



## Study on the decisive factors of ownership of the land occupied by traders adjoining to the sacred sites and related impediments (Special reference to Kataragama Sacred zone in Sri Lanka)

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### Abstract

It is a common feature that devotions originated from diverse religious backgrounds in the world used to transit to religious sites. Also, an emergence of business cultures within encroached land adjoining to the sacred places is a widespread occurrence and such initiatives are merged with local communities. In concern with Sri Lankan setting, one can see that majority of sacred areas are Buddhists oriented while more or less numbers of other religious sites and Kataragama sacred area which is based on this study is a multi-religious site. A plentiful area of findings could be asserted through this study such as; the nature of the ownership of land of the business community running trade actions in this religious site as their livelihoods, any prescribed factors compelled them to decide ownership of the land acquired, the nature of background of the said factors, and the influential factors compelling the businessmen to protract the ownership of acquired blocks of land.

The selected sample of the study is consisted by 75 males and females out of those who could affirm any kind of ownership for the block of land. In concern with the process followed in data gathering and under the primary source of information, the study team followed; Questionnaires, informal interviews, observations, case studies and access targeted groups. The analysis of quantifiable data / charts and Tables were attended through software's named "SPSS and Excel and the qualitative data analysis was attended through a detailed approach.

A piercing factor disclosed during the study was the prevalence of competitive ownership for land in this consecrated area while also creating certain social problems too. Since, the ongoing impediments can grow up to a social menace it would be appropriate to establish and implement a mechanism to regulate asymmetrical business culture prevailing within or adjoined sacred areas in order to restrain the social problems being speeded by sub cultural groups.

**Keywords:** Kataragama, land, ownership, sacred sites

### 1. Introduction

Sacred site means a specific location compounded with religious fidelities and believes. Definition of Sacred site is that a location built for consecration of human beings through festivals, cemeteries, holy places, temples or buildings to apposite a specific religious personality (Collings, 2003) [2]. There are extensive volume of sacred sites in varied identities all over the world based on diverse religious backgrounds and respective devotees are used to visit these religious sites. In this context, local communities start different economic activities targeting the religious migrants to manage their livelihoods. On the other hand, it is clearly stated in wide-ranging studies done on urban communities in developing countries that it is a normal practice that those mixed social structures make attempts to acquire ownership of land in urban settings. It is noticeable that in Sri Lanka those street communities living in Colombo city have taken up ownership with own psycho-anomic forces of land within averments, Bus stands etc. (Wijewardhana 2017) [7, 8]. Similarly, different youth gangs involved in different businesses have captured ownership of land spaces in road sides, Manning market and other places where they operate their businesses (Wijewardhana 2015) [5]. Similar occurrence of land acquisition could be noticed in many religious places, archeological sites in many parts of Sri Lanka. The cause

behind is due to the visit of large crowds to such places and also on poverty reasons of families encroached such areas with problems of unemployment, and lack of access for livelihoods. Out of large number of historic towns /archaeological sites attracted by visitors such as Anuradhapura, Kandy, Kataragama, Muneeswaran, the site directly focused on this study is Kataragama. Accordingly, this research ascertains the existence of unlicensed trade actions, the sub cultural social settings and the socio-economic status of those involved in the said trade actions, and specially, to which degree the said socio-economic factors enabled the formal acquisition of land ownerships of urban commercial land and also the procedures followed in getting formal ownership as well as to study the ways how these blocks of land could maintain by the families in the long run.

### 2. Research Problem

It is a natural cause that price of land adjoining to the religious sites increases. Also the persons involved in trades are not affordable to buy the blocks of land due to poor economic conditions hence, their trades are categorized as unpermitted or unlicensed businesses. Nevertheless, and the traders being residents in the land endure and bear with imaginary ownership. In this context, the identified research problem is to examine the background causes consenting for these traders

to hold imaginary ownership of the blocks of land located within a commercial town of which the market prices are quite high? And to know the influencing factors on same if any?

