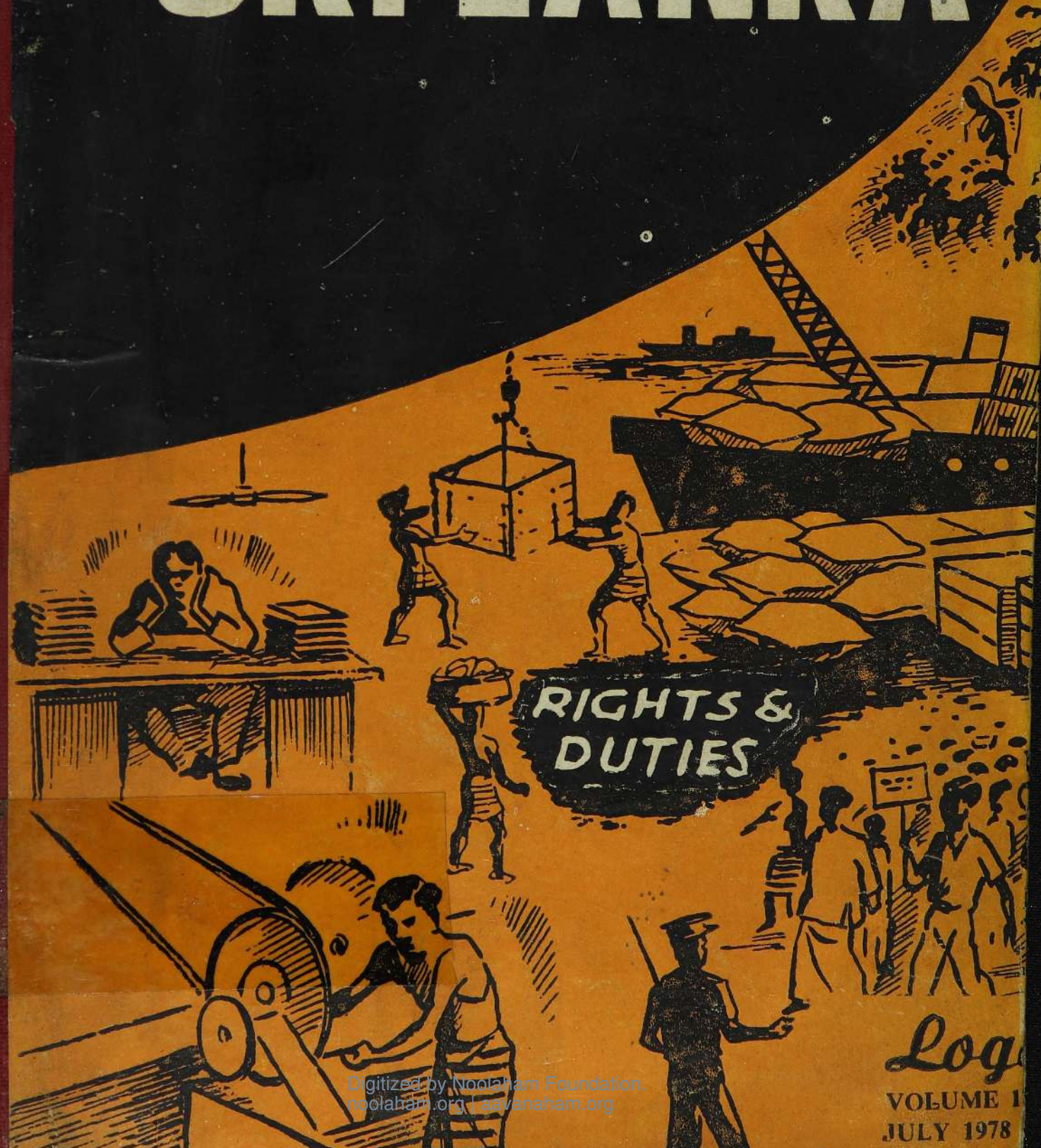


The WORKER IN SRI LANKA



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INTRODUCTION

We have decided to devote this issue of *Logos* to a consideration of some aspects of the "Worker in Sri Lanka" because a number of important issues concerning this subject has come up within the last few months.

One of the most significant among these issues is that of plantation labour. Workers of Indian origin in the tea and rubber plantation were disenfranchised in 1948 and have been outside the mainstream of politics in Sri Lanka since then. It was probably this fact that led the Ceylon Workers Congress, which is their chief representative organ to ally itself with the Tamil United Front in an effort to seek a joint solution to the problems faced by Tamil speaking people in Sri Lanka, even though they did not associate themselves with the demand for a separate state. Plantation labour has been out of the mainstream of trade union activity too; their concentration in one particular industry, unionisation along ethnic and religious lines, their linguistic separateness - all these were contributory causes. But whatever the cause may have been, it remained a fact that the largest single block of workers in Sri Lanka have, excepting in certain special circumstances, remained outside the main agitational struggles of the Trade Union movement in Sri Lanka.

This picture has now substantially changed. Consequent on the working of the Sirima - Shastri pact, (an agreement between the Indian and Sri Lankan governments to grant Sri Lanka citizenship to approximately half the Indian immigrant labour while the others would be repatriated to India, both processes to take place concurrently over over a period of years) 23,250 persons have been registered as Sri Lanka citizens up to December, 77 with full political rights. They are primarily from the plantation areas and this fact was well demonstrated in the 1977 elections when Mr. Thondaman, the leader of the CWC was elected as an MP for the Nuwara Eliya-Maskeliya Electorate and the votes of plantation labour proved to be decisive in a number of other electorates well. With more persons being granted Sri Lanka citizenship in the coming years, one can expect plantation labour to play an increasing role in the political life of Sri Lanka. That they have decided to play this role on a *national* basis and not on an *ethnic* basis has now been demonstrated by their withdrawal from the Tamil United Liberation Front and the acceptance of a Cabinet portfolio by Mr. Thondaman.

The other major factor of interest to labour has been the effort of this government to refashion the labour laws of the country and the industrial relations system that had grown up on the basis of such laws. It was argued that the imperatives of economic development demanded a disciplined and responsible

labour force; to achieve this aim, the government proposed, in its White Paper on Employment Relations, to enact a new system of contract between employer and employee, the establishment of Employees' Councils with minimum participative functions and the handing over of wage bargaining and grievance settling, which are the function of trade unions at present, to these Employees' Councils. This would have had the effect of making trade unions superfluous and would have ultimately led to their demise. It was clear that the proposals had both an economic and a political aim:

Economically, the government sought to prove to investors, local and primarily foreign particularly with regard to the Free Trade Zone, that they could bank on a controlled labour force and continuing industrial peace; politically, it sought to destroy the trade union movement which had long served as the power-base of the leftist political parties.

We have therefore sought to compile this issue of *Logos* round these two main themes.

The first article, which seeks to give a brief historical background to the labour movement in Sri Lanka, traces in brief, the growth of labour organisations and the many historical, social and political factors that played a part in the colonial era and later, in its, evolution. It also shows how many of the chief characteristics of the labour movement in Sri Lanka have been influenced and fashioned by these factors.

Against this background, we have an article, excerpted from Chapter 13 of Dr. Kumari Jayawardane's "Rise of Our Labour Movement in Ceylon" which describes the growth of labour organisations in the plantation sector. She traces the rise of trade unions in these estates in the early part of this century against a background of oppression and opposition from the planters and the state, describes the role played by political development in Sri Lanka and India in its formative years as well as early leaders like Natesa Iyer, Manilal and A. E. Goonesinha. It is interesting to note that the world depression of 1928/29 had a tremendous impact on the tea-industry in Sri Lanka and the resultant pressures led to a reduction of the minimum wage as well as large scale unemployment. In this situation the trade union movement was unable to safeguard the interests of its members and by 1933, had virtually collapsed. A similar fate had also overtaken the much stronger trade union movement of the urban proletariat. Her chapter stops at this point and it is perhaps of interest that, it was only in 1939, when economic and political conditions had changed in its favour, that the trade union movement in the plantations was able to revive and assert itself.

The next article by Fr. Tissa Balasuriya describes another facet of the oppression of the plantation workers. Against a background of denial of basic social justice and amenities, Fr. Balasuriya traces the first reluctant efforts to provide educational facilities to the children of plantation labour and the dismal state of such facilities even today. While sectors of the population of this Country have, in varying degrees, enjoyed the benefits of a free national system of education, plantation labour has been denied this service. The estate schools have not been integrated into the national scheme until very recently, have not been provided with adequate facilities or teachers and have suffered from total neglect. We hope that this article will draw renewed attention to a shameful state of affairs and hasten measures for improvement.

On our second theme, we reprint our analysis of the "White Paper on Employment Relations." This is a self-contained document which examines the impact that these proposals would have on the existing balance of power between employers and the state on one hand and employees and trade unions on the other. The White Paper sought a radical re-structuring of the industrial relations framework in Sri Lanka and this would have, in our opinion, shifted power decisively towards the employers including the state employers while employees would have been subject even to arbitrary action by the employers and would have been deprived of the protection of their collective power as represented by trade unions organised on a national basis since the framework proposed was entirely limited to the individual enterprise. Strike action, the ultimate sanction at the disposal of the labour movement, was severely circumscribed. These proposals were not proceeded with in the face of determined resistance by the trade union movement; however, there have been recent statements that some of these proposals would be enacted into law covering, to begin with, only the public sector.

The establishment of Employees' Councils and their development as participative organs sharing certain decision-making powers with the management has been hailed as one of the progressive aspects of the government's proposals. Our analysis however indicates that these organs are (1) unlikely to be representative of the employees and (2) weak in power as compared to the management and therefore unlikely to wield real-influence on decision-making and that in any case, their powers are extremely limited. In order to illustrate both the theory of participation and the difficult path that must be traversed in order to achieve it, we reprint an article from Labour Education, a regular ILO publication. This examines the concept of participation and identifies as one essential condition for its success, adequate training and education of the workers; it then examines the kind of education

programme that must be carried out as a pre-requisite to participation. Without such programmes, all talk of participation is likely to be hollow.

Since one of the aims of re-structuring labour laws is to give reassurance to foreign investors, our last article has been selected order to show the conditions which labour is likely to enjoy in the FTZ on the basis of experience in other Asian countries. Mr. Batty Weerakoon examines labour conditions in free trade zones in South Korea and Taiwan. The laws governing these zones do not permit the free association of labour in trade unions; even in spite of that, employers there prefer to hire cheaper female labour on the basis that it is likely to be more docile; hire and fire procedures with no redress against unjust exploitation are the general rule. Mr. Weerakoon also draws attention to another important aspect connected with the establishment of free trade zones based on foreign investment: the effort to suppress labour in the interests of the investors nearly always leads to the suppression of democratic liberties for most of the population. The political imperative associated with this kind of economic policy is authoritarianism.

We conclude this collection of articles with an extract from the "Economic Review" giving basic information on the position of women workers in Sri Lanka; they still suffer from numerous disabilities starting with unequal pay. Though a great deal of attention was focussed on this question during International Womens' Year, no meaningful action has yet been taken to remove the disabilities women workers are subject to. A progressive feature in the present government's proposals was legislation to ensure equal pay for equal work which is eagerly awaited.

We are conscious that this volume does not exhaust or adequately cover many of the problems faced by the worker in Sri Lanka. We have merely chosen to illuminate two major themes that have engaged the attention of the working class and the trade union movement in the recent past—themes that affect them in their role as workers.

Charles Abeysekera.

(Staff, Centre for Society and Religion)

THE LABOUR MOVEMENT

A Brief Historical Background

By **Dr. Kumari Jayawardene**

(University of Sri Lanka)

The development of plantation agriculture in nineteenth century Ceylon resulted in major changes in the economic and social structure. With the introduction of coffee cultivation in the 1830's and subsequently tea, rubber and coconut from 1880 onwards, Ceylon's traditional agricultural economy was transformed into a colonial export economy based on plantation crops. The growth of the plantation sector and the consequent beginning of urban capitalist development led to changes in the class structure of the country. A new group of British and Ceylonese planters and entrepreneurs arose, and in expansion of the "white collar" government and mercantile workers took place. These economic changes also led to the emergence of an immigrant (South Indian) plantation labour force and an urban working class of skilled and unskilled workers.

In 1891 there were 253,000 plantation workers and dependants, the figure rising to 700,000 by 1931. In contrast, the urban working population workers and dependants, was limited to about 75,000 persons in 1911, including mechanics, servants, workers, craftsmen and small traders. Of these, the actual urban proletariat working under factory conditions accounted for only a few thousands persons in the railway, harbour, public works department and engineering workshops. Distinct patterns of labour relations developed in the plantation and urban sectors. On the plantation and urban sectors. On the plantations, semi-feudal relationships prevented the rise of trade unionism until the 1930's, but state intervention in the field of labour legislation took place from the 1840's onwards. In contrast the relationship between worker and employer in urban centres was based

on a free contract of "hire and fire". In the urban sector, therefore, trade unionism arose as early as the 1890's, but the government adopted a laissez-faire policy towards labour legislation, and state intervention on behalf of urban labour did not take place until the 1930's. In fact, the first law affecting urban labour was introduced in 1931, the year during which the first trade union was formed in the plantation sector.

Plantation Labour

Although capitalist forms of production made inroads into Ceylon in the plantations, the relationship between worker and employer retained certain feudal features. Plantation labour was not wage labour in a free competitive market. For example, labour was originally recruited for the estates from India by Kanganies (or overseers), who were given money advances for recruiting workers who often belonged to his family or caste. The kangany was the intermediary between the planters and the workers; he had a dominating patriarchal role and acted as shopkeeper and money lender. The kangany whose "gang" was bound to him by indebtedness could move his workers from one plantation to another, a practice which resulted in a form of bondage. Being tied to the kangany by indebtedness the worker was not a free agent. In addition, certain practices, such as part payment of wages in rice, housing on the plantation being tied to the job, the shop run by the plantation or kangany (truck system), restrictions on freedom of movement from the plantations, were features of plantation life which kept these workers in a demi-serf status. Such conditions were not conducive to independent activity by the plantation workers to form organisations or trade unions.

However, grievances were not wanting. In 1847 the Kandy Superintendent of Police described the treatment of plantation workers as "exceedingly arbitrary and cruel" and worse than negro slavery, and conditions were not much better in the early twentieth century. Up to 1927 wages which were paid irregularly, stagnated at subsistence rates of around 33 cents a day. Even during periods of labour shortage wages were kept low by means of a "gentleman's agreement" between planters. Numerous malpractices in wage payments occurred, including illegal deductions by the kangany, and deductions by the planters for alleged bad work. Living, working and general conditions were such that the highest mortality and infant mortality rates in the Island were on the plantations, and also the highest illiteracy rates.

Urban Labour

With the development of the plantations there was a related growth of transport facilities of railways, roads and banks, agency houses, engineering workshops and retail shops. Thus, by the 1890's, there was an urban proletariat in Colombo. Some of the workers were only semi-committed to an urban way of life, retaining their ties with the land, but there was also a nucleus of wage labour which depended solely on its labour power for subsistence. In the early years of urban industrial development, wages were kept low, the average being from 50 cents to Re. 1/- a day. Hours of work ranged from 10 to 13 hours a day; there was no overtime, no holidays with pay or pensions, and fines and deductions from wages were imposed for many offences such as absenteeism, slack work and "insolence".

