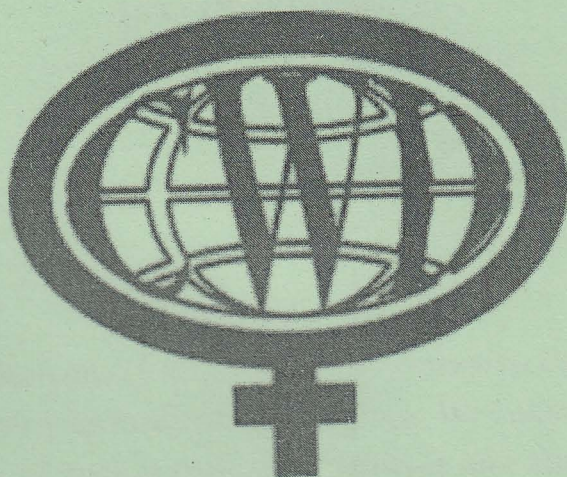


Land Rights and women in the Northern Province of Sri Lanka (Post war situation)

A Research Based Book



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Land Rights and Women in the Northern Province of Sri Lanka

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This book is written on the basis of the field research carried out with regard to the land rights of women in three specific regions. We believe that women would read this book written in such a manner to educate and elucidate the land laws related to their land rights. The focus of this book is on a particular period of time and we anticipate that there would be many reforms with regard to land rights women in the future.

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Preface

Women have been facing problems in establishing their land rights since a long time ago. After the displacement however, due to the civil war and following victory achieved after 2009 may 19 the people had to face several difficulties in claiming or establishing their land rights while the resettle process is on. The people have little knowledge about land laws. The land Administrative Structure created after the war has caused further complications for these poor people. Who were returning to their own area. The laws in operation were not helpful in any way. The area we have chosen for our field research were the Districts under District Secretaries and the District & which had accommodated the Displaced people. The study reveals that the people had not only been forcibly ousted from their area but also compelled to live in other areas. Most of the displaced people have been living in temporary abodes and this cannot be the governments solution for these people.

They have to go back to the place where they had been living. There is a need for us to make them be aware of the legal procedures required to claim and possess the lands they have lost. Several NGOs are very actively functioning in this regard. Many of them have published reports on the survey they have carried out on the land problem. It is, however, doubtful whether, these reports have reached the affected people. We believe that this book, brought out after studying the land laws in relation to the problems they face would educate them and elucidate the laws to the affected people, specifically the women who shoulder the burden of their families single handed.

Our sincere thanks are due to all those who have helped in various ways to bring this book out. We are grateful to those who have helped us in our field research. Our special gratitude goes to **FOKUS** for promoting and supporting us to carry out this research document in this needed time

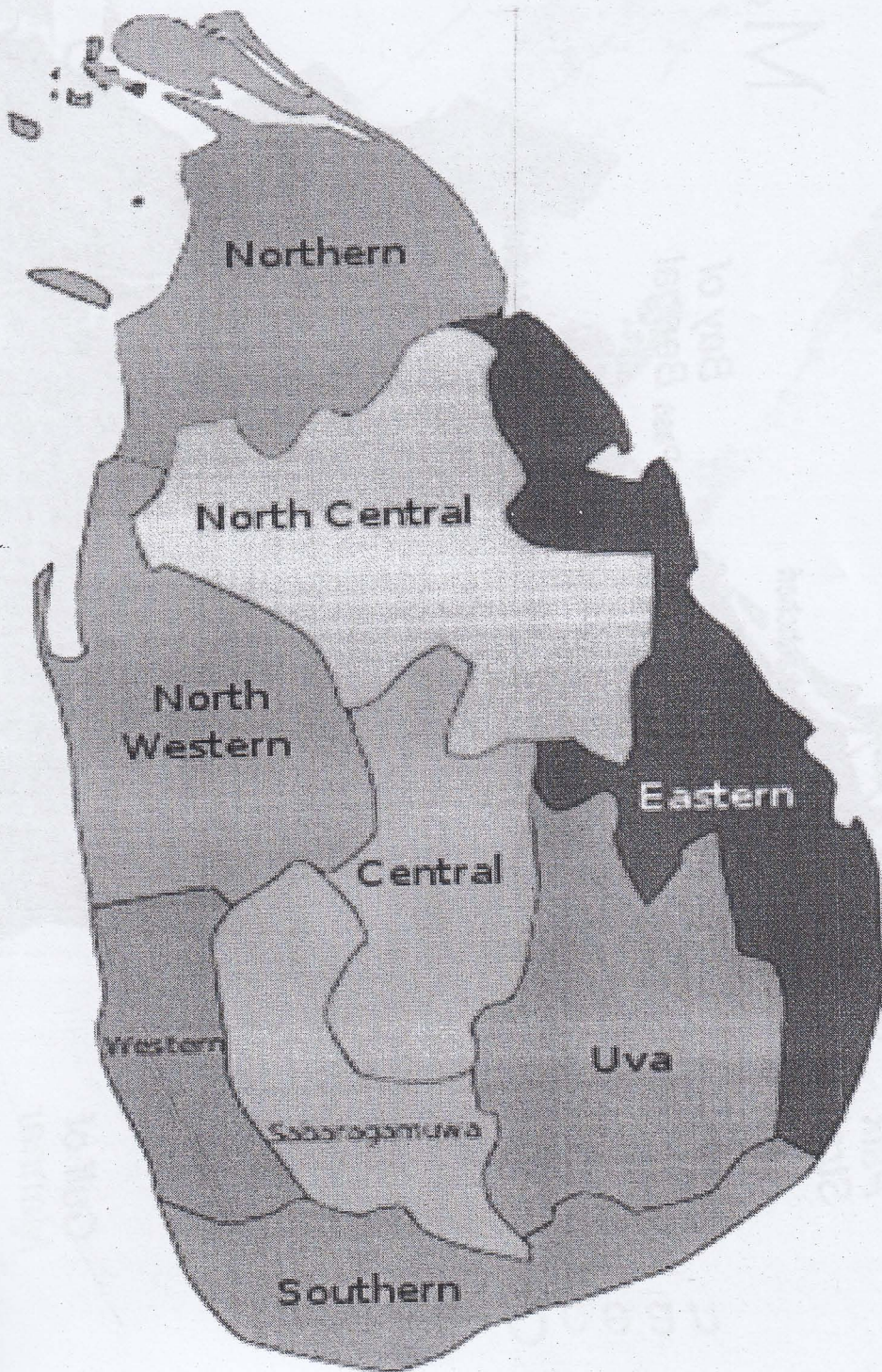
Research Summary

The topic "Land Rights and Women in the Northern Province was taken up for this study. How Could effective measures be taken in order to know the efforts made by the people to establish their rights and to improve their efforts is the basis of the objective of this study. The arenas taken for the study were under the Valihamam D.S. Division, The Island in the Jaffna District and Oddusuddam D.S. Division in the Mullaitivu District. Data collected from this study areas through questionnaires have been analyzed and incorporated. The study consists of five chapters. The first chapter has the title, the background, the objective and the research methodology etc. Chapter two focuses on the theoretical (Qualitative) approach related to land rights. Chapter three the details pertaining to the state / situation are explained with the help of tables and plates. Chapter four includes the activities of the centre for and development with regard to women's land problem.

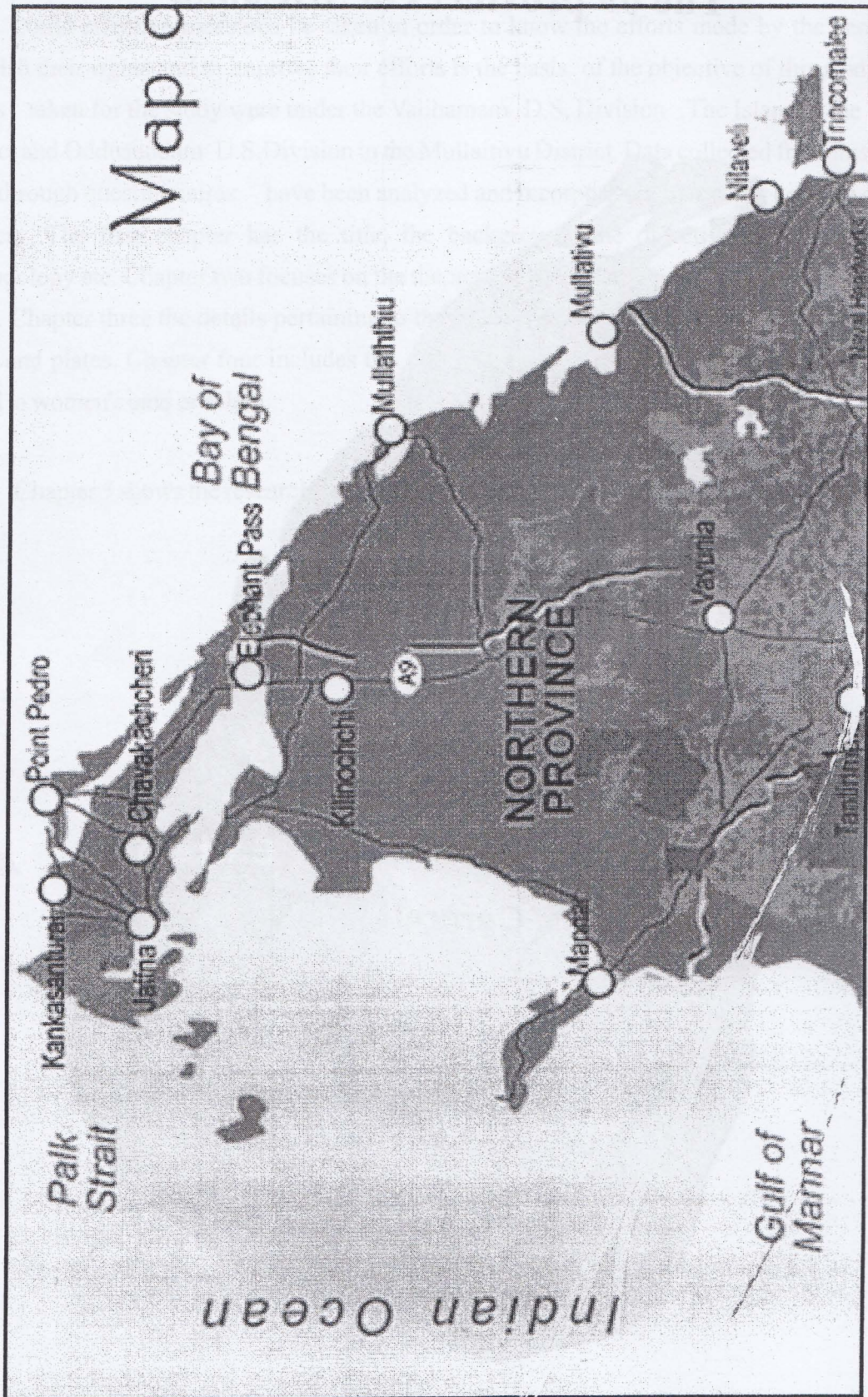
Chapter 5 shows the research methods and illustrates how it is done.

