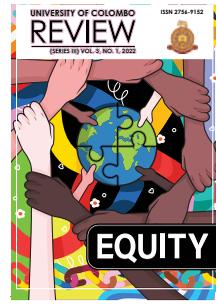


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The impact of development projects on the right to equality

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ABSTRACT

Citizenship refers to the legal and political status of a person as a member of a state. The purpose of this article is to analyze how state-sponsored resettlement resulting from development projects undermines the rights and equality of citizens. A project is the simplest independent action unit in a development investment process. Promoting equality during resettlement can prevent many socio-political and economic problems. This article will question why the citizens, despite having equal rights, are subject to social exclusion during development projects. The Deduru Oya development project has affected 584 families and they have been resettled in 04 areas. This article is based on field research conducted in the resettled village of Polgammana. The article is significant because there are very few studies based on the social, economic, and political rights of resettles. The article compares both the pre-and post- stages of a development project highlighting the importance of promoting the right to equality for Sri Lankan citizens. The article uses HT Marshall's theory of social citizenship, John von Neumann and Oskar Morgenstern's theory of games and economic behavior, and the theory of legal rights as its theoretical basis.

KEYWORDS:

Equal Rights, Citizens, Development, Development Project, Resettlement, Social Exclusion

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Introduction

The role of the state in economic development can be linked to the views of different governments and attitudes towards planning.

"What is the development means, according to the international theorists and practitioners? Development is necessarily conceived as dynamic in the service. From a social point of the view, the development refers to the change in the social structure of in the function performed by different groups and units with in it. Development is an integral value loaded cultural process: it encompasses the natural environment, social relations, education, production, consumption and wellbeing" (Uma Narula, 2002, p. 11).

The projects are implemented as a process and focus on various aspects of development. A project consists of clearly identified objectives, physical actions, and organizational structures. The development process can be identified as large scale investment planned and implemented by the government or the private sector to achieve a set of common social goals.

As citizens, all individuals have equal legal and political rights. The Constitution prohibits discrimination on the basis of race, religion, sex or otherwise. Specifically, Article 12 (2) of the Constitution of the Democratic Socialist Republic of Sri Lanka states that "no citizen shall be subject to any discrimination on the grounds of race, religion, language, caste, gender, political opinion or place of birth or for any other reason". However, it can be seen that the government does not pay attention to the social, economic, and political problems caused to the people through the implementation of development projects. As a result, the right to equality of citizens has been violated by development projects. Often the follow up action by the government to such resettlement and reintegration is inadequate. As Jayalath (2000) states, "Development means good growth" (p. 1). For that to happen, the equal rights of a citizen must be respected and guaranteed. This is the background in which the impact of development projects on equality rights was studied for this article.

Objectives

The main purpose of this article is to analyze how the governmental development projects undermine the equality of citizens, and why it is necessary to promote equality among the resettling communities and original settlers.

Methodology

The researcher conducted face-to-face interviews with 50 respondents using a structured questionnaire. The selected sample included men and women from rural localities in the Kurunegala district. The affected families were resettled under the Deduru Oya State Development Project in the four Divisional Secretariat Divisions of Kobeigane, Ganewatta, Kaluwaragaswewa, and Wariyapola. The field research used for this article focuses on the Polgammana village in Wariyapola Divisional Secretariat. The researcher selected the 50 respondents using the snowball sampling technique within the sample location. The fieldwork was carried out within a period of 11 months from January to November 2018.

The secondary data was collected from books and published research papers, newspapers, and academic articles. The researcher analyzed the data set using the Statistical Package for Social Sciences (SPSS). Theoretical approaches used were Citizenship Theory, Legal Rights Theory, and Sponsor Client Theory.

Research background

Deduru Oya is the main water source in the Kurunegala District of the North Western Province. The main branches of this river are Kibulwana Oya, Hakwatuna Oya, Maguru Oya and Kola Amunu Oya. The government planned to improve access to water for this area since 1965, but that did not materialize (Ajith, 2012, p. 9¹). Due to the prolonged drought in the province after the 1960s, the farmers struggled to access the water required for their agricultural activities. Therefore, the District Agriculture Committee recommended the construction of the Deduru Oya Reservoir as a remedy. In the 90s, the government focused their attention on the Deduru Oya Reservoir Irrigation Project. As the theme of the project 'Water for the North Western Province' illustrates, this was to provide a solution to the water shortages faced by the people of the province. In the year 2000, the government decided to implement this irrigation scheme. Accordingly, in the year 2002, the Irrigation Department prepared a feasibility report on the Deduru Oya Reservoir Project and suggested the construction of a reservoir with a capacity of 75 million cubic meters.