### 3. Objectives

#### Main Objective

To identify the attribute of ownership of the land acquired by pavement hawkers at the vicinity of religious townships and to examine the factors being applied to decide the ownership of land in possession.

#### Specific Objectives

- To diagnose the socio-economic and cultural embraces of traders running businesses near religious towns
- To identify the living means those are linked to the blocks of land possessed within the sacred townships by the traders.
- To ascertain influential factors those are affecting to continue the current possession of land in a protracted manner.

### 4. Literature Review

As discussed in above this study involves with the depressed but strong mindsets of business community living within the land demarcated as sacred sites also with strong effort to implement varied income avenues for survival. Research report published by United States on the tenure of land located in close proximity to sacred towns. (2010), Similarly, an article titled “*A Property Right Approach to Sacred Sites Cases*: These studies illustrate the causes and effects of the non-attendance of authorities to provide legally acceptable documents or to provide substitutive land added with compensation to cover the loss of income. This research paper also suggested that though, the resident traders do not hold ownership of said properties the tendency is there to claim ownership of land. This article also emphasizes that those communities carrying out their livelihoods within close proximities of a holy property, needs to follow ethical behavior as a key issue.

Sápmi and Beyond kñka Newmann’s article also suggested that “Protection of Sacred Natural Sites Within Human Rights Jurisprudence:”, highlights legal security of Sacred sites. According to Carpenter’s Article on legal perspective, contends that, even as no owners, those who encroached land may have enforceable property rights to use, and maintain the physical integrity of, sacred sites. Examining problems of sacred sites through common law and human rights law, the Article identifies and analyzes property rights arguments that may be available to Indian litigants even where the government is the undisputed owner of the land. While this approach will not secure Indian religious freedoms in every case, the Article concludes that Indian nations should consider property rights arguments as part of a multipronged legal strategy in sacred sites cases. Simiar to (Richards Coliings) in Sri Lanka, freedom is given to sell items needed by devotees

as well as tourists with or without tax payment against income. Conversely, when a site is privately owned by others, legal protection of believers' interests in the site is limited or absent. Moreover, privately owned land is more likely to have been developed in ways that are inconsistent with a continuing sacred site, while much government land remains in a relatively natural state. Hence, legal protection for an active, religious interest in land not owned by believers mostly concerns land owned by governments. Tenure of land in line with sacred sites is a most modern topic being addressed within the context of concurrent Sri Lanka and few vital incidences were brought to the notice of public. Among those, (1). Problem of outlawed residence in Kuragala and, (2). The problem of unpermitted residences and the illegal traders in Anuradhapura Sacred town was a key setback.

### 5. Methodology

#### 5.1 Research Area

Kataragama Town is located adjoining to the Matara district Boundary and within the District of Monaragala in the Uwa Province of Sri Lanka. This sacred site is consisted by Ruhunu Kataragama temple dedicated to a deity and Kiri Vehera (Stupa / Temple) holy site. Unlike other sacred sites, the most vital speciality of Kataragama which is attracted by both Sinahala Buddhists and the Tamil Hindus In this research Kataragama Religious site is chosen to be the study location.

#### Sample

Recent observations revealed that a specific business culture is in persistent within the study area pursuing the devotees and tourists as well. Also divulged that the traders involved in businesses for a considerable duration do have whatever ownership for the land and a sample of 78 families were selected within the traders’ community, in a random basis.

#### 5.2 Data Collection

Principally, the data collection of 78 families was done through a Questionnaire. In subsequent phases, data collection was attended through informal group discussions, observations and insinuating Case studies. Other than the targeted respondents, the team attended data collection through Police officers, Religious leaders, Hindu priests, and by interviewing those visiting Kataragama holy site. Also, a team of selected drivers from the area, Government Officials were contacted as primary sources for specific information in line with the objectives of the research. Also in line with the study a Literature Review was brought about referring secondary sources of information.

