

REVIEW

## Contemporary Land Tenure System in the North Central Province of Sri Lanka

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### Abstract

The main objective of this paper is to identify the existing land tenure system and its recent trends in the North Central Sri Lanka. The analysis is based on both primary and secondary data obtained from three types of rural settlements. It was found that the land tenure systems that remained in traditional villages, still exists.

The main changes of the land tenure system were brought about due to the colonization schemes and Mahaweli settlements. As the sale of land was prohibited, land was fragmented into pieces due to the division of lands among the successive generations.

The land of better off farmers, shopkeepers and some farmers in the village who are getting remittances from outside has not been much fragmented. The others have who do not enough lands and they cultivate in agreement of sharing the harvest. In addition, currently chena land has been used for dwelling purposes of some landless families.

The previous land tenure systems like "thattumaru", "kattimaru" etc. have disappeared now as a result of loss of unity among the family members, even though there were good relationships between financial institutions and farmers at the initial stage, when considering the credit facilities provided by the source.

**Keywords:** Land Tenure, Thattumaru, Settlements, Fragmentation of Land, Kattimaru

### Introduction

The sparsely populated settlements in the North Central Province (NCP), were established around junctions, in the vicinity of tanks and near roads. The land tenure and the land utilization systems in traditional villages that had existed even before the colonization schemes and Mahaweli settlements still exist with no significant changes. The sale of land in the settlements was prohibited and land owned by inhabitants was later divided by themselves and fragmented. At present, lands are usually allocated only to three members of a family.

The fragmentation of land is generally very high, even if the land of rich farmers, shopkeepers and some farmers in the village who get remittances from outside has not necessarily been much fragmented. Hence, their available lands are sufficient for their children also. The objective of this paper is to identify the former and existing land tenure system in the North Central Sri Lanka. The

paper is based on both primary and secondary data obtained from three types of rural settlements in the North Central Province.

### Land Tenure System

#### *Tenure system*

The important component in the land tenure system is the existence of "nindagam" (land allocated by the ancient Sinhalese kings and in colonial times by British rulers to chieftains for loyal and faithful services). Sometimes the king gave a whole village to the chieftain and the villagers became tenant farmers under the chieftain. The Buddhist temples or Vihara and Hindu devalas were also gifted land by the King and such land is known as "viharagam or devalagam". The pattern of land tenure in both of such systems is similar to that of *nindagam*. The

only difference is that *nindagam* were gifted to individuals while *viharagam* or *devalagam* were gifted to a Buddhist or a Hindu institution.

In the purana villages' tenurial problems constitute a major source of village conflict. The land that belongs under the "*praveni*" or the "*sinnakkara*" ownership would be passed down from the parents to the children. Each person would inherit a "*pangu*" or share of the land. There is no physical partitioning of land and demarcation of boundaries would be by mutual agreement. After several generations the share became a small fraction of the original. A person in a purana village would own several small parcels of land scattered in different parts of the village. The cultivation of such small parcels of land is often not economically profitable and also not feasible. A few of the chief families of the village owned large and an extensive area of village land, while the majority of the peasants either owned only small parcels of land or were landless. It is customary for a shareholder of a small fraction of a share to forego his share in favour of the bigger landowners and accept a share of the harvest in lieu of his share.

Another pattern of the land tenure is the "*thattumaru*" system. Under this system each of the shareholders (Pangukaraya) would take turns in cultivating the whole extent of land. If a shareholder for some reason does not cultivate the land when it is his turn, he has to wait for several years for his turn again. The system of "*thattumaru*" is an ingenious method to enable a shareholder to cultivate a large field of land, at least once in a number of seasons, rather than to cultivate a small extent every season<sup>1</sup>

Another system of land tenure which has often been confused, with the "*thattumaru*" system is the "*kattimaru*" system. Although many authorities consider the two systems to be identical, yet there would be demarcated parcels of land, and exercise of ownership right to that parcel of land. However, all the parcels are not equal in fertility, soil quality and therefore in productivity. To maintain an equitable distribution of both fertile and infertile or barren land the farmers shift from one parcel to another every season, on a rotational basis so that all shareholders would have a turn on all parcels. The operation of "*thattumaru*" and the "*kattimaru*"

systems forced small farmers to work as "*ande*" cultivators (share -croppers) during the period when the land was cultivated by another co-shareholder. Most of the settlers own a small share of land. Therefore, chena cultivation became important. A settler would "encroach" on a few acres of state jungle and do chena cultivation. Other settlers respect the right to the chena and intrusion into another's chena is considered a disgraceful act. Even if the chena land is abandoned another peasant would not cultivate this chena without the consent of the original cultivator.