Working Class Agitation

By the 1890's the urban working class which was free of feudal ties sought to improve its position through joint action and organisation. In this connection one must add that urban labour was exposed to movements of religious revival and political agitation and that the middle-class leadership of the trade union movement came largely from Buddhist temperance leaders, social reformers and nationalists.

The history of our working class movement dates back 85 years to 1893 when the important strike took place among printers, and the first trade union was formed of printers in Colombo. In the early years of the trade union movement the strikes of printers, carters, port and railway workers and other skilled and unskilled workers were for economic demands. But since the context was one of imperialist domination of the country, the strikes often had both an anti-imperialist and anti-capitalist content. In the years up to 1920 the leadership came from the semi-political and political movements, of the period, the temperance movement, the constitutional reform agitation and the social service movement.

In the 1920's the Colombo working class made rapid gains, under the leadership of A. E. Goonesinha's Ceylon Labour Union. The general strike of 1923, the harbour strike of 1927 and the tramway strike of 1929 revealed the capacity of the Colombo workers to launch militant struggles for economic demands. These strikes were directed against British employers in Sri Lanka, the government departments run by the colonial

authorities and the colonial police, Workers in struggling for their economic demands against employers were thus at the same time engaged in a political struggle against the state apparatus of the colonial rulers.

A. E. Goonesinha the leader of the economic struggles of the working class in the 1920's also formed the Ceylon Labour Party and led the struggle for democratic rights, most notably the demand for universal franchise and swaraj.

The formation of the LSSP in 1935 gave a new impetus and a political direction to the working class. For the first time the working class were introduced to Socialist ideology by the LSSP and the CP which was formed in 1943. Trade union struggles led by these two left parties in the war and post war years were inevitably political struggles directed against British imperialism and local capitalism. The years 1945 to 1947 formed a period of maximum working class unrest and political agitation and the massive general strikes of 1946 and 1947 were instances of the economic struggles by the working class being combined with the political struggle, both being led by the Left parties of Sri Lanka. In other struggles—the estate workers strikes, the hartal of 1953 and the general stoppages of work of the Colombo proletariat of the following years, the working class retained its tradition of militancy and political commitment.

Trade Unions and Politics

A characteristic feature of trade unions in colonial countries has been the close link between trade unions and political parties, and Ceylon has been no exception. Even in the early years of the movement from 1890–1915, trade union leadership came from the politically conscious sections of the upper middle-class who belonged to various semi-political movements such as the anti-Christian movement of Buddhist revival, and the temperance and social reform movements. In the years between 1915 and 1930 the labour leaders were nationalist politicians, the most notable being Ponnambalam Arunachalam, the first President of the Ceylon National Congress, and A. E. Goonesinha, the radical politician of the twenties. In the early thirties, a group of Marxists (who founded the Lanka Sama Samaja Party in 1935) took over the leadership of the urban labour movement and in 1931 K. Natesa Aiyar, an Indian journalist with nationalist views, formed the first trade union on the plantations. The Ceylon Federation of Labour which is the trade union wing of the Lanka Sama Samaja Party. The trade unions allied to the Communist Party of Sri Lanka belong to the Ceylon Federation

of Trade Unions, (CFTU) The Communist Party (was by Sanmugadasa control the Ceylon Trade Union Federation (CTUF). The leader of the Ceylon Mercantile Union (CMU) Bala Tampoe, Secretary of the Revolutionary Marxist Party. Since 1956, the SLFP (Sri Lanka Freedom Party, now led by Mrs. Bandaranaike), has formed its own Unions which are affiliated to the Lanka Nidahas Vurthiya Samithi Sammelanaya. In the plantation sector too, outside political figures provide the leadership. Today, the leading plantation trade unions - which are the largest unions in the island—are the Ceylon Workers Congress (led by S. Thondaman) and the Democratic Workers Congress (led by A. Aziz), The smaller plantation unions are the Lanka Estates Workers Federation (LSSP) and the United Plantation Workers Union (CP).

Thus trade union leadership today is three-tiered, being composed of political party leaders, a second-line of party full-time workers, and workers from the industry. The issue of 'outsiders', i. e. trade union organisers who are not employees of the industry concerned, has been one a much discussed issue, especially since the 'outsiders' have tended to be party leaders. In colonial times, the government constantly complained that nationalist and Marxist politicians were 'misleading and inciting' the workers, but as B. C. Roberts, Professor of Industrial Relations at the University of London, has pointed out:

“When the political rulers of the territories, and the major employers were British or aliens it was inevitable that the unions should see the attainment of their economic objectives as closely bound up with the political goals of the nationalist leaders... Denunciation of the unions as the tools of political agitators was perhaps a natural response by exasperated colonial civil servants and expatriate businessmen. Until the leaders of the indigenous people had been given the opportunity to participate in government and until the lot of the mass of the workers had been vastly improved, it was idle to consider that trade unionism could be divorced entirely from politics.”

THE LABOUR MOVEMENT IN THE PLANTATION

By

Dr. Kumari Jayawardene

(University of Sri Lanka)

THESE SUBSTANTIAL EXTRACTS FROM CHAPTER 13 of "the Rise of the Labour Movement in Ceylon" by Visakha Kumari Jayawardene, Duke University Press, 1972, give us an idea of the problems of the plantation workers in the period about 1920-1933. They reveal the operation of the colonial economic system as well as of the basic class and race interests among different groups then. They can help us understand some of these forces at work today too.

Developed in Isolation

Capitalist forms of production had first made inroads into Ceylon in the plantations, but the relationship between worker and employer on plantations retained nonetheless certain feudal features. This was the basic reason for the lack of political or trade-union organizations among plantation workers until 1931. The process of unionization on the plantations developed in isolation from the very active urban movement. The leaders of urban labour were aware of the grievances of the vast mass of unorganized workers on the tea and rubber plantations, but they made no attempt to introduce trade unionism on the plantations or to link the urban and plantation workers in joint action. Although the estate labor force had become more rooted in Ceylon by the late 1920's, urban politicians and labour leaders regarded the Indian workers as transient aliens with no permanent interest in Ceylon. Moreover, when strikes and serious labour trouble occurred in Colombo, the planters, who were alert to the possibility of labour agitation spreading to the plantations took great care to isolate their workers from the urban labour movement. For example, during the 1923 general strike in Colombo, the planters prevented their workers coming to the

city for fear that they might become "infected with the strikers' attitude of mind"-(1).

In the 1920's, when there was an unprecedented rise in urban labour unrest, there were neither trade unions nor even friendly societies among plantation workers. An organization of plantation clerks and minor supervisory staff called the Kelani Valley Indian Association had been formed in 1923, and had demanded that weekly wage payments be made direct to the workers, but the Controller of Indian Immigrant Labour claimed that the association's interest in labour had "yet to be proved" and that it existed only to promote its President's candidature to a nominated Indian seat in the Legislative Council.- (2)

The life of the plantation worker continued to be as "nasty, poor brutish and short" as before. Even when urban labour had made economic, political, and social advances, the plantation workers lagged far behind. Economically these workers were the most exploited group, and in 1930 the Agent of the Government of India observed that indebtedness was the "most distressing feature" of the plantation worker's life: "Thousands of Indian labourers are perpetually in debt... their debts go on increasing in inverse proportion to (their) ability to-pay them. Labourers' indebtedness which may have had small beginnings, becomes acute, chronic and wellnigh incurable." - (3)

During these years, however, the plantation worker began to emerge from his semiserf status, and the ties that kept the worker *in bondage to the kangany* were loosened, making the development of trade unionism feasible in principle. By legislation, some of the evils of the kangany system were controlled, although many evasions of the law took place. Nevertheless, one must note that the "tundu" system, whereby a kangany could transfer his "work gang" from one plantation to another, was abolished in 1921, and kangany were also prevented from recovering debts in the courts. Under the Minimum Wage Ordinance of 1927, wages had to be paid direct to the worker, and rates were raised. Although the economic depression caused a reduction in rates, the question of wages became an important, issue, for it was a means by which the worker could emancipate himself economically from the kangany.

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- (1) Statement of Graeme Sinclair, Planters' Association Year Book, 1923, p. 11
 - (2) CLD. Department of Indian Immigrant Labour, File W. 22.
 - (3) Annual Report of the Agent of the Government of India in Ceylon, 1930, p. 10.

One factor that had characterized the plantation work force was its links with India and its migratory nature. But by the 1920's these workers had *become a permanent resident work force whose ties with India were weakening*. Once the plantation became a fixed work place—rather than a temporary place to earn money and return to India—the workers' outlook changed. As contacts with the Indian village grew less and the dependence on the kangany declined, the plantation workers began to acquire the characteristics of wage labour.

Franchise in 1931

One of the most significant political events for the plantation workers was their enfranchisement in 1931. Prior to this date, when the franchise in Ceylon was based on income, property, and literacy qualifications, the plantation workers did not possess any political rights. There were, however, two members in the Legislative Council who were nominated by the Governor to represent Indian interests. The Donoughmore Commission had recommended that the franchise should be granted to adults who had been resident in Ceylon for five years, but this was opposed by the majority of Ceylonese politicians on the grounds that immigrant Indians had no permanent interest in Ceylon and that this would result in the swamping of the Sinhalese vote in the up-country districts by a flabating population of Indians. In view of these protests, the standard test of eligibility to vote was changed from a residential qualification to one of domicile"; persons who were not domiciled in Ceylon had to either satisfy a literacy and property qualification, or obtain a "certificate of permanent settlement." After the franchise qualifications were altered, around 100,000 Indians acquired the right to vote.

In 1931, for the first time Ceylon, the workers on plantations assumed a role of importance in political matters. In plantation districts the candidates held mass meetings, issued pamphlets and election literature, and whipped up political excitement among the workers. This group of workers hither to ignored by politicians, found themselves at the center of political activity, eagerly canvassed by election candidates. The elections resulted in two Indians, Peri Sunderam (Hatton) and S. P. Vytilingam (Talawakelle), and one planter, A. Fellowes Gordon (Bandarawela), winning seats, out of a total of forty-six constituencies in the island. The elections marked the beginning of the political representation of plantation workers in the State Council, and the choice of Peri Sunderam, one of the Indian members, as Minister of Labour, Industry and Commerce, was referred to by the Indian Agent in his report 1931 as "a matter for singular satisfaction."

Spread of Education

There were also other changes which made the workers receptive to unionization. For example, though the education system on plantations reminded far below the standard in the rest of the country, some progress had been made after the Education Ordinance of 1920, whereby school-going on plantations was made compulsory and planters were obliged to provide workers' children with an elementary vernacular education. Whereas in 1904 there were only 2,000 children at school on plantations by 1920 the figure was 11,000 and by 1930 it had risen to 26,000 (4). There was also an advance in literacy. The census of 1931 lacks this data, but the 1921 census figures show that there was 18 percent literacy among plantation workers (27.6 percent males and 7.1 percent females) compared to 12.37 percent in 1911.

The spread of education had some bearing on the development of trade-union consciousness. *Hostility to the kangany* grew as the educated worker became better equipped to challenge his authority. The change in this respect was marked. In 1908 the evidence recorded by the Labour Commission indicated that the worker often had little knowledge of the amount of his indebtedness to the kangany. (5) The improvement in education enabled workers to keep accounts of their indebtedness and the wages due to them, and they became aware of any malpractices on the part of the kangany or the employers.

The increase in education among the plantation workers also had *political repercussions*. Literate workers kept in touch with local and Indian politics through Tamil newspapers published in Ceylon and through Tamil political literature from India. The plantation workers began to show interest in the activities of the Indian nationalist movement and enthusiasm for the Congress leaders, Gandhi and Nehru, who visited Ceylon in 1927 and 1931 respectively.

No Religious Base

In spite of certain advances in education and political awareness, trade unionism on plantations was slow in taking root. In the early years of the urban labour movement, religion was a useful facade for political and labour activity, but in the plantation sector there was no parallel development. The ritual of the Hindu

(4) E. B. Denham, *Ceylon at the Census*, p. 410 for 1904 figures; *Annual Report of the Agent of the Government of India in Ceylon*, 1931, for the 1920 and 1930 figures.

(5) *Labour Commission Report*, 1908, para. 9, 10.

religion, the propitiation of deities and votive offerings in exchange for favors granted, no doubt helped the worker to come to terms with adverse working conditions and what at all times was a singularly hostile environment. Ponnambalam Arunachalam in a talk on Indian emigration, mentioned the consoling influence of Hinduism on Indian indentured workers in Fiji who lived in "degrading and miserable conditions .. amid squalor, physical and moral"- (6)

But though the pioneers of plantation labour agitation were Hindus, there is no evidence of any semipolitical religious movement on the plantations, and the early attempts to agitate on behalf of plantation workers were political and not religious in origin. This may be explained by the fact that by the late twenties, when middleclass Tamils began to show concern about plantation labour, a religious facade was not necessary to disguise trade-union and political activity.

Middle class Tamil leadership

The leadership of the plantation labour movement came from middle-class Tamils who were radical in outlook. Several moderate members of the Tamil community had joined the movement for political reforms but had shown little interest in plantation labour problems. The first to express concern was Ponnambalam Arunachalam, who, between 1913 and 1922 had led a campaign against the Labour Ordinance and had protested against wages and conditions of plantation-(7).

K. Natesa Aiyar

The next attempt to introduce trade unionism on to plantations began as a radical political venture led by *K. Natesa Aiyar*,

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- (6) On this question, Arunachalam quoted the Rev. C. F. Andrews, who had made a study of Indian labour in Fiji. "The religious sense among the people .. has been the sap in the tree of Hindu civilisation... I have found here in Fiji among indentured coolies, Hindu men and women, whose hearts are filled with poetry and nature and love of God. One of them told me that every thing that God had made was beautiful in Fiji and man alone was vile. We knew which man he meant .. Through all the evil and misery of their fate they have kept the soul of goodness." *Speeches and Writings*, p. 209.
- (7) A distinction was made between migrants from India referred to as Indian Tamils and those Tamils who were a part of the permanent population-known as Ceylon Tamils-who were mainly unconcerned about the hardships of estate workers.

whose interest in trade unions was a by-product of his political activities. His career progressed from "seditious" journalism inspired by the Indian nationalist movement to collaboration with the urban trade union leader A. E. Goonesinha, and culminated in independent tradeunion activity on the plantations. Natesa Aiyar, a South Indian Brahmin who had been a government servant in Tanjore, had a flair for journalism and joined a Tamil paper. According to police sources, Natesa Aiyar visited Ceylon around 1915 to make contacts and collect subscriptions for his paper. In 1920, he returned to Ceylon and became the editor of a Tamil newspaper, the *Thesa Nesan*, whose proprietors, M. A. Arulanandan and Dr. E. V. Rtanam, were executive committee members of the Ceylon National Congress, the latter also becoming a committee member of the Ceylon Labour Union.