The five irrigation schemes implemented after Mahinda Rajapaksa assumed office as President in 2005 are Moragahakanda, Rambaken Oya, Deduru Oya, Uma Oya and Veheragala. The Deduru Oya Reservoir Development Project was constructed in 2007 connecting Kimbulaana, Deduru Oya, Hakwatuna, and Maguru Oya.

It is useful to recall the basic details of this project. 700 houses and 584 families are affected by this project. 2556 acres of land will be submerged including 1536 acres of paddy land. The total land area impacted by the project is 4400 acres. This project has resulted in the resettlement of 900 individuals. The project is implemented in three main sections, consisting of the construction, acquisition of lands and resettlement of the Internally Displaced Persons (IDPs). Government agencies involved in the project are the State Development and Legal Corporation, Government Factories, the Agrarian Services Department, and the National Machinery Authority. Compensation for land acquisition under Deduru Oya Reservoir Project as of 30.05.2011 is as follows.

Table 01 - Extent of land for which compensation has been paid

Extent of land for which compensation has been paid	
Extent of lands for which compensation has been determined	3052
Number of government reserved lands	861
Number of lands available for future compensation	2183
Total number of lands	6096 acres

(Source - Irrigation Department Report 2007-2013, p. 6)

Table 02 - Payment of compensation

Payment of compensation	
Total land area	1800 hectare
Amount of compensation	942 million (SLR)
Progress	65%

(Source - Irrigation Department Report 2007-2013, p. 8)

The Land Acquisition and Resettlement Committees (LARCs) of the relevant Divisional Secretariats determine the amounts of compensation for land based on the assessment of such land by the Government assessors. Approximately Rs. 50,000 and Rs. 300,000 per acre of paddy land was also paid. (Irrigation Department Report, 2007-2013, p. 9)

The area taken into the reservoir is 2000 hectares and 700 families live in this area. This area belongs to 4 Divisional Secretariat Divisions namely Maspotha, Ganewatta, Mahawatha, and Wariyapola. The Provincial Land Commissioner, Project Officers, and the relevant Divisional Secretariats selected these lands for the reservoir. The decision of the Cabinet on the resettlement of families was as follows, (Source - Irrigation Department Report 2007-2013, p. 10)

- Providing an acre of land and an acre of paddy land for each of the farming families who depend on agriculture under the Radawibedi Ela project (for 76 families).
- Allocating one acre land per 77 displaced families in the Telahera area in Kobeigane Divisional Secretariat.
- Granting half an acre of land from Peterweli Estate in Ganewatta Divisional Secretariat to a section of land losers, half an acre of land for sub-families, and quarter of an acre of land for sub-families.

Arrangements have been made to resettle these IDPs in the following places.

- Under the Radavi Ela Project - Kaluwaragaswewa Divisional Secretariat
- Telahera Farm Land - Kobeigane Divisional Secretariat
- Polgammana Estate - Wariyapola Divisional Secretariat
- Peterweliwatta - Ganewatta Divisional Secretariat

Results and discussion

Marshall (1949) defines civil citizenship as “the rights necessary for individual freedom—liberty of the person, freedom of speech, thought and faith, the right to own property and to conclude valid contracts” (Uyangoda, 2011, p. 40). It is important to understand the nature of civil citizenship in a development project. According to Prof. Sen. (2014), development should be considered as moving from “poor” or “bad” living conditions to “good” i.e. a level of living well. Several factors can make a person's life worse (p. 21). These include, the loss of power, insecurity, physical and mental weakness and inability to meet basic requirements.

The first and second of these factors will inevitably occur during resettlement. The problem is that the resettled communities do not have the support or guidance they need. In analyzing the impact of a development project, the issues between the resettled communities and the original settlers provide a better understanding of the violations of rights to equality. Therefore, the article questions why citizens are subject to social exclusion during resettlement when the law requires the state to uphold the right to equality. The findings of the research are discussed below.