#### 5.3 Data Analysis

Analysis of Data gathered was proceeded with the usage of both quantitative and qualitative data. Herein, the quantitative data analysis was attended by converting data into Tables and Figs by using SPSS yd Excel software, while, Qualitative data analysis was accomplished via an explanatory approach.

## 6. Results /Findings and Discussions

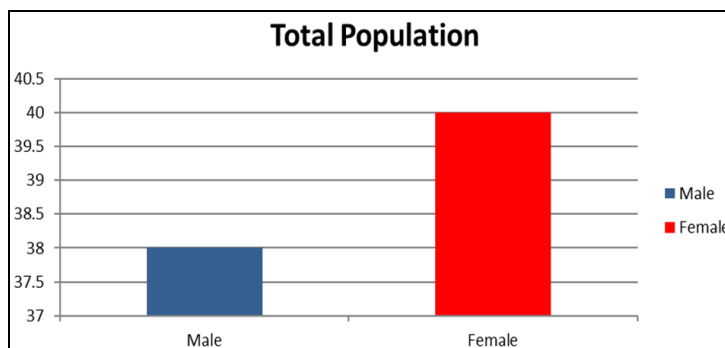


Fig 1: Population in the Study Area.

Table 1: Age structure of the population in the Study Area.

Age		
Less than 18 years	1	1.28%
Between 19 and 25	4	5.13%
Between 26 and 35	10	12.82%
Between 36 and 45	16	20.51%
Between 46 and 55	19	24.36%
Between 56 and 65	17	21.79%
Above 66	11	14.10%
Total	78	100.00%

Academic qualification becomes an important indicator in the socio-economic context in any society.

Table 2: Status of Academic criterion

Levels of Education		
No schooling attended	7	8.97%
From 1 - 5 Grade	17	21.79%
From 6 – O' Level	29	37.18%
Succeeded O/ Leve	14	17.95%
Upto A' Level	5	6.41%
Succeeded A' Level	2	2.56%
Degree Holders	1	1.28%
Diploma Holders	3	3.85%
Others	0	0.00%

One of the revelations was that only 7% within overall sample has succeeded in G.C.E Ad. Level and higher education which are the levels normally fitting into the demands of Job market in Sri Lanka. The highest level of the balance 93 % is the A level. Such levels of education had become a contributive factor for centralization of un-permitted business activities in the area. (Low academic status).

Table 3: Composition of marital status

Married / Unmarried		
Married	60	76.92%
Unmarried	7	8.97%
Widowed	7	8.97%
Divorce	0	0.00%
Living Together	0	0.00%
Living separately	4	5.13%
Total	78	100.00%

As per the acquired sample, the special dispersion of business community living within the sacred town is as follows.

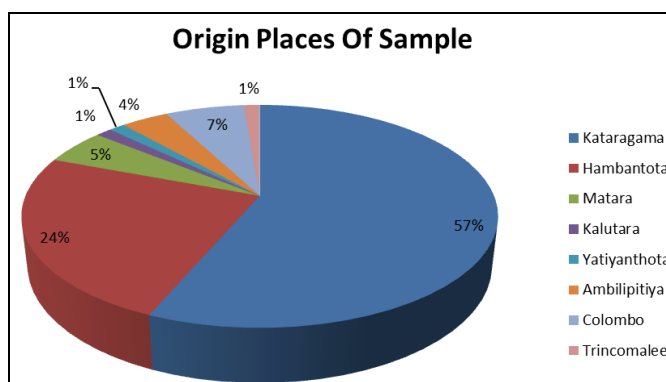


Fig 2: Status of special dispersion from the original dwellings of the sample families

It shows that Kataragama is the original dwelling of 57%, a majority, out of the sampled community whereas, 24% has migrated to Kataragama from the region of Hambantota. Nevertheless, the principle motives to migrate to this area as revealed through the research are shown through the Fig No. 03, below.

