheaded Sri Lanka's 1971 Janatha Vimukthi Peramuna (JVP) insurrection (Seligmann 1995:58-9; Moore 1993:602). Other states seek a more consensual empowerment of their support base, as in China's Communist Party reforms of 1949 or the 1959 and 1969 reforms enacted in India's Kerala State (Lippit 1974:106-7; Herring 1983:162-68).

Since land policies are framed in the language of group rather than individual claims, the process of defining and claiming rights raises collective action dilemmas (Olson 1971). Can both narrow and broad-based land reforms expand citizens' formal rights and capabilities? (Kahn 2004; Sen 1999)

Such questions receive only partial, reductionist answers from theories of socio-economic structural determinism (de Janvry 1981; Wolf 1969), national policy-making (Herring 1983; Prosterman and Riedinger 1987) or Weberian 'political entrepreneurship' in elite-state bargaining (Kohli 1987; Grindle 1986; Evans et al. 1985; Skocpol 1979). In contrast, bottom-up studies of local-level coalitions clarify the interaction between formal state capacity and informal reproduction and subversion (legitimation and delegitimation) of institutional rules (Putzel 1992:6; El-Ghonemy 2001; Seligmann 1995; Beetham 1991).

The notion of 'entitlements' is often used as shorthand for the impact of institutional rules on individual rights (Korf 2003; Hann 2000; Devereux 1996; Gore 1993). Thus, individual entitlements include

formal, legally-enforced rights and informal, effective control over resource use through “certain rules of legitimacy” (Sen 1981:1). Dominant coalitions may alter formal institutional rules to improve their own entitlements at the greater public’s expense. As a result, state autonomy may be reduced for the benefit of ‘synergy’ with interest groups (Evans 1992).

In the Chinese case, land reform was partially instituted during civil war – peasant groups allied with the Communist Party had the power to appropriate land from farmers assumed to be supporting the victorious regime’s enemies: either the Kuomintang or the Japanese (Lippit 1974). Similarly, Sri Lankan Sinhala ‘frontier settlers’ allied with the state’s military and police apparatus to implement land reform (Thangarajah 2003). Thus, social groups allied with the state to gain access to the state’s coercive enforcement power, which is used to secure land rights (Korf 2003; Seligmann 1995:71).

These policy outcomes are comprehensible when analysed in the frame of local “territorializing debates” (Peluso 2003; cf. Rutherford 2005:107) that relate village-level land rights to the legitimacy of the state, patterns of coalition organisation and resulting national policy (Korf 2005: 205).

2.2 Analysing land reform: Invisible hands, grabbing hands and institutions

Land is frequently considered a powerful locus of legitimate authority in states from South Asia to Southern Africa – currently epitomised by Mugabe’s notorious land redistribution and ‘urban renewal’ policies in Zimbabwe (Rutherford 2005; Bernstein 2004; Herring 1983; Bharadwaj 1982). Yet mainstream neo-liberal literature on land reform avoids calling redistributive land reform by its true name: institutional revolution. Bernstein’s (2004) trenchant critique of the 1990s’ ‘new wave’ land reform (see

Deininger 2001 and Lipton 1993) summarises its critical problem: the desire to focus minimally on inequity and instability as mere distortions to be resolved by edging out the state.

As recent development writing eloquently explains, 'new wave' panaceas for asymmetric access – incorporating civil society participation and decentralisation into formal institutions – are only as strong as a given society's existing informal institutions (Platteau 2004; Beall 2001; Cleaver 1999; Brett 1996; and Faguet 2004). Alongside neo-liberals, 'neo-classical populists' often assume that 'all good things go together': equity-enhancing land redistribution assures long-term growth (Byers 2004; Bernstein 2004; Khan 2004). Is it valid to assume that reform improves peasant livelihoods (via altering fragmented factor markets) and strengthens national economic institutions? (Byres 2004; Bebbington 1999; Prosterman 1976)

2.3 Property rights as power relations

To borrow Sarah Berry's (1993) famous words on agrarian change, *no condition is permanent*. Conversely, institutions, defined by North (1990) as humanly-devised constraints to social interaction, are a constant fixture in human relations. In the language of new institutional economics, institutions are a form of control (Eggertsson 1998) – what political science would call diffuse power either as negotiated or manipulated consensus (Lukes 2005; Giddens 1985; Gramsci 1971).

Property rights, including land rights, are the instrumental and creative tools of such control – social institutions that delimit individuals' privileges to specific assets such as land (Libecap 1989:1). Delineating the role of property rights may be clear-cut, but the reasons for institutional change (re-structuring rights) remain open to a multiplicity of contrasting explanations (Barzel 1997; Knight 1992; North 1990).

Jack Knight (1992) and Douglass North (1990) explain institutional change as an ongoing social process in which actors possess proprietary information and resources that give them incentives to capture more benefits by constraining others' resource access (Knight 1992; North 1990). In contrast, 'efficiency' theorists like Harold Demsetz (1967) and Yoram Barzel (1997) argue that change is positive. In other words, change is an evolutionary move towards pareto-optimality driven by "potential collective efficiency gains as an adaptation to changes in relative prices" (Korf 2003:3). Yet only under stringent conditions do institutions allocate rights efficiently and independently of ownership patterns (Coase 1960). Rights must be perfectly-delineated and information must be costless (in exchanging and enforcing rights). On the other hand, proof of Knight's (1992:8) "discriminating institutions" abounds (North 1990:16).

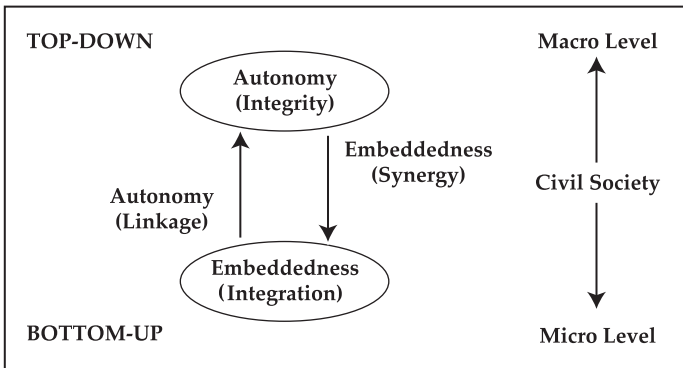
Imperfectly-enforced 'formal rights' can be understood by acknowledging their equally-willful sidekick: 'informal rights'. Informal rights, by definition, are unenforceable by a third party, which further complicates the delineation and enforcement of rights (Khan 1995; Knight 1992). 'Fuzzy entitlements' to land rights (Devereux 1996) may arise when formal institutions' authorities are disinterested in creating conditions that assure effective informal rights – such as the Sri Lankan state's disinterest throughout the 1980s-1990s in protecting Eastern farmers' physical security during cultivation (O'Sullivan 1997:112-113). Imperfectly-defined entitlements thus increase transaction costs, e.g. the costs of enforcing rights (Coase 1937). Uncertainty over rights may spur strategic actors' efforts to challenge formal institutions for enforcing property rights that actors perceive as illegitimate or unprofitable (Korf 2005; Knight 1992:127).

Contesting and changing property rights is therefore heavily dependent on intra-group and inter-group dynamics². the

² Groups are strategic coalitions of individuals "bound by some common purpose to achieve objectives", what North (1990:5) defines as organisations. Groups may organise around ethnicity, caste, class or other identity-based interests.

credibility of a given group’s commitment to change (Libecap 1989:21; Barzel 1997:127-35). Yet scholars still cannot explain how informal institutions interact with players’ subjective perception of problems and preferences (North 1990:104). Interrogating group perceptions of institutional legitimacy, or the idea of ‘right’ according to a given society’s identity, may help explain why micro-level institutional change produces macro-level conformity or conflict³.

The following diagram (Woolcock 1998:165) summarises this paper’s ‘bottom-up’ approach to analysing institutional changes in land rights.



‘Embeddedness’ is shorthand for micro-level perspectives of institutional legitimacy, as distinct from a national-level focus on institutional autonomy. Socio-political ‘civil society’ provides a myriad of links between macro- and micro-level institutions. Neither vibrant civil society nor embedded institutions guarantee that a society’s institutions will improve all individuals’ capabilities ‘to be and to do’ (Sen 1999; Woolcock 1998; Putzel 1997).

³ Although conflict can be seen as an inherently positive element of Hegelian dialectical change (Mao 1937), this paper calls conflict a violent attempt by an individual or group to constrain others’ rights. Legitimacy defined by Coicaud 1997: 10.

Analysis of local institutions is useful in its ability to explain not what is socially optimal, but rather what is socially feasible and why.

Welfare states as the newest delegitimisation destination?

In political terms, liberal states justify their legitimate authority to define and enforce rules by facilitating *economic growth* and *individual rights* (Heywood 1994; Evans 1992; Dworkin 1986; Olson 2000). Yet state legitimacy often becomes tenuous when such rights are linked to the consent of a few (Saravanamuttu 1999). The collision between redistributive land reform and social rebellion can be seen as the fault-line of state- and society-driven institutional change. Local perceptions of institutional legitimacy help shape collective validation or violation of property rights regimes.

Conflict-based institutional change becomes more likely than *cooperative change* when members of the public perceive a 'legitimacy deficit' (Beetham 1991) in the state-enforced property rights regime. Beetham's (1991:19) theory of legitimacy provides a straightforward method of evaluating a particular group's subjective beliefs: (1) "conformity to established rules"; (2) "justifiability of the rules by reference to shared beliefs"; and (3) "the express consent of the subordinate or of the most significant among them, to the particular relations of power".

Admittedly, the study of legitimacy and institutional conflict is open to much critique. Firstly, inter- and intra-group conflict is multi-dimensional and simultaneously occurs on overlapping levels of ideas, beliefs and material circumstances (Korf 2003:9). Secondly, institutional change can only be understood in particular political and historical frames (Luckham et al. 2003; Brett 2002; Eggertsson 1998; Khan 1995; North 1990). Thirdly, already-subjective perceptions of institutional legitimacy are easily manipulated through the lens of historical analysis such as this study attempts.

Considering land entitlements as a type of 'political property rights' (Moe 1995) illuminates the determinants of institutional change. Rational actors' decision-making is premised on perceptions of institutional legitimacy (North 1990). Analysis of micro-level decision-making allows us to understand how land redistribution, as one form of institutional change, may lead to conflict-based change by state-mediated coalitions rather than by revolutionary classes (Korf 2005; Keen 2000; Moore 1985). In Sri Lanka, redistribution strengthened ethnic entitlements to land as a result of interactions between national and local coalitions, who defined legitimacy according to group-specific interests and long-standing informal institutions. An understanding of these complex relationships can inform policy-making and advocacy for progressive institutional change that accounts for the effects of national and local perceptions.

3. Proprietary Reform

Property, policy and identity in Sri Lanka's conflict

Sri Lanka is a unique 'successful failure' of development (Moore 1992). The country's record in meeting the 'basic needs' of its citizens for health, education, service provision and income is impressive: life expectancy at birth is nearly 74 years, 90 percent of adults are literate, 91 percent of citizens have sustainable access to improved sanitation, and Gross Domestic Product per capita is \$3,778 (PPP, US\$) (2003 statistics, UNDP 2005). Sri Lanka is often considered a country that has maintained growth and equity through effective taxes on plantation exports, food subsidies and nearly universal suffrage (Gunatilleke et al. 1992:167; Isenman 1980:245; Bhalla and Glewwe 1986; Sen 1981). What role do these policies play in encouraging or constraining 1983's civil conflict?

Most analysis of Sri Lanka's conflict does not engage economic literature, focusing instead on political analysis of Sri Lanka's

democratic system or anthropologic studies of 'collective identities' (Wilson 1986; Tambiah 1986; de Silva 1993; Spencer 1990, 1990a; Roberts 1979). While a more recent body of literature focuses on the disjuncture between post-WWII welfare policies and post-1997 liberalisation policies, little writing examines the continuity in property rights policies leading to the 1983 conflict (Korf 2003; Bastian 2002).

Rights to land play a significant part in deconstructing the 'historically evolved consensus' (Putzel 1992:35) that was the Sri Lankan state's legitimacy, leading to civil war. Land rights are neither the sole nor the principal cause of Sri Lanka's conflict. Yet they are one of multiple substantial factors in the formulation and resolution of the Sinhalese and Tamil (and to a lesser extent Muslim) grievances that led to war (Korf 2003:9-10; Thangarajah 2003; Manogaran 1994).

This article examines land reform in three regions of Sri Lanka during the period leading up to conflict: 1970-1983. During this period, the Sri Lankan political elite increasingly linked the formal institutional 'rules of the game' in agrarian policies on land reform with ethnic identity – making 'ethnicised entitlements' (Korf 2003) the major normative grounds for agrarian property rights to land. Land rights institutions altered in response to the influence of both national and local coalitions who saw ethnic identity as a vehicle for advancing their particular agendas for economic, political or social control. National economic and political policies as well as long-standing social hierarchies and territorial struggles interacted with 'ethnic' agendas to structure land institutions' personality. Accordingly, Sri Lankan land reform comprises a dynamic process of negotiating state legitimacy, state-society alliances and local rights and voices. After summarising the author's methodology, Sri Lanka's conflict, and national land reform policies the paper steps into village-level analysis.

3.1 Methodology

This study follows Jack Knight's (1992) emphasis on microanalysis of informal and formal institutions to help explain macro-level institutional change. Primary data is provided by uniquely detailed local socio-economic studies (rather than political analysis) of 1970s reforms. The Agrarian Research and Training Institute (hereafter ARTI) research studies use both quantitative and qualitative data collection at the household and village level – surveying between 72 and 319 households randomly selected within a group of target villages. ARTI research teams administered structured questionnaires and interviews, gaining supplementary information from sources including relevant government offices and records, on-the-spot investigations, informal conversations and a second questionnaire in Vavuniya (Wanigaratne, et al. 1979; ARTI 1980; Krause and Perera 1977).

Ideally, ARTI findings would be verified and further explored by the author's own village-level observation. The author conducted a brief survey of contemporary land ownership issues while based in Colombo during the summer of 2003, yet such experience is no substitute for targeted primary data collection at the village and national level. This study must content itself with raising unique questions about the relationship between local perceptions of legitimacy and national institutional change. Decisive answers require a larger, more substantive analysis of primary data.

This study asks how village-level implementation of land reform solidified 'ethnicised entitlements' to land as one element pushing the country toward conflict in 1983. Using the village, e.g. 'the preference for dispersed settlement', as a unit of analysis is problematic because it is as subjective and contextual as studying "atomised" individuals or "unified" states (Moore 1985:126; Granovetter 1895:490). Regardless, villages are a significant component of Sri Lanka's mainly rural population; they act as the

coliseum for gladiatorial combat between local and national systems of rule-definition and enforcement, the make-or-break for institutional embeddedness and autonomy (Evans 1992). Institutional organisation is implicitly assumed to be dynamic, representing an historically-evolved order (Woolcock 1998; Evans 1992; North 1990; Granovetter 1985). Rather than pursuing an extensive historical analysis or comparative analysis of micro-level institutional evolution, this is a study of Sri Lanka's rural institutions at the village-level during 1970-1983. The time period encompasses opposing political administrations with contrasting land reform policies while capturing the rising ethnic friction and attacks that culminated in 1983's advent of civil war.

Beetham's (1991:19) legitimacy framework is used in each study to capture local perceptions of legitimate authority in the property rights regime, focusing on land rights. This allows a peek into the "mutual interactions" between the state and associated dominant policy-making elites on one hand, and dynamic local coalitions on the other hand by: (1) identifying what constitutes "conformity to established rules" - which ethnic, social and economic groups are recognised by the *formal property rights regime* during land reform; and (2) examining how "the express consent of the subordinate" to formal institutions is visible via the *informal local coalitions* formed during 1970-1983 to secure and protect property rights - specific to local ethnic, social and economic identities.

3.2 Property Rights in Agrarian Sri Lanka: *Extent and Effects of Land Reform*

The ideological agenda of Sri Lankan land reform during 1970-1983 remained consistent: reform as a process of "Sinhalisation and peasantisation" (Moore 1992:33). Despite the democratic contestation of power, it is clear that the Sri Lankan welfare state kept particular ethnic groups outside the policy debate on land reform's form and function (Tennekoon 1988; Bastian 2002).

Sri Lanka's welfarist policies of land reform have been responsive to social needs while simultaneously utilising 'non-agenda setting' influence to define social priorities (Lukes 2005). In this sense, the argument follows Mick Moore's (1985:84, 210) view of land reform as constraining the 'class' of poor rural cultivators from mobilising around common grievances. By interrogating land reform's justification and beneficiaries, it is possible to understand reformers' goals as well as why rural farmers expressed dissent along ethnic rather than along more functional class lines.

3.3 'Radical' Land Reform: Redistribution in 1970-77

The 1970s land reforms were geared to benefit the majority of Sri Lankans: rural (78 percent), engaged in agriculture (50.1 percent of national labour) excluding plantation labour (18.5 percent of national employment), and particularly marketed to the nation's unemployed youth (35.3 percent of persons aged 20-24) (GOSL 1986; Wanigaratne *et al.* 1979).

Why now?

The United Front coalition of left-leaning and Marxist parties which came together under the leadership of the Sri Lankan Freedom Party (SLFP) and President Bandaranaike in 1970 provided a relatively radical agenda of support for rural smallholders (Peiris 1996:153; Moore 1985:217-220). Yet their focus on redistribution and furthering prior tenancy reform policies (which is ignored for time and relevancy's sake) was not exactly revolutionary. Politicians expressed rural solidarity as an ethnic good, emphasising Sinhala Buddhist paddy farmers' role as the nation's moral backbone - a timely declaration. Many of the country's youth, more specifically those youths who were educated, unemployed, rural Sinhalese Buddhists staged a violent political insurrection in 1971 under the left-wing nationalist JVP (Janatha Vikmuthi Peramuna - the People's Liberation Front). Land reforms were hastily advanced to preclude further unrest (Thangarajah 2002; Moore 1993; Herring 1983).

What's new about redistributive reform?

Large-scale state control of land and its redistribution was a legacy of the British colonial regime's Waste Lands Ordinance of 1881 and post-Independence United National Party (UNP) policies including the Land Development Ordinance of 1935 and the Crown Land Ordinance of 1947 (Bastian 2002:8; Moore 1985). Following such august precedents, the Land Reform Law of 1972 created a fixed ceiling of fifty acres on landholding (twenty-five acres for paddy lands) and took control of land from private proprietors (Abeyasinghe 1976). The new Land Reform Commission (LRC) adjudicated the redistribution process, with vested authority over 559,000 acres of land (*ibid.*).

The government initiated a second stage of nationalisation in 1975, under the Land Reform (Amendment) Law No. 39, nationalising all public company estates. The Land Reform Commission retained absolute title over 415,508 acres of high-quality cultivated land, with private compensation determined by the Minister of Agriculture and Lands (Abeyasinghe 1976:47).

In comparison to the 100,000 acres of land redistributed to smallholders between 1935 and 1946, the reforms of 1972-75 were stunning, consolidating approximately 22% of the country's total arable land under government ownership (Peiris 1996:153). Most redistribution was controlled by Members of Parliament (MPs) and two public-sector corporations: the State Plantations Corporation and the Janatha Estates Development Board (Moore 1985:79; Gunatilleke *et. al.* 1992).

Reform's Impact

SLFP politicians who consolidated control of public corporations were widely regarded as poor managers, using corporations as patronage machines (Moore 1985:80). Estate productivity declined significantly and reforms failed to initiate a redistribution of lands

to the landless poor, who received only 12% (115,000 acres) of newly acquired state lands (Gunatilleke *et. al.* 1992:179). Additionally, redistribution strategies displayed a marked ethnic bias, favouring Sinhala paddy farmers in opposition to Indian Tamil labourers who continued to be “evacuated” from estates (Wanigaratne *et al.* 1979:88-89).

SLFP politicians’ new allies were a contradictory mix: a particularly vocal Kandyan peasantry who received a quarter of *all* new smallholder lands, alongside plantation workers (as Marxist party constituents) who qualified for citizenship rights and associated state welfare benefits (Moore 1985:81; Gunatilleke *et. al.* 1992:179). Throughout the 1970s the property rights regime consistently made Sinhala ethnicity the most visible justification for gaining new land rights, although Indian Tamils experienced some benefits from reform as well (Korf 2003; Thangarajah 2003; Manogaran 1994; Peebles 1990; Tennekoon 1990).

3.4 ‘Conservative’ Land Reform: Colonisation in 1977-83

The United National Party’s policies from 1977 until long after the 1983 riots followed what Peiris (1996) refers to as a ‘conservative-paternalist’ approach. In direct opposition to the SLFP’s welfarist rhetoric, the UNP focused on growth-oriented policies of expanding agricultural cultivation through land settlement (‘colonisation’) schemes, technology-driven increases in crop yields and a reliance on increasing foreign investment for large-scale public-private agricultural partnerships.

The UNP focus on agricultural growth appeared timely in the wake of the 1970s’ declining terms of trade, food crisis and slow sector-wide growth in agriculture (Tambiah 1986:55). Additionally, UNP policies were clearly meant to capture a distinct group of political clients: the UNP replaced SPLF supporters in Cultivation Committees with UNP-appointed “Cultivation Officers” (Singh

1989:97). Shifting employment had some direct benefits for the poor. The Land Grants (Special Provisions) Act No. 43 of 1979 reallocated 190,000 acres to the landless, (shuffling landholdings to UNP favourites) who were given full ownership rather than temporary land titles (Moore 1985:81-2).

Colonisation

Much has been made of the UNP's 're-establishment of the primacy of settlement schemes' upon election of President J. R. Jayewardene in 1977 (Pain 1986; Moore 1989; Bastian 2002). The UNP emphasised the need to expand agricultural production by irrigating and cultivating the Dry Zone's less fertile soils. Settlement can be labelled 'effective' reform, e.g. state redistribution of sparsely populated land without necessarily appropriating private property.

Some Sinhalese scholars consider these schemes an efficient use of currently uncultivated lands in the *Rajarata* region of the ancient Sinhala Kings (Peiris 1991, 1993; de Silva 1993). Yet the mixed Sinhala, Tamil and Muslim inhabitants of the Dry Zone have noted the dramatically varied impact of a 'change in population ratios' on the land rights parcelled out according to one's ethnicity since colonisation began in the 1930s (Korf 2003; Thangarajah 2003; Manogaran 1987; Tambiah 1986).

President Jayewardene's government claimed that a new round of colonisation schemes would ameliorate ethnic tensions by reducing youth unemployment and increasing arable land acreage through large-scale irrigation (Peebles 1990; Tennekoon 1988). Yet such schemes, epitomised by the Accelerated Mahaweli Development Programme, were severely criticised for directing most land and infrastructure services towards Sinhala settlers and towns (Dunham 1982:45; Peebles 1990:43).

UNP politicians frequently used colonisation as a “direct appeal to the Sinhalese majority that would counterweigh accusations of leniency toward separatists” (Peebles 1990:46). Settlers were dependent on government-provided cultivation services, which often strengthened the perceived connection between ethnic heritage and territorial rights (Moore 1985:196-7; Tennekoon 1988:257).

A mixture of political and economic agendas is visible in both the SLFP’s welfarist land reform and the UNP’s growth and territorial expansion policies. Still, each party connected its agenda to popular interests by emphasising their synergy with the country’s ethnic majority. Policy implementation at local and national levels was far from disinterested. Politicians were quick to exploit opportunities to reassert social hierarchies such as caste and to consolidate their authority over territory, with the exigency of ethnic solidarity often providing a convincing justification for their actions.

3.5 Summarising Sri Lanka’s Conflict

It is far beyond this article’s scope to discuss the extensive literature on Sri Lanka’s multidimensional conflict. While many theories on the causality of conflict separate into considerations of ‘greed’ or ‘grievance’, Sri Lanka’s conflict cannot be so easily labelled (Korf 2005; Collier & Hoeffler 2002; Keen 2000). The ethnic divisions now entrenched in Sri Lanka’s conflict are a fundamental yet constructed issue, (Bastian 1994:192; Roberts 1979) creating what Benedict Anderson (1991) and Eric Hobsbawm (1994) would call ‘imagined communities’.