The system of "*ande*" cultivation has led to the creation of a fertile imbalance even in the purana village. The paddy land was held at a premium and the tenancy was at the wish of the owner. The landowners used to exploit the cultivators who had neither the security of tenure nor the guarantee of a fixed or a reasonable tenure for their labour in the development of the land. Moreover, the quality of agriculture in the tenanted lands often suffered due to the insecurity of the farmers and often due to absentee land-lordism.

The traditional land tenure system in the NCP changed with the establishment of colonization schemes. This caused many changes also in land utilization and cultivation patterns. The systems "*thattumaru*" and "*kattimaru*" have ceased to exist due to the sudden changes in society, fragmentation of agricultural land and the introduction of alternative crops (in place of paddy). Except for these, factors like occupation of most of forestland by colonization schemes, abandoning of their original forestland due to various external reasons by the forest population, strict adherence to the existing laws for maintaining reservations exist. The right of cultivation of state land was granted to peasants under the "Chena permit system". The permit had to be renewed every year, and there is no security of tenure<sup>2</sup>. The pressure on the chena land caused by the increase in population led to the situation that chena cultivation got restricted to a limited land area. Another factor, which strongly influenced chena cultivation, was the uncertainty, which crept into agriculture after the introduction of the open economy. Taking all these things into account, it became evident that the chena cultivation, which was a traditional pattern of cultivation, restricted to

traditional villages, was shifting away from the "shifting cultivation form" which a few decades before existed. In addition to that, the use of modern inputs instead of traditional methods, the orientation towards an annual cultivation pattern that replaced the cultivation of cereals become evident.

Therefore, highland paddy cultivation had become popular among many farmers and an important factor here was the easiness with which land preparation could be done by the use of tractors. Even though there were three traditional paddy cultivation land areas which were associated with tanks, at present these have got reduced to two (namely "Puranawela" and "Akkarawela") and of these also the cultivation activities of Akkarawela could not be done employing tank water. The reason for this was that the tank water was not even sufficient to cultivate the Puranawela.

This change could be recognized not only in traditional villages but also in association with colonization schemes, even though the old land tenurial system and chena cultivation activities no longer existed. The other important conditions, which prevailed here, were the attitudes of youth towards agriculture, fragmentation of land, the present high level of education focusing - more attention - on non-agricultural sector and occurrence of changes of attitude. Further, like rapidly growing infrastructure facilities, growth of small junction settlements and small-scale industries and garment factory programs started under various projects, contributed to the orientation of youth towards non-agricultural sector. In addition to this many youth from agricultural villages got oriented towards jobs in the security forces due to the special opportunities made available to them.

Through the field survey it became clear that the presence of people with such extra-incomes within farmer families was a big potential for their agricultural activities. Due to such conditions, the direction of linkages, which connected the cultivation patterns of agriculture, methods of cultivation, cultivation of commercial crops, orientation of the market and labour utilization, were undergoing vast changes and through this it became evident that more-motivation work needed to be initiated.

### ***Land Ownership and Tenure System***

With the fragmentation of paddy and highlands, a tendency for mortgaging and sale was easily recognizable in all types of settlements. However, the actual acreage of land belonging to a farmer and the area of his operated land were not disclosed. This takes a completely different shape than the values of official data that had been collected at different levels to fulfil different requirements. It was possible to clarify the differences, which had thus originated through various techniques employed for the collection of data in this study.

Official data do not reflect the real situation of land tenure. The questionnaire surveys and structured interviews conducted with selected groups, individuals and key informants are the most useful techniques, which were applied. In addition, informal discussions were held with different groups and individuals in the villages.

In the three types of settlements, the land tenure is different from each other. For example, the Colonization Schemes (CSs) were established offering different size of land allotments. There are two types of Traditional Villages (TVs), the first type is the settlements that are situated around the tanks and the second type- is the settlements situated around the tank connecting major irrigation systems, although, these do not have direct access to irrigation system. Both types of traditional villages have different land ownerships. In addition, colonization schemes and Mahaweli Settlements (MSs) face land problems from generation to generation. Compared to CSs, TVs farmers faced paddy land problems, but it is not much in the case of highlands.