Research

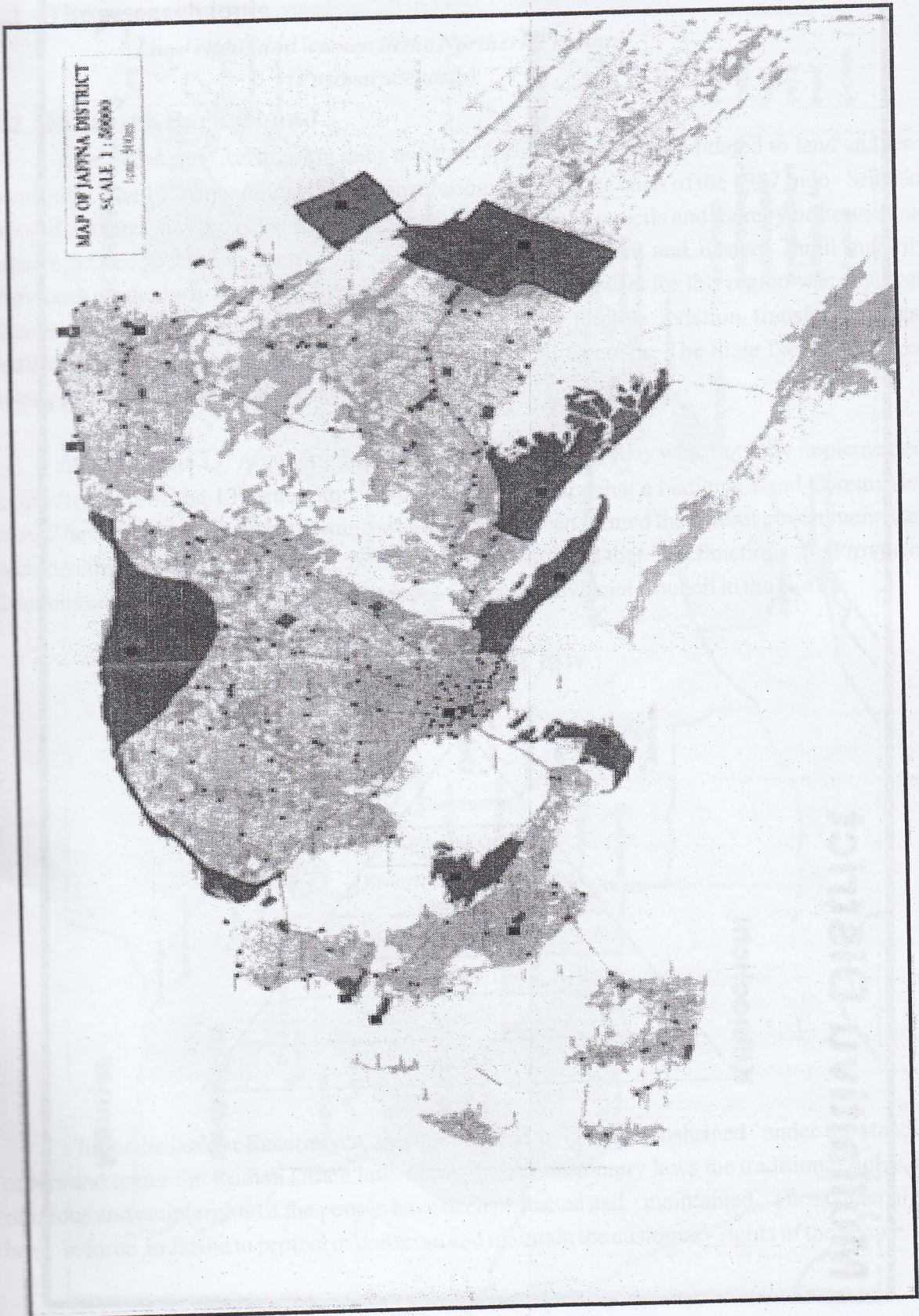
The 09 provinces of SriLanka



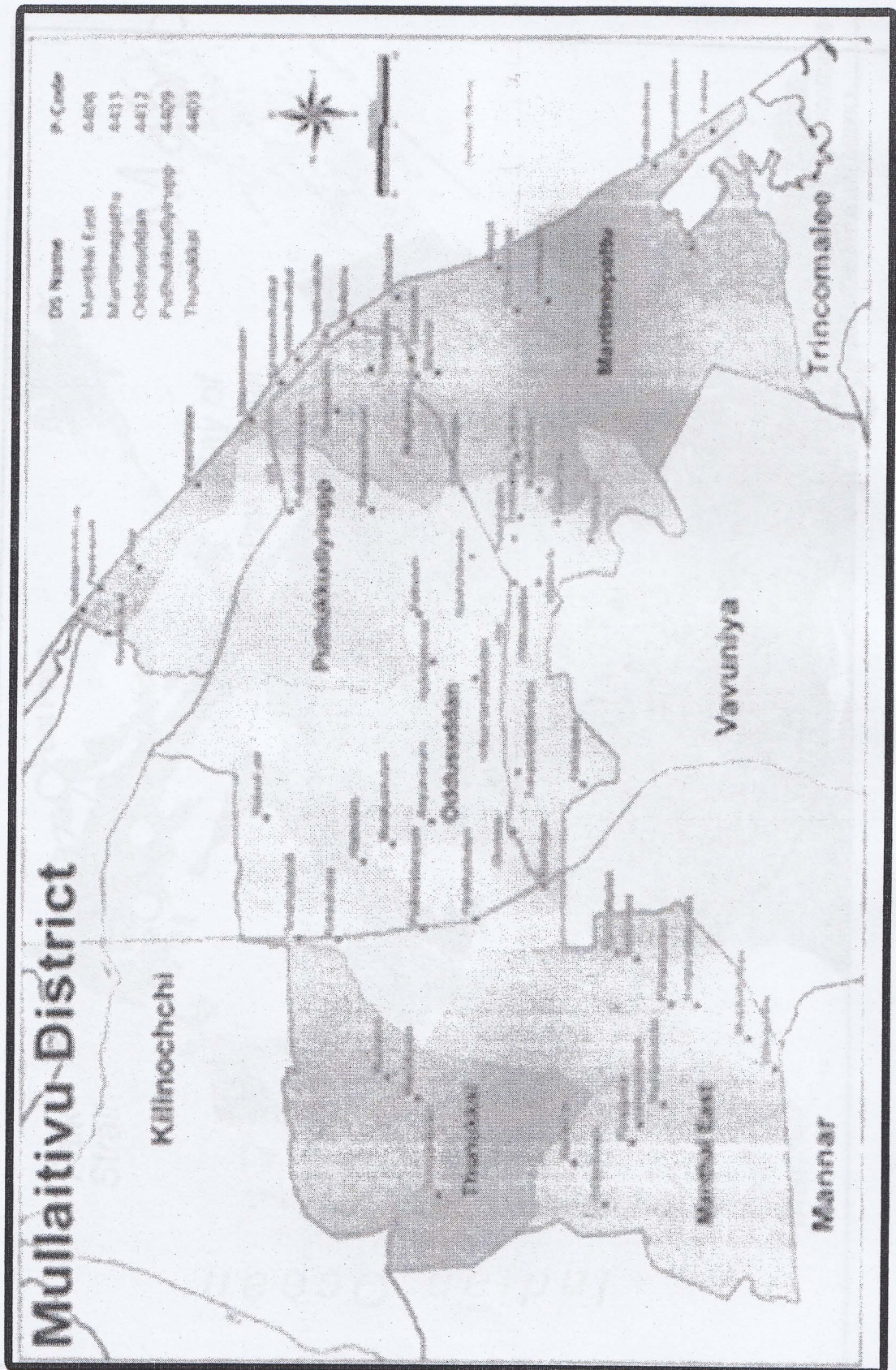
Map of Northern Province



District of Jaffna



Districts of Mullaithevu



Chapter One

General Details

1.1 The research topic

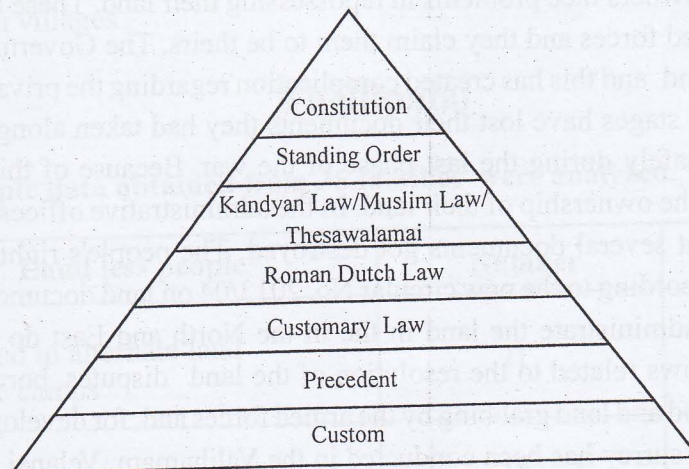
*Land rights and women in the Northern Province
(Postwar scenario)*

1.2 Research Background

The Srilankan Constitution does not state specifically anything related to land and land ownership. The 13th Amendment to the Constitution, made on the basis of the 1987 Indo - Srilanka Accord, however, has provided for the creation of Provincial Councils and thereby bestows some powers related to land to the Provincial Councils. The Northern and Eastern Tamil majority Provinces particularly were brought under one unit and the powers for this region was devolved (decentralized). Through this amendment, land rights, forcible eviction transfer land use settlement and such powers were given to the Provincial Councils. The State Lands, however, belonged to the Central Government.

Although the 13th Amendment provides for a land policy they were not fully implemented. In the Article 3 of the 13th amendment though it is stipulated that a National Land Commission should be formed and as such a commission has not yet been formed the central government itself is controlling the land policies. It should also be mentioned that The functions of Provincial Councils are carried out despite the absence of elected Provincial Council in the North.

Hierarchy of law



In the Srilankan Enactments, the laws related to land are enshrined under the standing orders and under the Roman Dutch law. Through their customary laws the traditional rights, the religious and racial rights of the people have been protected and maintained. Thesavalamai has been in force in Jaffna to protect or conserve and maintain the customary rights of the people.

After the war has ended in the Northern and Eastern Provinces the government has adopted a new policy regarding the land rights. In the absence of an elected Provincial Council the Governor who is functioning as the Administrative Officer, plays a vital role in the decisions made with regard to land. The Minister of Land and Land Development with more powers than the Land Commissioner General of Land is exercising his powers to implement matters with regard to land and resettlement at the District secretaries level and at the Provincial Land Commissioner's level. Beside this, the new circular No.2013/01 released by the Land Commissioner General with regard to resolving the land disputes of the people Displaced due riots. makes the situation clear. According to this new circular the new land policies have made great influence in the resolution of disputes.

The Mahaweli Board under the Central Government plays an important role in the land development related to the development of irrigation of Lands. The Irrigation development in the North is carried out according to Project "L" According to Act 23 of 1979 of the board Minister concerned is bestowed with the authority to create new structures related to the provision of irrigation for development. In accordance with this it has given the powers of land development, land ownership, land control land grabbing and settlement to be included in the Northern Administration.

The Mahaweli Drainage Project, Stage is 163,393 hectares in extent. Pathavia and Welioya projects also come under this. The project encompass the administration districts. Such as Anuradhapura, Trincomalee, Mullaitivu and Vavuniya. These (regions) districts.

The Liberation Tigers of Tamil Eelam possessed and used lands and houses whose owners had gone abroad (from the northern province) The state land and private land had been plotted and given to the landless family members of martyred under a permit system. When the war is over the land owners face problems in repossessing their land. These land and houses are occupied by the armed forces and they claim them to be theirs. The Government is planning to acquire the private land and this has created complication regarding the private land. The people who got displaced in stages have lost their documents they had taken along with them as they couldn't keep them safely during the last phase of the war. Because of this they are not in a position to establish the ownership of their land. In the administrative offices, particularly in the Mullaitivu Secretariat several documents got destroyed. The people's rights to their land still remain uncertain. According to the new circular No. 2013/04 on land documents, the people and the authorities who administrate the land in the in the North and East do not have adequate knowledge on land laws related to the resolution of the land disputes, border dispute, loss of documents, loss of land and land grabbing by the armed forces and for development activities. In such a back drop this survey has been conducted in the Valihamam, Velanai, and Oddusuddan areas with a view to know and publicize the right of the women about their land rights.

1.3 The objective of the survey

- ✧ To identify the problems faced by women regarding their land rights.
- ✧ To put forward appropriate and practicable solutions for each and every problem so identified.

1.4 Research Methodology

Through several reports and interviews it was observed that women faced several problems with regard to repossessing their lands after the war. The objective of this study, however, was to directly observe the various problems related to land through a survey and to publicize the problems supported by the data collected and thereby enabling the people, the land officers and the armed forces to become aware of the problems. Furthermore on the basis of the validity of the collected data providing legal guidance for the landless people for their resettlement is also one of the objectives of this study. This survey has created a common forum for the affected women to discuss their problems together among themselves and for taking further action. By making use of this report women can stress for and press for lawful, policy related changes. The District Secretary's regions chosen as samples for the survey were war affected and the people there suffered displacement several times. These Model District secretary's regions along with the problems faced by the people in regaining their lands during resettlement and while engaging in enaiting their ahodes became the focus of this study. In the Vanni region, Oddusuddan in the Mullaitivu District, in the Valihamam region Thellipalai District secretariat's area and in the Island Secretariat's area Velanai were chosen for the sample survey.

These Model District Secretary's regions were chosen for the survey focusing on the problems faced by the people during their Displacement and resettlement. Oddusuddan District Secretariat's area falls in the Mullaitivu District. The people who got displaced during the last phase of the war in the Vanni region in 2009 and stayed in the refugee camps were gradually resettled in this area in 2011. The resettled people, however, face several problems in erecting their abodes.

The dimensions of the problems of the people resettled in the Thellipalai District Secretary's area are varied and different. They are the people expelled from that area and as a result of the creation and expansion of the Palaly Army Base. After remaining in refugee camps in the boarder areas of the Army Base for nearly 23 years some of them were allowed to resettle in some of the boarder villages.

Thellipalai

Table:1 Sample data obtained from 35 families were analyzed.

Land less people	Number	Percentage
Displaced and in alternate land or in refugee camps	21	60%
Lived in rented houses	14	40%
Total	35	100%

Velanai District Secretary's area falls under the Islands. In 1991 the people of this area got displaced during a military operation and moved toward the Jaffna Town area and the Vanni region. For various reasons these displaced people did not go back to their native places. However, with the end of the war and with the change that have occurred in the country several families have got themselves resettled and those who got displaced from the Vanni region have also come and putting up temporarily in these areas. In this region though there are many bare lands that remain unoccupied but there are many people who do not own a piece of land. It is therefore clear that though the people in these three regions taken up for study confront problems with various dimensions their land related problems are common to them all. A questionnaire was prepared to study the land related problems and ownership of the displaced people living in these three regions which come under the three Divisional secretariats on the bases of the data collected by the field officers the details of the landless people were obtained and in the analysis of our survey data.

Velanai

Table: 2 Sample data of 20 families were analyzed.

Land less people	Number	Percentage
People in rented houses	06	30%
Land permit Holders	14	70%
Total	20	100%

A two days seminar was also conducted in order to obtain further details with regard to land problems. Officers who handle land affairs in these three divisional secretariats chosen for study and the Presidents of Women's Associations from these areas had been invited to take part in the discussion. Retired Deputy Land Commissioner Mr. K Kurunathan was a resource person at this seminar and he explained the land policies of the present Government. Women who had undergone difficulties discussed their problems with the Government Officers and analyzed the approaches for the resolution of their problems. This seminar has paved the way for the government officers, the displaced and resettled people and those who are yet to be resettled to meet in one place and discuss the problems.

1.5 Research Hypothesis

- In the post war situation when women head their families have had inadequate knowledge about their land rights.
- Women living in these areas under study have had inadequate knowledge about the land laws for a long time.
- The complexities seen with regard to land ownership is cumbersome to establish the women's rights to their lands.

Chapter Two

2.1 Theoretical Approach

People made laws in order to establish peace in their lives. Later the laws have begun to rule the people. Under the Legal System prevalent in Sri Lanka, 'Thesavalamai' the customary law is also one of the three special laws. As far as the Northern Province is concerned 'Thesavalamai' law is an important law and it is found to be the only law that rules the people of the Northern Province. 'Thesavalamai' law is a set of laws compiled with the help of the Jaffna Mudalis during the Dutch Rule. It is based on the customs that prevailed in Jaffna well before the Dutch Rule. 'Thesavalamai' means the customs of a Nation. 'Thesavalamai' law became a written law in 1707 under the Dutch Rule. Later in 1806 'Thesavalamai' became a law.