Political strategies reinforce and feed social tension, dividing the mainly Buddhist Sinhalese (67 percent of Sri Lankans), mainly Hindu Sri Lankan Tamils (11 percent), Indian Tamils (9 percent), Muslim Moors (7 percent), and others such as Christian Burghers and Malays (Thangarajah 2003; Manogaran 1994; Tambiah 1986;

Moore 1985:15). Although religion, caste, and generalised economic strata also influence identities and entitlements, ethnicity has evidently become the primary vehicle of extreme socio-political mobilisation from the 1970s to the present (Tambiah 1986; Wilson 1986; Obeyesekere 1984).

I repeat Moore's (1985:192) reservation that geographically and socially-distinct ethnic identities have long-existed in Sri Lanka, alongside the tradition of a centralised, feudal state system. In recent times political ideologies of competing ethnic heritages to Sri Lanka's territory have radicalised citizens. The gulf has widened between the Sinhalese Buddhist majority, defended by the Sri Lankan state and its mainly Sinhalese armed forces, and the Tamil minority, with the extremist Liberation Tigers of Tamil Eelam (LTTE) declaring themselves to be the exclusive Tamil representatives (Korf 2003; de Silva 1993)⁴. Nationalist Tamil groups consider the north as an exclusively Tamil sanctuary, the historic homeland of the lost Chola Empire (Thangarajah 2003:21; Hellmann-Rajanayagam 1994). Tamil territorial demands moved decisively from federalism to separatism after the 1976 Vaddukodai Convention (Shastri 1990:59; Thangarajah 2002:12). Nationalist Sinhalese discourse stresses the need for a unitary Sinhala Buddhist culture and state as a return to pre-thirteenth century autonomy, justified through the *Mahavamsa* chronicle (Manogaran 1994:86; Spencer 1990; Tennekoon 1990; Kapferer 1988).

Sinhala nationalism became a part of post-Independence policy with acts such as: (1) population shifts to redraw electoral boundaries as Sinhala-majority districts, which began under Sri Lanka's first president D.S. Senanayake; (2) declaration of Sinhala as the official language in 1956 – also the year of the first anti-Tamil

⁴ Of course this binary definition of factions belies a much greater social differentiation within and beyond such groups (Spencer 2004, 1990; Uyangoda 2003; Vidanage 2003; Wijesinha 1991; Obeyesekere 1976; de Silva 1981).

riots; (3) ratification of the 1972 Republican Constitution recognising Sri Lanka as a *Sinhala Buddhist* state; and (4) direct use of brutal force (without judicial constraint) by the Sinhala-majority armed forces and police against Tamil youths through the 1977 Prevention of Terrorism Act (Spencer 2004; Thangarajah 2003; Roberts 1978).

Sri Lanka's violent conflict broke out in 1983 after a 23 July LTTE ambush in Jaffna killed thirteen members of the Sri Lankan Army, allegedly responding to army-led outrages including the rape of Tamil women (Wijesinha 1986:77). Well-organised anti-Tamil mob violence began in Colombo following a mass funeral for the soldiers and spread through the country. The government-imposed curfew quelled the violence only after two thousand deaths (Tambiah 1986:22; Wijesinha 1986:81).

A state of 'near-war' prevailed throughout the mid-1980s until President J. R. Jayewardene invited Indian peace-keeping troops' intervention to secure a state-LTTE cease-fire from 1987-1990, after which war resumed until 2002, now partially resolved by an uneasy ceasefire (Mathews 2004; Moore 1993). Ethnicised entitlements to land play a significant role in causing conflict, and should not be ignored in today's quasi-peace. The next sections explore entitlements' village-level meaning.

3.6 A Case for Case Studies

Sri Lanka's diverse geography, economic structures of production, political alliances and social identities cannot be captured in the space of a few pages. Instead, the following three case studies attempt to provide a generalised overview of the country's three primary socio-agricultural regions. The northern Dry Zone Settlement Scheme captures the north's arid climate, sparse settlement and Tamil-dominant social structures; the southern Wet Zone case illustrates the rain-fed, densely-populated, Sinhala-

dominant region centered around Colombo; and the Kandyan central highlands study emphasises the tea estates' hierarchical economic production and social organisation dominated by Kandyan aristocracy. Admittedly, this selection ignores the peculiarities of the far east (Trincomalee) and far west (Mannar). Although their climate aligns with the rest of the northern Dry Zone, the complexities of their socio-political conflicts merit separate consideration⁵. The redistributive policies studied emphasise Sinhala-directed services, as is reflective of national trends.

Case 1: Pavutkulam Settlement Scheme – Dry Zone Colonisation

The Dry Zone constitutes a fascinating paradox in Sri Lankan agricultural land policy – a vast area with diverse cultivation strategies and challenges (Moore 1985:192-197). Demographic pressure for economic development services in the Dry Zone had been high throughout the 1970s, and the government's solution - expanding irrigation-based settlements - caused the "locus of development in agriculture shift to the Dry Zone" (Shastri 1990:73).

Well-funded settlements for Sinhala paddy farmers administered by rising Sinhala public servants visibly improved settlers' livelihoods in the late 1970s. Yet few settlement funds were disbursed to majority-Tamil regions such as Jaffna and Batticaloa (Shastri 1990:73; Moore 1985:198). Sri Lankan Tamil farmers in Jaffna, who mainly produced import-competing agricultural goods (chillies, onions, etc.) were also significantly hurt by the UNP's 1977 opening of non-paddy agricultural goods to free-market competition (Shastri 1990). The UNP's 1980s expropriation of Tamil lands in Batticaloa, Mullativu and Vavuniya for irrigation projects magnified both Northern and Eastern Tamil grievances against the

⁵ See Thangarajah's (2003) and Devarajah, Korf and Schenk's (2001) writing on the NE, and Brun (2003) on the NW.

state (Manogaran 1994:101, 114; Shastri 1990:72; Thangarajah 2003:25).

Pavutkulam Settlement: Whose rights to property?

Pavutkulam Settlement is located six miles west of Vavuniya, one of the major towns in the Tamil-dominated Northern Province bordering the majority-Sinhala Northern Central Province. The settlement extends over 6534 acres, where 1060 government-settled farm families reside (ARTI 1980:1, 8). Paddy cultivation comprises nearly three-quarters of settlers' agricultural income (ARTI 1980:27, 30, 53). The state initiated the settlement scheme in 1956 and most settlers arrived in 1961-1965, yet the ARTI survey specifically captures the dilemmas of 1977-78.

Can it be said that all settlers play by the same institutional rules? Pavutkulam is not the typical Sinhala-dominated settlement, with 60 percent of settlers being Jaffna Tamils or native (*purana*) Tamils, and 35 percent Sinhalese (ARTI 1980:8). Inter-ethnic divisions have been institutionalised by creating two separate Rural Development Societies for land redistribution, one for Tamil and Muslim and another for Sinhala communities (ARTI 1980:61). Ethnic identity is an *expected* source of differentiation – each land tract has an ethnically distinct grouping of settlers. Second-generation youth settlers, (60 percent of settlers are aged under twenty-one) particularly Sinhala youth, see themselves as competing with other ethnic groups for scarce settlement land (ARTI 1980:11-14). Inter-ethnic competition for resources is evidently a long-term trend in Pavutkulam. Government-led efforts to expand Sinhalese Buddhist rights to territory have increasingly ossified the lines separating ethnicities, both in formal and informal institutions.

Do Granovetter's (1973) 'weak ties' of social capital legitimate bargaining for resources across ethnic coalitions in Pavutkulam? Within the dynamics of cultivation's shifting labour needs,

shramadana: voluntarily-donated labour and *attan*: labour exchanges often provide opportunities for cross-community cooperation (ARTI 1980:12). Yet *shramadana* labour was inadequate for 58 percent of Pavutkulam farmer's needs and significantly less common than in neighbouring non-settlement villages (*ibid.*). Additionally, rather than informally bargaining for *attan* labour, settlers hired labour from other ethnic groups when necessary. After the 1977 anti-Tamil riots, even formal inter-ethnic contracts were terminated (*ibid.*).

State enforcement of land rights for Pavutkulam's Sinhala settlers provides the clearest evidence of ethnicised entitlements. When conflicts over land broke out between different ethnic groups in Unit 9, a Tamil highland allotment, the majority-Sinhala national army intervened (ARTI 1980:11).

We may interpret Pavutkulam's case through Thangarajah's (2003:26-7) study on militarization in North-Eastern civil society, which details how many Sinhala settlers in Vavuniya became state-installed 'frontiersmen' protected by police units in contested Sinhala-Tamil border areas. The state placed army units throughout the North-East alongside the 1977 Prevention of Terrorism Act that followed severe riots (Thangarajah 2003:29). This alliance between the state security apparatus and Sinhala settlers linked entitlements to land with Sinhala ethnicity and also radicalised Tamil dissent. Although the state was ostensibly acting to guarantee national security, its support for Sinhala nationalism pushed institutions to recognise and support a single ethnicity at others' expense.

Pavutkulam Settlement: Whose consent matters?

In Pavutkulam, over 68% of first-generation settlers estimated they would have to illegally sub-divide their allotments to provide land for their children – a source of deepening frustration (ARTI 1980: 11). Why did Tamil and Sinhala youths channel their anger at a

lack of land and diminishing employment and educational opportunities within ethnic rather than class-based coalitions?

Moderate politicians within the Sinhala ruling parties and the Tamil United Liberation Front (TULF) had assumed engaging their radical youth wings would merely strengthen their parties' platforms, whereas youth were quick to move outside the realm of legitimate state discourse and into violent conflict (Thangarajah 2003:28). In border zones like Pavutkulam, youth easily digested parties' assertions that land entitlements should be an ethnic right. Villages at the edges of Sinhala and Tamil-dominant territory saw competing nationalist claims to land adjudicated by violent attacks (Thangarajah 2003:30). With tensions high over land rights, the direct benefits of the "embedded state's" land reform for the Sinhalese collectivity significantly legitimized ethnic polarisation (Moore 1985:223).

Pavutkulam coalitions between private entrepreneurs (*mudalalis*) and settlers probably crystallised tacit support for ethnically-polarised identities. According to ARTI, (1980:64-5) only 28 percent of Pavutkulam farmers sold paddy output (their major source of revenue) to state-based marketing cooperatives while 38 percent of farmers sold to private traders. Such figures are important as *mudalali* entrepreneurship in trade of agricultural goods and in controlling transportation networks became politicised as "networks that connect local politicians, local police, and elected MPs" (Tambiah 1986:49).

Both military and private coalitions solidified ethnic disparities in 'legitimate' entitlements, leading to high levels of violence in colonisation schemes based on "electoral and economic grievances" (Obeysekere 1984:52-3). In Pavutkulam, the national momentum to secure Sinhala rights appealed to local players' political and economic interests such that local coalitions effected rapid, dramatic institutional change. *Mudalalis'* private profits made land

redistribution *both* effective and divisive in settlements like Pavutkulam. Improved resource access magnified inequality rather than equality.

Case 2: Nigaruppe Paddy & Coconut Cultivation – Wet Zone

This second case illustrates the role of the Sinhala-dominant Wet Zone as a contested terrain: split between lowland paddy and highland coconut production; rural and urban development; and multiple Sinhala socio-economic groups vying for control over both land-based and institutional power (Moore 1985: Chapter 6). Colombo district is distinctive due to the convergence of (a) urban elites around the capital as “the core of a very centralised polity” and (b) rural farmers working on elite Coconut plantations and owning an average of one or two acres of land (Moore 1985:131; ARTI 1977:6-11). Colombo District resides within the ‘Coconut Triangle’ (Kurunegala – Colombo – Puttalam) comprising 70 percent of national coconut acreage, where the state appropriated 118, 760 acres in 1972-1975 reforms (ARTI 1977:3; Peiris 1993:228).

Nigaruppe Village: Whose rights to property?

Krause and Perera’s 1977 ARTI study is located in a town they label ‘Nigaruppe’, (a pseudonym) with 1,823 residents spread over the village’s total 678 acres. Nigaruppe illustrates how reform’s implementation may solidify the need for *even intra-ethnic* land entitlements to rest on historical legitimation, which is prone to exaggerate ethnic exclusivity as well.

Nigaruppe’s ‘Old Village’ residents constituted a thirty-five household ‘traditional’ farming village until 1962, homogeneous in ethnicity (Sinhala Buddhist) and caste (*Goigama* upper-caste cultivators). Farmers cultivated multiple acres of paddy and highland coconut crops (Krause and Perera 1977:8-9). The seventy-eight ‘Colonist’ households, resettled by state-led village expansion schemes in 1962, are also Sinhala Buddhist but are *Bathgama* low-

caste quarry-workers. Their population is extremely young (median age of 15) with high unemployment, (72 percent), widespread poverty, and illiteracy (88 percent) (Krause and Perera 1977:7, 18-19). An intermediate section of urban commuters, also *Goigama* caste, recently came to Nigaruppe for its proximity to the divisional capital, Minuwangoda (8 miles distant) and Colombo (25 miles) (Krause and Perera 1977:21).

The small numbers of Nigaruppe's villagers are illustrative of the rural Wet Zone region, which is also characterised by great concentration of paddy land ownership (30 percent paddy land owned by 6 percent of households) and high youth unemployment (ARTI 1977:3-11).

Land rights in Nigaruppe are a function of entrenched power hierarchies – land legitimises social status and power (Krause and Perera 1977:22). Colonists only began to hope to access adequate land for subsistence with the 1972-1975 reforms that separated land from social status. Colonists expected that, as Sinhala farmers, they were entitled to the 75 acres of Nigaruppe land distributed through three local cooperatives (Krause and Perera 1977:9, 28).

Yet inter-caste bargaining for land resources did not occur, even with reform's impetus. Despite colonists' connections to individual politicians, leaders of Nigaruppe's cultivation committees were not responsive to colonists' proposals for coconut land development (Krause and Perera 1977). Committees focused on reallocating Nigaruppe's marginal paddy lands as cornerstones of reform "for the peasantry", while viewing the colonists as unskilled and untrustworthy (*ibid*: 19, 28-9).

Formal institutions gave Nigaruppe's high-caste elite 'room for manoeuvre' in controlling land, but formal rights were only rhetorical for low-caste colonist youths. National focus on formal institutional change ignored the importance of long-standing social

hierarchies and group claims to territory. Land ownership opportunities at the local level fell short of promises made at the national level.

Nigaruppe Village: Whose consent?

Nigaruppe's political coalitions of 1970 could have integrated colonists' and old village elites' interests in acquiring land. Old village elites were traditional UNP supporters, but the socially progressive SLFP attracted both dissenting elites and colony voters in 1970 (Krause and Perera 1977:22). A combination of colonists and old villagers elected an influential SLFP representative onto the Village Council (Krause and Perera 1977:23). This Village Councillor shaped the implementation of land reform from many angles: as Vice-Chairman of the Cultivation Committee, Board Member of the Multi-purpose Cooperative Societies, and through his influence with Nigaruppe's Member of Parliament (*ibid*).

Although Colony members were not actively organised-out of politics, (Lukes 2005) old villagers saw their ruling interests *in direct opposition* to colonists' need-based requests for access to and ownership of former estate land (Krause and Perera 1977:31). Redistribution via Cooperative Farm No. 1 is representative of local processes: the cooperative employed only one permanent and five casual labourers – excluding all colonists. The director explained that permanent employment of colonists “would lead to great losses to the farm as these people would resort to stealing. *It would also induce the colonists to consider these lands as their own*” (Krause and Perera 1977:32, emphasis added).

In sum, Nigaruppe's political elites accepted the SLFP's agenda of land reform as a means of retaining and solidifying their control over estate lands (Krause and Perera 1977:31). What began as a unified, if diverse, social base of support for the state's legitimate authority to direct land reform in 1970, by 1975 had become

another exclusive, socially polarising method of asserting long-standing land rights. Such elite coalitions were strengthened by a highly-embedded state, with institutional interests growing more factionalised throughout 1970-1983.

Since ethnic entitlements were not forthcoming, one may surmise that Nigaruppe's unemployed youth followed the regional trend: allying with Sinhala nationalist state politicians (Thangaraja 2002, 2003). In the late 1970s-1980s powerful politicians' public-private militias (typified by Minister Cyril Mathew's Jatika Sevaka Sangamaya or National Workers' Congress) focused low-caste Sinhala youths' frustration at inaccessible entitlements – the 'diploma disease' – into unofficially-sanctioned violence that was most destructive during the 1983 anti-Tamil riots (Moore 1993:616; Wilson 1986; Obeyesekere 1984). The JVP utilised quasi-urban villages exactly like Nigaruppe to recruit alienated youth during the late 1970s-1980s. The JVP mobilised caste-based grievances in parallel to the United National Party's ethnic agenda, teaming-up in 1983's anti-Tamil attacks (after which the JVP was a convenient scapegoat) (Moore 1993:600, 611).

Ethnicised entitlements could have been quick-burning tinder for low-caste Nigaruppe youth, subsuming caste grievances within the Sinhala chauvinist agenda. Politicians' agenda of ethnically based demands for land did not divide castes and territory, but land reform did open space for airing and resolving social and economic grievances. Reform enabled low-caste youth to demand land access within the government's policy agenda. When institutional reform failed to change social and territorial rights to access, many youths channelled their frustration via the state's ethnic agenda.

Case 3: Mulgama Village – Central Highlands Tea Plantations

As the final case, the central Kandyan highlands are distinguished by their resistance to colonial integration until British conquest in

1815, their claim as national cultural representatives – possessing the Buddhist Temple of the Tooth, and their ‘enclave economy’ maintained first by Colonial and then by Kandyan aristocratic plantation owners employing mainly Indian Tamils in a feudal production relationship (Moore 1989; Abeysinghe 1976). However, this aloof identity has not kept Kandyans outside of Sri Lankan politics, with the highest national voter turnout and a strong political presence (Moore 1985:26, 76, 132).

Distinct ethnic, national and economic identities have been clear: Kandyan Sinhala citizens’ and politicians’ hostility to Indian Tamils as members of an alien community is described as “rock hard” (Roberts 1978:373). Indian Tamils remained distinct from Sri Lankan Tamils and separatist demands just as they remained outside the “political nation” until President Jayewardene’s December 1977 decision to lift Indian Tamil voting restrictions (de Silva 1993:53; Peebles 1990). Ethnic rioters’ (many ‘imported’ from Colombo and environs) violence toward plantation Tamils in July 1983 underlines Indian Tamils’ weak rights to property and protection entitlements in the region (Wijesinha 1986:79-80).

Mulgama Village: Whose rights to property?

Tea estates dominate Mulgama village’s physical geography as well as its social structure. The Kandyan highland village is comprised of 310 households with a total population of 1613 persons in Kandy District (1971 Census, cf. Wanigaratne et al. 1979:26). The majority of families are up-country *Vahumpura* caste Sinhala Buddhists, with a minority of a few low-country Sinhala Buddhist families and a diminishing number of Indian Tamils (24 percent of Kandyans in 1971, declining to 9 percent in 1981) thanks to repatriation associated with land reform (Wanigaratne et al. 1979:25-6; GOSL 1986).

Which village groups were protected in Mulgama’s property rights regime? National and local authorities followed a clear trend of

redistributing land to those affiliated with the SLFP, in 1977 promptly shifting to reallocation based on association with the UNP (Wanigaratne *et al.* 1979:83-4). While party membership was theoretically open to all social, economic and ethnic groups, decision-making was generally limited to the highest economic strata of Sinhala Buddhist villagers (Wanigaratne *et al.* 1979:85).

Yet why did the leaders of both SLFP and UNP parties allocate land rights along ethnic lines rather than through class or other coalitions? First, village smallholders *expected* that 'foreign' Indian Tamil estate labourers were the cause of their lack of land, employment and wealth: fewer Tamil labourers meant more available plots for villagers (Wanigaratne *et al.* 1979:94). Repatriating Indian Tamils had been national policy since Independence, explicitly to return the plantation-sector to 'Sri Lankans'. Like their national counterparts, Mulgama villagers considered rights to plantation land as zero-sum (Peebles 1990; Wanigaratne *et al.* 1979:78, 93).

Second, land rights became even further linked to ethnicity through the *bargaining process* over who gained authority to allocate rights. Authority over local land redistribution was highly political, mainly determined by the national Minister of Agriculture and Lands and local elected officials (Moore 1985:81). Since both the SLFP and the UNP represented Sinhala constituencies, political bargaining maintained an ethnically exclusive character dating from Independence (Moore 1985). The Marxist parties mobilising class grievances represented a smaller, more politically-marginalized constituency: disenfranchised Indian Tamil supporters (*ibid.*).

Third, *formal institutions* legitimated broad rights to land for all *Sinhalese* villagers. Mulgama's MP opened estates like Masgolla to Sinhala villagers 'for free-plucking' in the 1977 political transition to UNP power (Wanigaratne *et al.* 1979:88-9). Ethnicity proved to be

a muscular source of entitlement, marginalizing alternate entitlements such as agricultural wage-labourers' class association.

Mulgama Village: Whose consent matters?

Expressed consent for government policies – the most significant and most complex index of state legitimacy – can be indirectly analysed by observing the coalitions that Mulgama's residents formed throughout the 1970s. While 'core supporters' of either the SLFP or the UNP did not exist in Mulgama, political coalitions were a strong force in land reform's implementation because family rivalries were simply couched in terms of political parties (Wanigaratne *et al.* 1979:28).

Mulgama's personalised politics may seem too localised to illustrate national patterns, yet such alliances fit Moore's (1985) description of national 'welfarist' political competition: contests for patronage-based employment and entitlements. Following national trends, Mulgama's political elite manipulated the new 'participatory' Rural Development Societies and village cooperatives to distribute food items and allocate land plots to loyal Sinhala clients (Wanigaratne *et al.* 1979:30, 89).

Why co-opt Sinhala rather than Tamil consent? Kinship is part of the answer – the 175 landless persons who received state lands in 1972-77 were mainly villagers with family connections to upper-strata elites (*ibid*:89). Looking more closely, nearly all poor Sinhala villagers were able to access temporary entitlements to encroach on newly acquired plantation land, while Indian Tamils were given options of repatriation or relocation (Shastri 1990:63). Mulgama's Sinhala villagers had their own set of grievances: located on lowlands at the foot of the tea estates' hills, their crops were damaged by the estates' runoff. Yet despite the 1979 ARTI study's focus on Mulgama's Estate-Village integration, its results found both groups unwilling to manage land across ethnic bounds.

At the national level, Sinhala policy-elites generally hail from Kandy, while Tamil policy-makers are often Jaffna-based Sri Lankan Tamils (Moore 1985:83, 207). Thus, Mulgama's Sinhala villagers can mobilise flexible Sinhala kinship ties to gain land entitlements at local and national levels, while Indian Tamils are excluded in local Sinhalese kinship networks *and* national Tamil policy coalitions.

Indian Tamils' inability to access land-entitlements illustrates the collective action dilemma of marginalized groups, with ethnic identity organising members *out* of local and national policy-making. Social institutions are evidently not uniform – while caste and class excluded large numbers of Nigaruppe's Sinhala colonists from accessing land entitlements, Mulgama's Sinhala villagers of varied social strata were able to utilise redistributed land in response to their needs. The national use of ethnicity as a political, economic *and* social tool for defining the boundaries of post-land reform institutions closed regular local avenues of renegotiating institutional access to most Tamils. In Mulgama, land reform reinforced Indian Tamils' low position in Kandyan society, while further denying Indian Tamils the resources to contest entitlements in either local or national realms.

3.7 Re-viewing Locality in Nationality

Stepping back from the three villages, we brush Pavutkulam's dry soil from the corners of our eyes, forego Nigaruppe's coconut milk, and clap Mulgama's tea grinds from our hands. Land reform's institutional rules and beneficiaries varied according to the interaction of national agendas with each village's particular combination of local political interests, social institutions, and structures of territorial and economic rights. In contrast, reform's implementation process *consistently* legitimated ethnically-exclusive entitlements to land across regional boundaries. Bottom-up analysis of village-level formal and informal institutional change explains the strength of ethnic claims to land rights:

- (1) Strong military and private coalitions between the state, entrepreneurs and villagers in Sinhala-Tamil border areas of the Dry Zone such as Pavutkulam visibly improved Sinhala farmers' access to land resources and profits. National policy reified long-standing ethnic tensions to secure state legitimacy and territory through empowering Sinhala settlers.
- (2) Caste-based entitlements to land were stronger than ethnic entitlements in majority-Sinhala Wet Zone villages such as Nigaruppe, yet national political coalitions were strong enough at the regional level to subsume youths' caste-based grievances into an ethnically-polarised framework of entitlement. Ethnic coalitions channelled Sinhala youths' anger into pro- rather than anti-state action.
- (3) 'Welfarist' distribution of land entitlements to politically-active Sinhala villagers muted potential caste- and class-based grievances in highlands villages like Mulgama. Ethnicity was highly useful as a 'legitimate' state tool of redefining and adjudicating formal and informal land rights.