Land ownership, according to a sample survey conducted on 15% of the total families in selected villages, is shown in Table 1. The locations of study villages are shown in Figure 1.

Table 1. - Settlement wise land ownership in 2001/2002 in three selected villages in the North Central Province

Acre	Adhiranigama (MS)		Hatamuna (CS)		Kudapattiya (TV)	
	Paddy	Highland	Paddy	Highland	Paddy	Highland
	%	%	%	%	%	%
No land	3	6	39	23	37	9
<1	-	94	3	52	21	33
1 - 3	97	-	48	25	40	56
4 - 6	-	--	10	-	2	2
Total	100	100	100	100	100	100

Source : Ratnayake, 2007<sup>3</sup>

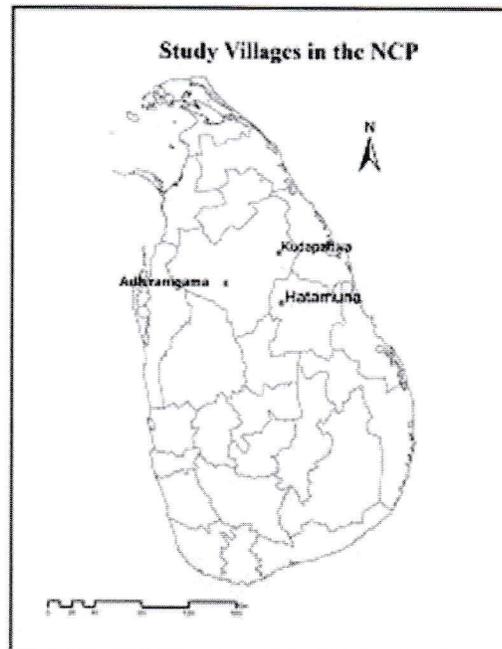


Figure 1. Map showing study villages; Reproduced from Survey Department 1995<sup>4</sup>

Table 1, shows that the proportion who do not cultivate paddy was 39% in the CSs and TVs while it was only 23% in colonization scheme villages. In the Mahaweli villages, that figure was 3% and rest of villager's owned one-hectare paddy land each. In the colonization scheme villages, 48% farmers owned three-acre blocks of land and another 10% of the total sample owned an average of 5-acre blocks of land, but in traditional villages 21% owned one acre each and 40% owned 1-3 acre blocks. The extent of the highlands as well as the percentage of landless in each settlement varied. According to Table 1, colonization and traditional villages had some similarities and landlessness in the highlands was 23% of the total sample in colonization schemes. The extent of ownership of the highlands

were more different. In the Mahaweli villages, a small proportion of the farmers are living in without highlands.

#### *Fragmentation of the Land*

As mentioned earlier, the better off farmers and shopkeepers had become owners of a vast amount of land in the village. This is clearly seen in Mahaweli settlements but less apparent in colonization schemes and traditional villages. Entrepreneurs in Mahaweli settlement had lent money to farmers and when the farmers were unable to repay them either takeover or bought their land. Thus, farmers who had lost their land continued to cultivate the same on a harvest sharing

agreement (up to about 70 bushels/ha). Since the legal ownership of that land officially laid with the farmers, the landowner attempted to keep the farmer in his grasp, through methods such as harvest sharing agreements. Through such socio-economic difficulties, which the farmers of the colonization schemes have to face, it became clear that this would lead to an unequal distribution of land.

Therefore it was possible that two classes such as landowners and labourers come into existence. A clear distinction could be made among the linkages associated with various activities and was clearly shown in the supply of labour. In addition to this, village entrepreneurs purchase lands in colonization schemes than outside traders. Further, the land in Mahaweli settlements, which were near urban centres, was purchased by urban entrepreneurs or other traders and this played a major role in changing the existing land ownership of villages. The linkages, which arose through the changed ownership, have affected the development of the region in a beneficial manner.