The same group of Tamil politicians, who were regarded by the police as political agitators, started an English paper, *The Citizen*, edited by Lawrie Muttukrishna with Natesa Aiyar as its publisher-(8). On the important issues of the day there was an identity of opinion between the radicals in Ceylon, whether they were Sinhalese or Tamil. The citizen supported militant organizations like the Young Lanka League, published strong editorials condemning "wickedness in high places," and denounced the Salaries Commission Report as a "most immoral document." This paper was mainly inspired by the Indian national movement; it contrasted India's militant political struggle with the moderate policy of the Ceylon nationalists.. In 1921, an article on "The Spirit of India" claimed that politically Ceylon was far behind India, and it urged the Ceylonese to give up their "worship of ancestry and past respectability" and also their prevalent "mania for empty honour and empty show. - (9).

It was inevitable that the journalistic career of Natesa Aiyar would attract the interest of the ever-vigilant Ceylon police, especially in view of his connections with India and his open hostility to British rule. (During the visit of the Prince of Wales to India and Ceylon in 1921 - 1922, the police kept a watch on the raidcals in Ceylon who had denounced the visit, and a critical article on the prince of Wales by Natesa Aiyar in the *Thesa Nesan* was filed in his police dossier) In 1925, the police urged the government to prosecute Natesa Aiyar for a seditious

(8) CNA, Police Reports of 26 Aug. 1922, File 14196/25. The "political agitation" in Ceylon who were mentioned in these police reports as Natesa Aiyar's associates were Lawrie Muttukrishna, Dr. F. V. Ratnam, M. A. Arulanandan and Proctor Murugesu.

(9) See the *Citizen*, 23 Oct., 13 Nov. 1921.

editorial entitled "British Take Notice," which warned Britain that trouble in India, Egypt and Ireland proved that the "present condition of the Empire was shaky" and that future trouble was inevitable... (In a confidential report to the Colonial Secretary, the police described this article as "highly seditious matter of a kind which is very rare in the Island.") But the Colonial Secretary advised the police that a prosecution for sedition would not succeed, and recommended instead that "the activities of this gentleman be watched." - (10).

D. M. MANILAL

The first link between Natesa Aiyar and labour activity was his association with an Indian nationalist and Communist *D. M. Manilal*, who was from Baroda. It may be noted at this point that Ceylonese radicals had welcomed the Russian revolution in 1917, and had access to Communist literature which filtered through in spite of police censorship. In the early 1920's Communist groups in India often used Ceylon as a convenient base for smuggling prohibited political literature from Europe to India, or as an escape route for Indian Communists travelling between India and other countries. — (11). But there is no information about any link which may have existed between these Communists and Ceylonese. It was Manilal who provided the first open contact of this nature, though he did not emphasize his Communist views while in Ceylon. Manilal, who had been called to the Bar in London in 1907, was an associate of Gandhi. He practiced in Mauritius from 1907, to 1910 defending Indian workers in court cases against planters and organizing meetings all over the island to highlight the problems of the immigrant workers. In 1910 he went to India as the Mauritian delegate to the sessions of the Indian National Congress, where he described the deplorable condition of immigrants and urged the abolition of Indian immigrants to Mauritius. -(12). Manilal next worked in South Africa with Gandhi, and one of the latter's advice went to

(10) CNA, Police Reports, File 14196/25.

(11) Indian National Archives. New Delhi, Home Political File No. 24-1 of 1924. For example, in 1922, a Gengali Communist, Nalini Gupta, who was in M. N. Roy's group, was arrested in Colombo, but subsequently managed to leave for Europe after receiving money from Muzzafar Ahmad in Calcutta sent to Colombo through Jotin Mitra.

(12) D. Nepal, *Manila M. Doctor, Pioneer of Indo-Mauritian Emancipation*. Manilal was also known as Doctor Manila and Manilal Shah.

Fiji. There he led agitation and strikes among Indian immigrant workers, resulting in his deportation on a prohibition order in 1920. On a visit to New Zealand, Manilal again attracted police attention by delivering a public lecture on working-class solidarity, and urging his audience to read a book called *Red Europe* written by an Australian Member of Parliament.

It is no wonder, then, that on Manilal's arrival in Ceylon in October, 1921, the police kept track of his movements. He was considered a "suspicious" person because of his past record among Indian workers and his connections with the Indian nationalist movement, but he was also a more imminent source of danger because the Prince of Wales was due in Ceylon, and the authorities did not want Indian "agitators" to excite the Ceylonese against the Prince's visit.

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During his brief stay in Ceylon, Manilal was associated with the group of Tamil nationalists and radicals who ran the *Thesa Nesan* and the *Citizen*. The latter paper gave considerable publicity to Manilal's visit and praised him for having made history by championing the cause of Indian workers in sugar plantation in Fiji and for trying to secure "the material and moral freedom of Indians enslaved in Fiji." - (13). When the Ceylon Government issued a deportation order against Manilal, this became a celebrated civil rights case. There were many protests, including a public meeting where moderates of the Ceylon National Congress, and radicals like C. H. Z. Fernando and A. E. Goonesinha of the Young Lanka League, spoke out vehemently for Manilal. In the municipal Council, Fernando unsuccessfully tried to pass a resolution denouncing the deportation order as "a serious and arbitrary infringement of the rights and liberties of the British subject... likely to create the impression abroad that the city of Colombo is under a despotic rule." - (14). Some sections of the press also joined in the protest: the *Daily News* said that Manilal's countrymen would feel that there was "something in the labour conditions of Indians in Ceylon that the government feared Manilal would expect," - (15) and the *Morning Leader* claimed that the Ceylon government regarded Manilal as a "missionary of non-cooperation" who would "tell our patriots of Gandhi and his great doings." - (16). There can be no doubt that Manilal not only spotlighted the problems of plantation labour, but also inspired some of the Indians in Ceylon — most

(13) *Citizen*, 16 Oct. 1921, 1 Jan. 1922.

(14) *Ceylon Daily News*, 7 Jan. 1922.

(15) *Ibid.*, 9 Jan. 1922.

(16) *Ceylon Morning Leader*, 8 Jan. 1922.

notably K. Natesa Aiyar - to speak out on behalf of Indian workers. The fact that Manilal, on his return to India, was closely associated with the Indian Communist Party and the trade-union movement, and in 1924 helped in the defense of S. A. Dange and other Communists in the Kanpur Conspiracy Case, increased official suspicion of both Manilal and Natesa Aiyar. The Indian police, who were watching Manilal during the conspiracy case, reported:

Manilal is a well known labour agitator who was successively externed from Fiji, New Zealand and Ceylon and refused permission to practice in the High Courts of Madras and Bombay..... He is clever enough to keep in the background but there is ample evidence that he is deeply implicated in the propaganda carried on more openly by others. Manilal helped Singaravelu Chettiar in forming the 'legal' Communist Party...the Labour and Kishan Party of Hindustan. - (17).

By 1925, the Ceylon police alleged that Natesa Aiyar had not only maintained in connection with Manilal but was also in contact with "certain labour leaders in Australia, America, the Federal Malay states and the Straits Settlements" and with political agitators in India. (18).

From 1925 onwards, Natesa Aiyar took an interest in the conditions of plantation labour. Though prevented by the trespass laws from visiting plantations, he managed to do so by accompanying an Indian cloth merchant from Colombo who used to make the rounds of the plantations. Soon after Natesa Aiyar wrote *Planter Raj*, an "inflammatory" pamphlet which attacked planters and gave a grim description of working conditions on plantations. From this point onwards, Natesa Aiyar's political career was closely linked with labour questions. As the Indian member of the Legislative Council from 1926 until 1931, he constantly agitated on behalf of the plantation workers, especially on the minimum wages question.

Natesa Aiyar and A. E. Goonesinha

Natesa Aiyar's concern with labour also led him to attempt a political and tradeunion partnership with the urban labour leader A. E. Goonesinha, which lasted from 1926 to 1928. In 1926, they jointly edited a radical paper, the *Forward*, which advocated

(17) Indian Government Archives, New Delhi, Home Political-Secret File No. 261 of 1924.

(18) CNA, Police Reports, File 14196/25.

complete political freedom and denounced "camouflaged political reforms" as being "calculated to gratify title hunters." Like most radical Ceylon journals, it gave prominence to foreign political events, attacking Mussolini's "sorry and sordid task of trampling underfoot the rights of man, "and also strongly condemning colonialism as glorified brigandage... the usurpation of the rights and liberties of one nation by another." On economic and social issues, the Forward agitated for social legislation and the elevation of "the oppressed classes of the community." (19). Natesa Aiyar's first experience of active trade-union work was through his association with Goonsinha. During the harbour strike of 1927, led by the Ceylon Labour Union, Natesa Aiyar persuaded workers who had been brought from India to refuse to work; he raised questions in the Legislative Council about the strike and, together with Goonesinha, collected funds for the strikers from the merchants of Colombo. Another link between Natesa Aiyar and urban labour was his membership in Goonesinha's Ceylon Labour Union, becoming the Vice-President for a short period.

But what might have developed into a very important alliance between the organized militant urban labour movement and the unorganized mass of workers in the vital plantation sector of the economy did not materialize. In 1928, Goonesinha had denounced the exploitation of labour and had sympathized with the cause of economic and political rights for Indian workers in Ceylon, but he had never shown any willingness to extend his trade-union activities to include plantation workers. For one thing, the Sinhalese and Ceylon Tamil members of the middle class did not regard the plantation workers as an integral part of the working population; the prevalent view among urban union leaders was that though the condition of the "coolies" on plantations might amount to semi-slavery and needed redress, the urban workers had their own battles to fight to keep themselves above "coolie" status.

Where as in the first two decades of the 20th century, a Ceylonese nationalist, Ponnambalam Arunachalam, could speak out for plantation labour and also receive the support of his middle-class colleagues of the Social Service League, by the 1920's the Ceylonese politicians began to talk of the potential political and economic dangers if plantation workers obtained the franchise and organized themselves into trade unions. Fears that the Sinhalese might be swamped by minority groups were openly discussed, and the extension of the franchise to include

(19) Forward, 22 Aug., 5, 19th Sept., 1926.

plantation workers, as recommended in the Donoughmore Commissioners' report, was bitterly opposed by the Ceylon National Congress. Significantly, Goonesinha did not oppose this extension of the franchise to include Indian workers. but he made no effort to encourage trade unionism on plantations.

The initial disagreement between Goonesinha and Natesa Aiyar occurred in 1928, just before the depression; Natesa Aiyar was convinced that A. E. Goonesinha, the hero of the Sinhalese workers and the disciple of Anagarika Dharmapala, was basically a chauvinist and therefore against the Indian plantation workers. When Natesa Aiyar alleged that Goonesinha was anti-Indian, Goonesinha denied it and promptly expelled him from the Labour Union. Whatever chances there were of an alliance between A. E. Goonesinha and Natesa Aiyar vanished completely with the onset of the economic depression in 1929. During the depression years between 1929 and 1934, there was not only a collapse of both the urban and plantation labour movements, but also strong anti-Indian feeling among urban workers, caused by the increase in unemployment among Ceylonese and the threat of cheap Indian labour displacing them. The Ceylon Labour Union's change to an anti-Indian policy intensified the breach between the labour leaders of the two communities.

The All-Ceylon estate labour Federation

It became clear by 1931, a time when the depression had aggravated the anti-Indian feeling among the Ceylonese urban working class, that a plantation labour movement would have to develop separately, and that the leadership for such a movement would have to arise from the Indian middle class in Ceylon. In 1931, Natesa Aiyar made the first attempt to organize a trade union among plantation workers when he founded the All-Ceylon Estate Labour Federation, with its head office in the tea planting district of Hatton. The impact of this first penetration of trade unionism into the heart of the "planter raj" caused a sensation among the plantation workers. Natesa Aiyar's appeal was charismatic for he was a Brahmin who had come to champion those who, in caste terms, had been regarded and treated as "pariahs." He was the challenger of the most powerful employers in Ceylon, and was fearless in his attacks on them. As a Tamil orator he had a hypnotic appeal on the plantation workers, who flocked to his meetings and hailed him as a messiah.

Some of the objectives of the Federation were similar to those of a provident society, and included the propagation of ideas of

brotherhood, self-help, and thrift, and the discouragement of drinking, gambling, and indebtedness. To combat indebtedness, the new union urged the formation of credit societies and co-operative stores. Other aims included the improvement of education among the workers and the raising of their economic and political status. (20) Disputes between workers and employers and the question of the repatriation of the old and disabled were taken up by the Federation, but the organization was handicapped from the start.

The economic depression had set in and because of the reduction of the minimum wage and the threat of mass unemployment the situation was highly unfavorable for any trade-union activity. In addition, under the trespass laws access to plantations by trade unionists was illegal, The activities of the Federation were therefore restricted to two methods of agitation. The first was redress for individual grievances by means of petitions, and the second was propaganda for the Federation through publications and mass meetings.

Petitions had always been the most frequently used means for workers in Ceylon to express their grievances, and the petition writer was a common feature of every town and village. After the Federation adopted this method there was a sudden rise in the number of petitions from plantation workers to the superintendents of plantations and to the Agent of the Indian government in Ceylon (who was appointed by the Indian government to look into the interests of Indians in Ceylon). The number of petitions to the latter, which had amounted to 956 in 1929, rose to 1,859 in 1931, and 2,468 in 1933, an unprecedented increase which the Indian Agent attributed to the activity of the new trade union. (21)

Since entry on to the plantations by union officials was illegal, the chief means of contact between the union and the workers was through meetings in nearby towns. In May, 1931, a meeting of 5,000 workers was held in Hatton and resolutions were passed protesting against reduction of wages, breaches of the Minimum Wages Ordinance, and the "truck system" operating on plantations (whereby workers bought their provisions from the plantation or kangany-owned shop). (22) In June, 1931, the Kandy

(20) CNA, Objectives of the All-Ceylon Indian Estate Labour Federation, File CF. 1184/32.

(21) Report of the Agent of the Government of India, 1933, P. 9.

(22) CLD, Report of meeting of 3 May 1931, File W. 3 Part V Minimum Wages.

branch of the new union held a mass meeting at which Natesa Aiyar advised the plantation workers to make representations of their grievances through the union. He urged them to avoid indebtedness and drink, to assert their rights regarding working hours, and to resist the "truck system". (23) Using his talents as a journalist, Natesa Aiyar also issued many pamphlets in Tamil, including "Rights and Responsibilities of Indian Immigrants," advising workers on the best methods of dealing with their employers on questions such as giving notice. In 1931 he also started a journal in English called the Indian Estate Labourer, with V.P. Nathan as editor.

Opposition by Planters

The first spurt of trade unionism in the plantation sector was countered by a determined effort by planters to crush the movement and to discredit its leaders. The planters were the most powerful group of capitalists in Ceylon and the plantation workers, who formed the largest concentration of the proletariat, were the most exploited and unorganized section of the working class. Realizing the potential threat to their economic position, the planters speedily suppressed any trade-union agitation. To begin with, the Planters' Association advised estate superintendents not to reply to any letters received from the union and requested the Controller of Labour to be good enough "to refer petitions from plantation workers to the superintendent concerned. When the planters also asked the Indian Agent, K. P. S. Menon, to ignore all petitions from the union, he refused, saying, that it would be "difficult entirely to ignore petitions signed or thumb marked by labourers, no matter which source they came from." (24) There were even cases where certain Magistrates, on receiving petitions from plantation workers, referred these to the estate superintendents in question—a practice which was condemned by Natesa Aiyar as being a travesty of justice—(25).