Local negotiation of Sri Lanka's 1970-1983 national land reform policies tied institutional legitimacy to ethnicity as not just an instrumental, but a morally-just means of accessing land entitlements. Local agents wove national, ethnically-polarised agendas almost seamlessly into the cloth of prior social, economic and political structures with the binding thread of peasants' enthusiasm for greater resource access. Land reform via ethnicised-entitlements directly led to regressive, conflictual change. Policy-makers radicalised resource-negotiation for majority and minority ethnicities in attempting to enact fast-paced reform to significantly increase rural support for the state.

4. Creative coalitions, chaotic coalitions

Post-conflict or post-civil reform?

In two decades, Sri Lanka's conflict has moved from wilful to weary, leaving over 60,000 dead and 800,000 displaced (Mathews 2004:91). Remarkably, although conflict ruptured the state-society contract and created a crisis of legitimacy, Sri Lanka's state has not failed (Saravanamuttu 1999:119; Misra 2004:283). While the state lost political control over the North East and LTTE violence sporadically reared its head in Colombo, democratic institutions kept the vestiges of functionality (Misra 2004). Institutional land rights adapted to violence's dynamics, reinforcing regressive power structures (Bastian 2002; Goodhand *et al.* 2000).

The 'near peace' of 2002's cease-fire may indeed spur empowering institutional change to simultaneously consolidate lasting peace and reduce poverty. Is peace-time's reversal of state-driven land redistribution policy: liberalising land markets, a means of broadening land entitlements? A peace dividend may encourage inter-group cooperation in negotiating land entitlements (Orjuela 2005). On the other hand, progressive partnerships may be hindered by wartime's 'institutional dualism' - the co-existence of "competing power structures, rules, incentives and value systems" (Brett 2004:12). Local perceptions of institutional legitimacy are both the most crucial and fragile roots of long-term peace in Sri Lanka. This begs the question of whether local farmers currently perceive national political coalitions as being willing and able to support progressive land entitlements systems.

4.1 Liberalisation and extortion's binding ties

Market-based liberalisation of land titles has been a state priority since the UNP began liberalisation in 1977, finalised in the 1998 Title Registration Act No. 21 (Bastian 2002). Until 1998, land

redistribution beneficiaries were unable to legally sub-divide or transfer land in almost any circumstance – limiting the value of land entitlements (Bastian 2002:29). A growing ‘agrarian crisis’ leaves smallholders owning an average of less than one hectare, unable to subsist. The World Bank and many contemporary politicians suggest that formal livelihood options may be improved by free-market exchange of land titles (World Bank 2003).

Liberalisation has certainly shrunk the public enterprise sector, which may reduce market factor distortions by limiting the state’s ability to dispense ethnically-exclusive privileges (Dunham and Jayasuria 2001). Yet recent analysis shows that a narrow group of “indigenous, largely Sinhala-speaking entrepreneurs” continue to profit materially and politically from facilitating state liberalisation (Bastian 2005:3; Goodhand 2001:35; Dunham and Jaysuria 2001:15). Increased private investment in liberalised markets has centred in Colombo while “development has stood still” in the rural south (Goodhand 2001:35). In the north east Dry Zone, private-military coalitions loosely linked to the state continue to profit from development funds and rents extracted for enforcing property rights (Goodhand 2001:36-37; Orjuela 2005).

Present-day liberalisation of land title markets, enmeshed in the messy business of waging and ending war, seems to narrow rather than broaden economic, political and social coalitions. Without incentives and sanctions beyond the rough accountability of elections, (Humphreys and Bates 2002) policy-elites have no reason to discontinue past decades’ non-transparent, biased liberalisation policies (Dunham and Jayasuria 2001). Enduring ties between elites and factionalised public-private networks do not bode well for strengthening progressive poverty-reduction coalitions.

Do previously-marginalised Sri Lankans see opportunities to mobilise broader coalitions with *enforceable commitments* to alter entitlement structures? If so, local institutions may help build

autonomous state institutions with an encompassing interest for national peace and poverty-reduction. However, the paucity of literature analysing village-level coalitions' perception of the state and its responsibilities suggests that national policy-makers, academics and peace advocates are not capturing the role of local entitlement structures in shaping institutional change (Orjuela 2005).

5. In Conclusion

This is an argument that institutions matter. In the contemporary debate on poverty-reduction, public institutions' ability to mobilise and transfer resources such as land to disadvantaged groups is crucial (Johnson and Start 2001:5). Yet institutions are no silver-bullet - they delineate and enforce a broad 'bundle of rights' with varying rigor depending on specific rights, state-society relations and internal competition's rub (Alston *et al.* 1999:17; Putzel 1992; North 1990).

Creating institutions with 'embedded autonomy' (Evans 1992) is insufficient to guarantee either equity or efficiency – Sri Lanka's 1970-1983 land reforms illustrate that locally-embedded development institutions mediated by a relatively autonomous democratic welfare state can instigate regressive change rather than progressive, capability-enhancing change. This paper's focus on bottom-up perceptions of institutional legitimacy provides a select body of evidence on the deep determinants of 'discriminating institutions', which suggests an avenue for further village studies.

Case studies of Kandyan Mulgama Village, Dry Zone Pavutkulam Settlement and Wet Zone Nigaruppe Village explored ethnicised entitlements to land in pre-conflict Sri Lanka. Villagers consented to ethnic entitlements despite the fact that narrowing rights led to factional divisions, militarisation, and insecurity that reduced most

Sri Lankans' livelihoods (Dunham and Jayasuriya 2000; Korf 2004). Land reform created exclusive institutions due to the interaction of both national and local coalitions. National elites utilised ethnicity as an organising tool. Local actors harnessed ethnic entitlements to expand their 'legitimate' access to land within informal institutions. Land rights altered due to complex local-national processes of debate and collusion in defining rights. This paper provides an initial survey of these processes; additional observation and analysis are crucial.

We must continue to interrogate micro-level decision-making, within and across countries and time, in order to understand how linkages between progressive reform and exclusionary practice are made and unmade.

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7

THE RELATIONSHIP BETWEEN LAND POSSESSION/ LANDLESSNESS AND POVERTY: EXPERIENCES FROM ORISSA, KERALA AND WEST BENGAL

Rathi Kanta Kumbhar

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The Relationship between Land Possession / Landlessness and Poverty: Experiences from Orissa, Kerala and West Bengal¹

Rathi Kanta Kumbhar

Abstract

The main objective of this paper is to understand how 'putting land first' can reduce rural poverty by examining almost 50 years of data from three Indian states, Kerala, West Bengal and Orissa. The paper starts by noting that rural poverty has declined in Kerala and West Bengal where land reforms have taken place and the agrarian structure has improved. In Orissa, despite a 'better' land distribution and agrarian structure, poverty remained at higher levels in the initial period (1950s) and has continued to remain higher than all other Indian states in recent times (2001). Over time Orissa has actually experienced an increase in the landless population. Searching for the reason behind such differences, the study finds that poverty reduction by 'putting land first' is conditional on complementary factors such as the historical background and the economic and social policies of the states. Although class struggle was fundamental in the land reforms of Kerala and West Bengal, these were also complemented by an increase in agricultural investment and availability of rural credit; which generated demand for labour and contributed to push agricultural wage rates up.

The bargaining power of labour unions also played an important role in increasing the wage rate of workers in Kerala. Further, Kerala's social welfare model might have significantly helped households to retain land even at times of distress. The lack of all these factors in Orissa might have handicapped the small farmers, especially at times of drought, and forced them to sell or lease

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out their land. This might have led them to enter the labour market to earn a living. This paper concludes that although land reforms can come through historical processes (such as class struggle), political interest or conscious economic policies, their impact on poverty reduction and sustainability depends on the state's economic and social policies and perhaps on the state provisioning itself, rather than the market's or individuals' decisions.

ඉඩම් අයිතිය පිළිබඳ ක්‍රියාවලිය/ඉඩම් හිඟය සහ දිළිඳුකම ඔරිස්සාව, කේරළය සහ බටහිර බෙංගාල අත්දැකීම්¹

රනි කාන්ත කුමිහර්

සාරාංශය

“ඉඩම් සඳහා ප්‍රමුඛත්වය” දීමෙන් ග්‍රාමීය සමාජයේ පවත්නා දරිද්‍රතාව අඩු කළ හැක්කේ කෙසේදැයි යන්න කේරළය, බටහිර බෙංගාලය, සහ ඔරිස්සාව යන ඉන්දීය ප්‍රාන්තවල වසර 50ක දත්ත ඇසුරින් අවබෝධ කර ගැනීමට උත්සාහ දැරීම මෙම ලිපියේ මූලික අරමුණ වේ. මනා ලෙස වර්ධනය වූ කෘෂිකාර්මික ව්‍යුහයක් පැවති, එමෙන්ම ඉඩම් ප්‍රතිසංස්කරණය ක්‍රියාත්මක වූ, කේරළයේ සහ බටහිර බෙංගාලයේ ග්‍රාමීය දරිද්‍රතාව අඩු වී ඇති ආකාරය පිළිබඳ කෙටි සටහනක් මෙහි මුල් කොටසින් දැක්වේ. “එඩා හොඳ” ඉඩම් ව්‍යාප්තියක් සහ කෘෂිකාර්මික ව්‍යුහයක් පැවතියත් 1950 ගණන්වල මුල් කාලයේ ඔරිස්සාවේ දරිද්‍රතාව ඉතා ඉහළ තත්ත්වයක පැවති අතර 2001 වැනි මෑත කාලයේදීත් අනෙකුත් ඉන්දීය ප්‍රාන්ත සමඟ සසඳන විට එයත් ඉතා ඉහළ තත්ත්වයක විය. ඊට අමතරව ඉඩම් අහිමි ජනතාවගේ වැඩි විමක්ද විය. මෙවැනි වෙනස්කම්වලට හේතුව සෙවීමේදී හෙළිවූයේ “ඉඩම් සඳහා ප්‍රමුඛත්වය” දීමෙන් දරිද්‍රතාව අඩු කිරීම යන්න ඓතිහාසික පසුබිම සහ රටේ පවතින ආර්ථික හා සමාජීය ප්‍රතිපත්ති වැනි අනෙකුත් තීරණාත්මක සාධක මත තීරණය වන කරුණක් බවය. පංති අරගලය යන්න කේරළයේ සහ බටහිර බෙංගාලයේ ඉඩම් ප්‍රතිසංස්කරණවල තීරණාත්මක සාධකයක් වුවද ශ්‍රමය සඳහා ඉල්ලුමක් බිහි කළ, එමෙන්ම කෘෂි අංශයේ වැටුප් අනුපාත ඉහළ දැමීමට සහාය වූ, කෘෂි අංශයේ ආයෝජනය ඉහළ යාම සහ ග්‍රාමීය ණය ලබා ගත හැකිවීම යන සාධකද එයට සහාය වූ තවත් වැදගත් කරුණු අතර විය.

කේරළයේ කම්කරු පන්තියේ ජනතාවගේ වැටුප් අනුපාත ඉහළ දැමීම සම්බන්ධයෙන් කම්කරු සංගම්වල කේවල් කිරීමේ ශක්තිය විශාල කාර්යභාරයක් ඉටු කර ඇත. තවදුරටත් දක්වන්නේ නම්, කේරළයේ පවතින සමාජ සුබසාධන ආකෘතිය, ජනතාවට ඉතා අමාරු කාලවලදී පවා ඉඩම් ළඟ තබා ගැනීමට සැලකිය යුතු ආකාරයෙන් උපකාර විය. නමුත් මෙවැනි සාධක අඩු වශයෙන් පැවති ඔරිස්සාවේ

1 අඛණ්ඩව පිරිනැමුණු මගපෙන්වීම හා දෛර්ග්‍යය දීම වෙනුවෙන් මම මගේ අධීක්ෂකයින් වූ ආචාර්ය කේ. පී. කන්නන් සහ ආචාර්ය පී. කේ. පන්දා මහතුන්ට කෘතඥතාව පළකරමි. එසේම, ඉතාම ප්‍රයෝජනවත් විවේචන, යෝජනා සහ අදහස් දැක්වූ සැමටම ස්තූතිය පළකරමි.

කුඩා ගොවිපළ හිමියන් විශේෂයෙන් නියත කාලවලදී ඉතා අමාරු තත්ත්වයකට පත් වූ අතර ඔවුන් තමන් සතු ඉඩම් විකිණීමට හෝ කුලියට දීමට පෙළඹෙන තත්ත්වයටද පත් විය. මෙම තත්ත්වය ගොවිපළ වගාකරුවන් හට ශ්‍රම වෙළෙඳපොළට ඇතුළු වීමට ඉඩ සලසන ලදී. මෙම ලිපිය මගින් අවධාරණය කරනු ලබන්නේ ඉඩම් ප්‍රතිසංස්කරණ යන්ත්‍රණ වෛතිකාසික ක්‍රියාවලියක් (පත්ති අරගලය වැනි) තුළින් බිහි විය හැකි වුවත්, දේශපාලන පෙළඹවීම හෝ ආර්ථික ප්‍රතිපත්ති, දැරිඳුතාව අඩු කිරීම හා එහි තිරසාර පැවැත්ම මත බලපෑම් කිරීම රඳා පවතින්නේ රජයේ ආර්ථික හා සමාජ ප්‍රතිපත්ති සහ සමහර විට වෙළෙඳපොළ හෝ තනිපුද්ගල තිරණවලට වඩා රජය තමන් විසින්ම කරනු ලබන ඉඩදීමේ මත බවයි.

நீல உடைமை தொடர்பான செயன்முறை ஒரிஸ்ஸா, கேரளா மற்றும் மேற்கு வங்காளத்தில்¹ காணியின்மை மற்றும் வறுமை தொடர்பான அநுபவங்கள்

ரதி காந்தா கும்பார்

இந்தியாவின் மூன்று மாநிலங்களான ஒரிஸ்ஸா, கேரளா மற்றும் மேற்கு வங்காளம் ஆகியவற்றின் கடந்த 50 வருடகால தரவுகளை ஆராயும் போது, கிராமிய வறுமையை சீர்செய்ய அல்லது குறைக்க “நிலத்தை முதன்மைப்படுத்துவது” எவ்விதம் என்பதை அறிந்து கொள்வதே இந்த ஆய்வறிக்கையின் பிரதான நோக்கமாகும். கேரளா மற்றும் வங்காளத்தில் காணி மறுசீரமைப்பு மற்றும் விவசாயக் கட்டமைப்பு மேம்பாடு மூலம் கிராமிய வறுமையில் நிலையான வீழ்ச்சி ஏற்பட்டுள்ளதைக் காண முடிகிறது.

ஆரம்பகாலத்தில் (1950 களில்) ஒரிஸ்ஸாவில், சிறப்பான காணிப்பகிர்வு மற்றும் விவசாயக் கட்டமைப்பு காணப்பட்ட போதிலும், அண்மைக்காலத்தில் (2001 களில்) மற்றைய இந்திய மாநிலங்களுடன் ஒப்பிடுமிடத்து கிராமிய வறுமை உச்ச நிலையை அடைந்துள்ளதுடன் மேலும் பலர் நிலமற்றவர்களாக மாறியுள்ளனர்.

- உதாரணமாக (1953 - 54 களில் 4.5% மற்றும் 1991 - 92 களில் 26.9%) அதிகளவிலான மக்கள் விவசாயக் கூலிகளாக மாறினார்கள் (1991 இல் 30% 2001 இல் 35%)

கிராமிய வறுமையை சீர்-செய்ய அல்லது குறைக்க “நிலத்தை முதன்மைப்படுத்துவது” என்ற விடயம் சரித்திர பின்னணி மற்றும் அரசின் சமூக, பொருளாதாரக் கொள்கைகள் போன்ற நிறைவுபடுத்தும் காரணிகளின் நிபந்தனைகளுக்கு உட்பட்டுள்ளமையே இத்தகைய வேறுபாடுகளுக்கான காரணம் என்பதை இவ்வாய்வு அறிக்கையின் மூலம் கண்டறியலாம்.

1 எனது மேற்பார்வையாளர்களான டாக்டர் கே.பி.கண்ணன் மற்றும் டாக்டர் பீ.கே.பண்டா ஆகியோரின் தொடர்ச்சியான வழிகாட்டுதலுக்கும் ஊக்குவிப்புக்கும் நான் நன்றிக் கடன்பட்டுள்ளேன். பயன்மிக்க கருத்துக்கள், ஆலோசனைகளைக் கூறிய நடுவர்களுக்கும் நான் நன்றி கூறுகிறேன்.

கேரளாவிலும், மேற்கு வங்காளத்திலும் காணி மறுசீரமைப்புக்களுக்கான அடிப்படைக் காரணமாக வர்க்கப் போராட்டம் இருந்த போதிலும், விவசாயத்துறையில் முதலீட்டை அதிகரிப்பதன் மூலமும், கிராமியக் கடன்கள் கிடைக்க வழி செய்வதன் மூலமும் அது நிறைவேற்றப்பட்டது. இவ்விரு விடயங்களும் தொழிலாளர்களுக்கான கேள்வியை ஏற்படுத்தியதுடன், விவசாயத் துறையில் கூலி அதிகரிப்புக்கும் பங்களிப்புச் செய்தது.

கேரளாவில் பாட்டாளி மக்களின் கூலி அதிகரிப்புக்கு தொழிற் சங்கங்களின் பேரம் பேசும் செல்வாக்கே முக்கிய பங்கு வகிக்கின்றது. மேலும் கேரளாவின் சமூக நலன்புரி மாதிரியானது, வறுமை நிலவும் காலங்களில், குறிப்பாக குடும்பங்கள் தங்கள் காணியை விடாது வைத்திருப்பதற்கு கணிசமான அளவு உதவி புரிந்திருக்கலாம்.

அதேவேளை இக் காரணிகள் ஓரிஸ்ஸாவில் மிகக் குறைந்த அளவில் காணப்பட்டமையால், விஷேசமாக வரட்சி நிலவுகின்ற காலங்களில் வறிய விவசாயிகளை இடையூறு செய்திருக்கலாம், மற்றும் அவர்கள் தமது நிலத்தை விற்கும் அல்லது குத்தகைக்கு விடும் கட்டாய நிலைமைக்கும் தள்ளப்பட்டுள்ளனர். இதனால் அவர்கள் தமது ஜீவனோபாயத்திற்காக கூலிகளாக மாறும் நிலைமையும் ஏற்பட்டது.

காணி மறுசீரமைப்பானது, சரித்திர செயன்முறைகள் வாயிலாக (வகுப்புப் போராட்டம்), அரசியல் பற்றிய அக்கறை அல்லது விழிப்புடைய பொருளாதாரக் கொள்கைகள் மூலமாக ஏற்பட்ட போதும், அதன் தாக்கமானது வறுமை குறைப்பிலும் அதனை நீடிக்கச் செய்யும் அரசின் சமூகப் பொருளாதாரக் கொள்கைகள் மீதும் நிலையாக தங்கியுள்ளதோடு, சிலவேளைகளில் சந்தையின் அல்லது தனி மனிதத் தீர்மானங்களை விட அரசின் விநியோகங்களிலும் இது தங்கியுள்ளது.

- சந்தை அல்லது தனிமனிதத் தீர்மானங்கள் அண்மைய காலத்தில் நிலைமையை மோசமாக்கியுள்ளது. (உதாரணம், மேற்கு வங்காள விடயம்)

The Relationship between Land Possession / Landlessness and Poverty: Experiences from Orissa, Kerala and West Bengal

Rathi Kanta Kumbhar

1. Introduction

“Mata Bhumi Putroham Prithibyah”

Land is our mother and we all are her sons.

-Atharva Veda; cited Satapathy, 1977: pp 1.

Land has been an essential factor of production in agrarian economies and often has been considered in the role of ‘mother’, mainly due to its indestructible and credible power to produce grain and help mankind. The Atharva Veda references these qualities, and goes on to say that “...we all are her sons”, suggesting that everyone must have equal rights over land. In the history of economic thought, Physiocrats considered ‘land as the true source of wealth’². With the advent of classical economists, it was argued that land would be barren without the human touch. They assigned equal importance to labour, considering it as ‘father’ (Rima, 2001). It is the interaction of both factors – land and labour (keeping all other factors³ positive and constant) – which makes production possible for the well being of mankind in general and poverty reduction in particular.

In a developing economy based on agriculture, the agrarian structure shapes the political and economic structure of society. An

² Physiocrats, who developed one of the earliest theories of economics, maintained that only agriculture provides a net product and a productive occupation. They argued that industry and trade are sterile occupations. Land being the only productive source, they suggested a single and direct tax on land (Ghosh and Ghosh, 1988).

³ Such as non-occurrences of natural calamities or the prevalence of exploitative social system, which can prevent production process.

agrarian structure can be broadly defined as “the institutional framework of agriculture, including *inter alia*, farm size and ownership patterns, social hierarchy, economic status and/or class grouping” (Thiesenhusen and Melmed-Sanjak, 1990). The agrarian structure connects political power structures with economics; determines the mode of combining land and labour for production purpose and has implications for the relative and absolute well-being of the population. In the absence of more direct information, the pattern of land distribution can be considered an appropriate indicator to understand the agrarian structure.

Land is an important factor to consider for different reasons:

- It makes production possible;
- The production process generates employment, hence facilitating the distribution of income;
- Generated income may facilitate exchange, which may lead to increased consumption;
- Increased consumption may reduce poverty.

In the case of technology intensive production however, this logic may lead to reduced employment opportunities, by economies of scale through land concentration. Raj (1990) in his article ‘Mechanisation of Agriculture in India and Sri Lanka’, points out that there is evidence of large landholders undertaking mechanisation in order to reduce dependency on tenants and casual labour. Therefore, while it may lead to higher productivity, land concentration can also lead to unemployment and poverty.

Where production takes place at the household level, farming may ensure that the household is spared food insecurity related problems. However, irrespective of how production takes places, a well-designed social policy should distribute the outputs at the aggregate level among the population, especially the disadvantaged. Where the numbers of the disadvantaged are high – which is often

the case in developing countries - this solution may be neither feasible nor sustainable and there is therefore a need to establish an agrarian structure that directly reduces poverty.

The objective of this paper is to understand the process of land possession/landlessness and rural poverty in Kerala, West Bengal and Orissa. Specifically, the paper has the following objectives:

- (a) Understand the process of land possession/landlessness and rural poverty in Orissa, Kerala and West Bengal
- (b) Understand why the agrarian structure in Orissa worsened over the period of time and how the post-land reform agrarian structure could be designed to reduce poverty in a sustainable manner.

Why have land reforms in Kerala and West Bengal been an effective instrument of poverty reduction? What factors impeded Orissa from achieving this objective? The main datasets chosen are from the Census of India, the National Sample Survey Organisation and the Planning Commission of India. Given data constraints, only the period between 1951 to 2001 is covered. The paper is divided into four sections. Section I sets out the context of the paper. Section II reviews the literature and presents the theoretical framework and the methodology. It also presents the hypothesis of the paper. Section III attempts to test the hypothesis and offers possible explanations. Section IV concludes the paper.

2. Section I

Land and poverty are considered as both static and dynamic variables in this paper. The relationship between these two variables is first explored, followed by an examination of the behaviours of the variables over time.

Trends in rural poverty

This paper measures poverty as the headcount ratio of absolute poverty in rural areas. Until 1972/73 (period I), the headcount ratio of poverty was calculated from the NSSO data on consumption expenditure. Since data was collected from a thin or small sample size, the results obtained were relatively less reliable. However, since 1973/74 (period II) in each quinquennial round, the NSSO collects similar data from a large sample size and poverty figures estimated from that data are more reliable (even at the state level). We have put both estimated figures separately in table 1; while poverty trends in each period (1957/58 to 1973/74 and 1973/74 to 1999/2000) can be seen and analysed independently, combining both periods together cannot be done. For period I we refer to Alhuwalia's figures (1978) and for period II we refer to the Planning Commission's estimated figures.