The discussions held with different categories of people in the villages, revealed that some were living by sharing lands with their parents, some had bought land and some encroached at first but now had received legal ownership. Most had access

to at least quarter of an acre of land. People with no access to land in the village often migrate to another village where they had better contacts. Some of the land beneficiary families had sold their lands and had left their native villages again whilst some of the settlers had sold part of the land for their emergency needs. Most of those kinds of land was bought by landless people in the villages and had thus solved their land problem. Some land had been bought by rich families in the village and by doing so, they increased the quantity of land owned by them while a few of the out side people also bought some land and some of them came and settled in the village. Specially, in the colonization scheme villages, the land was bought or mortgaged by the nearest urban centre or service centre traders (Figure 2). However, some of the people in the Mahaweli villages solved their land problems by buying some blocks of land. Most of them were encroachers initially, and after a few years gained legal ownership of that land., the traditional villagers however had no problems as far as highland was concerned. Most of the farmers were engaged in *chena* cultivation and in addition, they owned more highlands compared to MSs and CSs. First they cultivated the highlands on which they encroached and from time to time, the government regularized that land, by marinating amendments to the Land Regulation Ordinance.

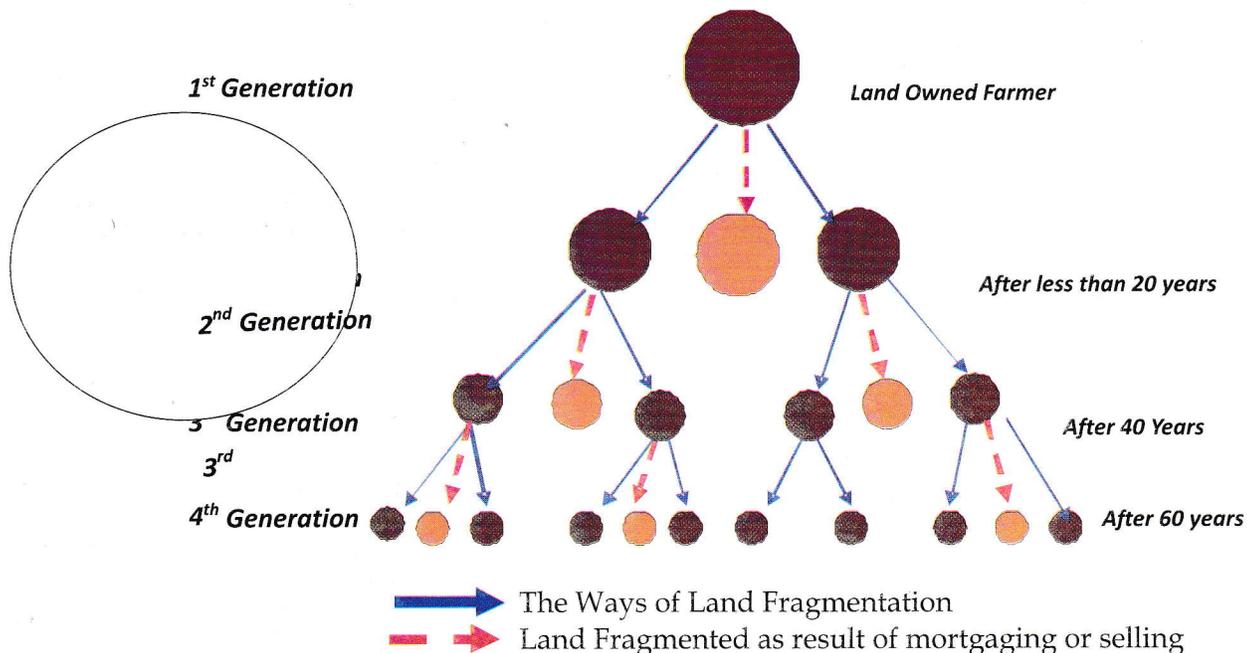


Figure 2. Fragmentation of Land in North Central Sri Lanka., Reproduced from Ratnayake<sup>3</sup>

Sometimes parents divided their paddy and highland equally among their sons. If they had no sons, the ownership of that property went to daughters. However, most of the highlands were divided equally among children. According to the survey, some of the paddy lands and highlands were shared among the children. From the paddy lands of the Mahaweli villages, 9% was shared between two children and 3% of the highland was shared between three. The paddy lands of the colonization schemes shared 3% in two parts and 6% of the highland in three parts. From the paddy lands in the traditional villages 6% was shared between two, 10% between three, four and five children. In addition, the highlands shared 10% in two, three or four parts among the children. Most of the traditional village figures were different compared to MSs and CSs.

In Mahaweli villages, the highlands were usually divided into many parts. In this manner 14% was divided between two or three children and in addition, 9% of the paddy land was divided between two or three children. In the colonization schemes however there was a different type of land tenure system. There, only very few people were sharing land.