As far as the Northern Province is concerned 'Thesavalamai law' has been in force and has great influence since the Dutch Period. It is well known that there is a provision that 'Thesavalamai law' will be in force even though a 'Common Law' has been in practice. As Thesavalamai has an influence in the Northern Province the Muslim law has great influence among the Muslim as it the 'Kandyan Law' for the Sinhalese. These three special laws have a sway in this country. 'Thesavalamai' has a complete sway over the marriages and assets and properties of the people in the Northern Province. It is a very powerful law as far as the Northern Province is concerned. The Tamil people governed by the Thesavalamai law, however, are living without any clear understanding about this law. When it comes to analyze Thesavalamai acceptability.

- ❖ To whom the Thesavalamai is acceptable?
- ❖ This law particularly is found to be acceptable for any case (with the exception of the SL Common law)

According to Regulation No 18 of 1806, in the Province of North for resolution of or agreement for all the disputes among the Malabar residents and in disputes where one party is a Malabar resident has to be found in consonance with Thesavalamai customs and this has been usually followed.

The special Features of the Thesavalamai law

Whoever owns the immovable assets in the present five districts of Jaffna, Kilinochchi, Mullaitivu, Vavuniya and Mannar, they would be governed by the Thesavalamai law. That means a land in the Northern Province that is owned by either a Tamil, Muslim or a Sinhalese, it would come under the administration of the Thesavalamai law. No laws in Sri Lanka except. The Thesavalamai law which has a Special Privilege.

Property Law

Properties are classified into 4 as stated below under the Thesavalamai law.

1. Inherited property
2. Dowry
3. Thediatheddam
4. Rights

1. Inherited Property

An Inherited property is the property that devolves on a man or women (passed onto) when their parents die or their parental ancestors die. The Jaffna Matrimonial rights and Inheritance Ordinance No 58 of 1947 states that a property bought with the money inherited or with the money obtained by selling an inherited property would also be considered an inherited property. Neither a wife nor a husband can claim a share on their spouses inherited property. In case of their death of a person who inherits a property, it devolves on his or her children. The spouse of the deceased cannot claim a share of it.

The fact is that his dowry belongs only to the women who accepts it and if she dies interstate only an equal share of it devolves on her children.

2. Dowry

Dowry is what donated by parents to their daughter for an intended marriage or on the day of the marriage or even after her marriage. Dowry is usually donated by the father or in case of his demise donated by the mother. In the event of the demise of both the father and mother whatever is donated to the daughter by her brothers or sisters or even her relatives is also considered to be dowry. The law does not state that a dowry should be given by cash. Through cash is mostly preferred as dowry These days. It is donated through dowry deed As place of great importance is given to dowry in the Thesavalamai law. It is deplorable that the people in the Northern province governed by the Thesavalamai law do not have a clear understanding as to whom a dowry properly belongs to. It may be so because the dowry deed bears the names of both the husband and wife and it states that the property belongs to both the husband and wife. However as stated in the deed, the dowry property is the personal property of the wife. In the event of the death of her children the dowry goes back to whoever had donated it. If the dowry were donated by parents and in the event of their demise the brother of the women who accepted the dowry would get an equally divided share of it. However, if the dowry property were to be sold while the marriage is still intact the consent of the husband and his signature on the deed are required (Chellappa Vs Kumarasamy case bears evidence to this) The husband or his relatives from his side have no claim whatsoever in a dowry property. The husband however, can enjoy all the benefits that accrues from the dowry. The husband and the relatives from his side do not have any claim over a dowry house. ordinance No 1 of 1911 states emphatically that the husband doesn't have even the right to donate his dowried property to his children but the earlier Thesavalamai law had conferred this right on the husband despite the diverse imaginary views that are prevalent in the Northern Province with regard to a dowry house. If we look at the Thesavalamai law it stresses that the husband has his right to dwell in that house as long as the marriage is intact.

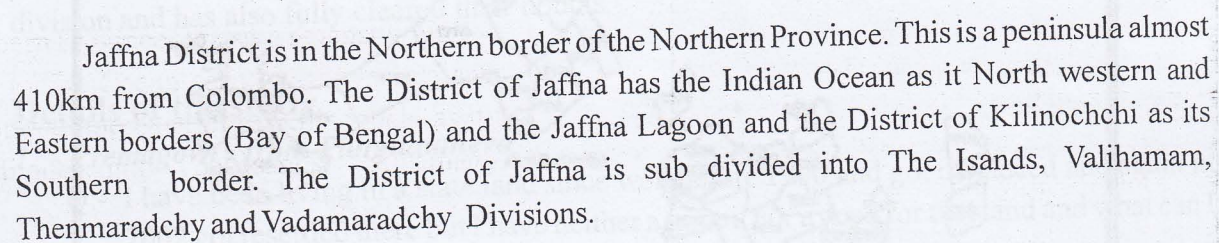
3. Thediyatteddam

When marriage is intact the property purchased either by the husband or the wife is called Thediyatteddam. In this half the portion goes to the husband and the other half goes to the wife. Husband has the right to transfer his portion as he wishes to any person but the wife covered by the Thesavalamai customary law need to get consent from her husband to sell it or transfer it.

4. Inherited property (not from the parents)
The right of the property inherited through the relatives but not directly from the parents. The owner of the property either not married or having children.

2.2 Jaffna District

For the research titled “Women and Land Rights in the Northern Province The Valihamam, The Islands Divisions in the Jaffna Disitriect and the Oddusuddan Division in the Mullaitievu Disitriect, were taken into consideration.



There are 15 Divisional Secretariat Divisions

Table 2.2.1

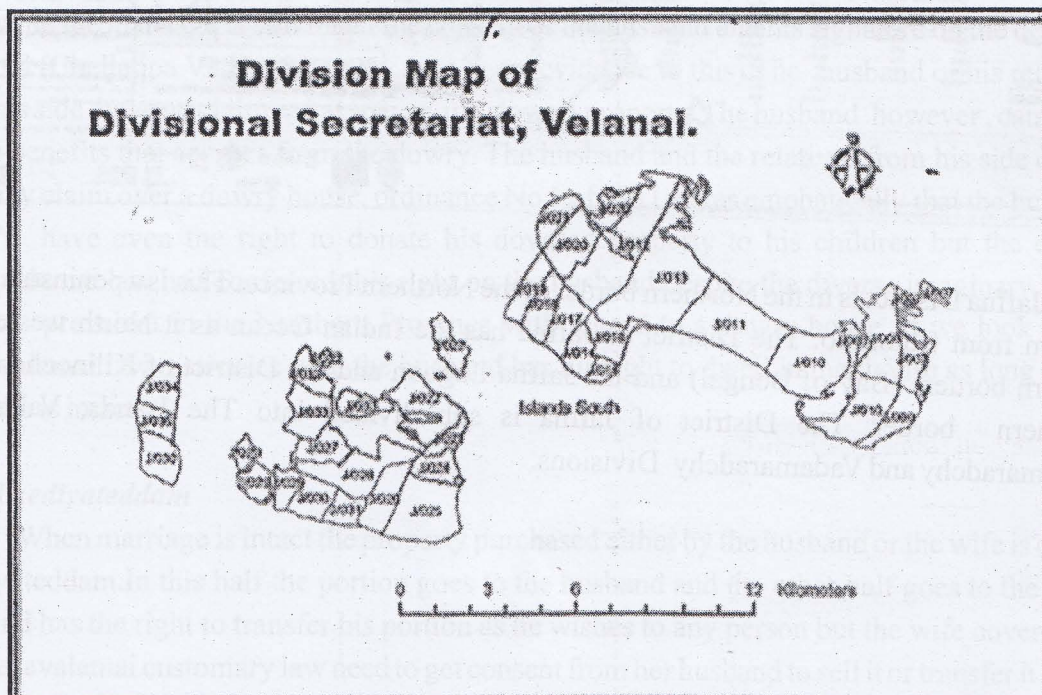
The Divisional Secretariat Divisions in the District of Jaffna and total area

No	Divisional Secretariat division	Total area in square K.m
01	Delft	45
02	The Islands south	78
03	The Islands North	30
04	Karainagar	22
05	Jaffna	17
06	Nallur	38
07	Valihamam south west	45
08	Valihamam west	44
09	Valihamam south	30
10	Valihamam north	57
11	Valihamam east	102
12	Themaradchy	221
13	Vadamaradchy south west	88
14	Vadamaradchy north	29
15	Vadamaradchy East	179
	Total	1025

2.2.2. The Location of The Velanai Division

Out of the Secretariat Divisions shown on the table, the Islands Division and the Valihamam North division are chosen for the survey.

Divisional map of Divisional Secretariat, Velanai



Velanai Division is one among the one chosen for the survey related to land problems. The displacement and resettlement in this Division differs from those of the other divisions. Velanai Division is one out of the 15 divisions in the district of Jaffna. This lies 15 KM away to the South West of the city of Jaffna. Under the Islands South Divisional Secretariat there are 30 administrative units such as Gramaniladhari divisions and the sub divisional unit of Mandaitivu, Allaipitty, Velanai and Nainatievu.

The Velanai Division is 98.4 squad kilometers in extent. This is 09% of the area of the Jaffna district. Its Northern and Eastern borders are bound by the sea on the west is the Kayts Division.

Population

The population of Velanai Division according to the 2009 census was 18,983 people from the 5621 families.

Displacement

A large number of people displaced from the Island South Division in 1990 owing to the abnormal situation that arose in the country have gone to various places. As a result of this the population in this division dwindled and many houses and properties are abandoned and damaged. With the end of the war and because of the resettlement processes now on the people of this division and those who do not belong to this division have come forward to settle down there.

The Centre for Women and Development had conducted a seminar for the women in the Velanai division. 30 women with their land related problems faced during the resettlement after the war participated in this seminar. The resource person, the retired North East Provincial Deputy commissioner Mr.Kurunathan had enlightened the women on land rights and land laws.

At this seminar he has elucidated the laws pertaining to the problems of the landless women who were dwelling in state lands, in temple lands and in private lands as well as the laws of property rights in heritage and Thesavalamai.

He has also answered questions regarding the land disputes of the people in that division and has also fully cleared their doubts.

Details of the study

1. Premagowry from Punguduthevu

Q:- I have been living in a state land since well before 1990 and got displaced and again in 2002 got resettled there but I have neither a permit nor a deed for that land and what can I do about this?

A:- You have to apply for the selection of landless people. The commissioner of land has issued a new circular. According to this circular No. 2013 /01. Your said land should not have been granted to someone or allocated for any special purpose. Those who do not have any document for their land should apply for a specimen form as stipulated in the new circular.

2. K.Langeswaran from Pungudutievu

Q:- I have lost the deed of my ancestral land. How can I get a copy of its deed?

A:- If it is the land of an individual, according to the laws of possession and the laws of inheritance it can be determined in whose (name) possession is and that person can get a deed of possession executed.

3. Nageswaran Pavanathan: From Velanai

Q:- How can the landless people be identified or selected?

A:- One should not have sold or bought a piece of land in the past. He or she should not be the only child of parents. He or she should not own a land anywhere else in his name, his wife's name or in the name of children less than 18 years of age.

Those who have put up a permanent house to live in their parents land cannot apply.

He/ She should be a citizen of Srilanka.

4. G.Vijayadas from Pungudutievu

Q:- An individual claims ownership to a piece of land that had been used as a playground since 1962. Who enjoys the right of possession in this case?

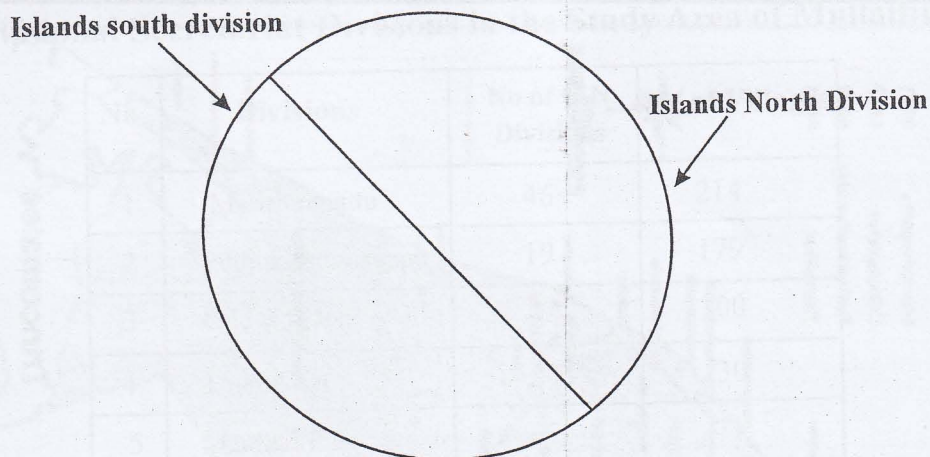
A:- If it is a state land, the local body has to claim for it and establish the right by an alienation order from the President through the Divisional Secretary. If it is a private individual's land an application has to be made by the local body to the Ministry of Land through the Divisional Secretary and the said land can be possessed, acquired and alienated. To do so the local body has to allocate the funds for the acquisitions and to pay compensation to the owner of the land. The said fund has to be deposited in the Divisional secretariat with prior permission obtained from the Ministry of Lands. If land it is a state land Divisional Secretariat could take action to evacuate him.

Land Use

If we look at the land use in the Islands Division area over 25 percent of the land is arid waste land, marshy areas and water beds. Paddy is cultivated once a year when the seasonal rains fall. As there is a shortage for water the stray cattle are a great menace. Cultivation is not found to be a profitable occupation for the people of this division because of the alternate cropping. Tobacco is cultivated in highlands as a cash crop. Palmyrah however is an abundant resource in this division.