Basically there had been 5 main reasons for them to migrate;

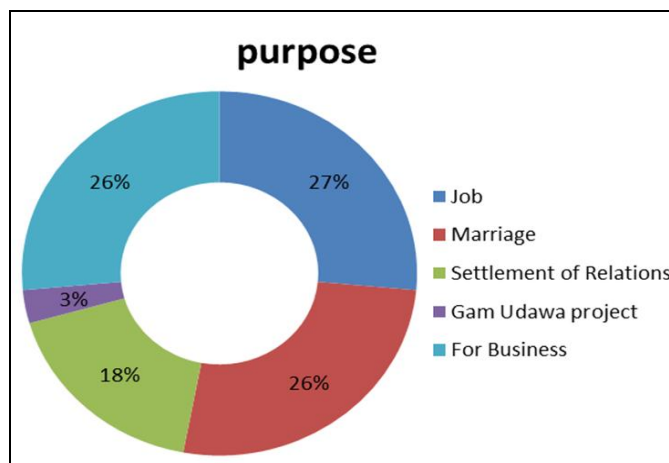


Fig 3: Motives to migrate to Kataragama Sacred town

It is apparent that the two main factors of employment and business related matters might have directed the migrants to aim at businesses within the religious town. Also the study disclosed the nature of running businesses whether with direct involvement or indirectly, within the sacred town. Based on

the outcome of selected sample, those respondents within the study area have chosen trade or business opportunities based on the background setting of religion and tourism. This matter reflects under employment of Household illustrated under Fig no: 03.

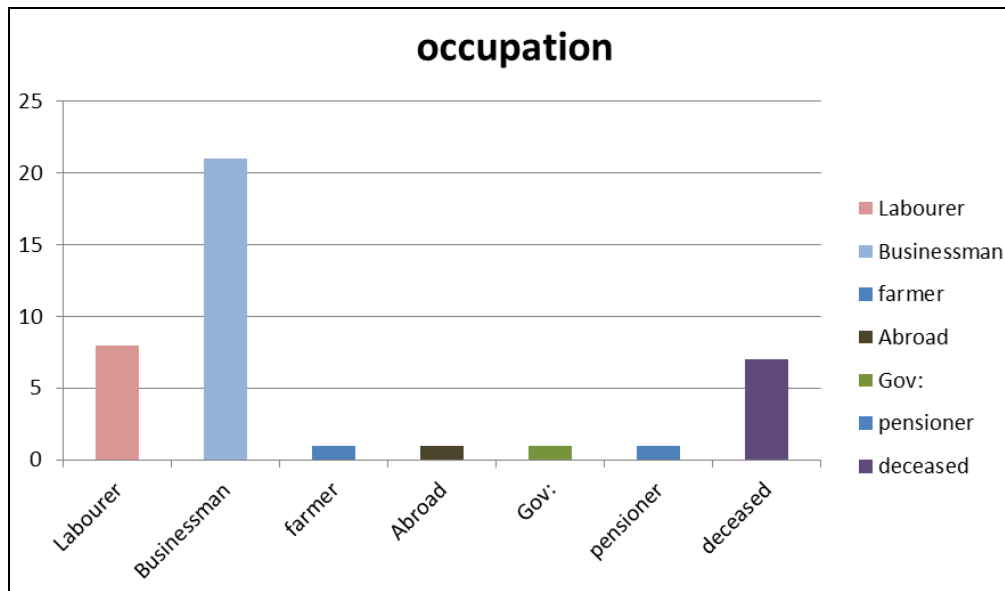


Fig 4: Status of Employment of the householders

The analysis of employment reflects that 52% of householders are involved in business related activities while, those employed as laborers too, are indirect contributors for ongoing

business activities. Details of the said income sources are reflected in the Fig No: 05.