In addition, in August, 1931, after the inaugural meeting of the branch of the Estate Labour Federation had been held in Kandy, the Municipal Council refused to allow the use of municipal grounds for future meetings of the union, one of the Councillors arguing that as the union encouraged workers to "deeds of insubordination and mischief," the Council should not "be a

(23) Ibid., Estate Labour Federation, File G. 176.

(24) Ibid, letter of 2 June 1933 from Secretary, Planters' Association to the Controller of Labour, and letter of K.P.S. Menon to planters' Association 5 June 1933.

(25) CNA. Indian Labourers and Police Magistrates, File 1282/30.

party to this kind of nonsense".-(26) In other plantation areas the same opposition was shown, and local councils and owners of vacant land in several plantation towns refused permission for these grounds to be used for union meetings.

The planters also resorted to a policy of personal denigration of Natesa Aiyar, and for this purpose they not only recruited the help of kanganies and subordinate staff, but also exploited the existing bitterness between the "depressed" castes and the Brahmins. As Natesa Aiyar regarded the kanganies as the real enemies of the plantation workers, even comparing them to the slave traders of Africa, it was not difficult for the planters to use kangany organizations in their campaign. In September, 1931, the Planters' Association discussed proposals "to curb Natesa Aiyar's activities"-(27) and later in the year, a planter published an anti-Natesa Aiyar circular for distribution on the plantations. This document played upon the caste feelings of the workers and kanganies by attacking Natesa Aiyar's Brahmin origins-(28). It was also alleged that plantation trade-union leaders were making a living out of the ignorant workers, and in March, 1932, the Chairman of the Planters' Association referred in "activities of self-constituted leaders who seek to exploit the labourers as a means of livelihood."-(29)

At a meeting held to start a cooperative society to counteract trade unionism, the Chairman said that "pernicious doctrines at present being preached by undesirable self-seekers and disappointed men should be avoided like The plague"-(30) The planters also financed a weekly Tamil paper, the Oolian, described by the Times of Ceylon as "an organ for fostering better understanding between planter and labourers,"-(31) but which was, in

(26) C. L. D. Estate Labour Federation, File 176, quoting Times of Ceylon, 17 Aug. 1931.

(27) Ibid. "Minutes of General Committee of Planters' Association 9 September 1931. "Mr. Garrick said his head clerk was the Chairman of the Indian Association which was working against Natesa Aiyar. He hoped Superintendents would provide facilities for members of the Indian Association to hold meetings."

(28) Ibid., "Minutes of Planters' Association 13 November 1931."

(29) Speech of A. G. Baynham, Chairman of the Planters' Association of Ceylon, at the 78th Annual General Meeting, 11 March 1952, Year Book of the Planters' Association, 1931 p. 63.

(30) C. L. D. "Report of Meeting of Imboolpitiya Co-operative Society," 29 Nov. 1931, File G. 176.

(31) Ibid., quoting Times of Ceylon, 18th Sept. 1931.

fact, mainly concerned with propaganda against Natesa Aiyar. It alleged that the union was harmful to the plantation worker, and attributed labour troubles on plantations to "the evil machinations of the so-called Estate Labour Federation." The union was also said to have done nothing for the workers except to take collections from them "under various pretexts," and to write petitions "setting out the various grievances alleged by the ignorant labourers."

In November, 1931, The Oolian stated that people like Natesa Aiyar should be sent to prison and expressed the hope that it would not be long before some planter decided to have him "securely shut up for sometime." In December of the same year, this paper referred to the worker as "an ignorant individual who would give his last penny to hear some maniac get to a platform and run others down," and said that hanging was too good a fate for men like Natesa Aiyar, "lest they pollute the very rope from whose end they might sway." -(32)

The planters' viewpoint was also expressed by the Estate Staffs' Association, which represented the minor staff on plantations. At a meeting of this association in August, 1931, a resolution was passed calling on its members not to have any dealings with Natesa Aiyar, and reference was made to the need for "loyalty to their superiors—the planters—who really provided their bread and butter." The President of this association alleged that as a result of the activities of the Labour Federation, "a once contented labour force was now seething with discontent," and head added that he knew of no respectable person who was a member of the Union-(33).

Although it was true that the plantation workers were "ssetting with discontent, "this first outburst of trade-union activity petered-out by the end of 1933. The main cause of the decline was the economic depression, which had very adverse effects on the tea and rubber industries. Moreover, the methods used by the planters to stamp out incipient trade unionism, and internal dissension within the union, weakened the movement. In September, 1932, V. P. Nathan, the President of the Kandy branch, quarrelled with Natesa Aiyar, and informed the Minister of Labour that he was opposed to Natesa Aiyar's Labour Federation and was therefore ending his connection with the union.

(32) Ibid., quoting The Oolian, 11 Sept., 30 Nov., 7 Dec. 1931.

(33) Ibid., quoting from Morning Leader, 28 Aug. 1931.

The Depression and the Minimum/Wage Controversy

Although the Indian plantation workers were unorganized and were economically and politically the most underprivileged sector of the working class, they became the center of heated controversy concerning the minimum wage issue. This question caused clashes of opinion not only between the Indian and Ceylon governments, but also between the planting interests and government, and several political figures, including Jawaharlal Nehru, joined the debate. The Minimum Wages Ordinance had been passed in 1927, thereby increasing plantation wage levels, which had remained stagnant since the 19th century. But even this wage increase was based on a "minimum needs subsistence budget. This advance was made with the greatest planter opposition and official caution, and was largely the result of insistent prodding from the Indian government. The ordinance was not implemented until 1929, and the gains so arduously secured were wiped out with alacrity between 1931 and 1933 on account of the depression.

When the Indian government first raised the important question of the necessity of a minimum wage for Indian plantation labour in Ceylon, the Ceylon government opposed this move because of the hostility it would arouse among planting circles, and also because it would have led to a demand for a minimum wage for Ceylonese workers. In 1926, after the Indian government had pressed for an investigation into the cost of living of plantation workers, the Agent of the Indian government drew up a family expenditure budget. He came to the conclusion that 40 percent of the Indian workers were unable to earn a living wage, and wrote, "ill health, inefficiency and low wages form a vicious circle."—(34). It was the Indian government's firm insistence on minimum wage legislation, accompanied by a threat to curtail the emigration of Indian labour to Ceylon, that led to the reluctant acceptance of the principle of the minimum wage by the Ceylon government in spite of the hostility shown to the proposal by the planters.

In 1925, the Chairman of the Planters' Association referred to the fact that the government of India had "absolute power to prevent emigration of labourers," and the Governor of Ceylon warned the planters that they were "up against a very difficult question and must fall in with the views of India." There was a considerable amount of indignation among the planters references were made to the dictatorial powers of the government of India

(34) Report of the Agent of the Government of India, 1926, p. 10.

and its interference with the liberty of British subjects. One planter suggested that as the Planters' Association was so vehemently against the minimum wage, "our opinion should be expressed regardless of consequences." The Indian government was also severely criticized for insisting on a minimum wage in Ceylon where none existed in India. A deputation of the Planters' association met the Governor and urged that if the minimum wage legislation was introduced, the measure should not penalize planters only but should include all employers in Ceylon.-(35).

In 1926, the government drafted a Minimum Wage Ordinance which was sent to the Planters' Association for comment. The matter was discussed at a stormy meeting in December, 1926. A resolution by a diehard group of planters that the Planters' Association was diametrically opposed to the new Labour Ordinance as it was against the best interests of the employer and employed was debated but withdrawn. One of the proposers of the resolution claimed that a minimum wage was not merely "a socialist ideal and a levelling-up process," but was also an insult to managers and workers, and added, "Gentlemen, the house is on fire. we have got to put it out." Another planter said that with the adoption of the minimum wage there would be "no incentive for good work and it would bring ultimate ruin on the cooly." A more moderate line was taken by members of the Legislative Council, Major Oldfield and T. L. Villiers, who claimed that intransigence on this issue would do great harm to planters, and would also be a political mistake -(36).

The proposed minimum wage legislation also drew comment from Ceylonese politicians, who felt that if the government was prepared to enforce minimum wages for plantation labour, there was an even stronger case for such benefits to be conferred on indigenous workers. Several senior government officials agreed that the minimum wages bill would be lost in the Legislative Council unless some provision was made for Ceylonese workers.-(37) Accordingly, after the government agreed that a commission to enquire into wages and conditions in industries other than plantations would be appointed, the Minimum Wages legislation was passed.

(35) Year Book of the Planters' Association, 1925.

(36) Year Book of the Planters' Association, 1926.

(37) CNA, File B/93/26.

The Ordinance provided for the setting up of plantation Wages Boards in revenue districts composed of a chairman, a public officer, two members representing the employers, and two representing the workers. The members were to hold office for three years and were to fix minimum rates of wages of plantations within the jurisdiction of the board. The Ordinance also made provision for the payment of monthly wages before the tenth day of the following month. The whole amount of wages (apart from legal deductions for rice, etc.) had to be paid directly to the worker himself. The employer also had to comply with regulations regarding discharges and immigration certificates of workers. It was further stipulated that no child under the age of ten should be allowed to work on plantations.

The raising of minimum wages of plantation workers, which came into force in January, 1929 improved the conditions of employment and methods of wage payment. But these benefits were shortlived for by 1930 the tea and rubber industries were beginning to suffer from the economic depression, and only the best quality high grown tea was able to stave off the effects of the depression until 1933. One consequence of the disastrous fall in tea prices was an immediate demand by planters for a reduction in the minimum wages which had been fixed in 1929 at 54, 52 and 50 cents a day for male workers in the up-country, mid-country, and low-country respectively. The depression had also caused a drop in the price of rice, the principal item in the workers' budget, which was provided by the plantation and its cost deducted from wages.

The planters therefore proposed that wages should be adjusted to reflect the fall in the price of rice, and after negotiations with the Government of India, the first reduction in the minimum wage took place in May, 1931. There was a reduction of five, four and three cents respectively in the wages of men, women and children, provided that rice was reduced from Rs. 6.40 to Rs. 4.50 a bushel. This in effect maintained the real wage virtually unchanged. With the deterioration in the economic situation after 1931, there was a demand for a further reduction in the minimum wage. At this stage the issue became a matter of heated controversy between the planters and the Controller of Labour on the one side, and the Minister of Labour, the Executive Committee for Labour, and Natesa Aiyar's newly formed Estate Labour Federation on the other.

Second Reduction of Minimum Wage

After the 1931 elections under the Donoughmore Constitution, the new Minister of Labour was Peri Sunderam, an Indian from a plantation background who had been an office-bearer of the Ceylon Workers' Federation in 1920. The question of the second reduction of the minimum wage came before the Executive Committee for Labour which included not only Peri Sunderam, but also S. P. Vytilingam, who had been elected from a plantation area. Another Indian member of the committee was I. X. Pereira, who said that the proposed reduction of the minimum wage would deprive the plantation labour of even the barest needs. "If we value human lives, these 700,000 dumb labourers deserve better consideration than the comparatively few employees".-(38)

Also on the Executive Committee for Labour was the leader of the urban workers, A. E. Goonesinha, who opposed the move to reduce the minimum wage. It was therefore not surprising that this Committee rejected the proposal to cut the minimum wage further. with only one member (M. J. Cary, the nominated European member) dissenting.

The agitation against this second reduction of minimum wages was reinforced by statements from K. P. S. Menon, the Indian Agent in Ceylon, who said that the reduction of wages was not merely a problem of arithmetic but essentially a human problem: "the minimum wage was meant to enable a labourer not merely to keep his own body and soul together, but to provide for his family including workers and non-workers."-(39). During the minimum wage controversy, Jawaharlal Nehru, who was on a visit to Ceylon, expressed strong views on the question. Nehru claimed that as the earnings of Indian workers in Ceylon were far below living wage standards, to talk of lowering wages was "monstrous," and he attacked the planters for their pre-occupation with dividends at the expense of wages:

In the past years when dividends of 80, 90 or 100% were declared, what part of them went to labour? ... and when the slump comes the first to suffer must be the labourer. Even in these days of economic depression, to declare a dividend of 35% and in the same breath to talk of lowering the minimum wage, seems to me to indicate a mentality that is dangerous to society. It is the mentality which always tries to pay the least possible wage and

(38) CLD, letter of I. X. Pereira to the Minister of Labour, 30 July 1931, File W. 3.

(39) Report of the Agent of the Government of India, 1932, p. 12.

seeks to wring out the biggest dividends from the labour of these wage slaves, Labour must have a living wage... if this cannot be paid by any industrial undertaking the sooner it shuts up the better.-(40)

In spite of the resistance to the second reduction of the minimum wage, the measure was adopted. The background to this action was the deepening economic crisis, which had led to open evasions of the provisions of the Minimum Wage Ordinance and even to the closing down of several plantations. The Indian Agent reported that on rubber plantations tappers were employed for six hours and only paid threefourths of the minimum wage. While admitting that the depression had resulted in "an almost intolerable strain on the working of the Minimum Wage Ordinance," the Indian Agent alleged that planters attempted to take the law into their own hands by paying the workers arbitrary rates of pay" on the ground that the labourers themselves were not unwilling to receive them.',(41)

There were many irregularities which attracted attention, among them the practice on some plantations of giving no pay or half pay for a day's work on the pretext that the tea leaf was inadequate. In 1932, one plantation had 515 cases of half pay being given to the workers. In 1932, by the Perth estate test case, the payment of less than the minimum wage for a working day, even though work may not have lasted the stipulated eight hours, was declared to be illegal. By the Minimum Wage Ordinance, the full wages had to be paid direct to workers, but in spite of this, the practice of paying wages to the kangany, or allowing him to collect his debts at the pay table, continued. There were also cases of workers turned off the fields during the course of their work on the excuse their work was unsatisfactory. (42)

Because of the critical economic position, the Executive Committee on Labour was reluctantly compelled to accept the revised proposals of the Board of Indian Immigrant Labour, which included a reduction of the minimum wage and a provision for the question to be reconsidered after six months. The second reduction of the minimum wage came into effect in February, 1932; it left the up-country wages unchanged but reduced the daily wages of men of men in low-country and mid-country estates by 4 cents, with corresponding reductions for woman and

(40) Ceylon Daily News, 13 July 1931.

(41) Report of the Agent of the Government of India, 1932, p. 13.

(42) Ibid.

children. The third reduction in the minimum wage took place in May, 1933, after a catastrophic collapse in 1932 of all grades of tea, including the high-grown tea. Table 4 gives an indication of the wage reduction made after the minimum wage had been introduced.

A vigorous campaign of opposition to the reduction of the minimum wage was led by Natesa Aiyar and the All-Ceylon Estate Labour Federation. In a letter to the Controller of Indian Immigrant Labour, Natesa Aiyar said that his union, "on behalf of 750,000 labourers, opposed the reduction of the minimum wage as the employers were already

Table 4.