Table 1: Rural Poverty in Kerala, West Bengal and Orissa

Period I	Head count ratio			
	Kerala	West Bengal	Orissa	India
1957-58	59.6	62.3	66.6	53.4
1959-60	62.3	61.4	63.4	48.7
1960-61	57.8	40.4	62.4	42
1961-62	50.3	58.3	49.3	42.3
1963-64	52.8	63.3	60	49.1
1964-65	60.7	64	61.9	50.4
1965-66	70.7	56.5	62.1	51.1
1966-67	67.1	64.3	64.2	57.4
1967-68	63.4	80.3	64.7	57.9
1968-69	64.6	74.9	71.2	53.5
1970-71	62	70.1	65	49.1
1973-74	49.3	66	58	47.6

Source: Alhuwalia, 1978

As depicted in table 1, an important feature for all the states and for the nation as a whole is a marked fluctuation in rural poverty over time. As far as the **levels** are concerned, in 1957-58 the headcount

ratio was highest in rural Orissa (66.6%), while the levels for India as a whole, Kerala and West Bengal respectively were 53.4%, 59.6% and 63.2%. Further looking into **change**, a markedly different picture emerges during 1967-68 when the percentage of the population below the poverty line (BPL) in West Bengal was highest and rose up to 80.3%. Similarly, Kerala's data during the 1965-66 period show an increase of BPL population to 70.7%. In both cases, Orissa remains in the second highest with 64.7% in 1967-68 and 62.1% in 1965-66. At the end of period I (1973-74), West Bengal had the highest percentage of rural poor with 66% followed by Orissa (58%) and Kerala (49.3%).

Period II	Head count ratio			
	Kerala	West Bengal	Orissa	India
1973-74	59.2	73.2	67.3	56.4
1977-78	51.5	68.3	72.4	53.1
1983	39	63.1	67.5	45.6
1987-88	29.1	48.3	57.6	39.1
1993-94	25.8	40.8	49.7	37.3
1999-2000	9.4	31.9	48	27.1

Source: Planning Commission of India (various rounds)

During period II, the relative position of the states remained the same as at the end of period I. However, an overall declining trend is noticeable, although the rate of decline differs across states. It is interesting to note the **change** in period II. In Kerala, there is a more or less a gradual decline until 1993-94, when a sharper decline begins. In West Bengal the rate of decline was relatively slower prior to 1983 but after that it was relatively faster than in India as a whole and Orissa. In Orissa, the picture is quite different. In the early 1970s, there was an increase in rural poverty from 67.3% in 1973-74 to 72.4% in 1977-78, declining to 67.5% in 1983. However, during the decade (1983 to 1993-94) there is a decline of 17% points, but levels stagnate at around 48% during 1993-94 to 1999-2000. Despite this decline, the level of poverty still remains higher in Orissa than in the other two states and India's average.

Patterns in the Agrarian Structure

The agrarian structure has an important impact on different groups' access to land, credit and other resources. While the agrarian structure in a society is heavily influenced by external changes in that society over a period of time, agrarian reform can also influence and modify this structure⁴. In India, Kerala and West Bengal are two prominent examples, and in Orissa the land tenure system implemented a mixed agrarian structure which was improved through constitutional provisions, i.e. abolishing the Zamindari system.

Agrarian structures will be examined in this paper by looking at two datasets: the Census of India, which provides information on the distribution of workers/self supporting earners by occupation, and the NSSO, which provides information on the distribution on landholdings across different size classes. Table 2 presents the distribution of main workers/self supporting earners in percentage by occupation from 1951 to 2001.

The following can be inferred from the table:

- The proportion of cultivators (workers cultivating their own land) always remained higher in Orissa than in Kerala and West Bengal, and the **level** also remained high. In 1951, the proportion of the self-supporting cultivator class in Orissa was as high as 55.84% (excluding 5.5% of tenant workers and around one percent of rental class). In Kerala and West Bengal the rates were 15.14% and 27% respectively.
- The share of agricultural labourers was much less in Orissa and West Bengal (14% and 13% respectively) than in Kerala (24.5%) in 1951.

⁴ According to Daniel Thorner (1980), in India the different agents of agrarian structure consisted of Maliks (a category who had a right to share of the produce without participating in any labour), Kisan (the subject peasants who possessed the land and instruments of production, particularly cattle and gave a share of the produce to the Maliks) Mazdurs (untouchable field labourers, who were ploughman with no right to the land). However, in a Marxist concept of agrarian structure, the agents may include feudal and capitalist landlords, rich peasants, middle peasants, poor peasants and landless proletariat.

Table 2 Distribution of main workers/self supporting earners in percentages by their occupations, 1951 to 2001

State	Culti- vator	AL	HI*	OW	Total population	WPR	MW/ TR
Orissa							
1951	55.84	14.13	5.53	22.9	14645946 (95.94)	38.2	25.3
1961	56.82	17.01	6.93	19.24	17548846 (93.68)	43.66	-
1971	49.16	28.28	3.63	18.92	21944615 (91.59)	31.22	-
1981	46.94	27.76	3.3	22	26370271 (88.21)	38.01	13.84
1991	44.31	28.68	3.13	23.88	31659736 (86.62)	37.53	12.67
2001	35.82	21.88	4.22	38.08	36804660 (85)	38.8	32.83
Kerala							
1951	15.14	24.5	9.53	49.26	13549118 (86.86)	33.5	17.3
1961	20.92	17.38	8.68	53.02	16903715 (84.89)	33.31	-
1971	17.8	30.69	4.28	47.23	21347375 (83.76)	29.12	-
1981	13.06	28.23	3.69	55.01	25453680 (81.26)	30.53	12.61
1991	12.24	25.54	2.58	59.64	29098518 (73.61)	31.43	9.24
2001	7.12	12.4	3.35	77.13	31841374 (74.0)	32.3	19.9
West Bengal							
1951	27.01	13.17	9.33	49.98	26302386 (76.12)	35.1	9.3
1961	38.5	15.3	4.21	41.99	34926279 (75.55)	33.16	-
1971	31.97	26.45	2.7	38.87	44312011 (75.25)	27.91	-
1981	29.76	25.23	3.52	41.49	54580647 (73.53)	30.17	6.32
1991	28.4	24.56	3.9	43.13	68077965 (72.52)	32.19	6.09
2001	19.79	19.64	6.24	54.33	80176197 (72.02)	36.8	21.91
India							
1951	43.83	14.25	8.4	31.94	356628312 (82.67)	39.9	26.7
1961	52.8	16.71	6.38	24.12	438936918 (82.02)	42.98	
1971	43.34	26.33	3.52	26.81	547949809 (80.09)	32.92	
1981	41.58	24.94	3.47	30.01	665287849 (76.30)	36.77	9.03
1991	38.72	26.09	2.38	32.81	838567936 (74.27)	37.46	8.98
2001	33.11	20.29	3.9	42.71	1028610328 (72.1)	39.1	22.18

Source: Census of India, Various Issues; WPR - Work Participation Rate, MW - Marginal Worker, TW - Total Worker, AL - Agricultural labour, HI - Household industry, OW - other workers, Bracketed figure is the share of rural populations.
* This column represents the share of tenants and not HI for 1951.

Notes: the calculation is based on main workers as it is not possible to find out the occupational distribution of the marginal workers for all the time point considered here. But the marginal workers' component has been increasing in all the states of India. When we include this component, in 2001 agricultural labour occupation increases to 35%, 16%, 33% and 26.7% in Orissa, Kerala, West Bengal and India respectively.

- Tenant occupation was around 9% in Kerala and West Bengal during the initial period (1951), but in Orissa it was around 5.5%. In Orissa, therefore, the issue of poverty among non land-owning peasants is less relevant because there were few non land-owning cultivators in Orissa.
- The renting class, which has not been shown in the table, is less than 2% in all the four categories considered here.

Therefore, it would appear that as far as access to land is concerned, during the initial period distribution was better in Orissa compared to Kerala and West Bengal. If we assume that the agrarian structure is linked to poverty, the level of poverty should therefore have been lower in Orissa than in the other states – which is not, however, the case.

In 2001 the picture is very different:

- The percentage of the cultivator class decreases in Orissa, but still remains higher than in Kerala, West Bengal and India's average.
- The proportion of agricultural labourers increases in Orissa and becomes the highest, compared to the other two states and India's average.
- The share of household industry workers shows a decline in all categories but the rate of decline is lower in Orissa.
- The share of other workers also increased significantly in all cases, although the rate is more remarkable in case of Kerala.

This raises the question of why a visible agricultural labour class which was not there in 1951 has since developed in Orissa.

With the limitations of census data any study of the links between agrarian structure and poverty has to be confined to occupational groups. However, the data collected by the NSSO provides exact

patterns of land holding by households. Therefore, although it is based on a sample survey it has an advantage over the census data in that the relationship can be explored more precisely. Table 3 uses the NSSO data.

Table 3 Percentage Distribution of operational land holdings in rural areas, 1953-51 to 1991-92

	Years	Landless		Marginal		Small holdings		Large holdings	
		HH1	HH2	HH	Area	HH	Area	HH	Area
Kerala	1953-54	36.27	18.07	46.91	9.18	27.19	37.19	7.83	53.63
	1961-62	30.9	16.73	52.73	12.39	24.48	41.57	6.06	46.11
	1971-72	15.74	11.71	59.91	15.76	24.09	43.08	4.29	40.96
	1981-82	12.76	12.99	62.57	20.27	21.12	48.91	3.32	30.85
	1991-92		5.94	86.08	52.47	7.52	38.56	0.46	8.98
Orissa	1953-54	12.29	4.53	35.97	2.12	35.72	25.87	23.78	72.01
	1961-62	7.84	32.59	10.21	1.52	36.14	29.08	21.06	69.42
	1971-72	10.57	25.12	16.57	2.81	43.63	43.11	14.68	54.08
	1981-82	7.66	27.77	16.05	2.29	42.44	44.37	13.74	53.34
	1991-92		26.94	43.71	22	26.64	58.04	2.7	19.98
West Bengal	1953-54	20.54	0.89	47.76	3.9	34	33.76	17.35	62.44
	1961-62	12.56	33.88	12.74	2.31	36.57	39.56	16.81	58.13
	1971-72	9.78	30.94	19.79	4.32	38.2	49.4	11.07	46.25
	1981-82	17.21	22.14	38.51	8.65	31.73	50.55	7.62	40.8
	1991-92		13.9	69.49	40.04	15.85	52.69	0.77	7.27
India	1953-54	23.09	10.87	30.67	1.25	30.07	16.47	28.39	85.91
	1961-62	11.69	26.86	15.1	1.46	31.8	20.75	26.24	77.79
	1971-72	9.64	27.42	14.93	1.69	34.38	22.47	23.27	75.84
	1981-82	11.33	26.06	23.96	2.45	31.34	25.85	18.34	71.7
	1991-92		19.78	50.31	15.5	23.91	42.79	5.99	41.7

Note: The total area of smallholdings of 1981-82 for Orissa has been arrived by adding all other and subtracting from 100 as the reported figure in the data sources was not adding to hundred. HH1 = share of land less based on land ownership; HH2 = share of land less based on operational holdings. Size classes: Marginal - 0.01 to .99, Small - 1.00 to 4.99, large > 5 acres.

Source: Various NSSO rounds on Land Holdings and Sharma, 1994.

The table indicates the following points:

- During the initial period (1953-54) landlessness was not as much a problem for Orissa as it was for Kerala or West Bengal.

The percentage of landless households was consistently lower in Orissa than in Kerala, West Bengal or the Indian average for ownership holdings and for operational holdings.

- In 1953-54, landless households (based on operational holdings) in Orissa, Kerala and West Bengal constituted 4.53%, 18.07% and 0.89% respectively. But by 1991-92 these figures had changed to 26.94%, 5.94% and 13.9% for Orissa, Kerala and West Bengal respectively. This implies a significant increase of landless labour in Orissa as compared to other states.

Linking Agrarian Structure with Rural Poverty

Our case studies show that there are several problems in assuming a positive link between better agrarian structures and reduced poverty, as summarised below⁵.

Orissa case study

- (a) the level:** During the 1950s, the level of landless households in Orissa was lower than that of West Bengal and Kerala. The level of poverty should therefore have been lower in Orissa, but the data does not back up this hypothesis. The high proportion of cultivators in Orissa could have generated demand for the agricultural labourers, but this did not happen. Why has this not happened and why has the level of poverty remained higher than in Kerala and West Bengal? The figures weaken the argument that land alone is key in poverty reduction.
- (b) the change:** Rural poverty in Orissa declined between 1983 and 1993-94 when there were a high percentage of landless

⁵ A 'better' agrarian structure may not concentrate the wealth (land) among the few households and must not have many resource-less households; in brief and limited sense, larger sections of the populations must get access to land, credit and other resources. But as the discussion here is confined to land only, our observations from tables 1, 2, and 3 only refer to land.

households and the share of agricultural labourers has marginally increased⁶.

West Bengal case study

- (a) **the level:** During the initial period (1953-54), the pattern of land distribution in West Bengal was even less equitable than in Orissa; 20.54% of households did not own any land in the state. The share of tenants was more in West Bengal than Orissa (9.53% in West Bengal and 5.53% in Orissa during 1951). However, it may be assumed that landless households were taking leases in and cultivating land because the share of landless households in terms of operational holding is just 0.89%. However, in the 'marginal' group 47% of the households operate just 3.9% of the total operated land.
- (b) **the change:** During the late 1960s and early 1970s, there were consistent improvements in the agrarian structure of West Bengal, but poverty has increased in the state. While rural poverty started declining in 1973-74, a marked reduction was observed from 1983 onwards. This coincides with the time at which the positive effects of earlier land reform efforts could have been reaped. However, despite these efforts, the landlessness problem is again reappearing in West Bengal (Government of West Bengal 2004).

The West Bengal case study questions the argument that agricultural-induced physical infrastructure can reduce poverty.

⁶ The situation is somewhat different for the marginal group of operational landholders. During 1981/82 the proportion of marginal landholders was 16.05% and at that time they were operating only 2.29% of total operated area. By 1991/92 the proportion of marginal group had increased to 43.71% and their operating area had increased to 22% of the total operated area. This implies that the situation among the marginal group of operational holders is better than among the landless group.

Kerala case study

- (a) **the level:** In 1953-54, the share of landless households was higher compared to Orissa and West Bengal, yet the level of poverty was lower. However, the 'marginal' group of workers constituted 46.91% of the total households and were operating 9.18% of total operated area. The share of self-supporting land owning cultivators was lower in the state but the share of agricultural labourer was higher.
- (b) **the change:** The agrarian structure in the state has gradually improved and rural poverty also declined until 1963-64. However, despite the improved agrarian structure, from 1963-64 onwards the level of poverty increased and remained at a high level until 1970-71. However, a marked decline in rural poverty levels has been observed at two points in time (rather than over a period of time). During 1970-71 to 1973-74, poverty decreased from 62% to 49%. Between 1993-94 and 1999-2000, poverty reduced from 25.8% to 9.4%. These declines occurred despite the stagnation in agricultural output during the mid 1970s to mid 1980s (Kannan and Pushpangadan, 1988).

To sum up, the three case studies pose the following problems:

- Why is land reform not always an effective instrument in reducing poverty?
- Why and how does land distribution become worse over time, as it did in Orissa?

3. Section II

Review of Literature and the Theoretical Framework

This section discusses the need for land reforms, dimensions of poverty, some agrarian structures which may potentially reduce poverty, and finally the feasibility and sustainability of land reforms as an instrument of poverty reduction.

Land as an Instrument of Poverty Reduction

Because production of food is impossible without it, land can be considered essential for poverty reduction. However, inadequate production of food is no longer the reason for poverty at the aggregate level; unequal *distribution* is the key issue. As long as agricultural output grows at a faster rate than the population (which is the fact in India), and output gets distributed equally among the entire citizenry, there should be no poverty. However, if egalitarian distribution is not possible, then the hypothesis of agricultural output growth led poverty reduction may not hold true (Kannan, 2003; Kumbhar, 2001). There is evidence to show that a growth led poverty reduction strategy has not been successful in many Indian states. Looking into the relationship between the incidence of rural poverty and agricultural performances over the period of 1956-57 to 1973-74, Alhuwalia (1978) found clear evidence of an inverse relationship for India as a whole but not at the level of individual states. His estimates show that although Kerala, Orissa, West Bengal, Punjab and Haryana and Uttar Pradesh showed a significant trend of increasing agricultural output per head of the rural population, rural poverty had not shown a significant decline. Krishna *et al* (2005), enquiring into 'why growth is not enough? ('Household poverty dynamics in Northeast Gujarat, India'), stated:

“growth alone is hardly sufficient to achieve poverty reduction on any significant scale. Public policies will be needed to address directly the separate cause for descent into poverty”.
[*ibid* p.1163]

It is also argued that the unequal distribution of outputs can be caused either by unequal distribution of wealth and assets among the people (i.e. a particular kind of agrarian structure), or due to the inefficiency of different social institutions (to distribute the

produced output equally)⁷. As Griffin (1976) highlighted - poverty may appear in a society and can even increase if the internal social system of an economy concentrates the wealth and assets among a few groups in society. This argument is linked to the Marxian class-polarisation theory, which states that due to technological change and commercialisation of agriculture, the poor become poorer and rich become richer.

Assuming that unequal distribution could be a main reason for poverty, then the question is, which type of redistribution should be carried out to eliminate poverty?

(a) Should there be redistribution of wealth and assets among the poor to relieve them from poverty – in which case land reforms can reduce poverty? Sen (1981) believes for example that providing land entitlement has its own merit in protecting people from poverty. He considered land a production-based entitlement as it produces food for the household, and also as an exchange entitlement for the household as it serves as collateral at time of need. This logic is valid for productive land.

or

(b) Should the redistribution exercise be confined to the redistribution of agricultural output alone – for example, different institutions distribute different basic necessity commodities to citizens through different forms of public provision⁸ (Sen, 1989).

⁷ Analytically it is clear that an agrarian structure has an impact on poverty. A better agrarian structure can impact on poverty both from the production and distribution perspectives. In contrast, the concentration of land with a few groups of people over long periods of time - as it has been under different land tenure systems (e.g. in Permanent Settlement) in India - may be an obstruction to agricultural production, adversely affect income and productive employment for the landless, and create unequal access to social and political power (Government of West Bengal, 2004) – all of which can generate poverty.

⁸ For example in India the Public Distribution System directly distributes essential commodities to the population, other countries distribute food stamps (see Swaminathan, 2000).

The wealth and assets redistribution strategy has merit over the output redistribution strategy as the former can bring socio-economic equality into society, raise autonomous demand in an economy and could be a sustainable strategy for poverty reduction. As early as 1949, Indian states were granted the powers to enact and implement land reforms under the Constitution of India⁹, and many states have used these powers, some as a strategy for poverty reduction.

Kerala has undertaken both strategies - output distribution as well as asset distribution (Kannan 1995 and UNDP 1975). West Bengal attempted both strategies, but the latter has received less attention (Sebastian, 2002) however the output distribution strategy has been recognised as the reason behind poverty reduction in the state (Lieten 1996; Sen 2001; Raychudhury 2004). In Orissa although both strategies have been attempted, neither have provided adequate results, despite the fact that the initial asset distribution was better than the other two states.

Therefore, before concluding that land reforms lead to a better agrarian structure which in turn leads to poverty reduction, the whole process needs to be examined in depth. What is the relationship between land ownership and poverty reduction? Does poverty reduction come about because land ownership provides some assurance/guarantee of food security (if land is arable), because wage rates for working on large plots go up as labour becomes more scarce with people working on their own plots, or does owning land increase the bargaining power of the labour class, resulting in higher wage rates which in turn helps to reduce

⁹ The Directive Principle of State Policy of the Indian Constitution (Part IV) also states that – the state shall direct its policy in such a manner that the ownership and control of the materials resources in the community are so distributed as best to serve the common good and that the economic system is so operated that there is no concentration of wealth and means of production to the common detriment (cited Satapathy, 1977: 1).

poverty? The next section addresses the question of what type of agrarian structure (and by implication which type of land reform) are appropriate to support a poverty reduction strategy.

Agrarian Structures and Poverty Reduction

Scenario 1: *An agrarian structure where land concentration may generate growth, but not necessarily lead to poverty reduction.* In this kind of structure, since a few households hold a large amount of land, there may be demand for labour (in the absence of technology) and wage rates may increase, which may help to reduce poverty¹⁰. According to Raj, in the growth-led poverty reduction “a presumption is that higher income for those below poverty line (and more employment for the unemployed) can be provided only by achieving higher rates of growth of output in agricultural as well as in the economy as a whole and redistributing the increases so realised” (1974:4). Or an emphasis on introducing productivity-enhancing technology could lead to trickle-down effects and poverty reduction (Bardhan in Mellor and Desai 1985; Alhuwalia 1978). But in many states in rural India neither higher growth nor trickle-down effects have occurred and both approaches (growth expansion and strategic employment expansion) have failed, either partially or wholly, to reduce poverty. Therefore it may be concluded that an agrarian structure aiming to increase agricultural output may not necessarily reduce poverty.

Scenario 2: An agrarian structure where land is fragmented may offer better growth prospects if the required infrastructure is bettering place, otherwise it can hamper growth. This type of an agrarian structure may have led to growth and poverty reduction

¹⁰ This may not always hold true however and the arrival of technology may push unskilled labour into the poverty. In such instances Minhas (1970) suggests “...take away the land from the landlord and large framers and redistribute it among the small holders and build a floor ceiling as well like an upper ceiling”. Basically, smaller holdings can be encouraged, which would lead to growth and may create demand for labour as well. Further employment can be generated through other employment programs for the landless poor.

in Kerala and West Bengal, but it has not done so in Orissa. Rather, over time the agrarian structure became less egalitarian and created a huge number of landless households.

Scenario 3: An agrarian structure which can have elements of both the approaches mentioned above, i.e. reduces poverty but also facilitates a surplus leading to higher growth. This would be the preferred case for many, such as Raj, (*ibid*). Ensuring that all households have a minimum amount of land would certainly help the poor.

Depending on his/her value judgements, one may prefer the growth-inducing agrarian structure or the poverty reducing agrarian structure - or the combination of both¹¹. However, while the discussion above provides the analytical principles linking agrarian structure and poverty, in reality agrarian structures are continuously changing, depending on the circumstances which face the economy. Therefore one agrarian structure may not necessarily lead to poverty reduction in similar way in different places under different circumstances. The following section draws from empirical studies to understand different strategies of poverty reduction.

Poverty Reduction by Putting Land First

One of the major assumptions of the fifth Five-Year Plan in India was that agricultural output during the period 1973-4 to 1978-79 would rise to 4.75 percent is difficult to realise such a high level of growth in agricultural output. But even if it had been realised, it would have required many redistributive measures to ensure minimum levels of consumption for the bottom 30% of the population. The point made here is that growth-led poverty reduction may not always be feasible or possible. During the same

¹¹ West Bengal and Kerala, for example, have agrarian structures which ensured both growth and a minimum level of holdings. In Orissa, however, fragmentation into unsustainable small plots occurred.

period, Professor Minhas suggested a redistribution proposal which was built around two main themes; one favouring the reallocation of large land holdings into smaller ones, and the other a programme of public works integrated with consolidation of land holding and complementary land and water development work (Minhas 1970).

Irrigated land can play a significant role in poverty reduction and this has been widely discussed in literature. Raj notes that the agricultural labour households, which have more than 0.4 hectare of land to cultivate in the deltaic region of West Godavari district of Andhra Pradesh, do not find it necessary to enter the rural market, i.e. they can procure the necessary food requirement from their land (1992). Whereas, Visaria (1978) in his case study of rural Gujarat and Maharashtra where there are no irrigation facilities, showed that the proportion of all households below the poverty line does not decline as own land holding rises even up to 7.5 acres in rural Gujarat and above 10 acres in rural Maharashtra.