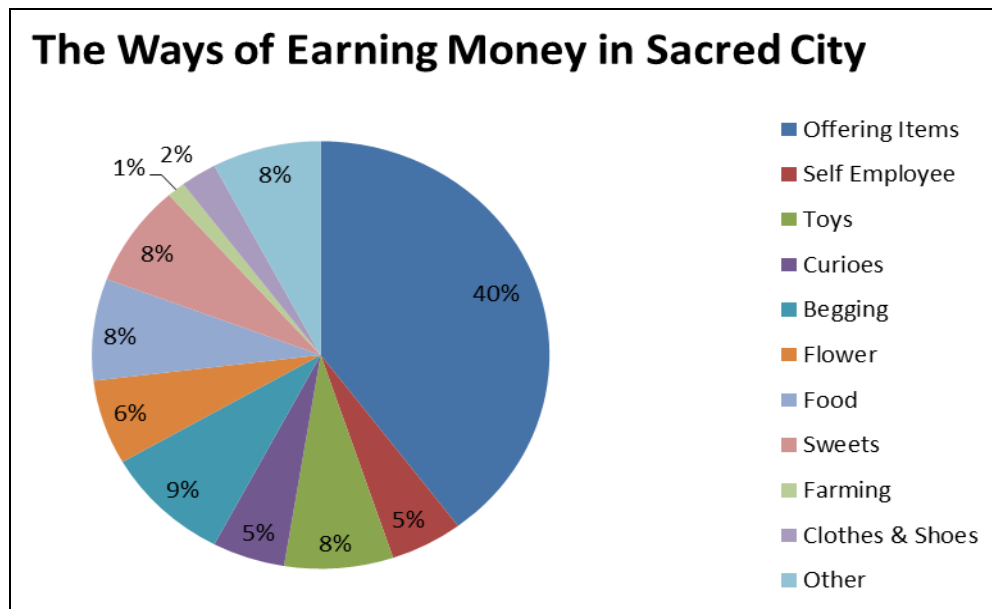


Fig 5: Processes of income generation within the religious site.

In reference to the data gathered in par with the sample, it reflects that 1% of householders with permanent dwelling are involved on agricultural activities. The balance 99% are

engaged in trade activities focused on both local and overseas travelers.

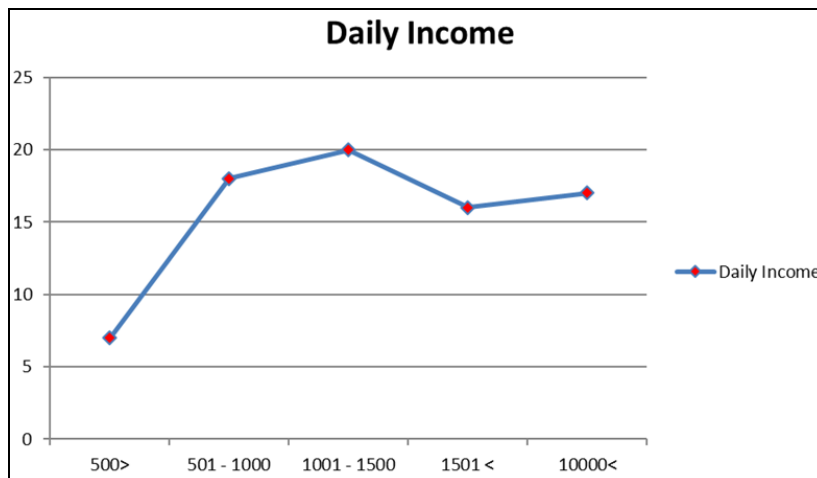


Fig 6: Structure of Daily based income.

A marginal percentage of respondents (9%) shown in the Fig No. 06 are earning less than Rs. 500/= a day, whereas, 91% are earning daily income beyond Rs. 500/=. Also shown that 21% are exceeding Rs. 10,000/= being their daily income. The

respondents of the sample have entered into the study area based on the said businesses and the practices followed in acquiring the land within the sacred area are shown below.