	<i>Up. country</i>	<i>Mid-country</i>	<i>Low-country</i>
	<i>(cents per day)</i>		
New minimum			
wage for men 1929	54	52 .	50
After reductions: 1931 May	49	47	45
1931 Feb.	49	43	41
1933 May	41	37	35

resorting to devious methods of wage reductions." He reminded the Controller that though the Government of India had suggested the need for a minimum wage in 1922, the legislation had only been passed in 1927 and added, "considering the reluctance and the time taken by the authorities in this country in increasing the wages, and the zeal and hurry shown in the reduction of wages during the past few months, one has to think twice before consenting to any reduction of wages." Natesa Aiyar also warned the Controller against thinking that the "seemingly calm atmosphere" on plantations indicated labour force and, in his usual picturesque language, said that the move to reduce wages was comparable to lighting a cigar with a candle while sitting on a heap of gunpowder. (43)

Although the acute nature of the depression and the consequent widespread unemployment prevented the reduction of minimum wages from creating an explosive situation as predicted by Natesa Aiyar, an effort was made by the Estate Labour Federation to arouse public interest in the question and to organize protests by the plantation workers themselves. In August, 1931, the union

(43) CLD. Memorandum on the Reduction of Wages submitted by the Estate Labour Federation, 2 July 1931, File W. 3.

sent a memorandum to the Governor asking him to resist any attempts to reduce the minimum wage. It referred to the unorganized plantation workers having to contend with "the all powerful capitalist in this country." (44) Mass protest meetings were held in plantation areas and when further reductions in the minimum wage were made after 1931, the union condemned these as "unjust, uncalled for and immoral." (45) The reduction of the minimum wage had been agreed to by the Government of Ceylon on condition that the plantation workers were allowed the choice of repatriation to India instead of working at reduced rates. Taking advantage of this provision, Natesa Aiyar, as a last resort, tried to cause panic in planting areas by organizing mass repatriation of Indian plantation workers, but this tactic was unsuccessful as the economic depression had caused a surplus of labour.

By 1933, trade unionism on the estates had almost collapsed. From the start, the labour movement begun by Natesa Aiyar had to face almost ferocious planter opposition, because unlike their urban counterparts, the plantation employers were not prepared to tolerate or recognize trade unionism. The labour force on plantations were also a "depressed" community in many senses. The "coolies," as they were commonly called, were uprooted aliens of "low" caste, unskilled, poor and illiterate, isolated from the mainstream of life around them, from the urban labour movement, and from the political agitation in the rest of the country. In these circumstances, the incipient trade-union movement on plantations was unable to withstand the overwhelming disaster of the economic depression, a crisis which caused a disintegration of even the strong urban trade-union movement. It was not until 1939, under more favorable economic and political conditions, that plantation labour was finally able to assert itself.

(44) CNA, letter from all-Ceylon Estate Labour Federation to the Governor, 28 Aug. 1931, File CE. 1184/32.

(45) CLD. Report of resolution at meeting of Estate Labour Federation, 18 April 1935, File G. 176.

EDUCATION OF ESTATE POPULATION OF INDIAN ORIGIN

Tissa Balasuriya o.m.i.

The Educational opportunities provided in a community are also an indicator of the extent of social justice prevailing within it. They determine to a large degree the extent of knowledge and critical self awareness of a group. The possibility of mobility, social change and creative participation of people in the determination of their destinies are related to the educational opportunities available to a people. Some types of education have the ill effect of increasing unemployment and alienating youth from manual work and the economic activity available in a place. Education, however has in general a long term impact of opening peoples' minds to a better understanding of their lives and social situations. In Sri Lanka the growth of nationalism and the rise of socialist consciousness was related to education which expanded rapidly from the third quarter of the 19th century.

The workers of Indian origin on the tea and rubber plantations are however a significant exception to this wide spread of education in Ceylon. Even today their educational opportunities are extremely meagre and miserable. About half the female population is illiterate and have never had any schooling. The facilities for their education are so bad that very few children from these families ever get beyond grade V. Why has this been so? How is it that they did not share in the phenomenal expansion of educational opportunities in Sri Lanka? To understand their history and their present plight we must see the place occupied by these people in the society of Sri Lanka over the past century and a quarter.

In the initial stages they were more a migrant population than immigrants. During the period when they were brought for work in the coffee plantation i. e. prior to about 1875, the demand for labour was seasonal. Labour was required mainly during the picking the season which was a 2 - 4 month spell between August to December, but varying regionally. During the remaining 7 - 9 months the plantations needed only $\frac{1}{3}$ - $\frac{1}{2}$ of the labour force. According to the Forergusons quoted by Michael Roberts about

48,000 to 70,000 came annually during the period 1843 - 1872 and an average of 24,000 to 68,000 left the island annually. Michael Roberts thinks this could be an understatement estimate as several came and left from routes other than the normal ones (University of Ceylon, History of Ceylon Vol. 3 p. 100). It has also been estimated that between 1841 and 1949 about 70,000 or 25% of the immigrants died of various causes. (G. A. Gnanamuttu quoting K. M. de Silva: Social Policy and Missionary Organizations in Ceylon 1840 - 1850 p. 249). At that stage the workers were subject to be moved from estate to estate by the Kangany who was the contractor of labour. This became more rare when the workers were settled in lines with regular daily work as the tea plantations replaced coffee.

Their Numbers.

In order to understand the significance of the inflow of imigrant labour from India we have to compare it with the population of the country at the time. The Central Highlands where coffee was grown was a part of the Kandian Kingdom which was recorded to have 257,000 and 295,000 persons at censuses conducted in 1821 and 1824 - 1827 respectively. These are possibly under estimates (Roberts: University of Ceylon, History of Ceylon Vol. 3 p. 96). The whole island is said to have had a population of about 1,000,000 at the time of the British conquest.

Growth of the Estate Population in Sri Lanka.

<i>Year</i>	<i>Total pop.</i>	<i>Total Indian pop.</i>	<i>No. in Estates</i>
1881	2,759,738	687,248 (Total	206,495
1946	6,657,000	781,000 Tamil)	693,000
1953	8,098,000	974,000	815,000
1963	10,582,000	1,123,000	
1971	12,711,000	1,195,000	951,785

Sources: *Sri Lanka Survey* (ed.) K. M. De Silva p 277
Ceylon in the Jubilee. Year-J. Ferguson P. 262

Implementation of the Indo-Ceylon Agreement

<i>Year</i>	<i>Recognised as Indian Citizens</i>	<i>Repatriated</i>	<i>Granted Sri Lanka Citizenship</i>
1968	11,825	2,123	170
1969	29,020	5,284	2,929
1970	18,549	8,733	7,469
1971	33,088	21,867	13,696
1972	40,859	27,575	16,109
1973	35,739	33,175	15,805
<i>Total up to</i>			
1973	182,747	103,380	56,176
1976	280,816	190,802	104,570

II Neglect of Education.

The unconcern for the education of the children of this population was only one aspect of their overall neglect by the powerful of the day. We have to relate it to the conditions in the world of the time, specially in the colonial territories. Slavery had not yet been abolished in European or American countries and territories. Slave labour was the means of building empires for the European rulers. Even for Ceylon the bringing of labour from China or Africa was thought of at one time and abandoned as suitable and expensive.

The British Government, its local representatives and companies in Ceylon were interested only in power and profits for themselves. This after all is the basic motivation of colonial expansion and of private business. They brought in cheap labour from South India under conditions very akin to slavery. The people thus brought here were kept in reservations called "estates." They could not mingle with the rest of the people. They were used to strengthen the British hold on the country. The British could thus do without the local Sinhala population that was rebellious and unprepared to accept humiliating social conditions which the foreign companies desired. Up to 1848 almost every few years there was some sort of uprising among the Kandyan peasantry. It was this rebellious nature of the people that made the British take drastic punitive measures against the Sinhala people of the hill countries. The importation of foreign labour fitted into the pattern of "divide and rule" that colonial powers have generally followed.

There was no intention whatever on the part of the British to educate the children of the plantation workers. They merely wanted slave labour. They did not want these workers to have a sense of human dignity that would make them stand up and ask for their rights. Hence only very rudimentary schools were started on the estates mainly to teach the children of the Kanganys (or contractors) who supervised the labourers and maintained discipline on the estates.

Education of the children of these plantation workers too was not a priority of any group of persons with power in the country. The planters and companies were not interested as their concern was to have a docile labour force that could help them to make profits. Only a rare enlightened planter would help some children to rise up in knowledge and awareness of society. At almost every stage the companies objected to expenditure on education of the workers' children. Only reluctantly, if at all, did they accept the stipulation of later governments concerning the provision of education of workers' children.

The head kanganys were the first to begin some type of education for the children of the immigrant population. They had two levels of education. The children of the kanganys and subordinate staff of estates were given a knowledge of the 3 R's and later on a little English to be able to pursue their studies in other schools. These children could thus at least maintain their social status. The children of the ordinary workers were however given only a sort of traditional initiation to the beliefs and customs of the (South Indian) Tamil people. It was meant more to fit them to their position in life than advance their knowledge. Religion and tradition helped in this process.

Even kanganys were not enthusiastic about the education of the workers' children, as they depended on the ignorance of the masses of these workers for their own position and advantages. They were the leaders of the community. They obtained commissions for providing labour and for maintaining discipline among them. Thus there was an inbuilt pattern of self interest and exploitation that kept down the mass of the workers for the advantage of the foreign companies and their local collaborators. This fitted into the caste system and religious values of these people who migrated from South India due to poverty and exploitation there.

The Churches were interested in education more as means of evangelization or spreading their gospel rather than as a service to an exploited and depressed community. They rendered a great

service by beginning the schools for the plantation workers' children amidst great odds. The Baptists, Anglicans, Methodists and other Protestant missions were pioneers in this work. (a) The Anglican Tamil Church Mission has been associated, in all, with over 400 schools. The Anglicans contributed much to the education of the plantation population through the establishment of several secondary schools in the planting districts e.g. Uva College, Badulla, St. Andrews, Nawalapitiya and, of course, Trinity College, Kandy. (cf. G. A. Gnanamuttu: op. cit. pp. 16-29). "The Catholics did not build schools on estates, but only chapels and churches, as apparently at that time they felt that evangelization should precede education." (p. 24) Further Catholics were late comers in this field; in any case they seem to have preferred to set up schools of a higher standard in urban areas to which some estate children also could come in: e. g. St. John Bosco's and St. Gabriel's Convent Hatton. It is only in very recent years that a fairly intensive educational programme among the estate population has been built up by Catholics and that principally of a nonformal and adult nature.

(b) The Hindus and Buddhists were less directly engaged in the development of education within the estates. The Christians were more favoured and more endowed with resources at that time. The Buddhists established schools in the urban areas, and these welcomed Tamil pupils and teachers. Likewise the Hindu educational activity was also rather urban oriented e.g. Kathairesan College Nawalapitiya, Saraswathy Vidyalaya, Pussellawa. They helped children who could continue their studies after primary school.

Today, with the benefit of hindsight, we may say that these educational efforts did not go far in liberating the plantation workers as such. Thus the educational effort was within frame work of the prevailing social system, and meant to integrate the children of the different levels of society into the hierarchical system of planter, subordinate staff, kangany and the mass of voice less workers.

(c) The class system operated even within this meagre provision of educational facilities by state, kangany or the churches. The children of the worker were isolated from the rest of the country and these did not participate in the social currents that gradually build up in the rest of society.

(d) The churches were motivated primarily by an evangelistic desire to spread Christianity rather than serve the workers in their basic human needs and as such would not do anything to directly contest the system.

A Century of Neglect.

The history of the education of the children of the Tamil plantation workers on our tea and rubber estates in a sad story of the most serious neglect of a human obligation by all concerned during nearly 140 - 150 years up to the present day 1978.

During most of the 19th century the Government of Ceylon preferred to leave education, chiefly English education in the hands of private bodies, specially missionaries. The denominational school system which ensured government grants to all religious bodies was a principal agency of educational development for several decades after the 1860s; The Government began to take a more direct interest in school building and management from the days of the State Council (1931) and of Education Minister C. W. W. Kannangara. However during the whole of the 19th century estate children were nobody's burden. Even the Indian Government which was concerned with the conditions of the Indian migrants to Sri Lanka did not make the provision of satisfactory educational facilities a condition for the permitting of migration from India.

(a) Educational Proposals of 1907.

In 1904 on the initiative of the British Government *S. M. Burrows* reported on the condition of education on the plantations. According to his findings there were:—

406, 821 immigrant Tamils employed on 1,851 estates 25,000 boys of school age 6-12 years.

43 registered schools: 2 Government run; 5 under private management and 36 managed by missionary bodies.

1,765 pupils of whom 1,598 were boys and 167 girls attended these schools. The enormous majority of them did not get beyond second standard. This bears witness to the very rudimentary nature of the education provided then.

If there were an equal number of girls the children 6 - 12 years would have been about 50,000. Of these only 1,765 attended these organized schools i. e. only about 3.5%. The information obtained by Burrows from 725 estates replying to his inquiry was as follows:—

- Average number of immigrant Tamil boys of school going age 21,045
- Boys who had already acquired the rudiments of education 7,721

-	Number of estates where teaching arrangements existed	409
-	“ ” “ taking advantage of neighbouring schools	119
-	“ ” “ not “ ” “ ” “ ”	89
-	“ ” “ in which no teaching whatever existed”	145
-	“ ” “ the principal kanganies sent their children elsewhere to be educated	65

The “line schools” where a few children were gathered together off and on was then one of the main means of instructing children. Burrows did not consider any education for the “Tamil cooly” beyond the ability to sign his name and recognize signatures. read and write simple sentences in his mother tongue, and do such arithmetic “as required for his personal expenses.” Burrows recommended the continuance of the rudimentary “lines schools” as suitable for boys who had also to work on the estates. Goveanor Sir William Blake 1903 - 1907 endorsed these recommendations (G. A. Gnanamuttu pp. 32 - 34).

The Rural Schools Ordinance of 1907 was a result of the *Wace Commission* on Elementary Education in Ceylon (1905). Its members were Herbert Wace, John Howard, D. B. Jayatilaka, Joseph Cooreman and J. N. Campbell. By this time the Ceylonese urban elite were becoming sensitive to the educational needs of their fellow countrymen in the neglected rural areas. The Wace Commission recommended compulsory education for boys (sic) free education in Sinhala and Tamil schools. The whole cost of education was to be borne by Government, but Village Committes were to continue to provide new school buildings and improvements to existing ones. The *Town Schools Ordinance* of 1906 empowered the three municipalities and 21 Local Board Towns to provide and manage vernacular schools.

Though 85% of the school going population attended vernacular schools in the period from 1900 - 1931, the standard of these rural schools was such as to not provide an opportunity for rural children to advance educationally and hence socially. It was the urban English schools that had the advantage in every aspect including future lucrative employment and social status.

The Wace Commission's recommendations for the education of the estate children were no more liberal than the views of Burrows and of the Governor Blake. They did not consider the children of Tamil “coolies” as having the same rights and need as other children in the country. The Rural Schools Ordinance provided for the establishment of estate schools. The Superintendent of every estate had to ensure vernacular education to the children of his labourers between the ages 6 - 10. He had to provide a suitable school room. Two or more estates could combine for this

purpose. The employers could be exempted from their obligation if there was a satisfactory school in the neighbourhood.