Dev (1988) has found that poor rural households with less than one acre of land constituted 90% of the total population in states like West Bengal, Orissa, Tamil Nadu, Bihar, Assam and Punjab. In these states rural poverty and small land holding are closely related, but in other states such as Andhra Pradesh, Gujarat, Haryana, Karnataka, Madhya Pradesh, Maharashtra and Rajasthan, poverty is seen among households with more than 1 acre, and sometimes more than 2.5 acres of land. It is not only the amount, but the quality of land which is important from a poverty reduction perspective.

In this respect, Lipton (1985) points out that,

“in developing Asia and Africa, private land forms an increasingly dominant share of rural productive assets, yet in unirrigated and unreliably rain fed places, there is no association between land owned and operated (between zero and five to 10 acres) and poverty risk.” (Lipton 1985: 13)

However he notes that even a small amount of reliably watered land reduces poverty risk and concludes that,

“access to even a little bit of land, despite being associated with larger household size, is associated with lower probability of poverty in an average year – if, and only if, the land offers prospects of a reasonably high net return per acre.” (*ibid*)

Irrigated land can also be a positive externality in labour markets as it may facilitate double cropping - and hence can help in poverty reduction by increasing demand for agricultural labour and consequently an increase in agricultural wage rates. In Chadha and Sharma's book (1997), some articles hint at this externality logic. For example, Vidya Sagar's study on agricultural growth and poverty in Rajasthan shows that poverty reduction in Rajasthan was linked with irrigation development, a shift in cropping patterns (induced by irrigation) and an increase in real agricultural wages, which may have occurred because of the expansion of rural employment due to irrigation. Sing Gill's study on agricultural growth, employment and poverty in Punjab also credited the poverty reduction achieved by the state to the expansion of agricultural employment and the increase in agricultural wages; outcomes of irrigation. However, the author also attributed part of the poverty reduction to the expansion of employment outside agriculture and even outside the rural areas in small towns and cities. Kashyap's study on irrigation-induced agricultural growth and poverty reduction in the Kheda district of Gujarat shows that irrigation-induced agricultural prosperity is the most important reason for reduced rural poverty and inequality.

However in the same work, two studies on Uttar Pradesh and Bihar, where poverty reduction has not progressed as well, but is still at a high level, finds that inadequate agricultural credit (for cultivation) and inadequate investment (for irrigation) are the reasons for continued rural poverty (Chadha and Sharma 1997).

The role of agricultural investment for poverty reduction is also highlighted in the study by Roy and Pal (2002). They found that private investment in agriculture, rather than public investment, has played a very significant role in reducing poverty in India. They suggest enhancing both public and private investment in agricultural research and rural infrastructure, including roads, markets, storage and irrigation. Their study, which covers the period from 1965 to 1999, shows that in Kerala both public and private investment in agriculture remained much higher than in both Orissa and West Bengal. In comparison, both are low in Orissa. In West Bengal public investment was at a similar level to Orissa, but private investment was much higher than that of Orissa.

Based on our review, no study carried out so far provides evidence to support the proposition that concentration of land reduces poverty. While one may argue that large land holdings may favour higher productivity derived from economies of scale, there is no evidence that such growth helps in poverty reduction - at least in the Indian context (Alhuwalia 1978). Rather, increased agricultural outputs can help in reducing poverty via the labour market.

Our observations from the available data and literature do not point to a clear link between the pattern of land redistribution and rural poverty reduction, therefore we need to look at this problem from the perspective of broader agrarian reforms – which, along with land reforms, also includes promoting the viability of small and marginal peasants' holdings by providing cheap credit, inputs, irrigation, collectivising farming etc. (Byres 1974). While the impact of land reforms on poverty reduction have been discussed at length, the *processes* through which land reform reduces poverty have rarely been studied. There is evidence that physical infrastructure played an important role in poverty reduction in West Bengal, as social infrastructure did in Kerala. This justifies to look at the issue of poverty reduction from a broader perspective rather than land redistribution alone.

While economic policies oriented towards agricultural development are important, the social welfare model also plays an important role in poverty reduction. Raj (1992) and Kannan (1995) point out that rural transformation, including poverty reduction, in Kerala was not only due to land reforms. Without other supporting factors it would have been difficult to reduce poverty in Kerala through land reforms alone. Raj notes that over the last two decades the Kerala experience shows that,

“land reforms made a high degree of social and economic transformation possible in its countryside” (Raj 1992)

While his study does not elaborate on investment in agricultural land, Raj does point to the role of rural credit and social infrastructure in the whole process. Kannan (1995) also points to the importance of the social welfare model of the state – especially the nutritional support to the people through the Public Distribution System, the free education and health care provisions are important.

Parthasarathy and Murty argue for land reforms from a different angle. In their article ‘Land Reform, New Economic Policy and Poverty’ (in Chadha and Sharma 1997) they note that,

“it is well known that land reform failed to contribute directly to improvement of access to land for both the landless agricultural labour and marginal owner. Very little surplus was acquired from the ceiling, much less was distributed and what distributed was mostly dry and land requiring huge investments beyond the capacity of the poor.” (Parthasarathy and Murty 1997: 338)

In spite of that, they formulated a hypothesis,

“even a limited but successful implementation of land reforms has the potential to contribute to human development and the reduction in poverty.” (*ibid*)

They found this hypothesis to be true in their study of Kerala and West Bengal,

“in West Bengal too, land reforms brought about profound changes in the rural society.” (*ibid*)

The above review suggests that no matter what causes land reforms to occur (be it historical processes such as class struggles, political interest or conscious constitutional provisions), their sustainability and impact on sustainable poverty reduction depends on the state’s economic and social policies, including; agricultural investment which can increase the earnings of agricultural labour; other agricultural credit; and public provisioning (social sector expenditure) to fulfil the basic needs of the people.

The following hypothesis is advanced in this paper:

- Historical experiences, political interest and economic-social policy played a significant role causing land reforms, sustaining them and making them a successful instrument for poverty reduction in Kerala and West Bengal. The absence of such process and policies are the key factors behind the higher incidence of poverty in Orissa.

The next section provides a review of the historical experiences leading to land reforms in these states and analyses each state’s economic and social policies (considering suitable indicators) for the sustainable poverty reduction through land reforms.

4. Section III

Testing the Hypothesis and Interpretation of the Result

This section first tries to understand how historical conditions in these three case studies may have contributed to the different levels

of poverty incidence in each state. Initially, the discussion is limited only to land possession and landlessness. It then proceeds to observe how state economic and social policies helped poverty reduction in Kerala and West Bengal via land reforms.

Case 1: Kerala

Modern Kerala is composed of three parts with different histories and different land tenure systems¹². Travancore and Cochin in the south, where land tenure was less feudal with many owner-cultivators and progressive agrarian policies which benefited tenants. In the north (Malabar), tenancy was dominant. Perhaps this tenancy system was the main reason for the agrarian movement in Kerala, which was born in this region. It must be noted here that the agrarian movement was also intertwined with the national independence movement as well as with caste and religious struggles.

The Moplah community, composed of low caste Muslims, was the first to oppose both the British rule and indigenous rulers and exploiters in Kerala. The Moplah tenant opposition was the prelude to organised tenant movements in Malabar (the north Kerala). While the dissatisfaction of the Moplah was very clear, the suppression of the Khilafat movement¹³ catalysed the outbreak of the Moplah rebellion in 1921. Though the British were able to suppress the rebellion, Congress recognised that 'the plight of the Moplah tenants was the root cause for the rebellion' (Bergmann 1984). The Malabar Tenancy Act of 1929 was intended to relieve the distress of the Moplah and the Congress Party's agitation in Kerala to bridge the gap between Muslim and Hindus.

¹² Several authors have documented the successful story of land reforms in Kerala. We refer in detail to two such studies, by Oommen (1975) and Bergmann (1984).

¹³ Khilafat movement was an anti-colonial movement of Muslims of India based on the hostility of the British to the Turkish Sultan after the World War I.

By 1934, the leftwing had organised - for the first time openly - as a faction inside the Congress and they played an important role in the emerging agrarian movements. In April 1936, an all India Kishan Sabha (Meeting of the Kishan) was formed, where socialist peasants leaders from Kerala participated actively and made the following demands:

- (a) Rent to landlords should not exceed 25% of the total value produced;
- (b) Prohibition of all other levies;
- (c) Permanent security of tenure through amendments in the Malabar Tenancy Act;
- (d) Abolition of all rent arrears;
- (e) Fixed wages for agricultural labourers;

In 1937, a Congress-dominated government came to power under the Madras Presidency. They announced an amendment to the Malabar Tenancy Act in 1938, but it did not satisfy the peasants. A Malabar Tenancy Committee was appointed in 1939 to suggest a better solution and finally in 1946 the Madras Tenants and Ryots Protection Act was enforced to protect the tenants from eviction. Nevertheless, the agrarian movements slowly spread towards Travancore-Cochin as well.

After independence, agrarian movements continued to take place, but peacefully. In such a peaceful manner, during the election of 1951-52, the Communist Party of India (CPI) joined with other left parties and formed a United Front, demanding the abolition of landlordism. The United Front won 38 out of 108 seats and became the second largest force in the assembly. Hereafter agrarian issues were at the forefront of election issues. While the united front called for the distribution of land to the landless and land poor, and security of tenure for the tenants, the Congress promised introduction of ceilings on holdings and distribution of excess and crown land. The Praja Socialist Party also demanded land reforms.

Finally, the government introduced seven land reforms bills dealing with tenancy, land tax, prevention eviction of hutment dwellers, compensation for improvements made by tenants, abolition of special rights over land, restrictions of possession and ownership of land. During the same period in Malabar many new demands were also raised and many tenancy legislation acts were passed, which helped the tenant to a greater extent than before.

Therefore, it appears that the class struggle which originated from the community laid the foundation stone for land reforms in Kerala. After independence, and especially after state formation, these issues were addressed by political parties and by the early 1970s land reform was successfully carried out (although there were some biases in the distribution of land).

Case 2: West Bengal

West Bengal is another unique case, where land reform took place within the context of a continuous class struggle and strong political support¹⁴. The Zamindari system then prevailed in West Bengal, under which the Government let villages or small districts to the Zamindars (landlords). While the amount of revenue that a Zamindar needed to deliver to the administration was fixed permanently, they were collecting revenue from the cultivators without any public control. In fact, the system offered freedom gave the Zamindars the freedom to exploit. When a richer Zamindar could not manage the whole area assigned to him, he would appoint a Sub-Zamindar, which further aggravated the extortion and exploitation, leading to increased indebtedness among the cultivators. Gradually these cultivators lost their land titles to the Zamindars, who became *de facto* landlords.

Counters to these developments began under the 1885 Act, which recognised the occupancy rights of the real cultivators. But

¹⁴ Here, we have closely referred to Bergmann (1984) and West Bengal HDR (2004).

landlords opposed to this occupancy right (particularly in East Bengal) fought for the doctrine of high landlordism - whereby the landlord class assume their right as the sole proprietor of the land - and wanted the law to be in their favour; to limit or eliminate occupancy rights and increase the provisions to allow rents to be raised.

However, over the time, the size of the struggling class swelled and the first agrarian movement was the jute boycott campaign which took place in February 1921. This was followed by another movement refusing to pay tax for irrigation water from the Damodar canal. Due to such rural unrest, in 1923 the provincial government planned to amend the law of 1885 and confer occupancy rights on the sharecroppers, who were then tenants. But the lack of a strong movement among sharecroppers, and strong opposition by the upper strata, forced the government to withdraw this amendment.

In the 1930s, the peasant movement rose up again, demanding the abolition of the Zamindari system. The peasants organised local movements to refuse to pay the rents, which induced the government to pass the Bengal Agricultural Debtors Act which set a ceiling on interest. The Debt Settlement Board was also established to reduce agricultural debt. Since then, a number of acts have been passed in the interest of the peasant class. In August 1938, the Bengal Tenancy Act was passed to increase the awareness of tenants about their land rights and title.

The peasant movement of 1939 which later became the forerunner of the Tebhaga movement in 1946 demanded that the share of the sharecroppers be increased from 50 to 66%. In September 1946, the Bengal Provincial Kishan Sabha took up the issue of rent reduction and demanded two thirds of the crop for the sharecroppers. The cultivators simply took the entire crop to their own barns instead of carrying it to the landowner. This incident along with the

Tebhaga movement led to the West Bengal Bargadari Act of 1950 which provided for sharing two thirds of the output with the sharecroppers if the land owners do not supply draft animals, agricultural implements and manure; if the landowner provides all these, then the share would be 50:50.

In 1955, a more comprehensive Land Reform Act came into effect, which mainly provided for the abolition for intermediaries and the imposition of ceilings on land holdings. Further amendments to this Act have made the Bargadari right of cultivation heritable (1970). However, since there were no complete official recording of Bargadars, many of these rights were not realised in practice. In the post 1977 era, when the left front government came into power, a major change was brought to the land reforms giving a more visible shape to the long period of struggle by the peasantry in the countryside.

As Sen (2001) points out, despite the considerable amount of undistributed surplus land held with the government, the benefits of the land reforms could have been greater had the undistributed land been distributed or had the ceiling limit been higher than 17.29 acres of irrigated and 24.2 acres of unirrigated land. In brief, in West Bengal too it can be seen that the persistent class struggle along with political interest are key factors resulting in land reforms and agrarian reforms as the key factor behind land reforms as instrument of poverty reduction.

Case – 3L Orissa

In the case of Orissa, however, the situation was different. There is little literature available in this regard but nevertheless there is no strong evidence of mass class struggle - though a few small class struggles have been cited in the literature¹⁵. The available literature focuses on the higher intensity of exploitation through rent and

¹⁵ For this section we have closely referred to Samal (2000), Padhi (1999), Sahu (1997).

rates of interest in the land revenue system. However, instead of opposing the exploitation (ignoring a few exceptional cases), most of the people have either accepted the exploitations or escaped from the exploitation by migrating to far places from the state. Hence, landlessness, lower productivity and poverty in the later period may be traced to this lack of a mass class struggle and the apparent acceptance of the exploitative land revenue system.

During the pre-British period there was no established code of rules giving the right of ownership over land to anyone:

“It was generally accepted that state had as much right on the share of the produce as revenue as the cultivator had the right to cultivate.” (Jena 1968: 30).

During this time, the revenue collectors were either originally elected by the people (rather than holding hereditary office) or nominated by the King and were never given the right of ownership over land unlike the Zamindar claiming exclusive ownership over land during the Moguls and the British period (Jena 1968).

Until the Akbar period there were no significant changes regarding ownership rights of land, but after Akbar, when the Mogul rulers found it difficult to pay their military troops, a practice of granting the military chief a loan to cover the rent was developed and in the course of time the military chief claimed ownership rights over land. As the Mogul rulers became weaker, private ownership rights became stronger and finally, the collectors of land revenue formed themselves into a group as distinct from state and the cultivators. The collection of discriminatory rates of land revenue can be traced to this time.

After the Moguls, the Maratha ruled Orissa, and since their aim was to collect revenue they were unconcerned about the condition of the cultivators once the revenue had been collected. In fact, production

was concentrated on two groups - the rulers and the collectors. The Marathas created a period of acute suffering and extreme poverty for the cultivating class of Orissa (Jena 1968: 35). The British government brought landlords from other provinces and made them the Zamindars of Orissa which aggravated the situation. In many cases the Zamindars enjoyed the status of owners of the land. This was not the system in all parts of Orissa, however, and there were two other types of land revenue systems prevailing in Orissa at the time: the Mahalwari and the Ryotwari¹⁶. The state was divided¹⁷ into 24 different princely states according to the land revenue system.

According to Samal (2000),

“there was little isomorphism in the land revenue system within the Orissa context. Orissa was fragmented into three divisions, each being attached to a centre of control not located within the state for administrative convenience of the rulers and each division experienced a different mode of Land Revenue administration.” (*ibid*)

The Zamindari system was highly exploitative, unfair and profiteering which forced the tenants into abject poverty and ignominious subjection. The Ryotwari system was a little better as it contained some enlightened aspects and was benevolent in design, but also failed to deliver the goods. The Mahalwari system was in between the two, which did not ensure benevolent attitudes to all households.

¹⁶ In the Zamindari system, the Zamindars were the intermediaries between the state and the actual tillers. They collected land revenue, keeping a part of it as commission and paying the remaining to the government. Under the Ryotwari system, the cultivator was recognised as the owner of a plot of land subject to the payment of land revenue. Under the Mahalwari system, the revenue settlement was made village-by-village, with the village headman who was the intermediary between the government and the actual cultivators.

¹⁷ Such as Orissa division, Ganjam-Koraput tract, Sambalpur tract and Northern Orissa.

The reformulation of the state of Orissa was driven by a mass movement (Jena 1968), therefore the existence of mass consciousness in the state cannot be denied. But why didn't this lead to class struggle? Sahu (1997) suggests three reasons for the limited success of tenancy legislation in Orissa: (a) the stranglehold of colonialism; (b) the contradicting class interests; and (c) the complex agrarian structure.

From this review of the historical background of these three states, we can see that while the role of political parties is important, it is the mass class struggle which brought land reforms in Kerala and West Bengal. In Orissa the cultivator class was disorganised and less radical, perhaps due to different agrarian structures and land revenue systems, and the political leaders were (and continue to be) from the landlord and moneylender class. Therefore the political leaders faced conflicting class interests, one of the crucial reasons for many peasant demands failing to achieve any success.

Economic and Social Policies

When the land reforms were carried out in Kerala and West Bengal, they were complemented by other factors, such as the active role played by the Panchayat Raj Institution - especially in West Bengal. Sen (2001) and the Human Development of Report of West Bengal show that despite the dominant position of the rich, the middle and small peasants - with leaders in the Krishak Sabha, teachers, the bureaucracy, the Panchayati Raj Institutions and rural mass organisations - played an active role in the implementation and supervision of land reforms.

Secondly, overall agrarian reforms also indirectly helped to strengthen the impact of land reforms on poverty reduction. Table 4 shows agricultural investment, which may be linked to sustainability of land reforms.

Table 4, Public and Private Investment in Agriculture, 1980-81 prices (Rs./ha)

	Public Investment			Private Investment		
	1965-73	1974-86	1987-99	1965-73	1974-86	1987-99
Orissa	92(2.91)*	235(6.15)	207(-1.68)	48(-3.34)	45(-0.74)*	49(2.77)*
WB	143(3.94)**	202(0.78)	206(0.76)**	120(6.69)**	144(-.29)	147(7.06)**
India	162(3.62)**	315(1.64)*	265(0.43)	154(2.98)*	202(0.98)*	288(7.44)**
Kerala	188(-4.59)	387(1.89)*	3402.36	172(-1.74)*	530(5.18)**	591(5.85)**

Source: Compiled from Roy and Pal (2002). *, **, *** implies significant at 1%, 5% and 10 % level of significant respectively.

Whether it is public investment or private investment, Orissa remained at much lower level than in the other two states. In the case of private investment, Orissa never invested more than Rs.50 per hectare during the last 35 years (1965 to 1999), whereas Kerala invested 3 to 11 times more during the same period. This is reflected in Table 5 which shows land productivity.

Table 5, Level of Agricultural Productivity, 1980-81 prices (Ag SDP, Rs./Ha)

	1965-68	1980-82	1996-98
Orissa	1773	2982	2685
India	2353	3431	5727
WB	4915	5407	12165
Kerala	5576	6806	10965

Source: Compiled from Roy and Pal (2002).

The highest land productivity achieved in Orissa is still lower than the lowest productivity recorded in the other two states. Lower land productivity has always been a problem for Orissa, as the following humorous lines by a royal poet of Orissa note:

“Chhamu jaha dele harase, pau pau gala barase; Bachhi bachhi kari dele padia, srabana masare bhangre nadia; Emanta bhuin, chakhunda bunile uthai nahin.” Jadumani Rahasya Katha.

Whatever the king has kindly granted took years to get; a hard field where a coconut cannot be broken even after a month of rain; such a barren land where even the Cassiata plant (which can grow even in the worst land) will not grow¹⁸.

The literature reviewed above notes that rural credit was extended to cultivators after land reforms. The impacts of agricultural investment and rural credit on poverty reduction can be examined by looking at the increase in agricultural earning. Table 6 shows the changes in agricultural earnings of male labourers over the period 1964-65 to 1999-2000 from of the Rural Labour Enquiry (RLE) reports on wages and earnings of rural labour households.

Table 6: Agricultural Real Wage Earnings (Male Rs /day)

States	1964-65	1974-75	1977-78	1983	1987-88	1993-94	1999-2000
Kerala	10.44	10.28	14.28	12.36	16.99	21.55	30.52
Orissa	5.50	3.96	5.34	3.64	6.67	8.59	9.07
West Bengal	7.58	5.93	7.68	5.29	10.46	12.24	14.28
All India	5.77	5.28	6.93	5.44	8.54	10.96	12.99

Source: estimated from RLE Report on Wages and Earnings various issues, Consumer Price Index of agricultural and rural labourers' Annual reports.

The table shows that:

- Real wages were stagnant during 1964-65 to 1983;
- In Orissa, wages were lower compared to Kerala, West Bengal and all India.

Thirdly, overall social policies may also have strongly supported poverty reduction, especially in Kerala where there is ample

¹⁸ This is a popular quotation in Orissa, which depicts the grievances of a royal poet to his King, who had granted a piece of fertile land to him for his excellent service and talent. But not only did it take a long time to get the land, it also turned out to be unproductive. Hence the poet was unhappy and one day when the King enquired about his unhappiness, the poet replied to the King with the above lines.

evidence that social security has been an instrument for poverty alleviation (Kannan 1995, 2002; Sebastian 2002). While some social security schemes like the public distribution system do exist in Orissa, they function poorly due to both demand and supply side problems. As Sebastian shows, the per capita expenditure of the social sector is much lower in Orissa than in Kerala, but not in West Bengal.

The following points can be drawn from this discussion:

- (a) mass class-consciousness and persistent class struggle between the land owning class and landless class are crucial factors behind the occurrence of land reforms - both in Kerala as well as West Bengal. In Orissa, such mass class-consciousness has not yet developed, but stemming from liberal development strategies of the government of India, a land reforms initiative commenced in the state. This, however, failed.
- (b) Once land reforms have taken place, it is the social and economic policies of the state which turn land reforms into an effective instrument of poverty reduction – as seen in Kerala and West Bengal. In Orissa such policies were very weak.

Both of the above points may point to the reasons behind higher landlessness and poverty in Orissa.

An explanation is also required for the increased landlessness among rural households in West Bengal in the 1999-2000 period, as pointed out by the HDR from the NSSO data. The purpose of the survey on consumption expenditure is different and it does not look into land distribution pattern *per se*¹⁹, but such findings lead to the speculation that landlessness may increase in West Bengal and cannot be ignored in this paper. As the HDR points out,

¹⁹ The principal source of data will shortly be available.

“declines in institutional credit and agricultural extension services have adversely affected small peasants in rural West Bengal” (Government of West Bengal, 2004)

This may be the cause of increased landlessness. This logic may be valid for Orissa too, and if public support to cultivators is withdrawn, then the agricultural population may be forced to use their own resources – reducing their resources in the future.

5. Conclusion

Attempting to find out how ‘putting land first’ can reduce poverty the paper found (from the case studies) that, while the occurrence of land reforms may rely on historical process (notably class struggle), political interest, the land tenure system or conscious economic policies of the state, their sustainability and impact on sustainable poverty reduction depend on the state’s economic and social policies. It therefore concludes that land reforms are necessary, but not sufficient for poverty reduction. While the paper is not in favour of concentration of land, the point made is that ensuring equitable landholding alone is not a panacea for poverty reduction, but rather that poverty reduction through land reforms is conditional on complementary state economic and social policies.