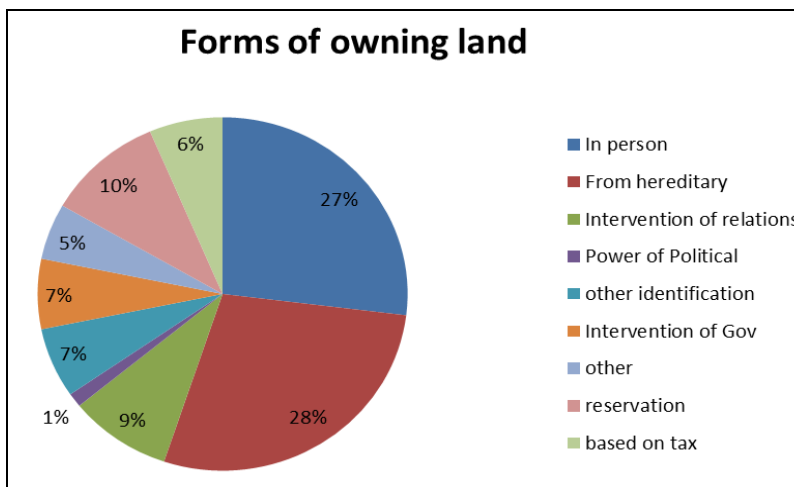


Fig 7: Ways the unauthorized business community had acquired the land.

When the modes of land acquisition is concerned, 28% could be considered as families living in blocks inherited from generation. Those 27% of respondents are self-acquired persons. 7% were able to capture land for living through individual contacts whereas, 1 % of land ownership taken place through influences of politicians and 10% are found to be encroachers, while. 6% entered land on leased basis.

Land acquisition without legal and regulatory procedures or to run businesses as well as starting residential zones without permit close to high ways, railway lines, in reserved or preserved sites, sea shore, riversides and irrigational sites in Sri Lanka is becoming as a common issue and applicable to this study area as well.

Asserted data and discussion outcomes substantiated that 1% of deciding ownership is with the intervention of regional politicians. Besides, as revealed through informal discussions there are elements such as heroic behaviour of some known parties had also enabled some families to get the land ownership. Also 7 % of traders could get approval from Govt.

for authorized businesses and these traders are supposed to make a tax payment to the town council.

Table 4: Nature of assistance obtained externally for the tenure of land:

Help available from different stakeholders/sources and whether such assistance were received or not.		
Yes	14	17.95%
No	64	82.05%
Total	78	100%

Endeavoring intervention of agencies, persons to get the land tenure is a typical feature. Many of them might have strived, yet, only 17.95% of families. Accordingly, an higher percentage 82% of businessmen had achieved land tenure through own effort. In this respect, several factors had made the path clear to achieve their targets. The Fig No; 08 illustrates the level of response of varied factors.

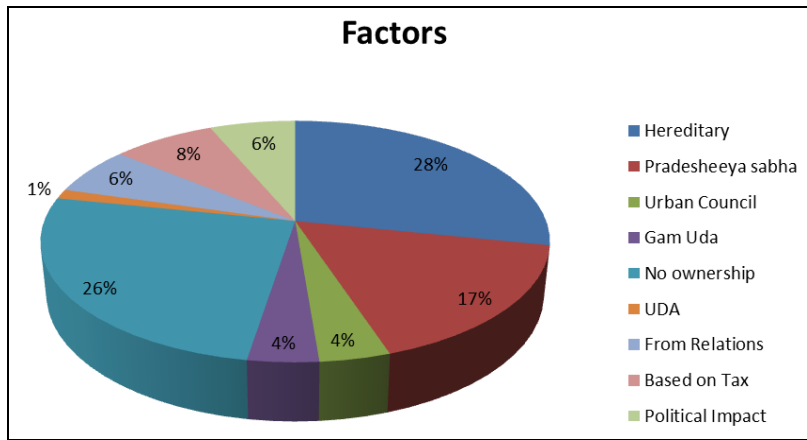


Fig 8: Factors endorsed the land tenure.