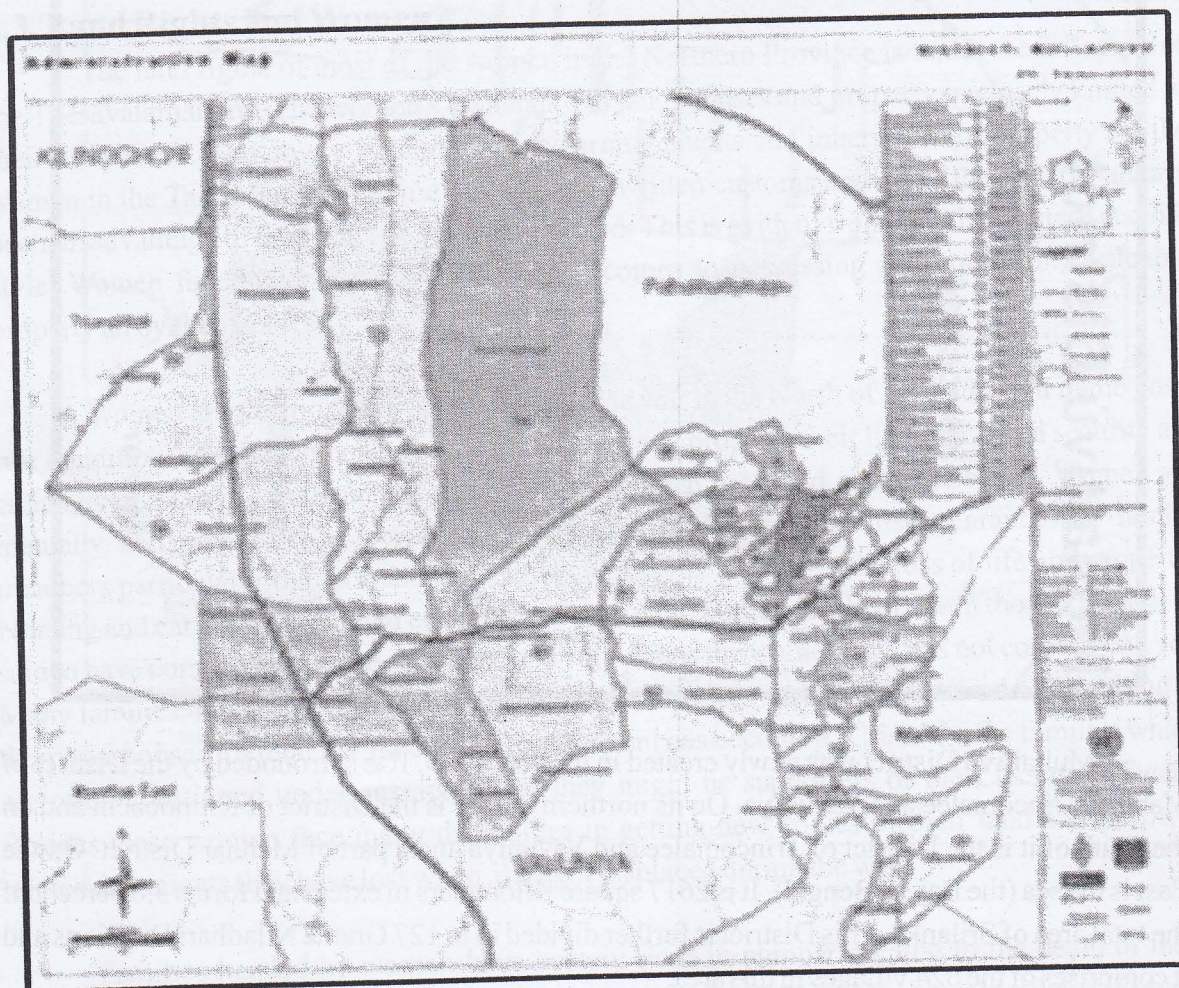
Most of the people live in their own lands within the Velanai Division limits in the Island. There are some in the state lands as well. Some lands belong to the temples. The study reveals that there aren't many land disputes in this division. After the resettlement however a few disputes with regard to the boundaries of lands and passages have arisen. 4648.24 hectare of land is found to be suitable for dwelling. According to the 2010 census the population is 18729 people. The coastal villages such as Ambikai Nagar, Cheddipulam and Kannapuram are found to be densely populated.

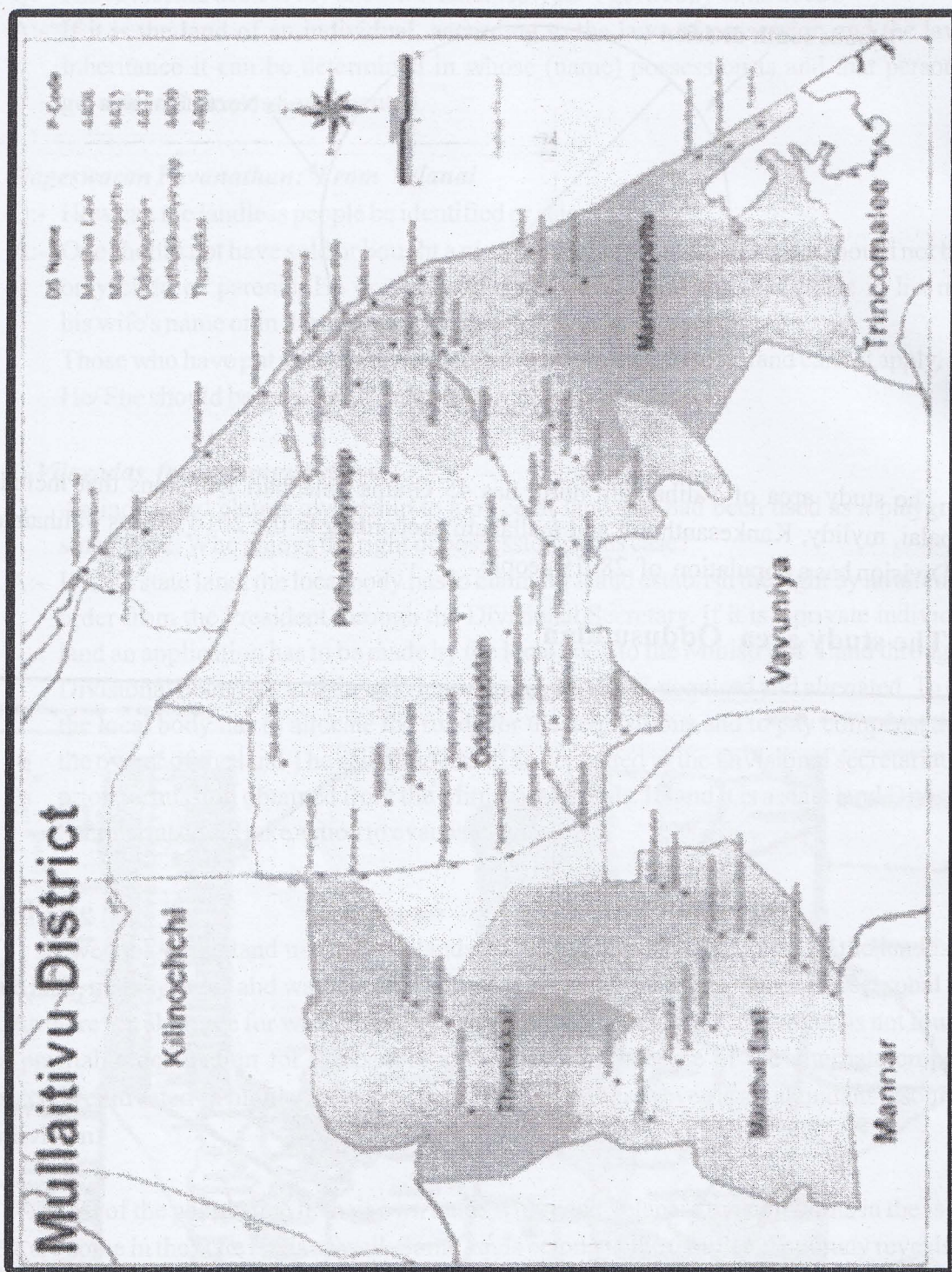
Population of the study area



The study area of Valihamam north has 45 Grama Niladhari Divisions that includes Thellipalai, mylidy, Kankesanthurai and mallaham. According to the 2010 census Valihamam North Division has a population of 28019 people.

2.2.2 The study area Oddusuddan





Mullaitivu District was newly created in the year 1979. It is surrounded by the District of Mannar, Trincomalee and Vavuniya. On its northern border is the District of Kilinochchi and on the south of it is the District of Trincomalee and Vavuniya and a part of Mannar District. On the East is the sea (the Bay of Bengal). It is 2617 square Kilometers in extent and forms 3.8 percent of the total area of Srilanka. This District is further divided in to 127 Grama Niladhari Divisions and it comprises of the 624 villages in this area.

Table 2.2.3

Divisional Secretariat Divisions in the Study Area of Mullaitivu

No	Divisions	No of G.N Divisions	No of Villages
1	Maritimepattu	46	214
2	Puthukkudiyiruppu	19	179
3	Oddusuddan	27	100
4	Thunukkai	20	30
5	Manthai East	15	71
6	Weli Oya	20	30
	Total	147	624

Oddusuddan division chosen for the survey in the Mullaitivu District is 618 sq.km in extent. It has 147 Grama Niladhary Divisions and 624 villages.

2.3. Land Rights and Women

The land rights of most of the women in the Northern Province is under the influence of the Thesavalamai law. The women's ownership of land, houses and property is closely knitted to their life pattern. The dowry system marriage arrangements and inheritance of property for the women in the Tamil Society are maintained as unwritten customs and all of these have always been disadvantage to the women over a long period. This is evident from their life pattern and life style. Women face several challenges when it comes to possessing and controlling valuable property all by themselves.

Women are the most affected by the intense war in the North of Sri Lanka and in the post-war conditions. As the women have lost their lands and property their livelihood and security are endangered. During the war and after the war women have had many set backs. Women are mentally and physically affected by incidents of abduction and disappearances of family members particularly the husbands and male children as well as by the loss of life and property. Nursing and caring for wounded children had been a big burden for them. Even though the war is said to have come to an end the problems and confusions the women face has not come to end yet. Many families, including young girls and boys are staying in other places instead of resettling in their own houses for their own security. Resettlement has become a 'Crisis' for the families which are often questioned under suspicion that they might be supporters of the Liberation Tigers. Besides these women face many difficulties in getting new copies of their land and property related documents they have lost when they got displaced during the war.

Families headed by women have acutely risen in number owing to the death of their husbands during the war. Records show that 40,000 women in the North are widows. Figures

show that 29,000 women in the District of Jaffna are widows. A large number of women shoulder the responsibilities of their families all by themselves. The acceptability of women heading their families pose a challenge to the women. Women are constrained all of a sudden to carry out the duties so far shouldered by men. Besides these they are also burdened by the injured, the mentally deranged, the aged and the feeble ones in their families.

MASSIVE PROTEST IN MULLAITIVU AGAINST THE LAND GRABBING BY THE GOVERNMENT



Problems faced by women in getting their land rights

Resettlement of the displaced families for three years after the war has not come to an end. Land mines are cleared in many war zones and the chance for resettlement are becoming higher. However, resettlement, identifying and consolidating their lands have caused many problems for the women. Though three years have rolled on after the war had ended (2009 May) the presence of Police and Army in the North has not yet been reduced. Resettlement has not begun in some lands that are ready for this purpose because the Army has put up many camps and check posts. In the Jaffna Peninsula over 30000 persons (as recorded in the Divisional Secretariat) have been evicted from the areas closer to the Palaly Army Base after declaring that area as a Security Zone. People evicted from these areas were kept in 14 Welfare Camps erected in the high Security Zone borders.

The people who had spent nearly 23 years in these camps staged agitations requesting the Government to see that they are resettled in their own places but all their efforts has ended in smoke. In 2011 people of the villages of Viththahapuram, Ilavalai and others closer to the borders were allowed to resettle in their own places. They found that their dwelling places, houses and valuable trees had been destroyed and the places were overgrown with bushes and thorny thickets. They faced great hardship in converting those places into dwelling compounds

once again. Women couldn't cut down the trees or clear the bushes or put up the huts all by themselves. They continued to live in sheds erected here and there and they are driven further into penury, Excluding those who got resettled in their places, there are 5700 families which are still hesitant to go back to their own houses and with no places for them to live in have found refuge in the houses of their relatives and leading a dependent life.

With the changes occurred after May 2009 the A9 main road that links Jaffna to the other areas and remained closed so far has been opened. On both sides of the A9 road the houses and shops have been demolished and army camps are erected. These camps are a threat to the resettled women heading their families and there is a sense of insecurity. Reports made after a survey reveal that women who live near army camps are sexually harassed and affected. Women are scared to speak out though such incidents have occurred. It is known that many NGO's are having discussions on the strategies that could be adopted to empower the women to prevent such violent incidents by creating some groups against sexual violence among the resettled women who live in fear. In the North figures from the incidents recorded by the groups against the violence against women and by the Centre for Women and Development show that many young women have been sexually assaulted and made pregnant. Though the Thesavalamai law in Jaffna safeguards the women's right to property whenever a land is to be transferred in the name of someone else or to be sold, her husband's written consent has to be obtained. In the absence of her husband or in case he refuses to give his consent women can sell their land only through a court order. (Even in this special law of Thesavalamai women's rights are denied) As long as her marriage is intact a women cannot transfer the property her parents have donated to her, to another person without her husband's consent. But it is not so in the case of a husband. If the parents die interstate the land or property devolves on the eldest son. This law is incorporated in the Land Development ordinance. For the women equal rights are denied here. A women, even if she is the eldest in the family the land right devolves on the eldest son.