From the above analysis and discussion, the paper submits the following as concluding remarks. First, the growth-led poverty reduction hypothesis is disproved by the literature, which makes clear that the significant growth in agricultural output in Kerala, Orissa, West Bengal, Punjab and Haryana and Uttar Pradesh has not contributed to poverty reduction during the 1960s. Secondly, the social justice approach to poverty reduction has been effective in all the three states of Kerala, West Bengal and Orissa. The first way of ensuring social justice (distributing output and services at

subsidised prices) became insufficient when the amount of resources available for distribution became smaller while the number of dependents for such public assistance became larger. For example, in the case of Orissa, although the share allocated to the social sector is comparable with that of Kerala and better than that of West Bengal, the per capita amount of assistance in Orissa remained very low. Further, large dependence on public provisioning together with insufficient growth is a threat to the sustainability of such schemes. Finally, when the intensity of poverty is very high as was the case in Orissa, it becomes extremely difficult for the concerned households to even access public support. Therefore, adopting the alternative approach to social justice, by providing land entitlements to the landless through land reforms, is important from a poverty reduction point of view. In Kerala and West Bengal, however, many other conditional factors played an important role in land reforms leading to poverty reduction:

- (1) In Kerala, the overall rural transformation (particularly social and economic transformation) was made possible not by land reforms alone, but rather by combining land reforms with supporting measures in labour and credit market including the agricultural investment (both private and public).
- (2) In West Bengal also, it was not land reforms which directly reduced poverty, but rather, as pointed out by the Economic Review of West Bengal (cited in Government of West Bengal, 2004) and Roy and Pal (2002), agricultural investment (public investment for minor irrigation and private investment for bore wells), non-land inputs such as credit, seed, fertilisers, and irrigation facilities which played a significant role in bring agrarian change and reducing rural poverty in West Bengal (See Lieten 1996:121).
- (3) Although Orissa had an advantage over Kerala and West Bengal in terms of both occupational distribution and land distribution at the initial point, this has not only failed to

reduce poverty, but the pattern of land distribution has gradually worsened. Such conditions can be attributed to deficiencies in rural credit systems (Sarap 1991), agricultural investment and irrigated areas. These may have contributed to keeping the agricultural wages at a low level in Orissa, unlike in Kerala and West Bengal. In other words, comprehensive agrarian reform may have been able to save the smallholder from becoming landless. Further, the failure of the institutional system to retain the land with the small holder leads one to infer that the cause of poverty in Orissa lies not only with weak policy but also in its institutional structure.

From these lessons, we can make the following concluding policy points:

- As Orissa's experience of land possession/landlessness has shown, land holding alone does not ensure poverty reduction. Rather, irrigated and productive land holding is important as shown by West Bengal and Kerala. Therefore efforts should be made by both private and public agents to transform the land into productive assets.
- In a developing economy concentration of land is not desirable, despite the fact that it may facilitate economies of scale and increase growth of agricultural output with the help of technology. This is because the introduction of technology can make cause unemployment, and therefore, in the absence of strong and adequate redistribution measures, worker households may be driven to a state of poverty. An examination of the NSSO data also shows that concentration of land is occurring all three states, but is most visible in Orissa²⁰. Therefore a minimum amount of

²⁰ During 1953-54 although Orissa was having only 5% landless households, which was much lower than other two, another bottom 36% of were having only 2.1% of total land and bottom 50% around 10% of total land, which may led to very small holdings.

land holding should be considered as a basic need for every agricultural household in an economy. This may justify institutions stipulating that, for the welfare of the people, if a household (or person) possesses only the specified minimum amount of land, then legally, neither he/she be allowed to sell nor any other household (or person) allowed to buy the piece of land. This paper argues that the scenario 3 type of agrarian structure is better, at least from a poverty reduction perspective.

The paper concludes with a quotation from Raj,

“Even a toe-hold on land means a great deal to those who are seriously handicapped because they have none.” (1974: 11).

This statement should be qualified by saying that other factors – at a minimum irrigation (or an adequate amount of water) - are necessary to make even a toehold on land an effective instrument for poverty reduction.

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8

THE RELATIONSHIP BETWEEN LAND POSSESSION/ SPATIAL CLUSTERING OF THE POOR: LINKS WITH AVAILABILITY AND ACCESS TO LAND

*Upali A. Amarasinghe, Markandu Anputhas, Madar Samad
& Sarath Abayawardana*

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Spatial Clustering of the Poor: Links with Availability and Access to Land

Upali A. Amarasinghe, Markandu Anputhas, Madar Samad and Sarath Abayawardana¹

Abstract

This paper assesses the extent of spatial clustering, spatial similarity and dissimilarity of poverty and how access and availability of natural resources, especially land and water, are associated with spatial clustering of poverty in rural areas.

The analysis is based on secondary data collected from the Consumption and Expenditure Survey, population and agriculture censuses carried out by the Department of Census and Statistics, data from the Ministry of Samurdhi & Poverty Alleviation, and the information generated by the International Water Management Institute (IWMI) for the Divisional Secretariat (DS) divisions using geographical information systems. The poverty map generated at DS level (Amarasinghe et al. 2005) is the source of disaggregated poverty information for our spatial analysis. We test the hypothesis that a high incidence of poverty and spatial clustering is associated with lower availability and access to water and land. In the case of land, availability is represented by three variables related to land size, and access is represented by one variable related to ownership.

The extent of spatial clustering is assessed using local spatial autocorrelation. The spatial autocorrelation analysis shows two statistically significant clusters: one indicating low-poverty rural DS units that cluster around a few low-poverty urban DS divisions, and the other indicating high-poverty rural divisions that cluster around high-poverty rural DS divisions. The focus of further analysis is on such high-high poverty neighbourhoods, where DS divisions are located in rural areas and the livelihoods of most people depend on agriculture. The influence of access and availability of land on poverty, and

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poverty clustering of the high-high poverty group is assessed using ordinary least square (OLS) regression.

A regression analysis without including spatial variability shows that a large extent of irrigated land irrigated (as a percentage of total crop area) and land class (size of smallholding - land extent is one of the proxies for availability of land) are significant and negatively associated with the incidence of poverty, while the percentage of agricultural operators² without land ownership (proxy for access to land) is significant and positively associated with poverty. Once spatial variability is included as an independent variable, a low proportion of irrigated land (one of the proxies for access to water supply), agricultural operators without landownership and spatial variability (local spatial autocorrelation of percentage of poor households) become significant and positively associated with the incidence of poverty. In both cases land ownership was a crucial factor.

Further regression analysis with Local Moran's I as an independent variable show that local spatial autocorrelations (which measure the strength of spatial similarity or dissimilarity) explain a significant part of the spatial variation of the incidence of poverty (difference in R² by introducing spatial variability as explanatory variable is 0.76). Spatial clustering of two factors, higher percentage of irrigated crop areas and larger landholding areas per agricultural operator, is associated negatively with spatial clustering of DS divisions with a high proportion of poor households. A higher percentage of small landholdings (less than 1 acre and between 1 acre and 2 acres) is associated positively with spatial clustering of DS divisions with a high proportion of poor households. As can be noted, these observations clearly support the hypothesis. The paper goes on to discuss the significance of these variables and their effect on poverty in more detail.

² "An agricultural operator is [...] responsible for operating the agricultural land and/or livestock. He/She may carry out agricultural operations himself/herself or with the assistance of others or simply direct day-to-day operations. [...] the operator need not necessarily be the owner of land or livestock and mere ownership does not entitle a person to be considered an operator." (Census of Agriculture, DCS 2002)

ශ්‍රී ලංකාව තුළ දිළිඳු ජනතාවගේ අවකාශීය රාශිගතවීම (ප්‍රාදේශීය ව්‍යාප්තිය): ඉඩම් සඳහා ඇති ප්‍රවේශය සහ ඉඩම් ලබා ගැනීමට ඇති හැකියාව අතර ඇති සම්බන්ධය

උපාලි ඒ. අමරසිංහ, මාකණ්ඩු අනුප්‍රාසාද, මදුර් සමාද් සහ සරත් අභයවර්ධන¹

දිළිඳුකමේ ප්‍රාදේශීය ව්‍යාප්තියේ ප්‍රමාණය, එම ව්‍යාප්තියේ ප්‍රාදේශීය වශයෙන් දැකිය හැකි සමානතා සහ අසමානතා, විශේෂයෙන්ම ඉඩම් සහ ජලය වැනි ස්ඵට්ඨානවල සම්පත් සඳහා ඇති ප්‍රවේශය සහ ඒවා ලබා ගැනීමට ඇති හැකියාව, ග්‍රාමීය ප්‍රදේශවල දිළිඳු බවේ ප්‍රාදේශීය ව්‍යාප්තිය සමග සම්බන්ධ වන්නේ කෙසේද යනාදී කරුණු මෙම පත්‍රිකාව මගින් විමසීමට ලක් කෙරේ.

ජනලේඛන හා සංඛ්‍යාලේඛන දෙපාර්තමේන්තුව විසින් පවත්වනු ලබන ජන හා කෘෂි සංගණනයේ සහ පාරිභෝගික හා මූල්‍ය සමීක්ෂණයේ දත්ත, සමෘද්ධි අධිකාරිය විසින් සම්පාදනය කරනු ලබන දත්ත සහ ජාත්‍යන්තර ජල කළමනාකරණ ආයතනය විසින් භූගෝල විද්‍යාත්මක තොරතුරු පද්ධති ඇසුරින් ප්‍රාදේශීය ලේකම් කොට්ඨාශ සඳහා සකසනු ලබන තොරතුරු යනාදී ද්විතියික මූලාශ්‍ර මගින් ලබා ගත් දත්ත මත මෙම විශ්ලේෂණය පදනම් වේ. ප්‍රාදේශීය ලේකම් කොට්ඨාශ මට්ටමින් සකසන ලද දැරිඳුනා සිතියම (අමරසිංහ ඇතුළු අය, 2005) මෙම ප්‍රාදේශීය වශයෙන් කෙරෙන විශ්ලේෂණය සඳහා මූලාශ්‍රය වේ. ඉහළ දැරිඳුනාවය සහ දිළිඳුකමේ අවකාශීය ගොනුවීම, ජලය සහ ඉඩම් සම්බන්ධයෙන් වන ප්‍රවේශය හා ලබා ගත හැකි වීම පහළ මට්ටමේ පැවතීම එකිනෙක සම්බන්ධ වේය යන කල්පිතය මෙහිදී පරීක්ෂා කරනු ලැබේ. ඉඩම් සම්බන්ධයෙන් ගත් විට එය ලබාගත හැකිවීම යන්න ඉඩමේ ප්‍රමාණය සමග සම්බන්ධ වන විචල්‍යත් තුනක් ඇසුරින්ද, ඉඩම් සඳහා ප්‍රවේශය යන්න එහි හිමිකාරත්වය සමග සම්බන්ධ වන එක් විචල්‍යයකින්ද නියෝජනය කරනු ලැබේ.

අවකාශීය ගොනුවීමේ ප්‍රමාණය, දේශීය අවකාශීය ස්වසහසම්බන්ධතාව මගින් විමසීමට ලක් කෙරේ. අවකාශීය ස්වසහසම්බන්ධතා විශ්ලේෂණය මගින් සංඛ්‍යාත්මකව වෙසෙසි වන ගොනුවීම් දෙකක් පෙන්වයි. එකක් මගින් පහළ දැරිඳුනාවක් ඇති ග්‍රාමීය ප්‍රාදේශීය ලේකම් ඒකක, පහළ දැරිඳුනාවක් ඇති නාගරික ප්‍රාදේශීය ලේකම් කොට්ඨාශ සුළු සංඛ්‍යාවක් වටා ඒකරාශී වීම පෙන්වයි. අනෙක මගින් ඉහළ දැරිඳුනාවක් ඇති ග්‍රාමීය කොට්ඨාශ, ඉහළ දැරිඳුනාවක් ඇති ග්‍රාමීය

1 මෙම සියලුම කතුවරයන් ජාත්‍යන්තර ජල කළමනාකරණ ආයතනයේ පර්යේෂකයෝ වෙති. තැ.පෙ. 2075, කොළඹ

ප්‍රාදේශීය ලේකම් කොට්ඨාශ වටා ඒකරාශී වීම පෙන්වයි. මෙම විශ්ලේෂණය මගින් වැඩිදුරටත් අවධානය යොමු කරන්නේ වැඩි ජනතාවකගේ පීඩනෝපායන් කෘෂිකර්මය මත පදනම් වන, ග්‍රාමීය ප්‍රදේශවල ස්ථානගත වී ඇති ඉහළ දරිද්‍රතාවක් ඇති ප්‍රාදේශීය ලේකම් කොට්ඨාශවල අසල්වැසි සම්බන්ධකම් වලටය. ඉඩම් සම්බන්ධව ඇති ප්‍රවේශය සහ ලබා ගැනීමට ඇති හැකියාව යන සාධකය, දරිද්‍රතාව සහ ඉහළම-ඉහළ දරිද්‍රතා කාණ්ඩයේ ඒකරාශී වීම මත කරන බලපෑම අඩුතම වර්ග (OLS) ප්‍රතිපායනය මගින් විමසනු ලැබේ.

අවකාශීය විෂමතාව නොසලකා කරන ලද ප්‍රතිපායන විශ්ලේෂණය මගින් පෙන්වනු ලැබූයේ වාරිමාර්ග ජලය සැපයෙන ප්‍රධාන භූමි ප්‍රමාණය (මුළු වගා ප්‍රදේශයෙන් ප්‍රතිශතයක් ලෙස) සහ අක්කරයට අඩු (ඉඩම් ප්‍රමාණය යනු ඉඩම් ලබා ගැනීමට ඇති හැකියාව පෙන්වන එක් දර්ශකයකි.) ඉඩම් කාණ්ඩය (කුඩා හිමිකාරත්වයන්ගේ ප්‍රමාණය), දරිද්‍රතා සිදු වීම සමග වෙසෙසියාත්මකව ප්‍රතිලෝමව සම්බන්ධ වන අතර ඉඩම් හිමිකාරත්වයෙන් තොර කෘෂිකාර්මික කටයුතුවල යෙදෙන්නන්ගේ ප්‍රතිශතය (ඉඩම් ප්‍රවේශයට ඇති හැකියාව පෙන්වන එක් දර්ශකයකි.) දරිද්‍රතාව සමග වෙසෙසියාත්මක ලෙස අනුලෝමව සම්බන්ධ වන බවය. අවකාශීය විෂමතාව පරායත්ත විචල්‍යය ලෙස ඇතුළත් කළ විට, වාරිමාර්ග ජලයෙන් පෝෂණය වන කුඩා භූමි ප්‍රදේශ, (ජල සැපයුමට ඇති ප්‍රවේශය පෙන්වන එක් දර්ශකයකි.) ඉඩම් හිමිකාරත්වයක් නැති කෘෂිකාර්මික කටයුතුවල යෙදෙන්නන් සහ අවකාශීය විෂමතාව (දිළිඳු ගෘහ ඒකකවල ප්‍රතිශතයේ අවකාශීය ස්වසනසම්බන්ධතාව) දරිද්‍රතාව සමග වෙසෙසියාත්මක ලෙස අනුලෝමව සම්බන්ධ විය. මෙම දෙයාකාරයේම පරීක්ෂණවලදී ඉඩම් හිමිකාරත්වය යන්න තීරණාත්මක සාධකයක් විය.

Local Moran's 1 ස්වායත්ත විචල්‍යයක් වශයෙන් ගෙන නැවත කරන ලද ප්‍රතිපායන විශ්ලේෂණයෙන් දේශීය අවකාශීය ස්වසනසම්බන්ධතාව (අවකාශීය සමානතාවන්ගේ හා අසමානතාවන්ගේ ශක්තිය මනිනු ලබන) දිළිඳුබව සිදු වීමේ අවකාශීය විෂමතාවේ සැලකිය යුතු කොටසක් විස්තර කරයි. (අවකාශීය විෂමතාව විස්තරාත්මක විචල්‍යයක් ලෙස එක් කළ පසු R2 හි වෙනස 0.76 කි.) වාරිමාර්ග ජලය සපයන ලද වගා බිම්වල ඉහළම ප්‍රතිශතය සහ කෘෂිකාර්මික කටයුතුවල යෙදෙන්නෙකුට ඇති විශාල භූමි හිමිකාරත්වය යනාදිය ඉහළ දිළිඳු ගෘහ ඒකක සංඛ්‍යාවක් ඇති ප්‍රාදේශීය ලේකම් කොට්ඨාශවල අවකාශීය ව්‍යාප්තිය සමග ප්‍රතිලෝමව සම්බන්ධ වේ. කුඩා ඉඩම් හිමිකාරත්වයක් ඇති ඉහළ ප්‍රතිශතය (අක්කර 10 අඩු සහ 1-2 අතර), ඉහළ දිළිඳු ගෘහ ඒකක ප්‍රමාණයක් ඇති ප්‍රාදේශීය ලේකම් කොට්ඨාශවල අවකාශීය ව්‍යාප්තිය සමග අනුලෝමව සම්බන්ධ වේ. මෙම නිරීක්ෂණයන් පැහැදිලිවම කල්පිතයට සහාය වේ. මෙම විචල්‍යයන්ගේ වෙසෙසියාත්මකභාවය සහ දිළිඳුබව මත ඒවායේ බලපෑම සවිස්තරව සාකච්ඡා කිරීමට මෙම පත්‍රිකාව යොමු වේ.

வறியவர்களின் இடஞ்சார்ந்த கொத்தமைவு நிலத்தின் கிடைப்புநிலை, பெறுவழி ஆகியவற்றிடுடையுள்ள இணைப்புகள்

உபாலி அ. அமரசிங்க, மார்க்கண்டு அன்புதாஸ், மடார் சமத் மற்றும் சரத் அபயவர்த்தன்¹

சுருக்கம்

வறுமையின் இடஞ்சார்ந்த கொத்தமைவு, இடஞ்சார்ந்த ஒப்புடைமை மற்றும் ஒத்திராமை ஆகியவை எவ்வளவிற்கு காணப்படுகின்றன தொடர்பாகவும், இயற்கை வளங்களின் குறிப்பாக நிலமும், நீரும், கிடைப்புநிலையும் அவை பெறும் வழியும் எவ்வாறு கிராமப்புறங்களில் இடஞ்சார்ந்த முறையான வறுமையுடன் தொடர்புடையவை என்பதையும் இவ்வாய்வுக் கட்டுரை மதிப்பீடு செய்கிறது.

இவ்வாய்வில் குடிசை மதிப்பு மற்றும் புள்ளிவிபரத் திணைக்களத்தின் நுகர்வு மற்றும் செலவு பற்றிய கணிப்பீடு, குடிசை மற்றும் விவசாயக்குடி மற்றும் சார்ந்த தகவல் மதிப்பீடு மற்றும் வறுமைத் தணிப்பு அமைச்சு ஆகியவற்றிலிருந்து பெறப்பட்ட இரண்டாம்நிலைத் தரவுகளும் மற்றும் சர்வதேச நீர் முகாமைத்துவ நிறுவனத்தின் தரவுகளும், புவியியல் தகவல் முறைமையின் ஊடாக பிரதேச செயலர் பிரிவுகள் குறித்துப் பெறப்பட்டவையும் பயன்படுத்தப்பட்டுள்ளன. பிரதேச செயலர் மட்டத்தில் (அமரசிங்கவும் மற்றவர்களும், 2005) வறுமை பற்றிய விபரப்படம் பெறப்பட்டு, அதுவே கூறாக்கப்பட்ட வறுமை பற்றிய தகவலின் மூலமாக எங்களுடைய இடஞ்சார்ந்த ரீதியான ஆய்வுக்கு உதவியுள்ளது. எங்களுடைய ஆய்வில் பரிட்சிக்கப்படவுள்ள கருதுகோள்: உயர்வான வறுமையின் படுகை மற்றும் இடஞ்சார் கொத்தமைவு குறைவான நிலமும், நீரும் குறித்த கிடைப்புப் பெறுகை ஆகியவற்றுடன் தொடர்புடையது. நிலம் தொடர்பான கிடைப்புநிலை நிலத்தின் மூன்று மாறிகள் நிலத்தின் அளவினைத் தழுவிவ மற்றும் பெறுவழி உடைமை தொடர்பான ஒரு மாறி என்பவற்றினால் பிரதிநிதித்துவப்படுவதாக எடுத்துக் கொள்ளப்பட்டுள்ளது.

¹ கட்டுரை ஆசிரியர்கள் சர்வதேச நீர் முகாமைத்துவ நிறுவனத்தின் ஆராய்ச்சியாளர்களாவர். தபால் பெட்டி இல. 2075, கொழும்பு, மின்னஞ்சல்: m.anputhas@cgair.org. இணையத்தளம்:www.iwmi.org.

இடஞ்சார் கொத்தமைவு எவ்வளவுக்கு உள்ளதென்பதை உள்ளூர்த் தன்னியல்பு இணைவினைப் பயன்படுத்தி மதிப்பிடப்பட்டுள்ளது. இடஞ்சார் தன்னியக்க இணைவு ஆய்வு இரண்டு முக்கியத்துவமுடைய கொத்தமைவுகளைக் காட்டியுள்ளது. அவையாவன ஒன்று, கிராமியப் பிரதேச செயலாளர் பிரிவு அலகுகளின் குறைந்த வறுமைநிலை ஒரு சில குறைந்த வறுமை காட்டும் நகரப்புற செயலாளர் பிரிவுகளைச் சுற்றிய கொத்தமைவாக இருப்பது. மற்றையது உயர்வான வறுமையிணையுடைய கிராமப் பிரிவுகள் என்பவை உயர்ந்த வறுமையையுடைய கிராமியப் பிரதேச பிரிவுகளுடன் தொடர்பு கொள்ளும் கொத்தமைவுகள். உயர்ந்த வறுமையையுடைய சூழ் வட்டாரங்கள் மீது இங்கு பிரதேச செயலாளர் பிரிவுகள் கிராமியப் பகுதிகளிலும் மற்றும் அநேகமான மக்களின் வாழ்வாதாரம் விவசாயத்தில் தங்கியிருப்பவை மேலும் கவனம் செலுத்தப்பட்ட ஆய்வு மேற்கொள்ளப்படும். நிலம் தொடர்பான வறுமை குறித்து முக்கியமான பெறுகையும், கிடைப்பும் தொடர்பான செல்வாக்குப் பற்றியும் மற்றும் உயர்ந்த வறுமைப் பிரிவினரின் கொத்தமைவு குறித்து விளக்குவதற்குச் சாதாரண அறச்சிறிது சதுர பிற்செல்லும் ஆய்வுமுறை பயன்படுத்தப்படும்.

பிற்செல்லும் ஆய்வுமுறை இடஞ்சார் வேறுபாட்டைச் சேர்க்காமல் மேற்கொள்ளப்படும் பொழுது அது காட்டுவது பெரியளவான நீர்ப்பாசனத்திற்குட்பட்ட நிலம் (மொத்தப் பயிர் நிலத்தின் சதவீதமாக) மற்றும் நிலவகை (சிறுநில வைத்திருப்பின் அளவு நில அளவு நிலத்தின் கிடைப்பு நிலையினை பிரதிநிதித்துவப்படுத்துவதாக கொள்ளப்படுதல்) ஆகியவை முக்கியமானவை என்பதுடன் எதிர்க்கணிய முறையாக வறுமைப்படுகையுடன் தொடர்பு காட்டுகிறது. அதேவேளை நிலவுடைமை இல்லாத (நிலத்தின் பெறுகை தொடர்பாகப் பதில் நிலையெனக் கொள்ளப்படுதல்) பயிர்ச்செய்கை நடவடிக்கையில் ஈடுபடுவோர்களின் சதவீதம் முக்கியமானதாக இருப்பதுடன் மற்றும் வறுமையுடன் கணியமுறையில் தொடர்பு காட்டுவதாகவும் அமைகின்றது. இடஞ்சார் ரீதியான வேறுபாடு ஒரு தனியான மாறியாகக் கருதுமிடத்தில் குறைந்த விகிதாசார நீர்ப்பாசன நிலம் (நீர் கிடைத்தல் பற்றிய

² விவசாய நடவடிக்கையாளர் என்பவர் .விவசாய நிலங்கள் அல்லது கால்நடைகளை செயற்படுத்துபவராவர். அவன்-அவள் பிறரின் உதவியுடன் நாளாந்த விவசாய நடவடிக்கைகளை மேற்கொள்வர். இந்த நடவடிக்கைகளை மேற்கொள்பவர் நிலத்தின் அல்லது கால்நடைகளின் உரிமையாளராக இருக்க வேண்டிய அவசியமில்லை அல்லது உரித்துடைமையாளராக இருப்பது மட்டுமே ஒருவரை நடவடிக்கையாளர் எனக் கருத வைக்காது. (விவசாயப் புள்ளிவிபரம் DCS 2002)

பதில் நிலைகளிலொன்று) நிலவுடைமையற்ற விவசாய நடவடிக்கையாளர்கள்² மற்றும் இடஞ்சார் வேறுபாடு (வறிய குடும்பங்கள் தொடர்பான சதவீதத்தினரின் உள்ளூர் இடஞ்சார்ந்த தன்னியல்பான இணைவு) ஆகியவை முக்கியமானவையாக இருப்பதுடன் மற்றும் கணியவளவாக வறுமையின் படுகையுடன் தொடர்பு காட்டுவதை அறியலாம். இரு நிலைகளிலும் நிலவுடைமை முக்கிய காரணியாகக் காணப்பட்டுள்ளது.