### ***Sale and Mortgaging of the Land***

According to the survey, the farmers holding land blocks of equal sizes lived in Mahaweli settlements and colonization schemes. But, the paddy lands and highlands in the traditional villages are in low demand as those lands could be cultivated only in the Maha season and is dependent on rain. Compared to farmers of traditional villages, farmers in new Mahaweli and colonization schemes had a good opportunity to sell or mortgage their lands at a high price, as a result of the availability of adequate water to cultivate in both seasons under irrigation system. Therefore, rich farmers in the villages and outside vendors or other rich persons in nearest villages were attracted to purchase such irrigated lands, as there was potential to resell when they wanted to convert it to liquidity.

According to information gathered through discussions, 7% of the Mahaweli farmers had mortgaged only 1% of their paddy lands to people outside of the village. The most frequent reasons being illness, addiction to liquor, money

requirements of funerals, weddings, and sudden money requirement in day-to-day life. Thus, of the total, 5% had mortgaged their entire lands and the rest had mortgaged part of the land. In colonization scheme villages, 6% of farmers had mortgaged their land for same reasons. Of those mortgaged 2% of farmers had not got a chance to redeem their land again. In addition, by that time 3% of the farmers had owned only highland due to mortgaging of paddy lands. Another 6% had mortgaged 50% of their paddy land and cultivated. Some traditional villages are situated at some connect places of the main irrigation system. Some of their paddy lands also had a high demand due to water availability. In this study, one of the traditional villages selected was situated close to an old colonization scheme that had access at a few places to the main irrigation canal, and those paddy lands also had a high demand compared to some of the paddy land of the colonization schemes.

However, 2% of land allot families of Mahaweli village had sold their land and some of them had migrated to their places of origin or to neighboring villages and towns namely Galgamuwa and Matale. Some were settled in the villages without paddy land, working as labourers or cultivating land on the basis of harvest sharing agreement. In fact 25% of the farmers in the Mahaweli villages cultivated paddy on harvest sharing agreements. They belong to second-generation families and families who had lost their land in the village. Farmers in colonization scheme villages too had sold 3% of land and traders in nearest service centres and rich villagers had bought some of those lands. In addition, some of the outsiders came and settled in traditional villages for business purposes. They had purchased lands and some villagers had sold lands near roads for such purposes. Some other outside villagers had also migrated after purchasing land paying ready cash. However, all the villagers in the North Central Province had faced the problem of fragmentation of both lands into small blocks of land. Some of the efficient farmers in all types of villages and some of the nearest villages or traders in service centres in the NCP were trying to purchase or take mortgage of land. According to the sample survey, the informants had proved that these were an increase in the extent of land owned by some farmers (Table 2).

The Table 2 shows, compared to colonization schemes and traditional villages, the Mahaweli villages had a higher demand for the purchase of paddy lands and highlands on cash or mortgage. In addition, the Mahaweli villagers had greater tendency to mortgage or sell land, because some farmers couldn't manage their lands without any outside help like credit and other benefits or they

used to get loans from the village entrepreneurs or from any others moneylenders. Some others had addicted to liquor and sold or mortgaged their land due to this. Some of those farmers couldn't redeem their land. On the other hand, some farmers were trying to develop their land and obtain an income, and thereby were always trying to increase their wealth.

Table 2. - Methods of Acquiring of Paddy and Highland in Three Type of Villages in North Central Province

Acre	Adhiranigama		Hatamuna		Kudapattiya	
	Paddy	Highland	Paddy	Highland	Paddy	Highland
	%	%	%	%	%	%
On cash	9	9	-	3	-	5
Mortgage	12	3	3	3	2	5
Tanking Leasing	3	-	3	-	-	5
Total Land acquired	24	12	6	6	2	15

Source: Ratnayake and Wanasinghe<sup>5</sup>

Accordingly, the outside rich traders or farmers had migrated into the village due to purchase of lands while some of the farmers who had lost their land and landless family members had become the labourers in the village (Figure 3). Therefore, the number of labourers in the village had increased and they did not have enough sources of income except during Maha and Yala seasons.