When the post - war scenario is scrutinized it is not evident that the situation with regard to the ownership of land, possession and control of property has changed. Such changes can be effected only through policy changes and changes through legal enactments. Besides that, it is possible only when the Government offers positive co-operation with regards to the land problems of the people.

2.3.2 Resettlement

Owing to the 30 years of war and due to the last battle fought during the month of May 2009 hundreds of thousands of people in the Vanni area got displaced left their homes and lands and become refugees. Some others sought asylum in other secure places and in countries overseas. Resettlement efforts were begun when the war was over. It was at this stage that the people faced various problems related to their lands.

International Humanitarian Regulations say that the internally displaced people should be resettled in their own places as they wish.

The Government that should abide by the International Human Rights Regulations and the Humanitarian Laws, however, is not steady in its stand with regard to resettlement.

The army stated that 1185 people belonging to 361 families who stayed in the Menic Farm, where the highest number of refugees lived after the war, have been sent to their own places after the closure of the farm. Of these, only 251 families were taken for resettlement in their own place named Manthuvil. The rest of them - 110 families who belonged to the village of Kepapulavu, were not resettled in their village of Kepapulavu. But diverting their attention they were taken to a jungle area in Seeniamottai despite their obstinate demand to be resettled in their own places. These people are frustrated and no arrangement what so ever has been made for their resettlement.

The future of 30000 people displaced from Jaffna is uncertain As land owners evict them they are driven to the street.

The land owners are compelling the people who are putting up in temporary camps after they had been displaced from Valihamam East. A private land owner in Uduppiddy has recently forced the refugees from Valihamam putting up in his land to vacate. This has caused great difficulties to the displaced people while the Government is going to acquire the lands of people of Valihamam North.

(Thinakkural Jun-11)

2.3.3 Reconciliation

Though the Government states that after the war peace prevails in the country and there is reconciliation among the people of different races it is contrating the situation that prevails. The army has grabbed the lands of the people and stationed there and they also interfere in the civil administration This is not all Conducive to the reconciliation. the Government Speaks about. From Palaly to Mullaitivu, Kilinochchi, Mankulam, Kanakarayankulam to Sannar mullikkulam in Mannar, District, the Army has grabbed the fertile land and they themselves are engaged in cultivation around the camps they have erected there. People cannot engage in any activity without the interference of the army. The resettled people, therefore, are unable to discharge their social and spiritual duties independently. Even though Government says that peace prevails in the country the true picture shows that law and order has not properly been established in these areas. Unlawful activities and abuse of women and children are on the increase. Land grabbing and the deprivation of jobs and occupation by the people from the South and several other such activities can be seen in many dimensions.

2.3.4 Army Camps

Most of the Head Quarters are located and Divisions of the SriLankan army are stationed in the North and the East. Under the Jaffna Head Quarters are the 51st, 52nd, and 55th divisions. The 57th, 65th and the 66th divisions are in Kilinochchi. The 59th, 64th and 68th divisions are in Mullaitivu, the 54th, 56th 61st and 62nd divisions are in the Vanni District. Besides these 16 divisions there is also an STF division in the North. Further more the Special Forces of 53rd and 58th divisions are also stationed in the North. A 19 division strong armed forces are stationed in 35 percent of the total extent of the land in the North and East.

2.3.5 The recent stand of the government with regard to the lands

The Government is taking action to acquire 6381 acres of land in the Valikamam North Division for the construction of Army Camps. There are 24 Grma Niladhari Divisions within the said area. The land owners are very firm that they are not going to comply with the Government request or command. The notices put up about these land acquisition say that these lands have not been identified by the owners. The people say that this is incorrect but the government says that they are carrying out this task under Act 2 of the Land Acquisition Law.

“ Allow us to go to our own soil. If not, We will go to our lands with white flags and return.”What we want is our own soil. We have been patiently waiting but they have dragged on for 2 years.

Thinakkural 17.3.2013

Not only in Valihamam East Division but also in other places the lands of Tamils have been grabbed. 6000 people ejected from Sambur now stay in Kiliveddi, Mantchenai and Mutur camps. In Mandaitivu the Army has grabbed 600 acres of red soil garden area. These are cultivable lands. Further the displaced people have not yet been resettled in Paravippanchan, Maruthunagar and Iranaitivu in the Kilinochchi District main land 1800 families have not yet been resettled. In the Mullaitivu District, 3000 Sinhala families have been settled in the lands that belong to the Tamil people of Kokulai and the areas nearby and they have been given deeds (Nayarithamurippu, Vannankulam, Ooradikulam, Thaddamalai kulam)

The traditional Tamil areas and villages such as Panaiyandankulam, Eriththakalu, Munthrikaikulam, Sarkaraiveli, Mariyamunai, Ilanthaimunai, Puliyamunai, Vaththmadu, kamankulam, Amayankulam, Sinnakkulam, Pariyanaru, Alangkulam, Pulipainthakal, and Ceylon Theatre etc are being given new Sinhala names as Janakapura, Welioya and the Sinhala families are settled there.

(Thinakkural 24.4.2013)

Protesting the Governments move to acquire 6381 acres of land in the Valihamam North, 1400 petitions have been collected and case was field by the Lawyers in Jaffna. The case was taken up for hearing in the Supreme Court on 12.06.2013 before Justice Sripavan and Justice Santhiyakeddige. Justice Sripavan adviced, Salinthira Fernando, the Deputy Solicitor General who appeared for the state to review the immediate acquisition notice (order) of the lands to be acquired under the land acquisition law Act 39 A.

When the people are not allowed to go to their own lands while the resettlement process is on has caused great frustration among the people and has also created many social problems such as prevents the people from rebuild in their economy. At this juncture the reconciliation efforts of the Government remains uncertain.

Chapter Three

3.1 The ground situation in the survey area.

Oddusuddan Division

Centre for Women and Development conducted a seminar for the women in the Oddusuddan division. 39 women with problems related to resettlement in their lands after the war participated. Resource person Mr.K.Kurunathan, the former North East provincial Deputy , Commissioner of land , explained to them about land ownership and land laws.

He has answered many questions related to the peoples land problems and has also provided legal advice to the problems of women facing land disputes in case they are landless or they are settled in state land, temple land or private land and also their problems about land ownership, inheritance, and Thesavalamai law.

MANKULAM

Table 3

Data samples from 30 people were analyzed

Landless	Number	Percentage
Land transfer	03	10%
Land Deeds Lost	07	23%
People who lost their lands	07	23%
Permit Land	06	21%
Alternate Land	07	23%
Total	30	100%

Q & A of land problems of the Mankulam People 20.10.2012

1. P. Ambihapathy, - Oddusuddan

Q:- Can we execute a deed of possession for permit land?

A:- No, it is not possible. It has been done so for certain lands purely for getting money. If you trace for the registration of these lands, (you would find a note saying that, "searching for registration is obtained".) These are unlawful matters. One is liable for 6 month jail or fine of Rs 50,000 for committing such an offence.

2. G.Nishanthini, - Mulliyawalai.

Q:- Can we sell a permit land?

A:- A permit land cannot be sold or transferred to someone for money under section 169 of Land Development ordinance.

3. **M.Parwathy, - Mallavi North (Mangai Kudiyiruppu 194 families)**

Q:- Another person claims ownership for a land where we have lived for 20 years. Can I file a case against him?

A:- If you have a permit for the land it is your case is stronger. If you are certain that the claimant has no permit for the said land you can file a police case in the primary Court under the primary courts Act section 66 and this prevent him from causing damage to peace and from encroaching the land.

4. **L.Jeyamani, - Mallavi North**

Q:- How would the people be chosen for the Distribution of land to the landless?

A:- According to land laws, application to the landless people should be submitted through the Divisional Secretary and the landless would be chosen and final list of names would be released. After that those whose names are in that list would apply for a "Land Kachcheri" and when it is held and the lands will be plotted property and names would be chosen by casting lots for the plots. These lands should have the facilities for dwelling,

- Water facilities
- Transport facilities
- Not be allocated for the state use.
- Not an encroached -land all these should certified by DS. office

5. **M.Subashini,-Mallavi North**

Q:- How could the landless people be selected?

- Those who have not bought or sold a land earlier.
- Should not be the only child heir to the parents should not have a land anywhere else in his, his wife's or his children's name (under 18 years)
- Should be a citizen of Sri Lanka, Should be over 18 years of age should not live in a permanent house built at his own expense in his parents land.

6. **Markandu: -Katsilaimadam Oddusuddan**

Q:- What is the extent of a permit land allocated for a person?

A:- According to the land Commissioner's circular 2008/04

6 perch land per person is allocated if it is in the Municipal Limits 10 perch if it is in the Urban Council Limits, 20 perch if it is in the D.S decision. In a D.S Division, however, 80 perches could be given both for dwelling and horticulture purposes and if it is only for horticulture one acre is given.

7. **Sita - Thunukkai Road, Mankulam**

Q:- What is the extent of the reserved land?

A:- According to regulation 99 12 (15.10.1948)

1. I chain (66 feet) on both sides of a 15 feet wide channel.

If the channel is less than 15-50 feet wide chain (198 feet) on both sides /inclusive are reserved. Nobody can claim this reserved Land. This is 15 times of the perpendicular

height of the reservoir (that can be measured at the slice of the reservoir) from the base of the reservoir's bund extends towards the land. The reservation for road is 33 feet on both sides from the centre of the road.

2. The reservation for sea beach is 300 meter away from the furthest pounding waves (from the coast where green plants grow)

8. N. Devika, - Thunukkai Road, mankulam.

Q:- Can I claim my mother's lands?

A:- 1. If it is a permit land with the heir's names stated you can claim your mother's land.

2. According to land Development law (ordinance) Regulations of schedule 3 the following persons can claim ownership if the heirs are mentioned in the permit.

3. Son, daughter, grandson, granddaughter, father, brother, sister, uncle, aunt (blood relation, nephew, niece. A Husband or wife can transfer the land to their spouse through inheritance.

4. When a person dies interstate (without stating who the heir is) the land right devolves on the eldest son of the deceased. In case the parents die interstate the land right devolves of the deceased on the eldest son. If there are no male children then the land goes the eldest daughter. But if the spouse of the diseased is still alive he/she has the right to live in that land unto death. After his/her death the eldest son can claim ownership. If the spouse is stated as the heir of the deceased then the right to own the land devolves on his/her. If the heir (spouse) marries again he loses his right to that land.

9. G. Nisanthini,-Mulliyavalai,Thanneerootu.

Q:- What is Thesavalamai Law?

A:- According Thesavalamai law a husband has nothing to do with his wife's land. This law is applicable only to the Districts of Jaffna, Killinochchi, Mullaitivu and such Northern region.

10. S. Sakunthaladevi,--- Ganeshapuram, Oddusuddan.

Q:- What is the total extent of land a person can own under the land ceiling Act?

A:- Only 50 acres highland of which 25 acres of paddy land.

3.1.2 Thellipalai Division



The Centre for Women and Development conducted a seminar for the women in the Thellipalai Division. 34 women with land related problems after the resettlement participated in it. our resource person Mr.K.Kurunathan, the retired North East Province Deputy commissioner of land. Elucidated the participants the laws related to land rights.

During this seminar he has provided legal explanation and given answers to questions related to the land problems of women, their land right, inheritance, Thesavalamai law and the land problem of the people of that Division now living in state lands temple lands., and private lands and the landless. He has given complete explanation to their doubts regarding their land right.

Survey (study) details.

➤ **Sharing wells.**

01. Piraveena -Thellipalai

What is meant by passage to water? What is the extent of it?

1. Passage to water means the foot path to enter the land where one has a common well he shares with another person and also the cannal for watering his/her land from that well.
2. The cannal is 3 feet wide.
3. The foot paths are also 3 feet wide. (This is the minimum)

If the beneficiaries had earlier been using a passage to water wider than this (said 3 feet) they are entitled to do so.

02. S.Thanihasalapathy, -Thellipalai

Q:- If a person lives continually for more them ten years in a land or cultivates that land for more than 10 years does he get the right of possession?

- If a person possesses a private land for over ten years without the land owner's infringement he has the right to own the land. But if the owner of the land was below 18 years of age the person who used the land has no right to own it. If the land owner was 18 years of age when the land user took it over for his use and if the land user continues to use the land for more than ten years after the owner had reached the age of 18, then the user is entitled to own that land. But if the land user posses a state land for however long a period he doesn't have the right to posses it or own it.
- If the owner of the land lives overseas or has been displaced the user cannot posses or own that land. The person who is of unsound mind cannot posses it or claim ownership to it.

03. K.Sivanayagam, -Thellipalai

Q:- What is Thesavalamai law?

A:-Those who are born in the Northern Province are ruled and influenced by the Thesavalamai law. According to this law the land owner has to ask the neighbors if they are interested in buying his property before he sells his land to others.

04. K.Muthukkumarasamy, - Thellipalai

Q:- Can a person living in Jaffna donate his land to someone who is living abroad?

A:- If the donee accepts he can donate his land but the donee should be a citizen of Srilanka.

Q:- Can a person living abroad sell the land donated to him in Srilanka?

A:- Yes, he can send a power of Attorney to someone in Srilanka with a recommendation from the Ministry of Foreign Affairs of his adopted country through the SriLankan High commission in that country and get his land sold. The power of Attorney is valid until the person who vested the power lives.

