

RIGHT TO DEVELOPMENT VS RIGHT TO PROPERTY: THE SIGNIFICANCE OF RE-VISIT THE LAW AND POLICIES RELATING TO ACQUISITION OF LAND IN SRI LANKA

Damayanthi H.N.^{1*}

¹Open University of Sri Lanka, Sri Lanka

*hndam@ou.ac.lk

Right to development is a collective right of individuals as opposed to on individual rights. It is included in the directives of several United Nations instruments. It needs the State to provide public facilities and infrastructure that safeguard social and economic rights of the individuals. Therefore, acquisition of land has been given a special attention by the government and it raises numerous issues in the context of rapid development and changes in land use. Acquisition of land considered as an interference with the individual's right to private ownership. Therefore, it is necessary to follow the equitable and fair procedures by the state. Legislative enactments have been regulated the fair use of land distribution, land acquisition and tenancy rights of the country. State as a guardian and a facilitator must play a vital role regarding land utilization. The objectives of this paper is to discuss the existing law and policies relating to land acquisition in Sri Lanka, define the role of the state relating to land acquisition, identify the nature of interests of the affected parties, explain the practical implications of the affected parties ,to identify the concept of justice and equality guaranteed by the Constitution of Sri Lanka and to provide suggestions to overcome these difficulties in a law making process. The researcher relied on doctrinal method and non-doctrinal of research. It involved the study of the Legislations and Constitutional provisions of Sri Lanka, journals, case law and a case study. Although the legislations contain provisions about land acquisition, scope, procedure, mode of acquisition and compensation it requires to re visit all these provisions it revealed that the legislature neglected the other rights of affected parties. In order to provide equality and to achieve the economic and social goal equitable mechanism needs to provide to bridge the gap between the individual property rights and right to development.

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