The changes which occurred in association with the land tenurial system were directly instrumental in causing changes to the interactions, which existed between rural - rural and rural - urban, and also played an important role in forming other types of linkages. Especially, the breakdown of links of an institutional nature, which existed between farmers and the formation and subsequent increase of links at a personal level, on the whole affected most of the community in an adverse manner.

Therefore, a major thing which needs to be done, is the development of direct links between farmers and financial and administrative institutions and orientating them towards agro-based industries. This could only be achieved by placing the labour force of the village on a strong foundation. By that time, 1/3 of the families in villages, were living

without agricultural land and a major part of the labour force of the village appeared as a resource, which went waste without directly contributing towards the development process of the country<sup>3</sup>. It happened like that because rural - urban and urban - urban linkages had not developed in a clear manner.

### Conclusion

Many changes of the land tenure system were brought about due to the colonization schemes and Mahaweli settlements. In these settlements, the sale of land was prohibited and land, therefore, fragmented into pieces, due to the division of lands among the successive generations. At present, land is usually allocated to only three members of a family.

Although fragmentation of land in the settlements is generally very high, the land of rich farmers, shopkeepers and some farmers in the village, who get remittances from outside, had not been much fragmented. This is because, they have enough lands for their children and outside employers do not come and engage in cultivation but instead some of them share the harvest.

The old chena system or shifting cultivation has undergone many changes. At present, a cycle of cultivation is continually been carried out throughout the year. In addition, chena has been used for constructing dwellings for some landless families.

The previous land tenure systems like "thattumaru", "kattimaru" etc. have disappeared by today as a result of a loss of unity among the family members. Even though there were good relationships between financial institutions and farmers at the initial stage, such financial institutions have heavily and drastically reduced when considering the credit facilities provided by the source.

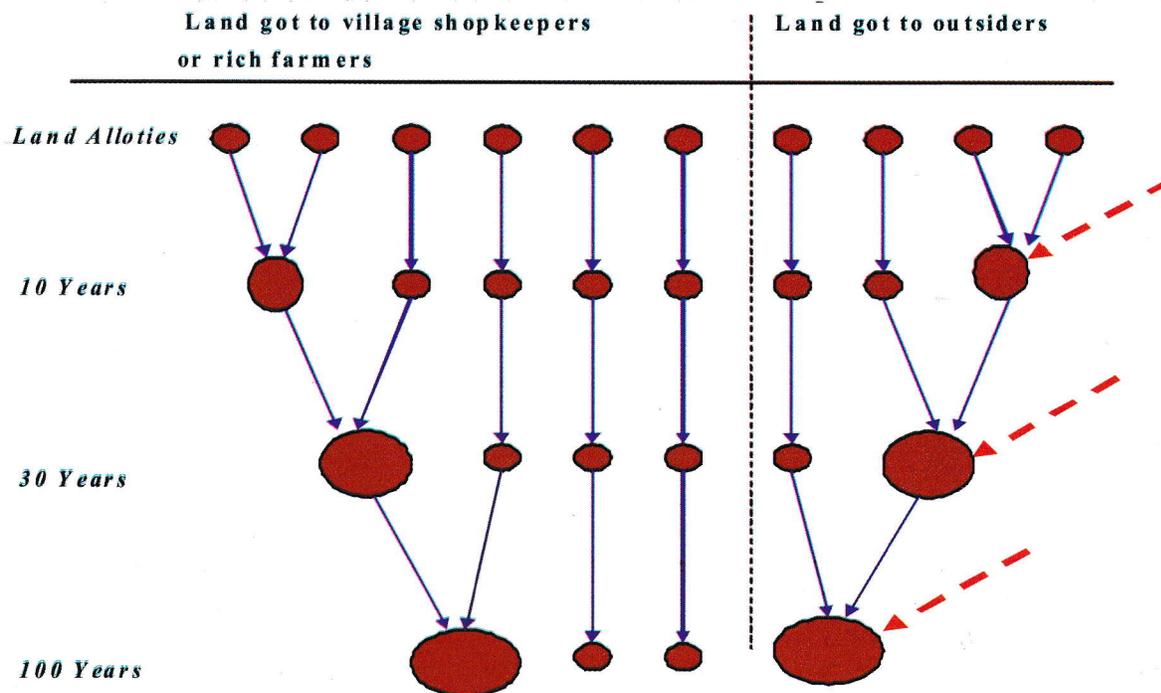


Figure 3. Consolidation of Land. Reproduced from Ratnayake<sup>3</sup>

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