The composed data unveiled that 28% of imaginary land owners of inherited land follow the key advantage that they could remain in such blocks for a lengthy period also without legal rights to confirm the ownership by ancestral relatives. Despite the earlier expression that 1% had initiated political support to resolve this problem. It was 6% those who asserted politically driven mediation at the regional level. In this context it is noticeable that people could resolve the tenure of land in an illegal manner with the sponsorship of provincial rulers. When the legal authorities of Government are concerned Village council and Town Council holds authority up to 4% and 1% by urban development Authority (UDA). Furthermore, several disputes and quarrels had emerged within the study area as shown in the Table No: 05 due to the unavailability of officially accepted borders and boundaries in adjoining blocks.

Table 5: Incidences occurred due to the contentious disputes over land tenure.

Whether you had to face any disputes or contentious provocations over the issues of land ownership?		
Yes	15	19.23%
No	63	80.77%
Total	78	100.00%

Reported provocations or clashes represented were 19.23% out of the total sample and those antagonist incidences were occurred from;

1. Neighborhood Traders
2. Intermediaries
3. Government institutions.

Below mentioned Fig No: 08 shows the number of conflicts occurred as per the above list out of the incidences emerged through the sample.

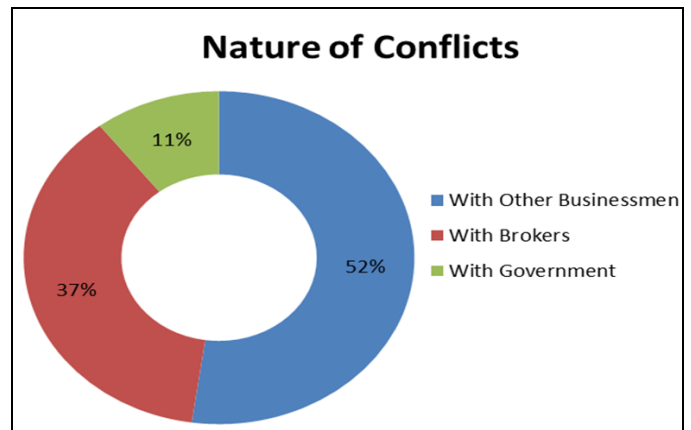


Fig 8: Nature of the conflicts

Also reported that there were series of incidences those had ushered clashes within the business community. Encroaching neighboring land, rivalries to possess blocks located very close to the sacred area, competition prevailed to acquire a trade cell within a set of cells constructed by Government and the eagerness to retain the ownership of land in the long run are some of the causes and reasons affected the said clashes.

**Stories articulated by few traders**

*“AA..... I am involved in businesses here since last 25 years. Throughout the duration I manage my businesses in the same place. Recently Government provided us cells to continue our trade activities in a fruitful manner. Yet my request was rejected to give a cell constructed at the location where I managed my trade actions for last 25 years. It was given to a woman who was working as an helper on domestic affairs of one of the chieftains of the temple dedicated to the deity. From the date onward*

*We both live against each other with loggerheads like cobra and viper....”*

A female trader who sells flowers for devotees articulated her story on clashes engaged with brokers. Reason had been the competition to get ownership of a land.

*“BB.....The reason for all those entering into roadside businesses is poverty. Though everyone be treated in similar fashion, practically it won't happen. Those, hirelings serving the big fellows are getting best offerings. Due to the extreme greediness for land those sellers are prepared to do any offendary action wanted by leading businessmen. On such atmosphere they can even attend a murder..”*

Could also be noted that certain cases had been ended up at the level of police. Accordingly the discussion had with police officers confirmed that when the inquiries are held on the complains made by sellers, the end result is the arose disputes within some parties on the ownership of a block of land within the premise of sacred site.

- Certain clashes arose between rivalry parties had been reported to police and the number of complaints made to police were 15. It is 19 % as per the sample. A police officer attached to Kataragama Police said....
- “CC ..... Out of the frequently lodged entries in a week, at least 3 – 4 complains were made by roadside sellers or beggars living in the sacred site. They enter into clashes when someone interferes either their businesses or the profession of begging. Possibly, such clashes can be ended up at killing each other, too. We face enormous difficulties due to these circumstances. Not easy to bring them into consensus.