கூடுதலான பிற்செல்லும் ஆய்வு: Local Moran's I என்பதை ஒரு தனியான மாறியாகச் சேர்த்தால் அது காட்டுவது உள்ளூர் இடஞ்சார் தன்னியல்பு இணைவுகள் (இது இடஞ்சார் ஒப்புடைமை அல்லது ஒத்திராமை என்பதன் பலத்தைப் பிரதிபலிக்கின்றது) வறுமையின் படுகை பற்றிய இடஞ்சார் முறையான வேறுபாட்டின் முக்கிய பகுதியினை விளக்குகின்றது. (சு2 என்பதன் இடஞ்சார் வேறுபாட்டினை ஒரு விளக்க மாறியாக அறிமுகம் செய்யுமிடத்து வித்தியாசம் 0.76 ஆகவுள்ளது).

இது காரணிகளாகிய நீர்ப்பாசனத்திற்குட்பட்ட உயர்ந்த சதவீதப் பயிர் செய்யும் பகுதிகளும் மற்றும் விவசாய நடவடிக்கைகளில் ஈடுபடும் சராசரி ஒருவருக்கான பெரிய நில வைத்திருப்புப் பகுதிகள் ஆகியவையும் பிரதேச செயலர் பிரிவுகள் வறிய குடும்பங்களின் உயர்வான விகிதாசாரத்தைக் கொண்டவை குறித்து எதிர்க்கணிய இடஞ்சார் கொத்தமைவுடன் தொடர்பு காட்டப்பட்டுள்ளது. சிறுநில வைத்திருப்புக்களின் உயர் சதவீத நிலை (1 ஏக்கருக்குக் குறைவாகவும் மற்றும் 1 ஏக்கருக்கும் 2 ஏக்கருக்கும் இடைப்பட்டவை) வறிய குடும்பங்கள் தொடர்பாக உயர்ந்த விகிதாசார அளவைக் கொண்ட பிரதேச செயலாளர் பிரிவுகள் குறித்த இடஞ்சார் கொத்தமைவுடன் கணிய அளவிலான தொடர்பினைக் காட்டுகின்றன. கவனிக்கப்படும் விடயமே மேலே காட்டியுள்ள அவதானிப்புக்கள் கருதுகோளுக்குத் தெளிவாக ஆதரவளிக்கின்றன. இவ் ஆய்வுக் கட்டுரை குறிப்பிட்ட மாறிகளின் முக்கியத்துவத்தையும் அவற்றின் விளைவினையும் வறுமை தொடர்பாக மேலும் ஆராய்ந்து விளக்குகின்றது.

Spatial Clustering of the Poor: Links with Availability and Access to Land

Upali A. Amarasinghe, Markandu Anputhas, Madar Samad and Sarath Abayawardana¹

Introduction

Sri Lanka's achievements in some areas of human welfare, such as health and education, have been described as remarkable for a lower middle-income country. Life expectancy at birth (74 years) and adult literacy rate (92%) are higher than the world average of 63 years and 77% respectively (UNDP 2003). The infant mortality rate (19 per 1,000 live births), and the combined primary, secondary and tertiary school enrolment ratio (66%) are comparable to the levels of upper middle-income economies. Notwithstanding these achievements in social welfare, poverty continues to be a major problem in the country. It is estimated that at present, approximately one-quarter of the population lives below the national poverty line (DCS 2003a).

Many of the poor in Sri Lanka still live in rural areas (World Bank 2004, Amarasinghe et al 2005; DCS 2005) and agriculture is the main livelihood for most of them. Access and availability of land and water resources are therefore crucial for alleviating poverty among the rural population. Despite attempts by successive governments to ensure adequate land and water resources for agriculture by introducing a series of rural development interventions, including the provision of new or rehabilitation of old irrigation systems, many people still live in poverty in rural areas. It is therefore crucial to find out why, despite many rural development interventions, a substantial proportion of the rural population remain economically poor. We hypothesise that a high incidence of poverty and spatial clustering are associated with lower availability and access to water and land. This paper investigates the extent to which lack of access and availability of land contributes to rural poverty and

spatial clustering of rural poverty in order to examine this hypothesis.

The specific objectives of this study are to:

- a. Determine whether there is spatial clustering of the poor and associated spatial patterns; and
- b. Assess to what extent the inadequate access and availability of land, along with spatial clustering, influence the incidence of poverty.

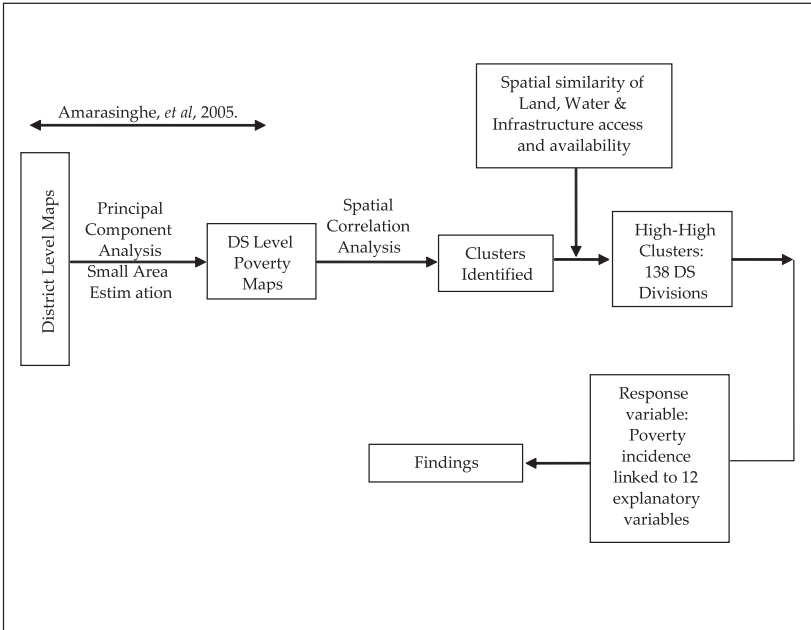
Methodological framework

This paper uses the Divisional Secretariat (DS) level poverty maps developed by Amarasinghe *et al* (2005) (using District level information to undertake small area estimation and principal component analysis) to analyse the links between inadequate access and availability of land, and rural poverty³. The DS level (a lower administrative unit than the district) maps are the second highest resolution maps - in the absence of poverty maps at the lowest administrative unit level of Grama Niladhari (GN) level - and enable closer investigation compared to the District level information which formed the basis of previous studies.

The estimate of the Department of Census & Statistics (DCS) Household Income and Expenditure Survey (DCS 2003a) is the basis for computing the poverty line in these maps. Amarasinghe *et al* (2005) presents poverty in these maps in terms of the official nutrition-based poverty line specified by the DCS in 2003. This definition, representing the percentage of the population below the food poverty line, is based on the per capita monthly food expenditure (in adult equivalents) needed to meet the minimum

³ Department of Census & Statistics (DCS) DS level maps have become available from 2005 onwards.

nutritional intake of 2,030 kilocalories per day. On this basis the official nutrition poverty line for 2002 is set at Rs1,294 per person. This poverty estimate is essentially an indicator of poverty and food insecurity in Sri Lanka, whereas the recent DCS poverty maps are based on real total food and non-food consumption expenditure, on which basis the poverty line was set at Rs.1,423 per person per month.



Disaggregated poverty information at DS level is used to identify the poverty clusters using spatial autocorrelation analysis in this study (see figure 1). Spatial autocorrelation analysis is also performed on information available on land, water and infrastructure related variables available at DS level to investigate the association with these identified poverty clusters. Three multiple regression analyses are then performed to establish the links between poverty, land and water - especially for the high-high poverty clusters (see figure 4 for details). The incidence of poverty (percentage of poor households) and the spatial autocorrelation are taken as the response variables,

while twelve explanatory variables are used in this regression analysis.

All 249 DS divisions in the country other than in the North and the East are covered in this study. Data availability for DS divisions in the North and the East was inadequate to include them in this study.

The main body of the paper describes the spatial variation of poverty at the DS level, develops the maps and goes on to identify the clusters of spatial similarities or dissimilarities of poor and non-poor areas. The influence of spatial clustering on the incidence of poverty and the association of spatial clustering with the availability and access to land and water resources are then investigated. The final section highlights the main conclusions and policy implications of the study.

Spatial Variation of Poverty

The provincial and district poverty maps (figures 2A and 2B) depict DCS estimates of the percentage of poor households in the provinces and districts (DCS 2003a). Figure 2C shows the spatial variation of the estimates of the percentage of poor households across DS divisions as computed by Amarasinghe *et al* (2005). Six groups illustrate the variation of the percentage of poor households in these spatial groupings.

Among the districts, Colombo has the lowest incidence of poverty, between 1.0% to 6.9% of poor households (figure 2B). However, the

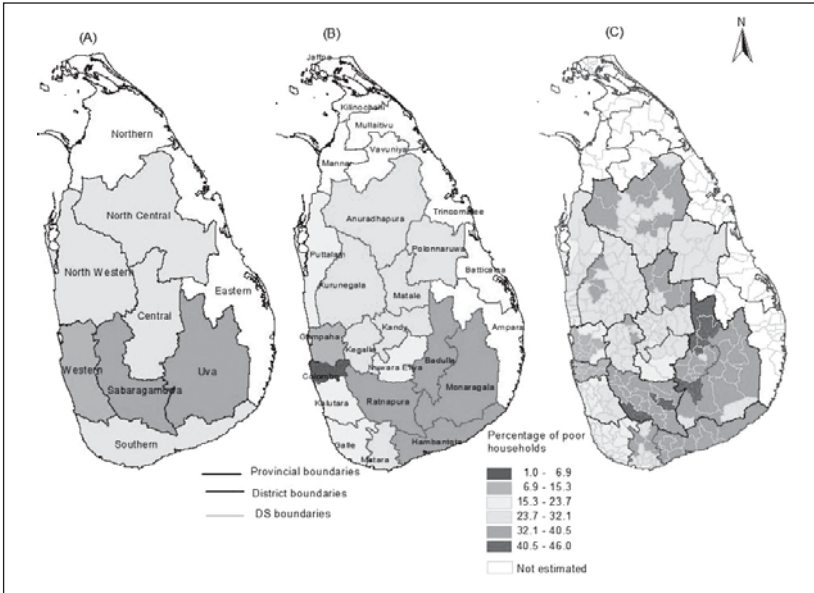


Figure 2. Spatial variation of percentage of poor households below the poverty line across (A) provinces, (B) districts and (C) DS divisions.

Note: This figure and others are not drawn to scale.

disaggregated map in figure 2C shows that only four DS divisions out of thirteen in the Colombo district fall into the same category of a low incidence of poverty - and they are major urban centres closely connected to the financial hub of the country located in the Colombo DS division. The other DS divisions in the Colombo district and the majority of DS divisions in the Gampaha district fall into the next poverty group, having between 6.9% and 15.3% of poor households (figure 2C). The units in the second group are also mainly urban or close to the major urban centres. A point to note, however, is that although percentage-wise Colombo is not poor, the absolute number of poor people is relatively high, highlighting the importance of GN level poverty studies for targeting the poor.

Ratnapura district in the Sabaragamuwa province, Badulla and Moneragala in the Uva province and Hambantota in the Southern

province are the poorest districts, having between 32.1% and 40.5% of poor households (figure 2B). But some DS divisions in the Badulla and Ratnapura districts have significantly higher poverty levels, of between 40.5% to 46.0%, while other DS divisions have significantly lower poverty levels of between 23.7% to 32.1% (figure 2C). Table 1 shows the variation of the percentage of poor households across the DS divisions as shown in figure 2C.

The weighted average of the incidence of poverty in all 249 DS

Table1. Summary statistics: Distribution of DS divisions, percentages of poor households and population over different poverty groups.

	Poverty group (% of poor households)	Number of DS divisions ⁱ	Households		Population	
			Total (1,000s)	% below poverty line	Total (1,000s)	% below poverty line
1	1.0 - 6.9 ⁱⁱ	4	236	1.1	968	1.3
2	6.9 – 15.3 ⁱⁱ	19	686	11.7	3,035	13.9
3	15.3 - 23.7 ⁱⁱ	45	820	19.7	3,507	24.0
4	23.7 - 32.1 ⁱⁱ	105	1,310	28.6	5,208	33.9
5	32.1- 40.5 ⁱⁱ	67	761	35.5	3,242	40.9
6	40.5 - 46.0 ⁱⁱ	9	72	42.6	315	49.4
Total		249	3,885	23.7	16,275	27.8

Source: Authors' estimates.

- i – Poverty estimates are available for 16 districts, outside the North and East, and they contain 249 DS divisions.
- ii – Incidence of poverty of a) groups 3 and 4 are one standard deviation below and above the national average, b) groups 2 and 5 are between one and two standard deviations below and above the national average respectively, and c) groups 1 and 6 are beyond two standard deviations below and above the national average respectively.

divisions (that is the national average) is 23.7%. Groups 1, 2 and 3, respectively in Table 1 show where the incidence of poverty is two standard deviations, between one and two standard deviations and within one standard deviation below the national average. Groups 4, 5 and 6, respectively, in this table show where the incidence of poverty is within one standard deviation, between one and two standard deviations and two standard deviations above the

national average. Further, the poverty distribution across DS divisions is highly skewed with 181 (or 73%) DS divisions falling above the national average.

Spatial Clustering of Poor Areas

Spatial clustering shows spatial similarity or dissimilarity of poverty in neighbouring units (figure 3). Two types of spatial similarities are possible: poor units mainly surrounded by poor units or high-high poverty clustering (second quadrant – right top) and non-poor units mainly surrounded by non-poor units or low-low poverty clustering (fourth quadrant). Two types of spatial dissimilarities also possible: poor units are mainly surrounded by non-poor units or high-low poverty clustering (first quadrant) and non-poor units are surrounded by poor units or low-high poverty clustering (third quadrant).

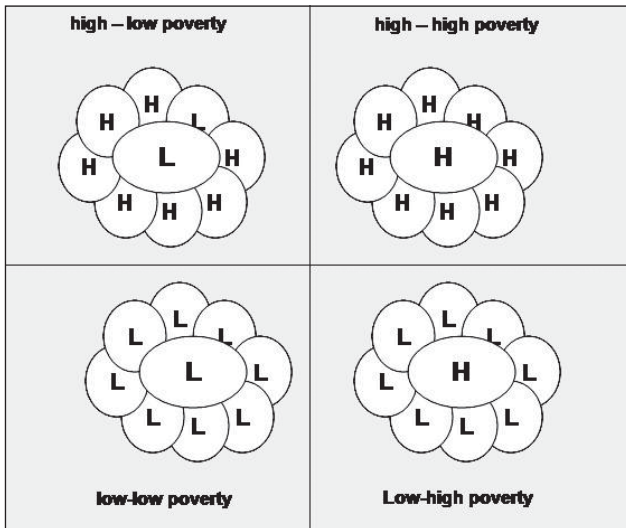


Figure 3. Types of spatial similarities or dissimilarities.

The local spatial autocorrelation, measured by local Moran's I statistic⁴ (Anselin 1995), indicates the strength of the spatial similarity or dissimilarity of neighbouring units (Refer Amarasinghe *et al.* 2005, for details of statistical tests). Local Moran's I is positive for both high-high and low-low spatial similarities and is negative for both high-low and low-high spatial dissimilarities figure 4 shows the DS divisions with spatially similar or dissimilar neighbourhoods. Of the 249 DS divisions in the analysis, the high-high poverty cluster has 138 DS divisions (units in red), but the spatial similarity is significant only in units in solid red. The low-low poverty cluster has 84 DS divisions (units in blue). The rest of the 27 units are in the low-high and high-low poverty clusters.

The high-high poverty clusters of DS divisions are mainly found in rural areas, where agricultural economic activities are the main source of income for most households. Most DS divisions in Kurunegala, Anuradhapura, Polonnaruwa, Moneragala, Hambantota, Ratnapura, Kegalle, Matale and Matara districts are in this cluster, where every two in three households contain an agricultural worker⁵. Spatial similarities are statistically significant in only four districts: Badulla, Moneragala, Ratnapura and Hambantota. The DS divisions where spatial similarities are not significant have varying levels of prosperity due to variation in economic activities such as tourism or employment in the urban centres.

⁴ Moran's I statistics is used to test the similarity and dissimilarity of the spatial neighbourhood units or objects. Global Moran's I indicates the significance of the similarity and dissimilarity while Local Moran's I indicator estimates spatial autocorrelation of an individual location with its neighbours and it indicates the strength of the similarity of a unit with its neighbours.

⁵ An agricultural operator is defined as a person responsible for operating the agricultural land or livestock or both, and conducts activities by himself or with the assistance from others or only directs day-to-day operations (DCS 2003b).

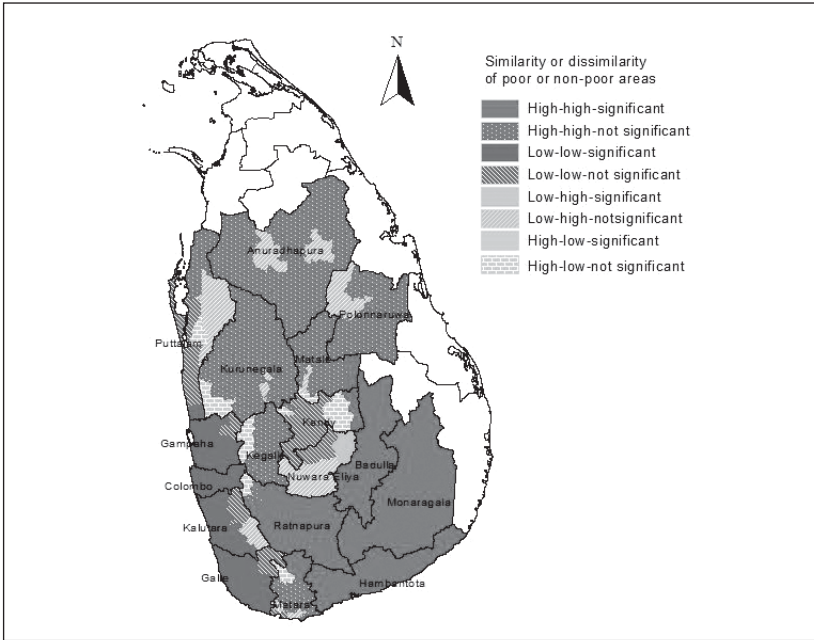


Figure 4. The DS divisions with spatially similar or dissimilar poverty neighbourhoods

Note: High-high in the legend means that the high poverty DS divisions are surrounded by high poverty DS divisions and the significant means that those divisions are spatially correlated (statistically significant) while not significant means not correlated (statistically not significant). The low-low group could also be explained similarly. Low-high means that the low poverty divisions are surrounded by high poverty DS divisions and high-low means high poverty DS divisions are surrounded by low poverty DS divisions. Significant and not significant explains the same as above. Here, only one map is explained taking the incidence of poverty as a variable. In the subsequent figures, different factors in this study were tested for spatial similarity and dissimilarity and the high-high, low-low, high-low and low-high groups are explained with respect to each variable concerned.

The low-low poverty clusters of DS divisions are mainly found in the Gampaha, Colombo, Kalutara, Galle, Kandy and Puttalam districts. Only a few of the DS divisions in this group are urban centres while the others are mainly rural. However, non-agricultural activities contribute substantially to the household income of the

rural units in this cluster. For example, only 1 in 20 households in the Colombo district, only 2 in 11 households in the Gampaha district, and about 2 in 6 households in the Kalutara, Galle and Puttalam districts have an agricultural operator in the household. This suggests that the economic activities of the rural neighbouring DS divisions are closely associated with the economic activities of the urban DS divisions in these districts. The neighbouring units of DS divisions with statistically insignificant spatial similarity have varying types of livelihood activities. Employment in some DS divisions is very much influenced by the economic activities of the urban centres, whilst in others livelihoods mainly depend on agriculture.

In figure 4, there are some spatial outliers where these units and their neighbours have contrasting levels of poverty or spatial dissimilarity. The dissimilarity of DS divisions in the low-high poverty cluster is statistically significant in only one DS division (shown in orange in figure 4). This unit, the Nuwara Eliya DS division, has substantial non-agricultural income activities such as tourism, but is surrounded by poor DS divisions with significant agricultural economic activities. Unlike in the low-low poverty cluster, the economic activities in the central unit seem to have no influence on the economic activities of the neighbouring units.

The units shown in green in figure 4 have high levels of poverty, but the neighbouring units have low levels of poverty. However, none of the dissimilarities here are statistically significant.

The identification of spatial clusters of similarities or dissimilarities has multiple advantages. First, it helps to locate similar and dissimilar neighbourhoods and their influence on the incidence of poverty. Second, it can identify the physical, social, economic and institutional factors that contribute to spatial similarity or dissimilarity. Third, it supports the design of effective, spatially targeted interventions that can trigger a higher rate of poverty

alleviation within a locality than intervention designs at the aggregated national or regional level.

Links between Poverty and Spatial Clustering

How does spatial similarity influence the level of poverty and what are the main determinants of spatial similarity or dissimilarity of poverty, especially in rural DS divisions? The majority of the Sri Lankan population live in rural areas and depend on the agricultural sector as a primary livelihood. Availability and access to water, land and infrastructure are therefore crucial factors for poor people. Although annual rainfall totals are high, intra-annual variations severely constrain productive agriculture in many areas. Many rural areas require additional irrigation to supplement water deficits during the maha (main or wet season from October to March); whereas during yala (second or dry season from May to September) irrigation is a must for agriculture. Access to irrigation may, therefore, be a key factor for alleviating poverty in many rural areas, and has been substantiated in studies that compared the contribution of irrigated and rain-fed agriculture to reducing poverty (JBIC 2002).

Successive governments have invested heavily in new irrigation infrastructure or in rehabilitating existing infrastructure in the past. Investment in irrigation was the backbone of rural development and poverty reduction and of the national food security strategy for approximately three decades. While some districts benefited from these investments, others, such as Badulla, Moneragala and Hambantota did not. This may be due to a lack of information regarding the geographical distribution of poverty. However, inadequate irrigation facilities are not the only cause of poverty and there is little information about how poverty is spatially concentrated and what other factors such as access to land and infrastructural facilities contribute to the spatial concentration of poverty.

In this analysis, we test the assumption that the main factors influencing poverty and clustering of poverty are availability and access to water, land and infrastructure, and employment.

Availability and Access to Water

Due to the paucity of data regarding actual water availability at the DS level, seasonal rainfall is taken as a proxy for water availability, and availability of irrigation infrastructure in major and minor irrigation schemes is taken as a proxy for access to water supply. The hypothesis here is that the higher level of water availability and access would increase agricultural production and hence improve living conditions and reduce clustering of poverty.

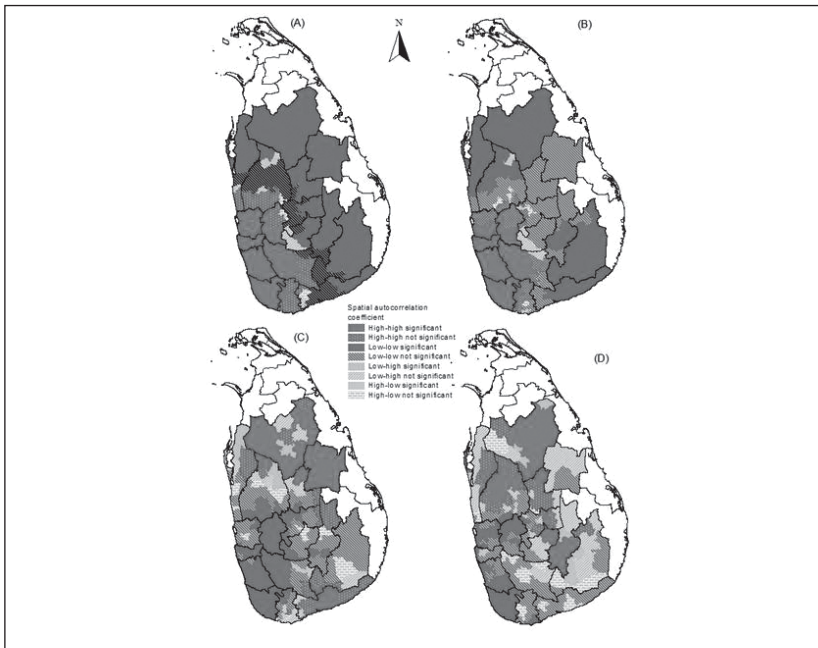


Figure 5. Local spatial autocorrelation coefficient of (A) maha season rainfall, (B) yala season rainfall, (C) per cent major irrigated area, and (D) per cent minor irrigated area.