Govt. had supervisory powers. There was no provision for the qualification of teachers or for compulsory attendance.

The legislation of 1906 and 1907 did not substantially change the position of the estate schools. They did not even succeed in changing the balance of power of between the elitist urban English schools and the under-privileged rural vernacular school in the rest of Ceylon. However the basic requirements that are still in vogue in the estates were made 71 years ago, though without much effect on the children of estate workers.

(b) **Ordinance No. 1 of 1920**

Obliged superintendents to "appoint competent teachers"; It forbade employment of children between the ages of - 10 years before 10 a.m. (sic.) and parents were required to see that their children attended schools. Severe penalties were attached to breaches of the law. A major point in the Ordinance was concerning the Conscience Clause—preventing the teaching of any religion than that of the parents to children in any school—due to the public dissatisfaction with the practices in Christian schools then.

(c) **Ordinance No. 31 of 1939**

Was the first law of a Ceyonese Minister of Education after the grant of limited self government in 1931. It made two major changes in the situation concerning estate education. The obligation of the Superintendent to supervise attendance at school was made more specified.

The Report of the Special Committee on Education 1943, chaired by C. W. W. Kannangara is an important land mark in that it resulted in the introduction of "free education" from kindergarten to University. This affected mainly the English schools only as the vernacular schools already had free education. It also emphasized the need of technical education and of equality of oppertunity. Minister Kannangara was mainly responsible for the spread of better education in the rural areas by the establishment of Central schools, madhyamaha vidyalayas to take in the more talented children from the secondary schools—maha vidyalayas It is however interesting that the special Committee which held 80 sittings during a period of over 3 years made no reference to estate schools in its report. No

representation appears to have been made by organizations concerned with the welfare of estate workers (Gnanamuttu p. 39).

(d) **Education Ordinance No. 26 of 1947**

When the recommendations of the 1943 Report of the Special Committee were to be given effect by the above ordinance the legislature accepted an amendment moved by I. X. Pereria on behalf of S. P. Vythilingam and seconded by B. H. Aluvihare.

“that all estate schools shall be converted into *primary state schools* and shall form *part of the system of National Education.*” This became law with the provision that each estate with over 27 children of ages 5 to 16 of resident workers should provide

- (a) a suitable school building,
- (b) a habitable house for a married head teacher, and
- (c) an area of uncultivated land not less than an acre close to the school for a playground and school garden.

Owners could combine to provide these; they were exempt if there were suitable schools in the vicinity. The Director of Education had power to enforce these requirements. The obligation of providing education for the children and of appointing teachers was no longer on the owner of the estate. The Director of Education was empowered to establish and maintain a government school on the premises thus supplied, but he was *not obliged* to do so.

In the Aims and Objects of the Draft Bill the Minister stated “It is proposed that government should take charge of Education of the children of estate labourers. In order to give effect to this proposal the owners will be required to set apart on the estate suitable buildings and grounds for establishing and maintaining government schools on payment of rent at prescribed rates.” Mr. Kannangara was in favour of this change and held several meetings for this purpose with planters, the Workers Unions and the Agent of the Government of India. But Mr. Kannangara was defeated in the Parliamentary elections of 1947. After the declaration of Independence in 1948 one of the first acts of the new Parliament was to disenfranchise the Indian plantation workers. It has to be noted that 31 years ago the principle of providing primary education in state schools for estate children was accepted by the Ceylonese legislature. Yet so far extremely little has been done in this regard.

(e) The Education Amendment Act No. 5 of 1951

Further specified the type of building to be put up by the owner of an estate. There was to be at least 10 sq. ft. of accommodation per child on the estate requiring education; the higher compulsory age limit now being reduced to 14 years. The building should be well protected against wind and rain, have sufficient light and air, and not adjoin or form part of any other building except the house of a teacher.

While this Act provided for curricular diversification in other schools, the attention in estate schools was only concerning the type of building. Yet all along education on the estates was limited to the primary level, with a very high drop out rate. But even these provisions were objected to by the planters as "injurious" and "wholly unrealistic". In May 1953 due to their protests the Minister relaxed the insistence on the acre of land, and even on the 10 sq. ft. per child.

In case there could be double sessions. The planters informed the Director of Education that 63 schools with buildings with 10 sq. feet per child could be handed over to the government for the purposes of setting up the government schools.

The Minister of Education E. A. Nugawela stated in the House of Representatives on 1st March 1949 that "steps are being taken under this Ordinance to take over estate schools which comply with the conditions." On 10th August 1951 he stated "we have made provision to take over 150 schools in 1951-1952". Though government had such a scheme only 24 estate schools were taken over by the state between 1949 and 1955. Even the requirements concerning buildings and lands were administratively relaxed.

"Promises continued to be made punctuating periods of inaction and commissions continued to recommend the taking over of estate schools and integrating them with the national system." (Gnanamsttu p. 53).

(f) No reference was made in the 1960 and 1961 *Assisted Schools and Training Colleges Takeover Acts* to the estate schools even though the stated objective of these Acts was to ensure complete equality of opportunity within a national system of education. Free Education and the Take-Over of Assisted Schools made for a greater rush for school admissions. Due to administrative discrimination the children of plantation workers, including of registered citizens have been worse off as they are given the lowest preference in admission to government schools (Gnanamuttu pp. 65-66).

The S. L. F. P. Government White Paper on Education of 1964 proposed that all estate schools should be taken over by the State and run as Basic Schools with the official language, Sinhala, as the Medium of Education.

On 4th May 1965 Mr. Gamini Jayasuriya the U. N. P. Parliamentary Secretary to the Minister of Education stated in Parliament "it is proposed to include a suitable scheme in regard to estate schools in the proposals for a National Education Scheme which is now being prepared." *But the U. N. P. Government White Paper of 1966* made no mention of the State's obligation in respect of these schools or of the medium of instruction in estate schools. It reiterated the owners' obligations as under Ordinance 26 of 1947 concerning school buildings. The proprietor or any other person authorized by him could use the buildings to run a private school with the authority of the Minister.

The United Front Government of Mrs. Sirimavo Bandaranaike 1970-1977 committed itself to the taking over of the estates schools and integrating them into the national system of education both in its election manifesto and its first Throne Speech. Though some negotiations were undertaken in this regard very few schools (14) were taken over during this period.

The 1972 educational reforms involving primary school, secondary school and grades XI and XII and work experience could hardly reach the estate schools. The study of social sciences, cultural heritage and general science as introduced in this change would have benefitted these children much. But they could not enter this scheme with the miserable provision in the estates for only grades I-V, and all in one class room or two. Once again they were outside the mainstream of educational change and improvement.

The repatriation of 200,000 persons to India during these seven years and the Land Reform Laws caused further dislocation in the whole educational system. The nationalization of the company estates has made the entire problem of plantations including education there an ultimate responsibility of the state.

The communal disturbances of August-September 1977 further complicated matters as many Tamil teachers fled from the plantations to the Northern and Eastern provinces, and some school buildings were destroyed by the looters.

III The Present - Law regarding Estate Schools

Under the Law as it exists at present the owners or superintendent of an estate or Director of Education is not compelled to make provision for the education of estate children, or appoint competent staff. Even the requirement concerning buildings is not binding due to administrative relaxation, where a school exists it must fulfil conditions to be registered as an estate school the building should be as required under ordinances of 1947 and Act of 1951. Teachers must be competent; equipment should include desk and bench accommodation for each pupil on the register. There should be correct registers; sessions should be at least two hours duration and at least 180 per year. According to attendance and results at examinations at annual inspection small grant of Rs. 11/- per unit of average attendance and a Rs. 5/- per child presented for examination according to percentage of passes. The qualification now required for teachers in estate schools is S. S. C. with 6 passes two of which should be credit passes. The sessions are between 8 a. m. to 10.45 a. m. and from 10.45 a. m. to 3.30 p. m. One teacher takes 2 or 3 classes at the same time. The curriculum requires the teaching of the 3 R's, a little speech, some drill and games.

The present U. N. P. Government seems to want to "take over" the estate schools. Now "Take Over" means a transfer of responsibility for them from the state agencies and ministries for the management of plantations to the Ministry of Education. This is an improvement, as the estate staff and superintendents do not have any special competence in educational organization or administration.

We shall see from a consideration of the 50 Badulla and Bandarawela schools recently taken over by the Ministry of Education how far these had been implemented up to the date of their take over.

The provision of facilities of education for estate children was such that in 1973 the Central Bank Consumer Finance Survey found that only 5.6% of the Indian Tamil population (including non-estate persons) got an education up to secondary school. This was the lowest for any community. Among all others nearly 20% or more had such an opportunity. Less than 1% of Indian Tamils passed G. C. E. 'O' level or grade 10 compared to 3.5% - 7.4% for others. University admission was negligible. Mr. Gnanamuttu quotes University teachers of Indian origin to indicate that only about 250 students from this community have graduated so far. In 1976 only about 100 out of 15,000 Univer-

sity students were of Indian origin. Of these those from workers families would have been very few (p. 67).

(a) Situation in 1978

As the present Education Reforms Committee undertakes its work several new factors have made the position more definite. *The Land Reform Laws of 1972 and 1975* have resulted in most estates being now State property. The foreign companies do not own any tea and rubber plantations. Since the State of Sri Lanka is the owner and manager of the estates, the responsibility of providing social services such as health, educational and housing facilities devolves on the Government. Hence there is no longer any reason for there to be a passing of the buck between the government and the companies, the Ministry of Education and the planters. They both serve the same cause and the same masters – the sovereign people of this country. It will no longer be valid for the Ministry of Education to say that they cannot take over the estate schools because the buildings are unsatisfactory. Nor will it be possible for the management of estates to claim that they do not have funds, as the extent of profits is quite well known by the government. Now the government of Sri Lanka through its different ministries, management agencies and planters is squarely responsible for the provision of all educational facilities on the estates. So far the local Sinhala (and Tamil) elite who determine policy since 1948 have been slow or reluctant to improve the conditions of education on the estates.

When Mr. C. W. W. Kannangara advocated free education for all it was objected that the state would not have funds for it. His reply was that it was not beyond the possibilities of human ingenuity to find the funds for this vast enterprise. The government was not deterred by finance. Likewise in 1960 – 1961 when the 2,500 assisted schools were taken over, the extra funds needed were no barrier. But whenever it is a question of the estate children, both planters and Ministries of Education have been extremely slow to move: shortage of funds being an usual reason.

One wonders whether racial discrimination is not implicit in this attitude of the ruling Sinhala (and Tamil) local elite. Since the state is the owner of all the bigger estates, the *planters* are now more free to espouse the cause of the workers than when they were employees of the foreign or local owners. We may therefore expect them to be more humane towards their labour force.

A second major change in the past few years is the regular annual *repatriation* of about 35,000 persons of Indian origin to India since 1970, and the corresponding grant of Sri Lanka citi-

zenship to about 20,000 such persons. The departures reduce the Tamil population in the area. It also makes it difficult to determine the numbers of Tamil children who will be on an estate or for a given school. Over the past seven years about 225,000 have left Sri Lanka. During the coming ten years another 300,000 to 350,000 or so will leave the country if the present rate of departures is maintained. In spite of these there will continue to be about a million Tamil persons (of Indian Origin) in the hill country i. e. those who have received and will receive citizenship will remain a sizeable one in the future too. 134,000 such persons had received Sri Lanka citizenship prior to the Sirima - Sasthri pact of 1964. Since then about 140,000 have been given given Sri Lanka citizenship. This makes about 300,000 citizens now. In the future their numbers will grow. They will have the franchise in national and local elections. If there is proportional representation they can be sure of many more members of Parliament than one as at present. Therefore the education of the children of those citizens, future citizens and those awaiting migration will have bigger political weight than in earlier periods.

The estate labour is now 15 - 20% from the Sinhala villages in many areas. The *increasing intermingling of the Sinhala and Tamil workers* will mean also a greater demand by workers for their rights. As all children learn both Sinhala and Tamil - as now required - the communication between these two groups will improve. We can therefore expect more pressure by workers in the plantation areas in the future concerning their rights. It will not be possible to continue for long the same plantation system as in the company days of the Planter Raj. Labour will be increasingly vocal. The Sinhala workers will communicate to their Tamil companions the sense of human and civil rights that they are now accustomed to after nearly 50 years of universal franchise. There is already a growth of a certain social consciousness among the plantation workers - specially the youth. A few of them have been influenced by the activities of the J. V. P. youth prior to the insurrection of April 1971. The Tamil liberation movement will also have an impact on this population.

There is at present a *dearth of labour on the plantation*. The Sinhala village workers tend to be seasonal if they have a land of their own. They can also go to work on other crops like sugar cane, vegetables and chenas according to the remuneration obtainable. Already there is a competition for labour as between the estates and other lines of cultivation. The repatriation also makes for this shortage in the work force. Hence the workers will be able to have a bigger say concerning their future. The better prices for tea and rubber make for a greater dependence on

labour. We should therefore expect greater industrial bargaining on the estates in the future, specially since the State is the principal employer.

Since July 1977 another change in the situation is that the U.N.P. Government obtained the support of the plantation workers for winning the General Elections. Further Mr. Thondaman the President of the Ceylon Workers' Congress to which most Tamil plantation workers belong, supports the new government on most issues. This means a *linkage between the main workers' Union and the management* i. e. the government. Hence there is an obligation on the Government to do something for these workers. On the other hand the C. W. C. may try to contain workers pressures so as not to cause discomfort to the Government. Now that *the plantation workers are public servants* and the most numerous group at that-the government cannot afford to alienate them or their main union the C.W.C. That Mr. Thondaman is in some way connected to the Tamil United Liberation Front (T.U.L.F.) can also give more weightage to the demands of these plantation workers. Since the principal opposition Party in Parliament is the T. U. L. F. it can be expected that they will press for changes in favour of the Tamil estate workers. On the other hand the U.N.P. government is also likely to consider their requirements, partly in order to wean them away from the militant T. U. L. F. The plantation workers trade unions have not been too anxious about the education of the rank and file workers. This may be because their power and that of the kangany class depends on the submissive position of the workers. The increase in the number of Trade Unions among the workers and the growth of other groups concerned about their social awakening may bring pressure on the trade unions to work for the education of the workers and of their children.

The racial disturbance of August - September 1977 were most unfortunate. It was perhaps the first time that Sinhala neighbours attacked the Tamil Estate workers of Indian origin. In the rebellion of 1948 the Sinhala people did not attack the migrant workers from India. In the 1915 riots too they were safe. In 1958 the trouble involved the Ceylon Tamil population but not the plantation workers. This time in 1977 several lines were attacked, their houses were looted, and persons also injured and some killed. Tamils of Indian origin who had taken to vegetable cultivation in the Dambulla, Kurunegala areas were also mercilessly attacked. Some of these persons are now being rehabilitated as refugees in the Northern areas of the country. These attacks have brought in a new sense of insecurity to this defenceless population.

The withdrawal of the free rice ration and subsidized sugar from families whose incomes are over Rs. 300/- is said to have affected about 75% of the estate population. Their incomes is well known, unlike that of farmers, craftsman and small traders. Hence they have been affected as a group by this recent measure of the new government. The wages on the estates have increased to Rs. 9. 44 per man, Rs. 7. 49 for a woman and Rs. 6 97 for a child. This has increased their incomes. But the cost of living has increased more than the wages. The increase in the wages has meant that the children of the plantation workers no longer like to leave tea estate areas for employment in bungalows as "boys" or maids. The labour shortage on the estate is an advantage to them.