**Table 6:** Status of complaints made to police

Had you been to police in the past due to unrest, clashes or conflicts?		
Yes	5	33.33%
No	10	66.67%
Total	15	100.00%
If Yes the frequencies?		
1-5-	8	53.33%
6-10	5	33.33%
Frequently	2	13.33%
Total	15	100.00%
Did you receive solutions to your complains		
Yes	4	26.67%
No	11	73.33%
Total	15	100.00%

The above refection’s disclose that out of 74% of incidences remain unresolved. However, the conflicts arose based on whatever incidences the overall critical status will be in two segments.

- Legal problems
- Problems of harmony with neighbors

The obstructions in reaching solutions is due to the revengeful attitudes within the business community, and with the

negative attitude to arrive at compromise due to abomination.

*“..... Neither police nor the Government can remove myself from this spot, not even to move out by one foot. If there is a forceful effect comes on me I will slay down such forces committing suicide by me.”* uttered by a 34 years old trader selling offering items.

This nature of utterings implicit the promptness of a person even to sacrifice own life on behalf of the block of land acquired by mind-stuff theory. In contrary, the research team could diagnose varied nature of deficiencies of welfare measures affecting the business community. Apart from the deficits of Educational and other essential needs of children they need to face other harmful outcomes as well. These are basically due to the adverse culture prevailing among the parents and children follow unethical habits of adults since, children too need to involve in sales activities after school or during the school time. Wide range of distrustful habits such as pick-pocketing; stealing; dealing with illegal sources of income; addiction to alcohol and dangerous drugs are some of the harmful elements visible. The ideology shared by K. Kohen on the topic of how varied subcultural matters generate scandal and disgrace children, can be seen within this community as well. For the simple reason that most of the street dwellers do not have long term plans and live only with the hopes of survival hence, they don’t follow any assessment on ways how they earn money which is not important to them. Due to this situation the research team could identify that children are pushed to collect money as beggars in the streets, other than the sales of flowers or the offering items.

Robert K. Merton in his publication on anomic theory titled “*Social Structure and Social Theory*” illustrates how anomia takes place while stating that all individuals in the society do have aims of living with needed cultural targets. But, those in the society who are treated differently (Discrimination& used to follow different techniques away from accepted cultural processes and such actions create anti-social patterns showering actions to secure social values.

It is a general tendency to select varied other strategic moves to earn money when the income derivable through sales and businesses is inadequate for living. In contrary, the encroached blocks of land becomes the most valuable asset for traders since it is extra-ordinary for their survival through businesses hence, the street sellers become aggressive and to behave pugnaciously while trying to secure their supremacy and monarchy which was one other behavioral element emerged through the research.

**Conclusion**

There is an imaginary tenure on the land acquired by the community living in the study area. Also, there is a vigorous competitive environment to secure the ownership of property currently occupied. Furthermore, several anti-social elements could be perceived through the research such as; to follow dominant life style to prove their attributed supremacy which goes beyond the hereditary tenure ; hidden approaches to develop needed network of groups to involve in anti-social actions ; effects of low education ; lesser avenues to meet basic needs ; availability of congenial sub-culture reflecting

monopolistic competition.

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### Recommendations

- To introduce effective regulatory framework for sales and businesses involved by sellers in close proximity of sacred sites, by assigning cells for sales etc., with effective designs based on appropriate and time bound implementation.
- To initiate action to withhold child labour in particular not to allow children to involve in sales etc. with parents.
- Also to formulate series of action to be implemented via the execution of DS's office with other field based officials in consideration of the betterment of business community involved in unsilenced and irregular trade avenues so as to fulfill their basic needs while also directing them for alternate jobs.

### Acknowledgement

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- Respondents of research sample and others provided information.

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