Rainfall

1. Average maha seasonal rainfall. The maha season is the main cultivation season where rainfall needs to be supplemented with only a few irrigation turns for crop production. The average maha season rainfall varies from 730mm to 1,400mm across DS divisions. Spatial similarities divide most DS divisions into two distinct clusters. High-high rainfall similarities (relatively high rainfall for a season in the DS coming under this group, see figure 5) mainly exist in the low-low poverty cluster and low-low rainfall similarities (relatively low rainfall for a season in the DS coming under this group, see figure 5) exist in the high-high poverty cluster (figure 5A).
2. Average yala season rainfall. The yala season receives 140mm to 960mm of rainfall and irrigation is required for crop production in most areas. The high-high and low-low rainfall spatial similarities, respectively, exist in the low-low and high-high poverty clusters (figure 5B). But, unlike in the maha season, low-low rainfall spatial similarities are not significant for a large number of high-high poverty cluster DS divisions.

Irrigation

3. Irrigable area under major and minor irrigation schemes, as a percentage of total crop area. The irrigable area under major and minor irrigation schemes varies from 0-79% and from 0-28% across DS divisions and indicates the physical area of water availability under irrigation schemes. The total area equipped with irrigation facilities (both major and minor irrigation schemes) varies across districts but is substantial in Polonnaruwa (83%), Anuradhapura (67%) and Hambantota (47%) districts (figures 5C, 5D).

Significant high-high similarities (relatively high proportion of major irrigated areas in the DS coming under this group, see figure 5) of major irrigated areas are mainly found in the DS divisions of

three districts: Polonnaruwa, Anuradhapura and Hambantota districts (figure 5C), where poverty clusters also show a high-high similarity. The DS divisions with low-low similarity of major irrigated areas (relatively low proportion of major irrigated areas in the DS coming under this group, see figure 5) are scattered in both low-low and high-high poverty clusters.

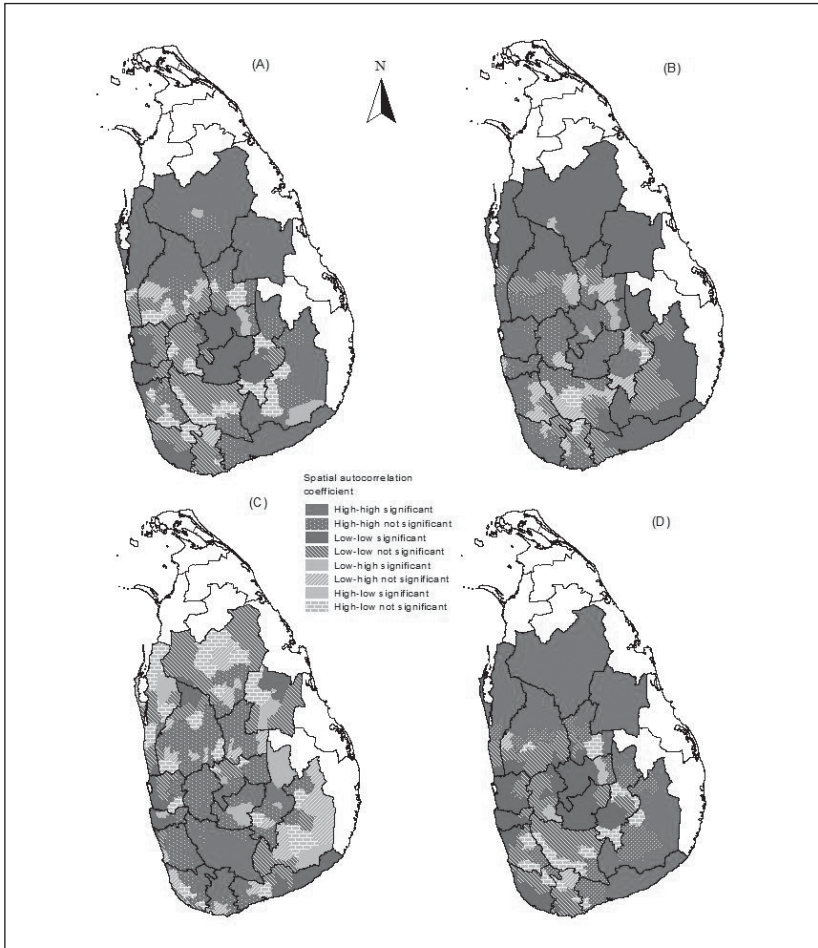


Figure 5. Local spatial autocorrelation coefficient of (A) maha season rainfall, (B) yala season rainfall, (C) per cent major irrigated area, and (D) per cent minor irrigated area.

Many of the DS divisions with a high proportion of minor irrigated areas and high-high spatial similarities (having a more or less high extent of minor irrigated area in the DS coming under this group, see figure 5) are found in the high-high poverty cluster. The only exception is Hambantota district, where major irrigation infrastructure exists in most DS divisions. The extent of land with only minor irrigation is low (ranging from 3% to 22%) and low-low spatial similarities (relatively low proportion of minor irrigated areas in the DS coming under this group, see figure 5) are significant in many of the DS divisions of the low-low poverty cluster.

Availability and Access to Land

The extent of landholding sizes per operator and holding size patterns are taken as proxies for land availability. The hypothesis here is that availability and access to large agricultural landholding areas are expected to increase income, reduce poverty and hence clustering.

1. Smallholder landholding⁶ size per agricultural operator, where average landholding size varies from 1.27 acres (0.5 ha) to 2.74 acres (1.1 ha).
2. Percentage of smallholder landholding area below 1 acre (0.4 ha) varies from 10-50%.
3. Percentage of smallholder landholding area between 1 acre (0.4 ha) and 2 acres (0.8 ha) varies from 20-36%.

Most of the agricultural operators of the DS divisions in Anuradhapura, Polonnaruwa, Moneragala, Hambantota and Kurunegala districts in the high-high poverty cluster have large agricultural landholding sizes (figure 6A). In these DS divisions and their neighbours, the proportion of large landholdings (above 2

⁶ Smallholder landholdings are defined as agricultural areas below 20 acres.

acres) dominates the agricultural area (figures 6B, 6C, 6D). The DS divisions of the Ratnapura and Kegalle districts in the high poverty cluster and the Kalutara, Galle and Matara districts in the low-low poverty cluster have a high proportion of landholdings ranging from 0 to 1 acre and 1 acre to 2 acres (figures 6B, 6C).

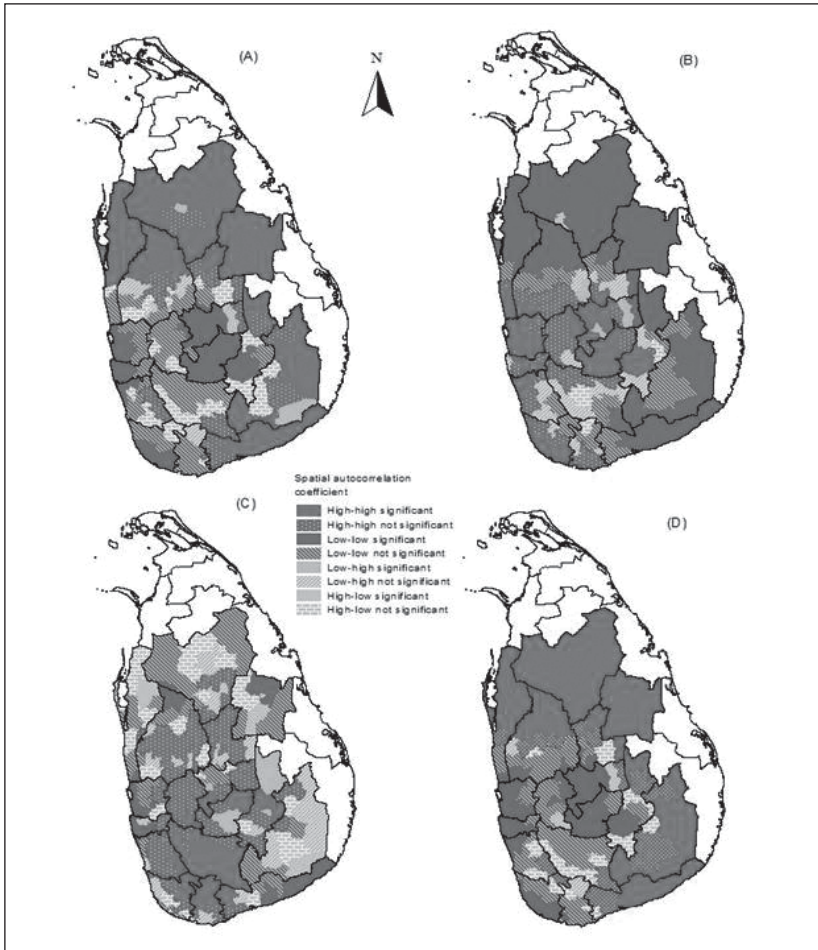


Figure 6. Local spatial autocorrelation coefficient of (A) agricultural holding size per operator, (B) proportion of holding sizes below 1 acre, (C) proportion of holdings between 1 acre and 2 acres, and (D) proportion of holding sizes above 2 acres.

4. Percentage of agricultural operators without land ownership is taken as a proxy variable for access to land. This varies from 0-70% (7 out of every 10 operators). Figure 7B, however, shows that only a few DS divisions in the Kurunegala and Hambantota districts have a large number of agricultural operators who do not own land. Most of the agricultural operators in the low-low poverty cluster own land. These are mainly homesteads and each is below 0.4 ha in size.

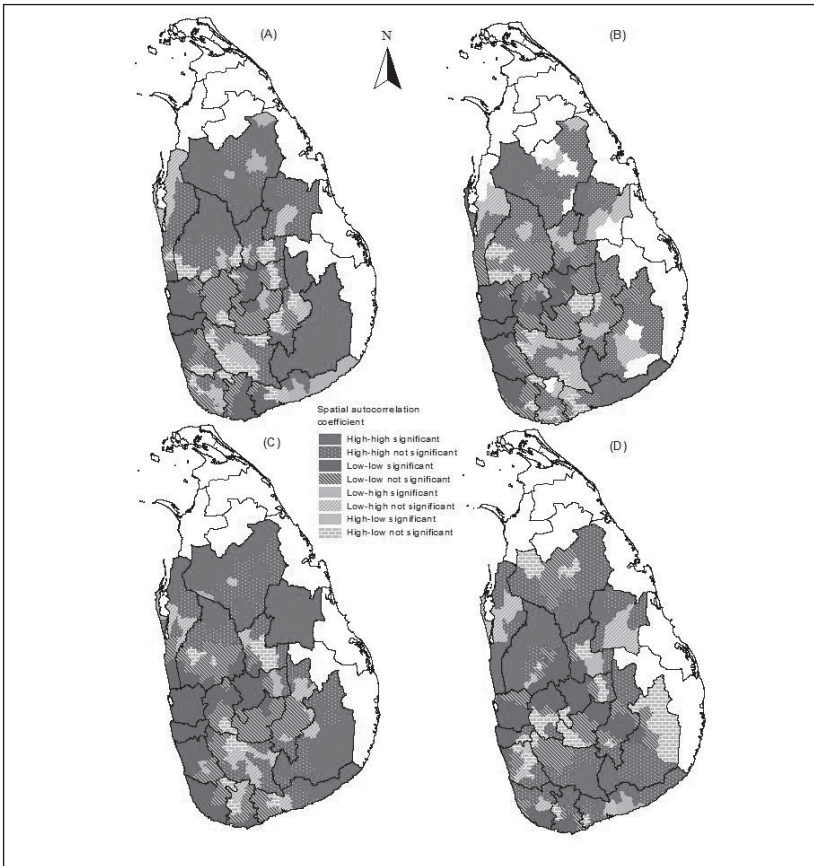


Figure 7. Local spatial autocorrelation coefficient of (A) number of agricultural operators per household, (B) proportion of agricultural operators without own land, (C) distance to roads, and (D) distance to towns.

Employment and Infrastructural Facilities

The extent of the population employed in agriculture is shown by the number of agricultural operators. The extent of infrastructural development can be considered as a proxy variable for access to both markets and employment opportunities, especially for rural people, in the non-agriculture sectors.

8. *Number of agricultural operators per household* indicates the agriculturally active population per household in each DS division and this varies from 0 to 1.21 persons per household (almost five agricultural operators in every four households). The DS divisions with high agricultural employment are found in the high-high poverty cluster while those with low agricultural employment are found in the low-low poverty cluster (figure 7A).
9. *Average distance to roads*⁷ varies from 0 to 12 kilometres. Road density is generally high in DS divisions in the low-low poverty cluster and low in the high-high poverty cluster (figure 7C).
10. *Average distance to towns* is the average of the distance of DS divisions calculated from towns to the 5–8 kilometre buffer zone.

Regression Analysis on High–high Poverty Cluster

A multiple linear regression method was applied to further establish the magnitude of the relationship between the above factors and the incidence of poverty in the DS divisions in high-high poverty clusters. An ordinary least square approach is sufficient to obtain unbiased estimates for the effects of explanatory variables on the

⁷ The distance to roads and towns is the average Euclidean distances from the centre of the source cell to the centre of the surrounding cells. Euclidean distance grid was calculated from ArcInfo GRID (Shahriar *et al.* 2002)

poverty for this cross sectional sample. The first regression (OLS1 in table 2) assesses the influence of the various factors (explanatory variables) on the incidence of poverty (dependent variable). The second regression (OLS2 in table 2) includes Local Moran's I, a measure of the local spatial autocorrelation, as an explanatory variable. It assesses the influence of spatial similarities or dependence of the neighbouring units on the level of poverty of the DS division. The increment of R2 from OLS1 to OLS2 shows the magnitude of the contribution of spatial dependence in explaining the variation of the level of poverty across the DS divisions.

Table 2. Coefficients and t-values of regressions assessing determinants of poverty and poverty clustering.

Explanatory variables	Divisional Secretariat (DS) divisions in the analysis DS divisions with high-high poverty neighbourhoods (n = 138)		
	OLS1a	OLS2a	OLS3b
1. Average maha season rainfall (mm)	-0.09 (1.13)	0.04 (1.33)	0.06 (0.86)
2. Average yala season rainfall (mm)	-0.01 (.011)	0.03 (0.75)	0.04 (0.44)
3. Major irrigation area (% total crop area)	-0.09 (1.80)*	-0.02 (1.00)	-0.11 (3.67)*
4. Minor irrigation area (% total crop area)	-0.02 (0.50)	0.05 (2.50)*	-0.08 (2.67)*
5. Smallholding size per agricultural operator (ha)	-0.18 (1.64)	0.02 (0.50)	-0.20 (1.82)*
6. Smallholding area below 0.4 ha (%)	-0.31 (2.21)*	-0.06 (1.20)	0.42 (2.63)*
7. Smallholding area between 0.4 and 0.8 ha (%)	0.02 (0.07)	0.01 (0.50)	0.54 (4.91)*
8. Agricultural operators without land ownership (%)	0.08 (0.29)*	0.04 (2.00)*	-0.01 (0.14)
9. No. of agricultural operators per household	-0.04 (0.80)	-0.02 (1.00)	0.03 (0.75)
10. Average distance to roads (km)	0.04 (0.80)	0.01 (0.50)	-0.02 (0.29)
11. Average distance to towns (km)	0.01 (0.20)	-0.02 (1.00)	-0.03 (0.75)
12. Local Moran's I _c	-	0.75 (37.50)*	-

Adjusted R ²	0.10	0.86	0.16
Global Moran's I of errors	0.46	0.02	0.43

^a The dependent variable of OLS1 and OLS2 is the incidence of poverty (% poor households)

^b The dependent variable of OLS3 is the local spatial autocorrelation of incidence of poverty (Local Moran's I).

^c Local spatial autocorrelations of % poor households.

* Statistically significant at least at 0.05 level.

The third regression (OLS3 in table 2) assesses the extent of the association of spatial clustering of explanatory variables with the spatial clustering of the incidence of poverty. The hypothesis here is that the spatial clustering of access and availability of land, water and infrastructure are associated with the spatial clustering of the level of poverty. OLS3 has Local Moran's I measuring the local spatial autocorrelation of the percentage of poor households as the dependent variable. The independent variables of OLS3 are the independent variables we used in OLS1.

DS divisions in the high-high cluster are mainly rural and most livelihoods depend on agriculture. In addition, most of the DS divisions in this cluster are in the dry zone and have similar rainfall patterns and water availability. But access to water (in terms of major irrigated area) and land ownership are significantly associated with lower poverty (OLS1). However, R² of OLS1 is very small (10%). The OLS2 regression shows that a higher percentage of minor irrigated areas (where water is stored in minor irrigation tanks and is usually affected by the intra- and inter-annual variations of rainfall) and lack of land ownership are positively associated with a higher incidence of poverty in OLS2.

However, much of the variation of poverty in this cluster is explained by the local spatial autocorrelation variable. The spatial autocorrelation variable in OLS2 explains 76% of the variation of poverty (difference between OLS1 and OLS2 R²'s). Therefore, in the

OLS3 regression, we assess the factors associated with spatial clustering of poverty. The hypothesis here is that the spatial clustering of the indicators of availability and access to water and land resources influences spatial clustering of DS divisions with varying poverty levels.

Spatial clustering of two factors, high percentage of irrigated crop areas and large landholding area per agricultural operator, is associated negatively with spatial clustering of DS divisions with a high proportion of poor households. Spatial clustering of two factors, high percentages of small landholding size classes (less than 1 acre and between 1 acre and 2 acres) is associated positively with spatial clustering of DS divisions with a high proportion of poor households.

This indicates the positive influence of availability of irrigation water supply and large landholding sizes on lower spatial clustering of the poor in rural areas. For example, the DS divisions of three districts, Anuradhapura, Polonnaruwa and Hambantota, have a high proportion of irrigated land and also large landholding sizes per operator. But in Anuradhapura and Polonnaruwa there are relatively larger irrigation areas than in Hambantota and spatial clustering of poor is not significant in the former two districts but significant in the latter district.

The DS divisions in the Moneragala district also have large agricultural land areas per operator, as in the Polonnaruwa district, but they have very poor irrigation facilities. Inadequately developed irrigation infrastructure in the poor DS divisions in Moneragala may be the cause of those DS divisions remaining poor.

The Badulla and Ratnapura districts have a low number of agricultural operators per household. A substantial number of labourers in these two districts are engaged in the plantation sector,

and are therefore not counted as agricultural operators⁸. Of those who are considered agricultural workers, many operate in small agricultural landholdings. Thus small landholding sizes in these two districts are a possible cause for the spatial clustering of poor DS divisions.

This shows that differential access to land and water resources is indeed associated with a high incidence of poverty and spatial clustering of poor DS divisions. This is especially true for the significant spatial clustering of DS divisions in the two districts of Hambantota and Moneragala.

The difference between regressions one and two (OLS1 and OLS2) shows that a substantial amount of variation can be explained by spatial similarity, which strengthens the relationship between the incidence of poverty and the independent variables, and helps to identify important factors influencing poverty. In this analysis we have used ordinary least squares regression in assessing the association of spatial clustering of explanatory variables and poverty. However, the global Moran's I 's of the regression errors are significant in both regressions (OLS3). This indicates that better spatial regression models are required to determine the exact magnitude of the contribution of spatial clustering of explanatory variables, on spatial clustering of poverty. Identifying spatial similarities and contributing factors is useful for designing spatially targeted interventions for alleviating poverty. Such interventions can target several factors which are similar in different spatial clusters.

⁸ The smallholding agriculture area does not include large plantation sector and thus plantation labour is not included as agriculture operators.

Policy Discussion and Conclusions

The DS division poverty map provides policymakers and researchers with important, spatially disaggregated poverty information. District-level poverty incidence data is adequate only for broad national-level policy formulation and intervention designs, but the DS-level poverty map increases the scope of spatial analysis of determinants of poverty and the formulation of geographically targeted poverty alleviation programs.

In this paper, a DS division poverty map is first used to assess the extent of the spatial clustering of poor areas and then to assess the influence of spatial similarities of the incidence of poverty of the DS divisions. Two dominant spatial clusters exist in the studied area: one showing spatial similarity of high-poverty DS divisions surrounded by high-poverty neighbourhoods, and the other showing spatial similarity of low-poverty DS divisions surrounded by low-poverty neighbourhoods. Poverty alleviation programmes have to be planned taking into account these established poverty clusters. The different poverty clusters can be used to locate the poorest areas and increase the efficiency of resource allocation in pro-poor intervention programmes. Further, the studies on different aspects within these identified clusters may be useful in determining guidelines to identify poor households within different poverty clusters. The present study is a sub-national poverty analysis based on secondary data from the population and agriculture censuses and the Consumption and Expenditure Survey of Sri Lanka. The results show the potential for finer resolution studies to identify where the poor live and the specifics of why they are poor.

The DS divisions with high-high poverty spatial clustering are mainly located in the rural areas where agriculture is the main livelihood for the majority of households. However, the spatial similarity is statistically significant in only four districts:

Moneragala, Badulla, Ratnapura and Hambantota. In areas where spatial similarities are not significant, the DS divisions have varying levels of economic prosperity due to non-agricultural economic activities such as hotels, tourism, mining etc. Diversified sources of income could result in non-significant spatial similarity.

The regression analyses on the high-high poverty clusters show that local spatial autocorrelations, which measure the strength of spatial similarity, explain a significant part of the spatial variation of the incidence of poverty. Several factors contribute to the variation of spatial dependencies of poverty in this cluster. Spatial clustering of large landholdings indicating land availability, and spatial clustering of a higher proportion of major and minor irrigated areas, indicating access to water resources for productive purposes, are associated with low spatial clustering of poverty. These two factors indicate the impacts of availability of land and access to water on productive agriculture or agricultural labour, which is an integral part of poverty alleviation strategies in the rural areas. However, spatial clustering of a high proportion of small landholdings (below 1 acre) is positively associated with poverty clustering.

This indicates that fragmentation of agricultural land into smallholdings has not created adequate income-generating opportunities, thus contributing to a high concentration of poverty. It also shows that massive investments in new schemes or rehabilitating old irrigation schemes may not alone be an effective intervention in some specific poverty-stricken areas where availability of water or land is a major constraint.

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Organisers and Sponsors

Organisers

The **Centre for Poverty Analysis (CEPA)** is a non-profit research organisation that specialises in the provision of independent analysis on the causes, characteristics and impacts of poverty in Sri Lanka. The objective is to be at the cutting edge of independent and policy relevant analysis of poverty as well as to improve the capacities of development organisations and professionals to practice more appropriate and effective ways of reducing poverty. CEPA strives for a client-oriented service that values quality and professionalism, and aspires to be a leading service provider on poverty related applied research, advice and training.

Please visit www.cepa.lk for more information.

The **Social Policy Analysis and Research Centre (SPARC)** of the Faculty of Arts, University of Colombo, provides a focal point within the Sri Lankan university system to integrate research, teaching, training, policy analysis and advocacy on critical areas of social and economic development. The centre facilitates close collaboration between academics and institutions outside the university system, including governmental as well as non-governmental agencies that are dealing with issues related to social policy.

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line than what is currently used by welfare programmes and develop a map of poverty in Sri Lanka based on the new poverty line; design and pilot a low-cost, easy-to-sustain information system on poverty; and assess the capacity and potential of the micro-finance sector to reduce poverty. The results will be used to inform policies on new and improved tools to measure, monitor and fight poverty.

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