Impact on the social right to equality in development project

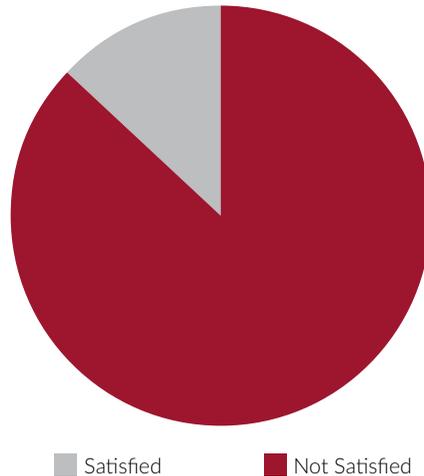
Globally, evictions or forced evictions largely occur due to war, natural disasters, and development projects. Among these, this article focuses on the loss of equal citizenship rights resulting from resettlement due to development projects. The reasons for the importance of promoting equality between resettled communities and original settlers can be understood as follows. “The social injustice caused by displacement can erode the economic and political significance of development projects, making it a social problem that disrupts the lives of individuals socially and economically” (Wolfensohn, 1995: p 35).

Problems have arisen regarding the use of public resources between the resettled communities and the original settlers due to the resettlement from the Deduru Oya State Development Project. Resettled communities face increasing competition for access to water sources, cemeteries, etc. Among these, the main problems faced by the resettled families in the Polgammana area are the lack of water and the lack of a burial ground. The interviews revealed that the original settlers did not allow the resettled communities to use the existing burial ground. Although they should have had equal access to these public resources as citizens, the loss of that status has placed the resettled communities under social pressure.

Dayani was a 34-year-old woman in the resettled area. There are four members of her family. Her husband makes a living as a farmer and her 60-year-old mother also lives with them. Her statement illustrates the problem with common resources.

“The biggest problem is that we do not have a cemetery. We have informed the authorities several times about this. The people of the village do not want to share the cemetery and the other resources with us because we are new. We don't even have clean water. Politicians remember our problems only during election time.”²

The Polgammana village has only one common well. It was built a long time ago. The interviewees point out that they had better access to water in their original places of living and that the issue of water shortage has only been exacerbated for them due to resettlement. Furthermore, Dayani's statement shows that the government has ignored the issues between the resettled communities and the original settlers that will arise as a result of the project. These issues evidence that although everyone should enjoy equality as citizens, this is not the case. Inequality in legal citizenship has increased due to the lack of equal access to public resources.

Chart No. 01**Satisfaction of families with the utilization of public resources after the Deduru Oya project**

Source - Field Data, 2018

Field research has revealed that the majority of families are not satisfied with the use of public resources. The interviews show that the resettled communities have not been able to establish a formal social relationship with the original settlers. Moreover, resettlement creates social distance and breaks down social networks. Original settlers have also been reluctant to recruit resettled communities to the currently active social organizations.

These problems are caused by the government's failure to take the necessary actions to integrate the communities who are resettling in a way that promotes equality in resettlement. One of the main points that become clear here is the opportunity to enjoy the substantive rights guaranteed to citizens.

Impact on economic right to equality in development project

Social rights, covering “the whole range of from the right to a modicum of economic welfare and security to the right to share to the full in social heritage and to live the life of a civilized being according to the standards prevailing in the society.” (Marshall, 1950, p. 10,11). John von Neumann and Oscar Morganton (1944) present a model of Game theory in ‘Theory of Games and Economic Behaviours.’ It is pertinent to describe how early settlers and resettled communities work as two groups to achieve economic goals.

1. There are two groups that can be clearly identified as early settlers and resettled communities in the relevant field and they have a common purpose.
2. Each group is well aware of the actions that can be taken for their own well-being and the actions that the other party will take against it.
3. That there is no cooperation between the two parties in decision making.