05. Manoharasa,-- Thellipalai

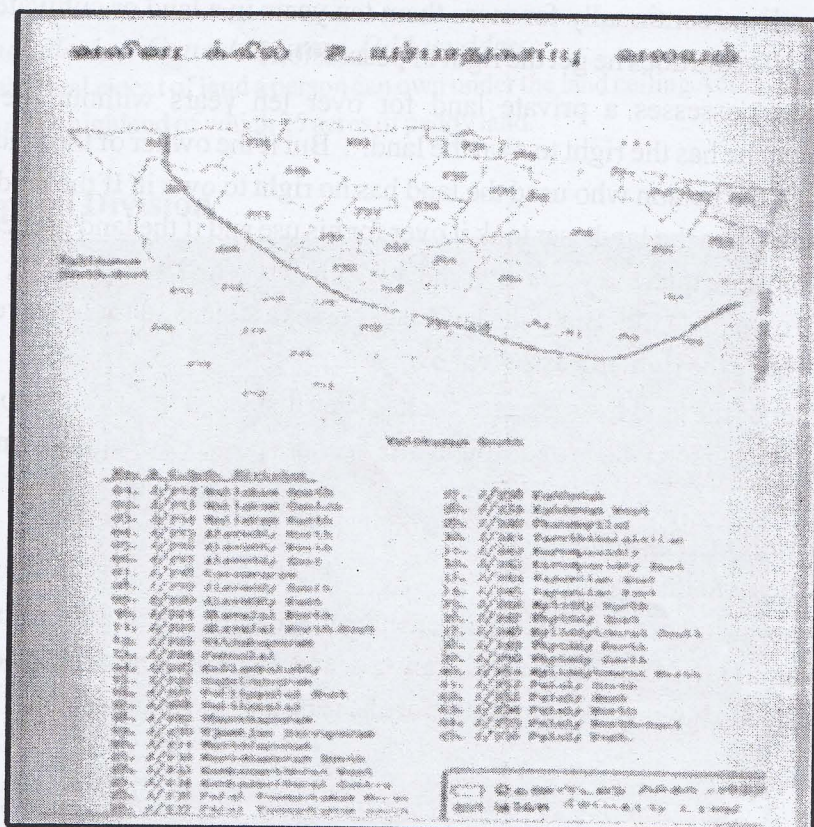
This related to mortgaging a land. In case a mortgaged (out right) land could not be redeemed and if the mortgagee acquires the land for the non repayment of a sum of money that is very much lower than the worth of the said land the mortgager can go to courts and get a solution for the dispute.

1. *R. senathirajah -Thellipalai.*

Q:- Who are the ones who can get a land under the I.D.O law?

A:- The educated youth can get the educated youth land with an annual income below Rs 2,611,120 and the Government Servants with an annual income of over Rs 261120 land is given on long term lease under the Government law.

In Thellipalai Division, areas where resettlement has not been done.



G.N DIVISON WHERE RESETTLEMENT IS NOT COMPLETED

1. Kankesanthurai west
2. Kankesanthurai south
3. Kankesanthurai Center
4. Thenmayilai
5. Kurumpasiddy
6. Mayiliddyththurai south
7. Mayiliddyththurai North
8. Thaiyiddy East
9. Thaiyiddy North
10. Myilidy North
11. Palaly South
12. Palaly East
13. Palaly North
14. Palaly North West
15. Palaly West

G.N. DIVISIONS WITH 50% OF THE AREAS NOT RESETTLED.

1. Nakuleswaram.
2. Palaiveemankamam North
3. Palaiveemankamam South
4. Kadduvan
5. Varuththalaivilan
6. Kurumpasiddy East

3.2 Landless people

Many families without own lands or even small plots have been identified in the Northern Province. Owning a land means possessing the legal documents for the said land. During the war time the lands were controlled by the Liberation Tigers and because of this several land transfers occurred under various situations and there by land ownership changed lands. With this document changed lands the ownership of lands has become a big problem. eventhough the displaced people who are willing to get resettled in their lands posses their relevant documents they are unable to enter their lands because of the transfer of lands that had occurred during the war time.

Displacement of people during the war has created several changes full of complications. The interference of many officers, the circulars released by the government time to time and the control by the Army Officers etc have created many stumbling blocks for the displaced people to claim for and to get back to their lands. These details are revealed by the field survey carried out by the Centre for Women and Development . A lot of information has been gathered through this field survey. The LTTE had plotted the state lands and even permit lands and settled people there and those people owned those plots of lands temporarily now claim those land to be their is because they have lived on these plots for a long period. Several people of this nature claim ownership for plots of land for various reasons. They, however, do not have any legal documents to establish their claim and ownership. And therefore the reasons they state for their claim for ownership are

not worthy or acceptable.

As a Provincial Administration has not yet been established in the Northern province and because a Land Commission has not yet been formed so far the land problems or disputes have not yet been lawfully resolved. When the Vanni region was under the control of the LTTE (before 2009 May) the state lands were plotted and allocated to several families and the families of their martyrs and their fighters. These plots of lands had no legal documents. Most of these land areas came under the Army control with the end of the war in 2009 May. As these areas are under the army control they are being utilized for their needs. For example, in the Kopay area where the LTTE had their graveyard for their martyrs in a 52 lacham plot has been given to the Army for erecting their camp with the approval obtained at a committee meeting held for the coordination of the Divisional Lands.

Furthermore, many people had settled in the Vanni area when they got displaced as a result of the Military operations carried out in the Jaffna Peninsula in 1995 and in 1991 in the Islands. They were not given any document for land rights. Those displaced people have been living in the Vanni area for over 10 years. Even though they do not possess legal documents for their lands their dwelling places are there in these plots of lands. "Can these people be considered landless people?" is a question that has arisen now.

People gathered in Kilinochchi Against the Governments Land



உகயன்

27

**அரசின் நில ஆக்கிரமிப்பை எதிர்த்து
கிளிநொச்சியில் திரண்டனர் மக்கள்**

கிளிநொச்சி, 27.05.2010 - அரசின் நில ஆக்கிரமிப்பை எதிர்த்து கிளிநொச்சியில் திரண்டனர் மக்கள். இது தொடர்பாக அரசுக்கு எதிர்ப்பு தெரிவித்து மக்கள் கூட்டம் நடைபெற்றது. அரசுக்கு எதிர்ப்பு தெரிவித்து மக்கள் கூட்டம் நடைபெற்றது. அரசுக்கு எதிர்ப்பு தெரிவித்து மக்கள் கூட்டம் நடைபெற்றது.

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Before the war started, state lands in the Vanni area had been plotted and allocated to some families; 5 -10 acres were given under permit system. These vast extent of plots were very convenient for the farmers to do their cultivation. Though the land officers had told these families that they would be given deeds to hold those plots after a particular period of time but this did not happen. So the displaced people have no legal documents now for the plots of land they have been living in for a long time. And therefore they are treated as landless people. Those people displaced from the High Security Zones though had been living in refugee camps for over 23 years they have their own lands (for which they are truly entitled to) within the High Security Zones. So they cannot be treated as landless people. Thus, in the data of the landless people registration people with many different land problems have been identified. After the war the landless people's problems identified during the survey have many different aspects and questions.

The Muslim people displaced from the Jaffna district in 1990 were settled in areas such as Puttalam and Chilaw. Now with the end of the war they are gradually getting resettled particularly in the Jaffna district, in their own places. As their population has increased over 30 years they face various problems while being resettled in their places.

Taking into consideration all these problems the Government has to formulate a policy related to the landless people and those who have lost their lands in the North.

Complete details regarding the landless people should be obtained and the land rights system with regard to land use should be observed. The details of the facts that they had been using the land should be obtained. When new schemes are introduced without obtaining these details there will once again be a chance for problems and conflicts to crop up among the people. The Government and many non-government agencies are forgoing forward with several projects in order to provide many facilities for the displaced people. Among these are housing schemes temporary and permanent. When the NGOS construct houses under their housing projects they do so on condition that the land should be owned by the house owner. And therefore the landless people cannot be a part of this scheme as beneficiaries. A 50,000 housing project for the displaced people has been begun in the Northern Province by the Indian Government. Though the introduction of this scheme the policy of building houses in the state land for the displaced landless people has been implemented. It is significant that the problem of the landless people has been taken into account.

The circular No 2013/01 issued by the new Government Land Commissioner has provided the solution for the above mentioned problems. It was issued in January 2013. Those who have problems with regard to their land because the Army had grabbed their land or landless people, those who have lost their documents and other whose land has been encroached or aggressed by others - all these people can apply for redress. An application form specifically for this purpose Annexure I is being issued by the Divisional Secretary.

All those who have land problem can fill in these application form and hand it over to the D.S or an officer authorized to accept these applications and obtain a receipt in Annexure 4 form. The applicant will be heard by the D.S on a fixed date.

Under the Indian Housing Scheme, the state land in each of the D.S division chosen for the scheme are granted to the people under annual permit systems. This scheme focuses specially on the widows, disabled and war victims. As the selection of the beneficiaries has taken place at the D.S Division Levels and village levels, the limits or criteria for this selection is unclear.

In a Legal Camp conducted by the Centre for Women and Development in the Kadduvan area for the resettled people a widow and a war victim complained that her name topped the list in the selection of beneficiaries under the Indian Housing Scheme but she found that her name has been removed in the amended list.

Under the Indian Housing Scheme, the location chosen for the construction of the houses, was an alternative location for those whose own lands have come under army occupation and where camps reerected. This could be an immediate relief for the beneficiary. But when their own lands are occupied by the army it is doubtful whether their consent has been obtained for finding an alternative location for siting their houses. When these alternative arrangement has been made, have the land owners been paid compensation is question that has now arisen. Providing an alternate location in the responsibility of the Sri Lankan Government.

It is feared that 50 Houses built under the Indian Housing scheme may collapse.

Most of the 50 houses build and handed over under the Indian Housing scheme before 3 months are in a dangerously bad condition, with their walls collapsed, the floor cracked and in a risky condition that the people cannot live in it. The beneficiaries accuse that the authorities are indifferent and the contractors are irresponsible. These houses are built in the ¼ acre plot given to the people.

13, Oct 2012, Thinakkural

Giving an alternative land will not be the responsibility of a third party. The occupants of some houses given under the Indian Housing Scheme in Arialai complained that those houses were substandard and their walls are getting cracked.

It is discernible that some progressive measures are taken with regard to the displaced landless people. The temporary hoses constructed by the NGOS for the displaced people as for immediate relief have now become unsuitable for the people to dwelling because the roofs of these temporary houses have now got decomposed and rotten over the 3 years that have rolled on after the end of the war. Several families have once again found shelter under the shades of trees. Therefore as the first step the government should take up the full responsibility of providing the families displaced war with permanent houses in their own lands so as to create the facilities for them to reconstruct the means for their livelihood. For the NGOS to implement their projects in the war ravaged areas it is necessary for them to have got the permission from the committee appointed by the President. Without the permission the NGOS are unable to implement or execute many of their projects.

Furthermore, when resettlement was on after the end of the war the information regarding the lands had not been properly documented

The government is obliged to implement the national reconciliation process recommended in the LLRC report. So it is in a haste to close the refugee camps and trying to resettle the people in places other than their own, places. On 21, September 2012 the families in the Manic Farm Camp were ousted and taken to a jungle area near Kepapulavu and left there where there weren't any facilities or arrangements for them to survive. Resettlement thus done without any plan will never lead to reconciliation or enduring peace among the people. This is not a durable solution or proper resettlement.

3.3 Unlawful Non formal Land rights

In the 1960s Youth Colonization Schemes were begun in the Vanni region in the Northern Province under the Muththaiyankaddu tank and Iranaimadu Tank beds in the land adjoining these reservoirs. Land was given to families in Paranthan area under a permit system for agriculture. Thus large number of families of the cultivator's were settled in these areas and thereby the Vanni region become a vast land for Agricultural production. With the onset of war and during the 30 years of Liberation Tigers control over the Vanni region several changes had occurred with regard to the lands. Land was distributed to many people by them without any legal documents. This situation has created many problems with regard to land ownership now, in the post war period. The state land and private lands which had been under the control of Liberation Tigers have now come under the Army control. The private land owners are unable to repossess their lands. Though the Government had stated that the army would be gradually withdrawn from these places it is not evident that they are doing so.

Here and there Army camps are put up in places where battles were fought and people had left or been displaced and this is seen as a threat to resettlement. In the administrative matters concerning the problem of repossessing the lands there is interference of the army and therefore the people face many difficulties in getting their lands back, especially the women face more difficulties.

During the field survey it was difficult to get details such as the extent of the land in which the Army Camps are constructed. The Divisional Land Officers or authorities were not keen in giving such information. In the Valikamam division, however, including 43 G.N division and the D.S division that include Thellipalai, Sanganai, Sandylipay and Uduvil form the largest High Security Zone created for the Palaly Army Base. The people evicted and displaced from their divisions had been living in various 14 refugee camps for 23 years leading a very poor life.

Mavai Senathirajah M.P of the Tamil National Alliance had submitted a petition in the Supreme Court that ejection of the people from their land by the Government was unlawful. Though a Supreme Court verdict was in favor of the people the process resettlement of the people was done very slowly. In December 2010 people of 3 G.N divisions and in May 2011, 9 G.N division people were allowed settling down in their areas. In 2012, resettlement was allowed in

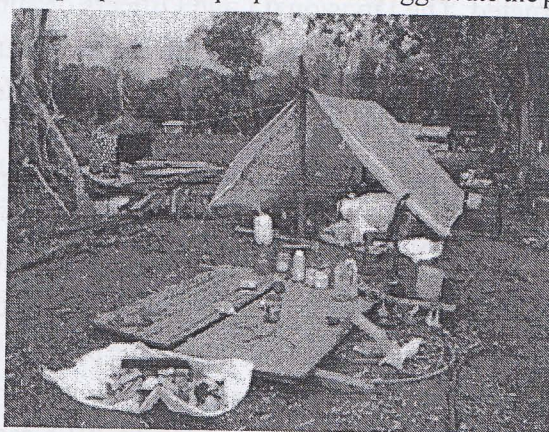
Thehellipalai, Kadduvan and Kurumpasiddy areas. Similarly, the High Security Zones in certain areas of the Jaffna Peninsula, particularly Maniyanthoddam, Ariyalai, Mirusuvil, Karainagar and Vadamaradchy East were removed since May 2011.