The Plantation Area Schools Today:

Though the estates were nationalized in 1975, and 400 schools were recently "Taken Over" by the Ministry of Education, there has been no significant change in the educational facilities on the estates to date. Over the decades there has been no determined effort by any group to improve the educational facilities of these people. The urban elite have had their protoganists in the elite themselves, backed by the religious educational efforts. The rural masses have received somewhat better treatment since 1931, though they are far from having a fair deal. But the million people on the estates have been utterly neglected in this aspect too. We can understand the hopeless conditions of education on the estates from *the following survey of 50 schools in the Uva Province* that have been taken over by the Education Ministry since the land reforms of 1975. We may presume there are better schools on the estates.

DATA ON FIFTY (50) SCHOOLS TAKEN OVER BY THE GOVERNMENT IN BADULLA & BANDARAWELA AREAS —

in the Badulla Educational District.

<i>N/N</i>	<i>No. of Pupils</i>	<i>Total</i>	<i>No. of Teachers</i>	<i>Land Area</i>	<i>No. of Buildings</i>	<i>Area of Buildings</i>	<i>Area of Teacher's Qtrs. Sq. Feet.</i>
1.	91		1	—	4	559 sq. ft.	
2.	88		2	—	2	989 „	
3.	69		1	1/4 acr.	1	450 „	
4.	87	335	2	17 per.	1	600	2,598 ₁
5.	53		1	2 acr.	1	365	
6.	88		1	1/4 acr.	1	560	
7.	211		3	1/2 „	2	1000	
8.	146	498	1	1/2 „	1	600	2,525
9.	72		1	1/4 acr.	1	675	
10.	33		1	—	1	432	
11.	92		1	1/8 „	1	858	
12.	154	351	3	1/2 „	2	1072	3,037
13.	116		2	1 acr.	1	1925	
14.	66		1	1/4 „	1	600	
15.	73		2	5 per.	1	1296	
16.	73.	328	1	1 acr.	1	804	4,628
17.	1115		2	1 acr.	1	1220	
18.	149		2	1/2 „	1	754	
19.	113		2	2 „	1	600	
20.	74	451	1	2 „	1	1000	3,574
21.	99		2	2 acr.	1	1068	
22.	44		1	2 „	1	1224	
23.	46		1	2 „	1	420	
24.	59	248	2	1 „	1	1960	4,672
25.	34		1	acr.	2	1290	
26.	63		1	1/8 „	1	704	
27.	70		2	1/4 „	1	1380	528
28.	107		1	1 „	1	2100	1,476
29.	86		2	3/4 „	1	1310	432
30.	45	405	1	1/4 „	1	2291	9,075 1,044
Total		2,616	45				

These 30 schools in the Badulla educational district have 2616 children with 45 teachers in 30 schools. Nineteen schools do not have the acre of land that is prescribed. Twelve schools have less than the required 10 sq. feet per pupil. The rate of pupils per teacher is 588: 1 to one teacher. Seventeen schools have only one teacher. These 17 teachers have 1196 pupils, making an average of 70.4 pupils per teacher.

**Data on schools taken over by the Government -
Bandarawela Educational District.**

<i>N/N</i>	<i>No. of pupils</i>	<i>No. of Teachers</i>	<i>Land Area</i>	<i>No of Buildings</i>	<i>Area of Buildings Lq.Ft.</i>	<i>Teacher's Qtrs.</i>
1.	127	2	1/4 acr.	2	1,764	1,676
2.	95	1	—	1	426	690
3.	103	2	1/2 „	1	670	—
4.	180	3	1/2 „	1	645	3,505
5.	113	2	1 1/2 „	1	620	—
6.	185	3	1/4 „	1	750	1,260
7.	180	3	—	1	375	708
8.	122	2	1 „	1	850	2,595
9.	188	4	1/8 „	1	944	2,279
10.	213	3	1/2 „	2	1,850	—
11.	55	1	1/4 „	1	780	360
12.	103	1	1/4 „	1	400	3,974
13.	210	3	1/2 „	1	1,326	1,152
14.	116	1	2 1/4 „	1	1,186	1,447
15.	143	2	—	1	1,384	675
16.	101	2	1/2 „	1	1,260	5,156
17.	76	1	8 prch.		1,080	510
18.	100	1	1/4 acr.	2	892	1244
19.	186	3	1 1/4 „	1	700	625
20.	80	1	1/4 „	1	800	3,472
	2,676	41				18,702
	2,616	45	Badulla +	+ Badulla		30,106
Total	5,292	86		Total		48,808

These 20 schools in the Bandarawela educational area have 2,676 pupils with 41 teachers making an average of 65.2 pupils per teacher.

7 schools have only one teacher. They have 625 pupils, making an average of 89.3 pupils per teacher.

14 out of the 20 schools have less than the 10 sq. foot per pupil. 16 of them have less than the required one acre.

When we take these 50 estate schools together in the Uva district we see that they have 5,292 pupils with 86 teachers. The average number of pupils per teacher is 61.5. 24 schools have only one teacher. These 24 teachers have to cope with 1,821 pupils, which is an average of 76 pupils per teacher. 26 schools have less than the minimum 10 sq. feet per child in the school buildings. The buildings in any case are often badly constructed sheds.

Understaffed and ill-equipped

From the study of these 50 schools that are now the responsibility of the Ministry of Education we see that they have been woefully understaffed. These 50 schools have teachers as follows:—

<i>No. of Teachers per school</i>	<i>No. of Schools</i>	<i>Total Teachers</i>	<i>Total Number of pupils</i>	<i>Ratio teachers to pupils</i>
1	24	24	1,821	75.9
2	17	34	1,764	51.9
3	8	24	1,519	63.3
4	1	4	188	47.0
—	—	—	—	—
10	50	86	5,292	61.5

The single teacher schools are at a very grave disadvantage. If for some reason the teacher does not come the children have no lessons and have to trudge back home. Now that these teachers are government servants they are entitled to more holidays: 21 days a year.

20 days sick leave full pay a year.

6 weeks maternity leave.

These teachers have often poor qualifications though they have the responsibilities of a head teacher.

The single teacher has to teach all five grades 1 - 5 and somehow keep the children contented. The problems of teaching are aggravated by the smallness of the school buildings.

The national average of pupils per teacher is 29. 3.

Even though from 1947 there was a demand by government that schools should have at least 10 sq. feet per child yet 26 out of 50 of these schools have less than this minimum. In the period of three decades the companies would not only have remitted large sums of money as profits but also built and managed the bungalows of the superintendents and staff at a much higher cost than they would have spent on schools. If we are not careful it is likely that similar values will prevail in the future too, as happens in city housing.

(c) *No one responsible.*

At the present moment very little is being done about estate schools by anyone. The Ministry of Education has "taken over" some schools. But this has changed educational facilities very little, except that the teachers have become government servants. They therefore have a regular salary scale, are pensionable and transferable. Some have been sent for training, and the schools have sometimes been teacherless. There is as yet no push from the Education Ministry to improve these schools. These have no political power and hence are not cared for. Till bugetary provision is made for them there will be little or no change in their parlous situation even after their transfer to the Ministry of Education.

Earlier the companies did not do much for education because they expected the nationalization of the estates. The planters today are in a situation in which they can be better motivated to serve the country and the people; and many of them rrspond well to this need. However supervision over education is not their special interest. Further since the Ministry of Education is committed to take over the schools there is less inclination for the estates as such to do something about education. The state Plantations Corporation (S. P. C.) and the Janatha Estates Development Board (J. E. D. B.) or Janawasama are concerned about providing funds for housing, which is a good thing but not so much about providing for education. The P. T. A. S. (Parent Teacher Associations) are quasi-non-existent on the estates. In any case since the majority of the parents are illiterate and since there are only one or two teachers in most estate schools, little push can be expected from this direction, unlike in the urban environment. The estates workers can hardly help themselves at

this stage due to their weakness, conservatism, ignorance, isolationism and sense of hopelessness about their future.

There is hardly any public opinion about the estate schools. Even in Parliament they do not have much of a lobby to press their case. Trade unions do not press much for educational changes, some religious organizations are interested in the education of these children but they do not push for changes at the level of the government. Due to the earlier neglect of the education of plantation workers decisions concerning them are made by persons of other social groups. Thus in a town like Badulla or Bandarawela there are extremely few children of plantation workers as doctors, lawyers, teachers, policemen or even clerks in the S. P. C. or J. E. D. B. The administration of the estates including estate education is by Sinhala, Ceylon Tamil, Moor and Malay or Burgher personnel. The neglect of the past therefore makes for non-participation today by this most important group of our labour force in decisions concerning their own destiny.

Our Recommendations

The most basic question concerning the education of Tamil estate children is how does the rest of the population accept these people. Do the Burgher, Malay, Moor, Ceylon Tamil and specially the Sinhala people accept the Tamil people of recent Indian origin on the estates as human beings equal in dignity and humanity as ourselves? Do we accept those who are citizens as having equal rights as all other citizens? Do we accept the human right to education of all children in this country even if they are awaiting a "repatriation" to India?

This is a fundamental question which we must all answer within our own selves and in and through our public institutions, particularly the State. Successive governments have promised a fair deal to these poor workers and their children. But extremely little has been done so far. In honesty we must acknowledge *our collective guilt* of neglect and discrimination. This is not the only under privileged group in the country. However they are among those who have had the rawest deal during the past century and a half. Our very humanity is at stake in our response to this issue. If once again the Sri Lanka people and government fail to do anything significant about the education of these people we would be guilty of a most inhuman act. We will ourselves be dehumanized. We will be far from ushering in a "Dharmista" age of a just and a free society. Funds cannot be an excuse at a time when we are freely importing such unnecessary luxuries as can now be seen in the shops and advertised in the media.

If we accept them as persons equal in humanity we must respect their fundamental rights to their religion, language and culture. It means that we have to accept that the Hill country of Sri Lanka will be a *multi-racial multi-lingual, multi-religious and multi-cultural region*. Tamil will have to be recognized as a medium of instruction in a certain number of schools up to grade XII. Hinduism will have to be provided for as the second most religion in the area.

These are a consequence, of historical circumstances that cannot now be altered beyond a certain point. The Sirima-Sastri Pact has laid the foundation for the resolution of this quasi intractable problem between India and Sri Lanka. For the foreseeable future, there will be at least a million Tamil people of Indian origin in the hill country. Their natural increase will eventually make up for the repatriation of another 300,000 - 350,000 persons or more over a decade or so. Those who remain in this country will eventually be citizens of Sri Lanka. It would be unfair to expect them to forget their own mother tongue Tamil. In any case any such attempt is likely to meet with strong antagonistic reactions. In the long term all children in the area may learn both Sinhala and Tamil as in the rest of the country.

The reluctance of the original population of this country to accommodate a totally alien racial, cultural and religious group that was brought in as cheap labour by a foreign conqueror can be sympathized with; specially in view of the disabilities of the Kandyan peasantry and landlessness and large scale unemployment in the country. But there are limits to which we can reverse the process of history. The rest of the country has willy-nilly to learn to live and accept these new citizens.

(1) Budgetary Provision

The expenditure on education should be proportionate to the numbers of the population and their needs. We can argue that at least 5% of the budget for education should be spent on the plantation workers. This would be about Rs. 42 mln. out of Rs. 848 million, for primary and secondary education. It is said that the expenditure on estate schools in 1971 was only Rs. 1 million, and that the take over of all the estates schools will cost about Rs. 8 million an year. On the other hand since the estate population are the most neglected there should be proportionately more for them and for the rural areas and the urban marginalized.

(2) The administration of the estate schools must receive greater attention from the ministry. The supervision must be more competent. There should be a greater decentralization of the educational budget and of administration. The state should

consult with the estate staff the workers representatives, the local authorities, the other related ministries and the other school authorities in order to plan for the development of education for the estate population. There should be more persons from the plantations themselves in the education offices dealing with the estate areas and among the teachers of these schools.

(3) There must be a *rationalization of educational facilities* in the estate areas.

(a) An amalgamation of small estate schools can be carried out to have

- one school with grades 1-5 for every 120-200 children with 4-7 or 8 teachers.

There could be a coordination between estate and village schools. Even without waiting for "Take Over" by the Ministry of Education it may be possible to begin a Tamil medium school in village schools close to estates, or a Sinhalese medium in estates-schools where a village school does not exist close by. In Passara there are 9 small estate schools for each division of the estate, and 4 village schools close by. Altogether 13 head teachers but poor education. These could be suitably amalgamated to the advantage of all.

(b) A grade 6 - 10 school to be set up for every 4 - 6 primary schools or for every 1000 - 1500 children. These could serve four or five estates. Or else a Tamil medium could be started in a close by Maha Vidyalaya and estate children admitted there without discrimination.

(c) A Grade 11-12 school should be had for every five to six grade 6-10 schools; or a Tamil medium could be started in a nearby Mdhyama Maha Vidyalayas or colleges.

Such a policy can provide for better teachers, a bigger participation rate. It will also help in improving race relations. The future generations will then be not only bilingual or tri-lingual, but would also have friends among persons of the other races. In two media schools children will be able to meet for many common tasks such as the study of English, Art, music, games, practical work etc. All this will have to be done after due consultation and with a concern for the problems of transportation. Otherwise the new situation may be worse than the last.

(4) As early as possible the Ministry of Education should take direct responsibility for all estate schools. This should be done

within the next 3-4 years. These schools should be brought up to the standard of other primary schools in the country in buildings, equipment, curriculum and teaching staff. This can be done along side the rationalization mentioned above.

There should be a policy of providing opportunities for the children of different races to meet - e. g. in sports and common cultural activities. The sports fields can be utilized as community property for all children. The appreciation of each other's cultural tradition should be strongly encouraged. In the process we may expect a further enrichment of modern Sri Lanka culture by the contribution of the Tamil people on the estates.

(5) The Admission to the University

There should be some special provision to help estate workers children to enter the universities and technical colleges. In computing admissions for the Tamil medium courses a certain consideration and weightage should be given for the disabilities these youths face. While Sri Lanka need not give free University education to foreigners, children of families awaiting to be repatriated to India should be given special concessions in this regard. They should be helped so long as they are here in view of the long time service given to this country by these families. They could be given the same terms as other students who are citizens subject to guarantees of repayment of loans. If they leave in the middle of their studies they could be helped to continue their studies in India.

(6) Technical Education

Since tea and rubber are such important industries in our economy, and will remain so for many decades to come, our educational system must take into account the needs and potentialities of these industries. While technical and technological education should develop in these directions we can also help the plantation workers and their children to develop technical skills, as a first stage, for moving into other lines of work than merely planting, weeding, plucking and pruning. The needs on the estates include carpentry, masonry, Mechanical work, machine, management, driving, electricity, stenography, clerical work, accounting, commerce, teaching, health services, child care, trade union work, agricultural and animal husbandry, small scale manufacture of rubber goods, in addition to the skills of planting and estate management etc.