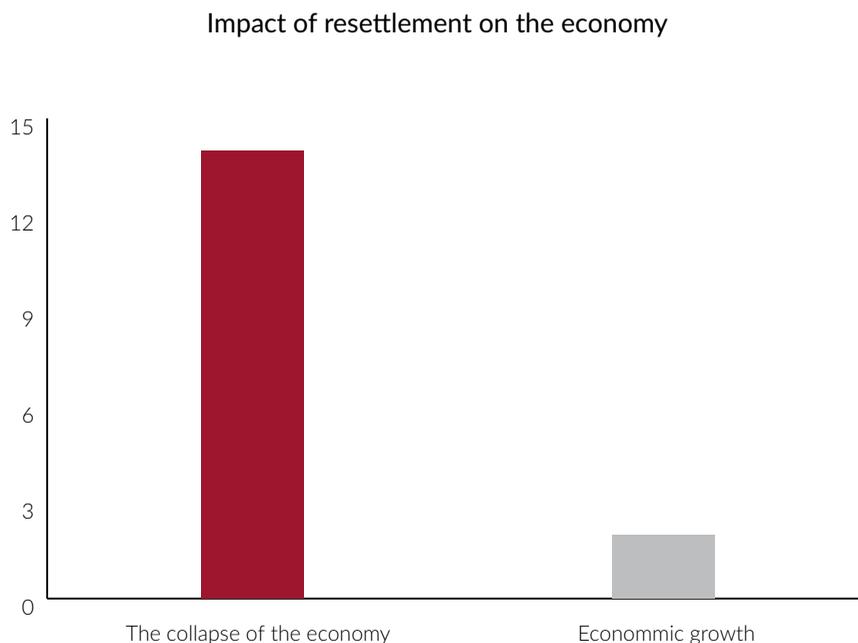
This situation can be explained by the field data. Sumana is a 45-year-old mother of three. She ran a shop before the project. She also runs a shop in the resettled village. She explains her current situation in the following manner,

“Our shop is in the middle between the former settlers and our resettled communities. But only resettled people come to our shop.”³

Sumana's statement illustrates the economic situation between the original settlers and the resettled communities. Change in the living area directly affects the economy of the resettled communities. What makes this even more significant is the fact that the change in this living area has taken place without the consent of the individual. This situation is exacerbated by the fact that only one group of both resettled and original settlers face this.

Chart No: 02

Impact of resettlement on the economy (assessed based on their income, access to economic activities)



Source - Field Data, 2018

The government as the initiator of the project needs to take steps to ensure the economic security of the communities during resettlement. But the above field data shows that failure to do so has led to economic problems between the resettled communities and the original settlers.

Everyone should have the freedom to carry out economic activities and the opportunity available for this should be equal for all citizens. If the capacity to freely engage in economic activities collapses due to government development projects, the state is responsible for restoring this.

Impact on political rights to equality during the development projects

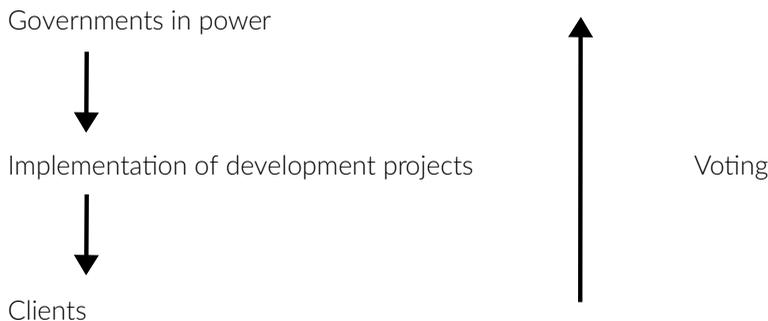
Although the Deduru Oya project was completed a long time ago, problems between the government and the resettled communities persist. Conflicts arose between the government and the community affected by the project since the project was announced. The affected communities conducted massive protests and demonstrations when the project was decided. The government used the police force to suppress all these.⁴ This background can be better understood through field data.

Piyaseva is a 51-year-old father of two. He now works on a farm in the resettled village.

“We were against this project at first. When we protested we were beaten by the police. We were arrested. Even today people do not have a good attitude towards the government.”⁵

“Exchanges of aspirations for power elections, public institutions, and development projects, that is, governments that come to power or political parties use the above components as sponsors. Here the controllers become the clients....” (Weingrad, 1963 cited Hettige, 1984, p. 158-162).

Figure 01
Political sponsorship in the welfare process



Source: Handaragama, 2013

“Top-level administrators also have a unique role and responsibility to play in policymaking regarding the development of a country” (Herath, 2017, p. 39). Policies are needed to guide a project as well as to minimize problems that arise through a specific methodology. A policy is a set of decisions. A policy leads to action. We can also describe a policy as a specific course of action, program, series of actions, and plan (Fernando, 2009, p. 7). Resettlement policies are important because they affect the success or failure of the project. No citizen shall be deprived of their fundamental rights during resettlement. They should be able to enjoy equal rights no matter where they live as a member of the state.