The navy Base in Karainagar had been there before the war erupted. For setting this base the Government had paid a compensation of 57 million rupees for 57 land owners. But following the military operation in 1991 an Army Camp was erected in Mandaitivu and 35 families from that area were evicted. Though effects were made to regain their lands the Army Camp has so far been not removed.

When the war came to an end (in May 2009) the A9 Road was opened for transport. Both sides of the road were widened and many military activities were carried out. Along the high ways closer to the Kilinochchi to the army camps and canteens run by the army can be seen. The Army is using the houses of the general public as their quarters and offices. Gnanam Guest House and Subhas Hotel have been handed over to the owners in 2012. In Kopay 52 acres of land where the Liberation Tigers had their graveyard for their martyrs have been taken over by the army for setting their camp after obtaining permission from the Coordinating Development Committee. The TNA Has appealed to the government to reduce the presence of army in the north during their debates in the parliament. The LLRC report has also recommended the reduction of army in the north.

The reason for the nonreduction of army in the Horth pointed out by the Government is that the Lliberation Tigers should not again be a threat to the National Security. In the post war scenario, though land ownership is a big problem, the Government should put forward a land policy properly and render relief to the landless and enable the people who are allowed to resettle to regain their lands easily so that they could reconstruct their means of livelihood.

The last plase of the war was fought is the Vanni region, and the epicenter was around Mullivaikal and Puthukkudiyiruppu. The army has laid many obstacles for the people of this area to go back and resettle there. Besides that, the army has the control of land use apart from the control of the land are by the Government Administrative Officers. For example when the Manic Farm camp was closed (in sep.2012) the Defense Secretary Gotabaya Rajapaksha reported that there were on more refugees in the country, however, the refugees of Manic Farm were taken to a jungle area away from Kepapulavu and left there without providing any facilities. When state land is available as alternative sites for putting up Army Camps grabbing the lands of the people for the purpose would aggravate the problems.



A displaced family in Kepapulavu.

From one Refugee camp again to another.

Manic Farm Refugee camp opened for the people displaced from the Vanni region because of the war was closed after 4 years on 26, September 2012 and 1185 people of 361 families were told that they were to be taken back to their own places: They, however have now been made to stay in places other than their own. People who were taken to Kepapulavu have now been once again taken to a jungle area in Seeniamotai and forced to stay there.

The Sunday Times 30.sep. 2012.p.p 10

110 Families were told they would be settled in Kepapulavu but they are now left in the jungle area of Seeniamotai. The army has not only put up camps but they also engage in civil duties, cultivation, dairy farming, vegetable vending, fish mongering is in the Nallur DS Division and running canteens and for their economic activities they are using the people's land.

Valampuri 15.10.2012

The army has put up a camp overnight in a 6 larcham land. They have grabbed in front of the Thirunelveli Dairy Farm, which belongs to the nallur D.S.Division. The officer of the Nallur D.S.Division has lodged a complaint against this at the Kopay Police station. When that officer was on his way home after lodging a complaint at the Kopay Police (on 14.10.2012) he was attacked with iron bars at Kokkuvil Adiyapatham road by two men who came on a motorbike wearing black helmets. They have also snatched the land documents he had taken with them.

Verakesary 14.10.2012

In the resettled areas, the convenient places needed for the army are being grabbed by them and this has become a big problem in the Northern Province. In war stricken areas the construction of infrastructure is intensively carried out Many plans have been formulated for this and executed. People are resettled. The people who lived in areas that have been grabbed by the army for themselves have been forcibly settled in other areas in the name of resettlement.

When the war comes to an end, destroying the administrative structure of the Liberation Tigers was the most important task of the army. The Liberation Tigers of Tamil Eelam has also established their administrative structure in the (private) houses of the general public. They had the houses and lands of the people who had gone abroad under their control. The monuments of Martyrs Grave Yards in Kopay and Chatte were destroyed. The administrative structures such as the law courts, the police stations and other places the Liberation Tigers had in Kilinochchi as the centre in massive buildings been erased to the ground. In these places now the Governments' Administrative Offices have been built. The houses and lands of those who had left for other countries, which were under the control of Tigers now, remain unidentified vacant plots (bare lands.). unclaimed in the Vanni region. The non reduction of army presence in the Vanni region and their poking into the civil administration have caused great confusion and fear among the resettled people.

Chapter Four

4.1 The Role of the Centre for Women and Development in the resolution of women's land related problems

The survey carried out by the Centre for women and Development has revealed that the women confront many obstacles in regaining their properties because they haven't got their land documents, border disputes when the resettlement process is on in the post war period.

We are able to observe that the families headed by women in the post war situation have undergone several changes. Women's personality, their development progress in their leadership quality awareness of legal procedures, managing rural level organizations, preparing auditing reports, project reports, conducting meetings, getting to know the governing system, their information on political and electoral matters, increasing political representations are welcome changes noticeable among women. In addition to these changes they have now begun to meet the prominent politicians, the high officials in their division to discuss about their problems and to take part in decision taking committees all by themselves.

Furthermore, they are meeting the Human Rights Commission, meeting the Army Officers, meeting the high officials regarding their land problems. They engage themselves in such affairs all by themselves.

Most of the women operate as a group in order to face the challenges they meet when they are resettled in their own places after they have been displaced several times earlier. Whether the women are able to enjoy the rights they have over their lands is not confirmed by this survey. Even now all land related matters are based on the decisions taken by men. A widow has several difficulties. When it comes to claim and possess her husband's land or house. Obtaining her husband's death certificate, her husband's relations shares in the said property and other such problems have to be resolved by her.

For women to strengthen their claims over their lands and to fortify themselves as decision makers they need to have been educated on legal matters. The Centre for women and Development has conducted seminars to explain and educate the women on such line at regional levels during the field study. This has to be done continually and thereby the post war situation can be improved. The centre for women and Development in regaining their properties be cause.

Many NGOS have conducted discussions in the war ravaged regions in the post war period to empower the women. 'Yugashakthi' is a organization that functions focusing the Vanni region has formed women's committees and holds women empowering seminars and helps them to find a means of livelihood.

Chapter Five

5.1 Conclusion of the Study and Explanations

In the post war scenario no vast changes can be noticed with regard to women's Prior knowledge about that land rights. They have only a limited knowledge with regard to their rights. In the Northern Province according to the Thesavalamai law the role of men in land right matters is mostly evident. In societies where men are given a foremost place the aspects of women shouldering responsibilities and making suggestions or even listening to their suggestions are very much limited. When women heading families after the death of their husbands, or disappearances after the war have to face many complicated problems. They also face difficulties when they work accepting social leadership. It is also revealed in the survey that they have no clear idea about land possession and inherited properties.

Legal action is of paramount importance in the matters related to land rights. The people especially women are in the dark about the legal actions that could be instituted, In a situation like this it is noticeable that their knowledge about the land rights they are entitled to?

They do not have any clear idea about state lands, temple lands and permit lands as well. They have difficulties in getting to know about their rights over these lands.

From the results of the survey we can come to the following conclusions.

- ◆ Though the Thesavalamai law is prevalent in the Northern Province the women know little about their rights over these lands.
- ◆ The women are not interested in knowing the legal actions in a society where men are given a foremost place.
- ◆ Women who have lost their husbands or the male head of the family in the war face many challenges.
- ◆ As the army has set up their camps in the women's Land they are unable to get resettled so far in their own places (In the post war period)
- ◆ The places where they are resettled are insecure for them. On the base of the survey carried out the following recommendations should be taken into consideration to resolve the problems faced by the women in the Northern province with regard to their land rights.
- ◆ Giving clear explanations about land rights.
- ◆ Getting the assistance of legal experts.
- ◆ Eliminating the hardships the women not suffer once again, when they are already affected physically and psychologically.
- ◆ Ensuring the security against sexual abuse of the war destitute women who head their families and shoulder the burden of running their families.
- ◆ Giving adequate explanation about the Thesavalamai law in a very simple language to provide the awareness needed.
- ◆ For the families that haven't got any land of their own ,doing the needful to see that they are included as beneficiaries in the housing schemes.
- ◆ The actions taken by the government should be simplified.

5.2 The Presidential Task Force

After the war, i.e after May 2009, the Presidential Task force has been constituted as an important policy formulating body. 19 members of this committee are being appointed by the President. The Economic Development Minister Basil Rajapaksha is the Chairman of this committee. This Committee is to forge ahead resettlement and the formulation of plans and other such activities in the Northern Province. Beside that this body gives approval for the NGOs economic projects in the Northern Province.

It is important to note that approval is given by it for only the projects that give priority for the resettlement, housing facilities, drinking water, health facilities and the peoples means of livelihood. There are instances where approval was refused for the projects submitted by the NGOS on the basis of the economic planning policies of this Presidential Task Force. Because of such refusals many International NGOS and local NGOS are not in a position to implement their plans for the affected people.

It is of significance that before the war erupted, the NGOS which were under the Ministry of social services far, have now been brought under the Ministry of Defense.

5.3 New Land Policy of the Government

The Government is adopting a new policy regarding the land problems that have cropped up after the end of the war in the Northern and Eastern Provinces. The fact that the Northern Provincial Council has not yet been formed and the fact that the Northern Provincial Councils elections have not yet been held have led to the interference of many authorities in resolving the land problems. Retired Major General G.A Chandrasiri is appointed as the Governor for the Northern province. He functions as the agent of the Central Government. He plays a vital role in the decisions taken regarding the land issues.

He enjoys greater powers with regards to the lands than the powers of the Land, and Land Development Minister and the Land Commissioner General. The new circular no 2013/04 issued by the Land Commissioner General makes it clear that the land and resettlement activities should be implemented at the Divisional Secretary's level and at the Provincial Land Commissioner's Level and the land disputes of those who got displaced due to racial riots should be resolved by these two institutions.

The Mahaweli Authority that functions under the Central Government plays a vital role in the SriLankan Land Development that is linked to the Irrigation Development. It is according to the Mahaweli Authority L project irrigation development is carried out in the North. According to the 1979 Act section 23 of the Mahaweli Authority the Minister concerned is vested with powers to create new structures with regard to development and irrigation facilities. It has provided the opportunity for the land development, ownership, control and land acquisition, settlement and other such things to be brought under the control of an authority. Mahaweli drainage project L has an extent of 163393 hectares. Padaviya and Welioya projects come under project L. It further includes Anuradhapura, Mullaitivu, Trincomalee and Vavunya administrative districts. These

districts were given to the Mahaweli Authority by the Land Commissioners Department in March 1988 and declared as special areas. As there isn't an office to implement the Central Governments control over these special areas the Provincial Land Commission does that job. But it is unknown as to when this responsibility would be snatched from him.

During the 30 years of war and after the end of the war the influence of the Army had been there in the Northern Province in various matters, Camps set up by the army can be seen in several places and they are stationed in the resettled areas and also in the dwelling compounds of the people.

It is pointed out that such army interference has created much fear, especially among the women and had led to many sexual abuse. Though the politicians have been raising their voice for the reduction of the armed forces the government says that they would not do so in view of the National Security of the country. But the government doesn't seem to consider the fact that the National Security is seen as a threat to the security of the people.

Accumulation of Army in the North and East

In the North under the Jaffna Head Quarters are the 51st, 52nd and 53rd Divisions. In Kilinochchi 57th, 65th and the 66th Divisions are stationed. Under the Mullaitivu command are the 59th, 64th and 68th Divisions. In Vanni there are the 22nd, 23rd and the Task Force 3 recently transferred from Jaffna. A para military, the 63rd Division is also stationed there. Thus there are 16 Divisions in the North and the East. The special Task Force 53rd and 58th Divisions are also stationed in the North. In the 35% of the land area of the country in the North and East there are 19 Divisions. In the South in 65% of the land area, there are only 11th, 12th, 14th (3) Divisions exist.

Current Affairs
Virakesari – 30.2.2012

When the Vanni region was under the control of the Liberation Tigers the control of land was in their hands and they managed everything as they pleased.

They took over the lands and houses of those owners in the Northern Province who had left for other countries and they made use of them for their purposes. And the state and private lands were plotted and given to the families of their carders under a permit system. When the war has come to an end the land owners and house owners face many problems in repossessing their lands. As the army has taken over these houses and lands they claim these lands as theirs. The Government has plans to take over the private lands in this connection. It has created a complex situation with regard to the land rights and possession of private land owners. People should possess their document that are necessary for resettlement but during the last phase of the war the people who got displaced in stages could not keep safely the documents they could take away along with their belongings. Now they have lost their documents and they are unable to establish their ownership that is reported in the administrative offices, particularly in Mullaitivu secretariat several documents have gone missing or got destroyed. And therefore the land ownership and their claims are questioned by the administrative officers in many ways. The officers and the

general public are found to have inadequate knowledge about the laws under the new circular No.2013/04 issued by the land commissioner. So the public administration itself faces several complicated problems with regard to the resolution of the chronic land disputes in the north and the east such as border disputes, document loss, loss of land, land grab or acquisition by the army, and the land loss owing to development projects.

The land development ministry has begun a plan to give back the lands to the land owners in the Kilinochchi district. In the Kilinochchi secretariat D.S.division itself 40,000 complaints have been recorded with regard to land problems. As the people have lost their permits and deeds and other documents they are unable to prove their claims. Furthermore the people have also made complaints that their own lands have been given to others by the liberation Tigers during the war time.

Valampuri 15.10.2012

Whether the new policy formulated regarding the lands would resolve these problems is still doubtful. The devolution of powers to the Northern Provincial council under the 13th amendment for land rights and control over them has not yet been implemented. The fact that the people are staging agitation in order to establish their land rights over a long time has led to many local conflicts.

5.4 Conclusion and Recommendations

Getting back the lands is a basic need for the development, resettlement and in order to rebuild the means of livelihood of the people in the post war situation. A family that hasn't got a land of its own is not included as beneficiaries in the housing schemes. Many NGOs include only those who have their own lands when they select the beneficiaries for their horticulture scheme. Those who cannot prove their ownership of their lands are left out of the housing schemes. It should be noted that in order to solve this problem under the Indian housing Scheme state lands were allotted to the beneficiaries.