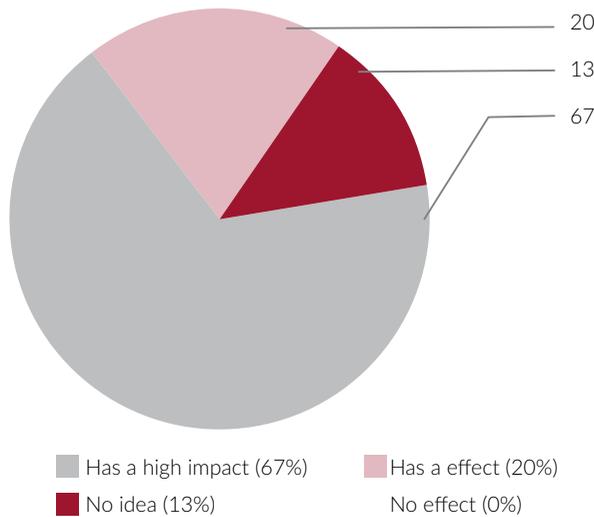
According to the Constitution of Sri Lanka, no citizen should be discriminated against due to a change of place of birth or residence. “No citizen shall be discriminated against on the ground of race, religion, language, caste, sex, political opinion, place of birth, or any one of such grounds” (1978 Constitution, Article 12 (2)).

The Constitution of Sri Lanka recognizes in the chapter on Directive Principles of State Policy that the government should provide social security. “The state shall ensure social security and welfare” (1978 constitution, 27 (9) Article). Therefore, the government is under a duty to ensure social security for citizens resettled due to development projects. Since the courts have taken the Directive Principles of State Policy into account in interpreting the fundamental rights, (Fernando, 2021, p. 32) the citizens’ right to equality should ensure their access to social security on an equal basis.

Interviews illustrate the influence of the original settlers on the resettlers and the breakdown of social relations between the two groups. Jayadeva is a 58 year old farmer. He declares,

“The people of this village did not even want to recruit us to the *Maradanadara samithiya*. To this day we are not considered part of this village. I was the Chairman of the *maranadara samithiya* where I previously lived. Now we don't even have a cemetery. The people of this village do not want to share what they have with us. We made a request to the government about this. But no action was taken. This is a government project. We were resettled here by the government. But the government does not take any responsibility.”⁶

Chart No: 03
Impact on resettlement by original settlers



Source: Field data, 2018

The field data reveals that the resettled communities are excluded from legal rights. This is because the government has not acted carried out the resettlement in a manner that protects legal citizenship. Promoting equality in resettlement is important to prevent this social exclusion.

Conclusion and suggestions

This article was based on the interviews conducted with families in the resettled Polgammana village during the Deduru Oya project. The article analyzed social exclusion resulting from the resettlement carried out to facilitate the development project. The article explored the reasons for such social exclusion despite all citizens being entitled to equal rights.

Focusing on citizens affected by development projects, the research carried out for this article interviewed families who have lost their homes due to the project and settled in a new area at the initiative of the government. The resettled communities have faced unequal treatment in the following areas, Resettled communities have lost the right to use public resources as citizens after resettlement, and the resettlement has been carried out without any steps to preserve the social network connections of the resettled communities. As a result, their right to live freely as a citizen has been violated, the breakdown of social security and the growth of social segregation, most people were compelled to change their jobs. One example of this is farmers who have changed their jobs.

According to the Constitution, no citizen of Sri Lanka should be discriminated against due to a change of place of birth or residence (1978 Constitution, 12 (2) Article). Moreover, the Constitution recognizes that the government should ensure social security for the citizens (1978 constitution, 27 (9) Article). Therefore, the citizens who are resettled due to development projects are entitled to social security on an equal basis. Furthermore, the government is responsible to assist the people who are affected because of government development projects.

Based on the findings of the research data, the researcher provides the following suggestions as measures to prevent this situation, Designing of resettlement activities must include specific steps to protect social networking connections during resettlement, Appointing a committee to address the social, political and economic problems of the resettled people, Involvement of the affected community group in discussions on issues that may arise in the post-resettlement phase of a development project.

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 4. Interview with Somadasa, 2018.11.12.
 5. Interview with Piyasena, 2018.10.22.
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