However, the survey carried out by the Centre for Women and Development and the discussions we had among the people several problems could be identified. It is now known that the army is stationed in many private lands, buildings of certain institutions and in private houses. It is important that the Government should come forward to solve the problems identified in a democratic manner. A government land policy should be formulated and implemented with the identified Problems and the means of resolution incorporated in it. The people possessing or regaining their own lands should not be militarized by activities. Their problems should be solved within the civil administrative structure. Politicians, especially the ruling party politicians, disrupt the government administrative structure by their interference at the D.S. level and at the Provincial Land Commissioners level. The officers who refuse to listen to them and carry out their duties justify are either transferred or forced to act unjustly and dishonestly. All these should stop.

The following recommendations are put forward on the basis of the results of this survey

1. A Land Commission be set up to clearly analyses the land problems in the Northern Province.
2. The customs in the Thesavalanai law that affect the interest of the women be reviewed.
3. In the Government Land Registry the lands need to be properly registered.
4. When resettlement is done a clear assessment be made.
5. When land is allotted to landless people priority should be given to families headed by women.
6. In the land and housing schemes more families headed by women be included on a points system.
7. The security of women needs to be ensured when resettlement is done.
8. Providing drinking water facilities and health services along with the allotted Land be made easy for women.
9. In areas where the people are displaced encroachment of private land and resettlement of those who are not entitled to the land be avoided.
10. Setting up of Army Camps in residential areas need to be avoided.
11. The recommendation of the LLRC be implemented speedily.

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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

අංක 1596/12 - 2009 අප්‍රේල් 07 වැනි අඟහරුවාදා - 2009.04.07

No.1596/12 - TUESDAY, APRIL 07, 2009

(Published by Authority)

PART I : SECTION (I) — GENERAL

Government Notifications

LAND ACQUISITION ACT, No. 09 OF 1950

REGULATIONS imposed by the Minister of Land and Land Development under Section 63(2)(f) of the Land Acquisition Act, No. 09 of 1950 and approved by the Parliament of Sri Lanka on 17th March, 2009.

These regulations are effective for the acquisition where intention of acquisition is published under Land Acquisition Act, on or after 17.03.2009.

JAYALATH R. W. DISSANAYAKE,
Secretary

Ministry of Land and Land Development.

Colombo,
06th April, 2009.

Regulations

These regulations may be cited as the Land Acquisition Regulations, 2008.

The basis of assessing the market value of any land or the compensation for any injurious affection caused by the acquisition of any land under this Act.

(1) Market Value should be assessed as given under :-

- 1.1 In the case of land where part of a land is acquired and when its value as a separate entity deems to realize a value proportionately lower than the Market Value of the main land the compensation should be proportionate to the value of the main land.
- 1.2 Where at the date of intension to acquire was published, the building is used for occupation and or business purposes or is intended to be used for occupation and or business purposes, the difference between the cost of re-construction and the value of building, based for determination of Market Value under Section 1.1, should be paid as an additional compensation.

1.3 Value based on development potential could be considered for paddy lands acquired where permission to fill such lands have been granted by the Agrarian Services Commissioner General.

1.4 When an acquired building is occupied by a tenant /statutory tenant protected under the provisions of the Rent Act, No. 7 of 1972 (as amended thereafter) the compensation should be ascertained in proportion having regard to the provisions of Rent (Amendment) Act, No. 26 of 2006.

(2) Injurious affection and Severance—

Damage caused by any severance and injurious affection should be allowed fully.

(3) Payment of Disturbances and Other Expenses—

To fulfill the requirement of the definition of compensation, in addition to the compensation under Section 1 and 2 above, which are based on the “market value”, compensation for Disturbance based on the “value to owner” basis should be paid under following Sub-headings, after taking into consideration the written claims made.

- 3.1 Expenses incurred for appearing for Section 9 inquiry ;
- 3.2 Expenses for finding alternative accommodation ;
- 3.3 Cost incurred in change of residence ;
- 3.4 Cost of advertising ;
- 3.5 Refixing cost of fixtures and fittings ;
- 3.6 Expenses incurred for transport ;
- 3.7 Loss of earnings from business (within the limits given in prevailing Act) ;
- 3.8 Increased overhead expenses ;
- 3.9 Double payments ;
- 3.10 All other expenses to the owner due to the acquisition ;
- 3.11 Any other additional expenses for disturbance or compensation not connected under any other Sub-section of this Act which is directly not connected to market value of the land ;
- 3.12 When an owner of a house or of an investment property displaced, additional 10% payment based on market value.

04-548



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காணி ஆணையாளர் நாயகத்தின் திணைக்களம்
LAND COMMISSIONER GENERAL'S DEPARTMENT

ඉඩම් මහලේකම් කාර්යාලය,
නො: 1200/6, රජමල්වත්ත පාර, බත්තරමුල්ල.
இல: 1200/6, ரஜமல்வத்த வீதி, பத்தரமுல்ல.
No: 1200/6, Rajamalwatta Road, Battaramulla.

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YOUR NO }

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திகதி
DATE } 2013.01.

Circular Number: 2013 / 01

All Divisional Secretaries in the Northern and Eastern Provinces,

Accelerated Programme on Solving Post Conflict State Lands Issues in the Northern and Eastern Provinces

1. Introduction

After end of the conflict in the Northern and Eastern provinces, land issues have been identified as an issue to be solved urgently in order to uplift the lives of the people in those areas. Accordingly, the special official's committee appointed to implement the recommendations of the Lessons Learnt and Reconciliation Commission report has recommend the need to develop and implement a special programme by this department (under the supervision of the Ministry of Land and Land Development) in order to solve the state land issues urgently. Considering the need to implement the policy decision taken by the Cabinet on 04.05.2011 according to the Cabinet Memorandum No: 11/0737/533/015 and dated 07.03.2011 on 'Regularising land management activities in the Northern and Eastern Provinces' submitted by the Hon. Minister of Land and Land Development and the above recommendations, this circular has introduced the guidelines that has to be urgently implemented in the years 2013 and 2014 with regard to solving state land issues relevant to those areas.

This programme should be implemented with high priority and maintaining a good coordination with this department by using the Provincial Land Commissioners, Divisional Secretaries of the relevant provinces, staff and the resources in a productive manner and the guidelines of this circular should be followed according to the existing laws and regulations when implementing this programme. In order to review the progress of the programme and to supervise the activities the assistance of the District Secretaries of those provinces will be required.

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2. Programme to be implemented

The programme implemented will be implemented in two main programmes.

1. Identifying problems
2. Solving problems

2.1 Identifying Problems

2.1.1 An opportunity should be given to the people who are residing in the Northern and Eastern provinces, people who have abandoned the area who have resettled after being displaced and for those people who are expecting to settle again and who have problems related to state lands, to present their problems. Wider publicity should be given in order to raise public awareness on this matter. This department will give publicity at the national level and the divisional secretaries should give publicity at the divisional level.

2.1.2 The format on Annex I should be used to present problems. This format has two parts.

- i. Presenting information about the landless people or people who have lost lands.
- ii. Presenting other problems people experience with reference to state lands.

2.1.3 Divisional Secretaries should take action to raise public awareness about presenting the problems of the people to the relevant Divisional Secretary through this format. The Divisional Secretaries should have already come across similar problems like this in various ways. The Divisional Secretaries have no barrier to use this information for this problem solving programme.

2.1.4 Documentation of information on problems and directing for solutions :-

Records of the problems that have already been presented and will be presented should be documented in two CR books separately according to the categorization of problems mentioned in 2.1.2 . Use annex II & III formats for this purpose.

Note down the relevant problems in the reports and prepare a receipt with the sequential registration number to acknowledge the problem according to format Annexure IV and issue it through an authorised officer in the divisional secretariat. Use the registration number as the reference number for the problem until the problem solving activities are over.

The problem registered under relevant categories should be directed towards the two sub programmes on solving problems in order.

2.2 Problem Solving Programme

Problem solving should be conducted under the below mentioned two sub programmes.

- i. Distribution of lands to landless people or to the people who have lost lands.
- ii. Solving various problems people experience with regard to state lands.

2.2.1 Distribution of lands to landless people or to the people who have lost lands :-

Land distribution can be separated into two parts as,

- i. Distribution of lands to landless people.
- ii. Distribution of lands to people who have lost lands.

2.2.1.1 Distribution of lands to landless people :-

The cabinet has taken a policy decision not to alienate new lands to landless people until the land problems of the affected people in the conflict affected Divisional Secretariats are solved. But there is no barrier to alienate lands for government approved development projects. Information provided by the landless people in the conflict affected divisional secretaries divisions should be collected and distribution of lands to those people should be postponed.

2.2.1.2 Distribution of lands to people who have lost lands :-

Situations where people have lost lands after the conflict, due to being vacated or chased away from their lands during the conflict period have been identified. Lands belong to such people are lost due to reasons like, using for development activities under government institutions and armed forces or because other people have permanently settled on those lands. At instances, where those lands cannot be practically claimed again, action should be taken to identify suitable lands from those areas itself and to provide alternative lands upon their consent. If alternative lands are given for private lands or for lands distributed under state grants, these alternative lands should be given according to the compensation assessment carried during the acquisition process of those lands. If people have lost their encroached state lands after residing in encroached state lands in the relevant areas and they are qualified to get lands, they should also be considered when alternative lands are given.

These lands must be alienated only by holding land kachcheris. Instructions given by my circular no: 2008/4 dated 20.08.2008 should be followed for this purpose. But information gathered under this circular can also be used instead of the process of identifying landless people and registering them, as per the instructions of that circular.

Divisional Secretaries should be satisfied on the fact that the selected lands to be distributed are not lands under any person's legal ownership.

Before alienation of lands the Divisional Secretaries should take actions to forward the land kachcheri proposal to the authorised officer for approval.

With reference to the unit of land distribution and other information, circular 2008/4, instructions of other circulars relevant to land distribution, instructions of Provincial Land Commissioners and relevant land orders should be referred.

2.2.2 Solving various problems people experience with regard to state lands :-

2.2.2.1 Divisional Secretaries should take action to implement a programme to solve problems identified at the Grama Niladhari Divisions according to the record of information gathered from the problem identification format.

2.2.2.2 Holding Division Day Programmes

Division Day Programmes should be organised to solve identified, categorised problems at the Grama Niladhari Divisional level or as one programme for several divisions or as appropriately. The Divisional Secretary should participate at that Division Day and in addition to that the Assistant Divisional Secretary, Land Officer, Colonization Officer, Field Officer, Public Management Assistant(Land), Grama Niladhari Officer can also participate in this. Trainee Graduates/Programme Officers attached to the Divisional Secretariats to give assistance for these activities also can participate in this. Furthermore, the assistance of the officers at the Provincial Land Administration Department and at the Land Commissioner General's Department can also be sought when needed. Divisional level officers of relevant departments such as, Department of Surveys, Department of Archaeology, and Department of Forest Conservation can take part in this according to the needs.

Office information relevant for pre identified problems should be collected and relevant other parties should be called upon for Division Days while expedite measures should be taken in solving those problems.

Divisional Secretaries should conduct field investigations relevant to these problems and should give solutions after conducting the investigation when necessary. Whenever an approval is needed from the Provincial Land Commissioner or myself, it should be immediately forwarded for approval.

As the next step, problems which the Divisional Secretaries are unable to provide solutions should be forwarded to the Mobile Services Programme to be solved.

- 3.3 Vehicle facilities, fuel, financial provisions for officers' travel expenses etc. needed to conduct Division Day, Mobile Service and training programmes is expected to be provided additionally. Essential office equipments and stationary items needed for this purpose is also expected to be provided.
- 3.4 The Land Commissioner General's Department will conduct follow up programmes in order to inquire the progress of this programme. The assistance of the Provincial Land Commissioners will also be sought for this purpose.
- 3.5 It is expected that the Registrar General's Department will implement a suitable programme to provide solutions for problems relating to misplacement/destruction of grants.
- 3.6 I will issue instructions from time to time with regard to special problems emerging in the implementation of the programme, after considering the views of the Provincial Land Commissioners.

Signed By: R.P.R.Rajapakse,

Land Commissioner General.

Copies:

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|---|---|--------------------------------|
| 1. Secretary to H.E President | } | For information
please |
| 2. Secretary to the Hon. Prime Minister | | |
| 3. Secretary – Ministry of Defence and Urban Development | | |
| 4. Secretary – Ministry of Public Administration and Home Affairs | | |
| 5. Secretary – Ministry of Land and Land Development | | |
| 6. Register General | } | For necessary action
please |
| 7. Surveyor General | | |
| 8. Commissioner General of Land Title Settlement | | |
| 9. Government Agents / District Secretary | | |
| Jaffna / Kilinochchi / Mannar / Mulativu / Vavuniya / | | |
| Trincomalee / Batticaloa / Ampara | | |
| 10. Provincial Land Commissioner | | |
| Northern Province / Eastern Province | | |
| 11. Deputy Land Commissioner/ Assistant Land Commissioner | | |
| Ampara / Trincomalee / Kantale | | |

Submission of Problems Related to State Lands

Divisional Secretariat:

Serial No.

Grama Niladhari Division:

1. Full name of the applicant:
2. Current Address :
3. Telephone Number:
4. Names of other members in the family
 - i.
 - ii.
 - iii.
 - iv.
 - v.
5. Location of the land related to the problem
(Please give all information known):
 - i. Village:
 - ii. Boundaries:
 - On the North by -
 - On the South by -
 - On the West by -
 - On the East by -
 - iii. Plan number -
 - iv. Block number -
6. Land Problem (Describe briefly):
.....
.....
.....
.....

Date

Signature