The workers and their children could also have avenues of education to meet these needs. It will give them more contracts with

the rest of the population and opportunities of social mobility. In this too a decision is needed concerning the future place of these million people in our country and economy. Are they and their children always to remain at their present level and status. Should not the different types of work in the country be open to them, Sinhala village labour also take up work on the estates. The Ministry of Education section on technical education should give serious concern to the diversification of opportunities of such training in the country.

It is naturally implied that those among the plantation workers who are more talented should have opportunities of higher education in different fields. It is easy to provide that they have work experience as we have recommended for all students going for higher education. As it is much native talent is lost to the country due to gross imbalance in our education system whereby opportunity is provided primarily for those whose parents can afford it than for those who have the competence and the commitment to serve the country.

(7) **Workers' Adult Education**

We have dealt else where in general concerning the need for continuing education for workers. We wish to specify here some lines of education that can benefit plantation workers in particular. One of the first priorities is for these workers to have an understanding of themselves and of their work and industry.

- (i) *Self understanding* can give them a sense of their human dignity as persons; of their history and culture in this country and in India over the centuries. This cultural link should not be lost. It should be encouraged as a source of rootage in history. It gives a sense of collective worth and strength and sustains a people through the centuries. After all we in Ceylon are all proud of our link with India in almost every aspect of our life.
- (ii) They *should understand the different types of work* on an estate. Often they work in isolation. They do not see the relationship between the different stages of the productive processes in tea or rubber: e. g. planting, replanting, weeding, nursery, fertilizing, pruning, plucking, tapping, factory work, sales etc. The more they understand these processes they can cooperate better in their work and participate in management.
- (iii) Some of them should have a *deeper knowledge of the whole industry* and of our economy in the world context. Today

there are workers who have passed the G. C. E. 'O' level. Many others are quite intelligent but have not had the opportunities of education. They can be now provided the means of such an awareness. They will then be able to cooperate in management at the higher levels of decision making. It is the declared policy of the U. N. P. Government to make all the means of production, distribution and exchange to be owned by the workers. This cannot be effectively achieved unless they are able to understand the working of the economy.

Education for cooperation and cooperatives can be another valuable line of development.

The trade unions can render an immense service in this direction. They have already their education programmes. These could be intensified. The workers will themselves contribute towards their education when they find it meaningful. This will help workers to use their incomes better. At present there is much unnecessary expenditure by the men around pay day. The families are then in difficulty.

With such an educational programme of a continuing nature the powerlessness of these workers will be reduced. They will have their own leaders. They will be able to influence public life and political decisions.

(8) Transport

Closely related to the educational development is the need of *better transport facilities* in the hill country as a whole, specially in the rural and plantation areas. The appalling imbalance in the transport services is a special crime in this country. There are 150-200 private cars that take children to each of the more privileged Colombo schools. But the estate and rural sectors have extremely few buses. And yet who earns the foreign exchange for these cars, petrol and for their upkeep? Some thing must be done concerning this. If there is a will, there is a way, as can be seen for the provision of transport facilities for the family planning services on the estates. The reorganization of estates can be related to the provision of public transport facilities.

(9) Audio-visual means

For adult education the use of *audio-visual means* can be a great help. At present these are used to induce people to use contraceptives or have themselves sterilized. What great advantage would there be if these methods were developed for adult and

non-formal education on the estates and villages? This can also be a means of building inter communal understanding and fostering national harmony.

(10) Maintenance

The obligation of building and maintaining schools, of providing teachers and compelling parents to send children to school should be clearly defined. At present there is a vagueness concerning this. The result is that many children do not go to school at all, or do not have schools to go to. The Agency House Commission Report of 1974 stated that there were 100,000 children of school going age on the estates without schooling. In 1971 26.8% of the males and 51.8% of the females on the estates had no schooling at all.

(11) Parent Teacher Associations

The Formation of Parent Teacher Associations in the estate sector and hill country can be a way of engaging them in education. It can also be a means of establishing contact between the estate and the village. It could also be a help in the education of the parents themselves and in the motivation of teachers to serve these underprivileged people.

The assistance of *UNICEF* can be sought in improving creches, schools and the training of teachers.

The foreign companies that still profit from the packeting and marketing of our teas could be prevailed on - hopefully - to give a small portion of their profits for the education of these persons both here and in India. After all their present condition is due to their continual exploitation.

Sri Lanka should pay special attention to the education of those who are being "repatriated" particularly the youth. If they have some training on lines useful for employment or self employment they will be better off than many of the repatriates are in India at present. Our sense of social responsibility should impel us to do this minimum service to unfortunate persons who are compelled to leave their present homes due to international agreements.

(12) Religions and voluntary organizations

Religious bodies and voluntary organizations should concern themselves with the education of the plantation population in such a manner that these will be aware of the rights and duties. They will then be more prepared to stand up for their

rights as human beings and fulfil their obligations more meaningfully. There has been too much of a tendency for religious and voluntary organizations to concern themselves with a mere social service approach to the neglect of social justice.

We strongly recommend that a sub-Committee of Educational Reform Committee make a more detailed study of the problems of reorganizing education in the estate areas and the hill country in general. If this Committee does not have the time or the means for such a study, it could recommend specific policies and a special study by a relevant Committee of the Ministry for their purpose. Naturally such a study should have a limited time within which to complete its work.

We hope that this round of educational reforms in Sri Lanka will give a fair deal to these plantation workers, unlike all the other education Commissions, Committees, and authorities, during the past 150 years. This is a basic requirement of social justice; it is also a condition for the humanizing of community relations in our country, and for the participation of the estate population as free, enlightened and responsible persons in their work place and in the life of the country.

An Analysis of the WHITE PAPER ON EMPLOYMENT RELATIONS

This analysis was submitted in March 1978 by the Centre for Society & Religion in the form of a memorandum to the Secretary of the Cabinet Sub-committee on Labour Legislation in response to a public request made by the Minister of Labour, Capt. C. P. J. Seneviratne, calling for representations with regard to the White Paper on Employment Relations.

On January 31st 1978, the Government tabled in the National State Assembly a White Paper on Employment Relations, containing the complete draft of a "law to specify the terms and conditions of employment in relation to all classes and categories of employees; to establish Employees Councils and Conciliation Committees and specify their functions; to establish an Employees Trust Fund; to provide for certain employees to participate in Boards of Management"; the law would also repeal certain earlier Acts and Ordinances.

The preamble to the proposed Bill stated that it "seeks to effect certain basic structural changes in the law relating to employment and provides for the establishment of Employees Councils and the creation of an Employees Trust Fund."

The Government requested all parties concerned to study the proposed Bill and to make representations on it to the Secretary of the Cabinet Sub-Committee on Labour Legislation by March 15th. Although the White Paper contained the draft of a law in finished form and was issued by the Ministry of Labour with the implication that it was the result of the deliberations of the Cabinet Sub-Committee on Labour Legislation, the Government subsequently emphasised in a communique issued by the Ministry of Labour that the draft would be subject to revision on the basis of representations received. The Prime Minister in a statement in Parliament on Friday 11th March also sought to stress the draft nature of the proposals and he went on to say that even the Cabinet of Ministers had not yet made their comments on the proposals.

The intentions of the Government in presenting this new legislation were set forth in the communique from the Ministry of Labour as follows:

“The provisions contained in the White Paper have been intended to supply certain lacunae in the existing labour laws and to improve the existing labour legislation in certain respects so as to ensure that the workers are not exploited by the employers and at the same time production and productivity and eventually the economic development of the country do not suffer in consequence of any irresponsible actions on the part of the workers, trade unions or employers.

“It is not the intention of the government to rush through the draft law as appearing in the White Paper nor is it the intention of the government to deprive the workers of any of their existing rights.”

Since the proposed law seeks to effect basic structural changes not only in the law relating to employment but also in the present industrial relations system, it is necessary to consider briefly the history of labour legislation in Sri Lanka and the present situation.

SECTION II

Labour legislation in Sri Lanka began with State intervention in the plantation sector. In the early years of immigrant labour, the attitude of the government was totally laissez-faire, but the actual shortages of labour that occurred periodically, the need for regulating contracts of labour, the problems of labour losses through death enroute to the plantations and the high sickness and mortality rate on the estates made State intervention necessary in order to assure the plantations a regular and adequate supply of labour.

Legislation was introduced to regulate steam-ship travel to Sri Lanka in 1841 and in 1865, master and servant legislation governing the terms of contract of labour was enacted; in 1880 the Medical Ordinance made provision for rudimentary medical facilities in the plantation districts. More humanitarian Labour Laws came later when the government came under pressure from the Government of India and from local social service organisations. In 1922 certain provisions of the Master and Servant Ordinance of 1865, whereby a breach of contract was punishable with imprisonment, were repealed and the worst features of

workers' indebtedness were also ameliorated by legislation in 1909 & 1921.

An Education Ordinance was passed in 1920 providing for compulsory elementary education on plantations and in 1927 the first Minimum Wage legislation was introduced.

The growth of the plantation sector led to the development of railways, roads and harbour facilities and certain supporting industries in Colombo. Since capitalist relations of production had developed by the 1890s, it was only to be expected that the working class would seek to improve its position through joint organisation and action. Even though sporadic strikes had taken place earlier, the first trade union in Sri Lanka was formed by workers engaged in the printing trade in Colombo after a strike at a leading firm of publishers and printers. Trade union organisation and action followed among laundrymen (1896), carters (1905), railway workers (1912) and harbour workers (1920). Unions at this stage were led by middle-class reformist elements; militant trade unionism began in 1923 when the Ceylon Labour Union, under the leadership of the radical nationalist A. E. Goonesinghe, organised a general strike in Colombo, embracing about 20,000 workers. The economically prosperous 'twenties was a period of great trade union advancement. This period culminated in the violent tramways strike of 1929.

Labour legislation affecting urban labour was a response to these developments. Upto 1929, the government's policy was one of non-intervention and there were no laws for either the regulation of trade unions or the conciliation of industrial disputes. But the violence of 1929 led to draft legislation (based on the British trade union legislation of 1927) to curb and restrict trade union activity, prohibit lightning strikes and control the political funds of trade unions; other legislation was also drafted giving minimum wages to urban workers and making provision for conciliation machinery to settle industrial disputes.

The Ceylon Labour Party and the All Ceylon Trade Union Congress protested against what Goonesinghe called "the vicious campaign inaugurated by treacherous employers" and the British Labour Government then in power rejected the draft bills designed to control trade unions. The Minimum Wage Bill was also dropped because of the economic depression and only the Industrial Disputes (Conciliation) Ordinance was passed in 1931, almost 40 years after the first trade union had been formed. This empowered the Governor to appoint commissions to report on matters connected with relations in industry, trade or agriculture

and the Controller of Labour to appoint Conciliation Boards to deal with labour disputes and negotiate settlements; he could do this with or without the consent of the parties concerned but the recommendations were not binding on them.

There were several other labour laws enacted in the thirties. A *Trade Union Ordinance* was passed in 1935 making provision for trade union registration; registered unions could hold property, sue and be sued, but they were not liable in respect of fortuitous actions alleged to have been committed during an industrial dispute. Several laws providing for the safety, welfare and protection of workers were also enacted, among them the Shops Ordinance of 1938, the Workmen's Compensation Act of 1934, the Employment of Females in Mines Ordinance of 1937, the Children and Young Persons Ordinance of 1939 and the Maternity Benefits Ordinance of 1939.

The wave of strikes that took place in 1946 culminating in the General Strike of 1947 led to further labour legislation. The 1947 strike had begun with a strike of public servants demanding trade union rights. In 1948 the Trade Union Ordinance was amended to give certain trade union rights to public servants (except certain categories such as police and prison officers.) A new *Industrial Disputes Act* was passed in 1950 providing for:-

- (1) Conciliation in industrial disputes by the Commissioner of Labour or by an authorised officer
- (2) Voluntary arbitration by nominees of both parties to a dispute or by an arbitrator appointed by the Commissioner of Labour
- (3) Compulsory arbitration when the Minister of Labour can refer a dispute to an arbitrator or a labour tribunal, and
- (4) Collective agreements between an employer or employers and workers or trade unions.

This Act was amended in 1957 to establish a special category of courts called *Labour Tribunals* to hear applications from a workman or a trade union on behalf of workmen regarding termination of services and gratuities or benefits due to them as a result. The tribunal is under a duty to make all such inquiries into the application, hear all such evidence as it may consider necessary and thereafter make such order as may appear to the tribunal to be just and equitable.

This Act is in force today and forms the basic legal framework within which industrial disputes are generally resolved.

Labour legislation in Sri Lanka may thus be seen as partly a response or mode of accommodation to the growing strength of the workers fortified by their trade union organisations and partly a reflection of growing liberal and humanitarian ideas that had been developing in our society. In his book "The Legal Framework of Industrial Relations in Ceylon", S. R. de Silva throwing more emphasis on the second factor says, "Broadly speaking, in Ceylon, State intervention through law in industrial relations has, as in many other countries, been based on concepts of *social justice*—that is, the law has aimed at redressing the unequal bargaining positions of employer and employee, since the common law has been inadequate in that it has erroneously assumed that employer and employee are free agents of equal status. All industrial law is therefore founded on social justice." (p. 10) It is a fact that trade unions, political groups and religiously motivated bodies have campaigned throughout the decades for effecting the progressive social legislation that prevails in Sri Lanka today. Among these the Social Justice Movement spearheaded by the late Rev. Fr. Peter A. Pillai contributed much to the growth of public consciousness on social responsibilities as well as to the defence and enlargement of the rights of workers.

This brief account of the development of industrial relations in Sri Lanka is necessary because the main thrust of the White Paper is to replace the existing conciliation machinery used between employers and trade unions representing workers or individual workers in certain cases and which has developed in response to objective situations during the last fifty years, with a completely new machinery which in effect seeks to replace the trade unions with Employees Councils.

SECTION III

This section will, against the background outlined above, discuss the effects and implications of the White Paper proposals in five main areas: Terms and Conditions of Employment, Strikes, Employee Participation in Management, The New Industrial Relations System, Employee Participation in Profits. This order will be followed not only because the White Paper proposals mainly follow this sequence but also because the new industrial relations system, sought to be introduced, depends a great deal on proposals in the other areas.

I. The Terms and Conditions of Employment

We believe that every employee should have the right of security in his employment; both labour and capital must be deemed to be essential factors of production which should work on the basis of equal rights. An employee should therefore be liable to lose his employment only on being found guilty of a breach of the employment contract, provided the conditions outlined in the contract are themselves just and equitable.

We believe that this basic requirement is nullified by the provisions of Clause 4 of the Bill which lays down that employment should be deemed to be on the basis of a renewable monthly contract, read with those of Clause 23 which empower an employer to terminate the services of any employee on the payment of fixed compensation, particularly as such termination is not to be questioned under the provisions of the Industrial Disputes Act. This reduces human labour to a mere commodity that can be bought and sold, hired and fired in the market.

We consider the provisions of Clause 7 Section 3 which empowers an employer to terminate the services of an employee on probation with his decision being final and not subject to questioning under the Industrial Disputes Act, unsatisfactory. We believe that this vests the employer with arbitrary power and may as easily be abused as casual workers are exploited and abused today. This provision is also a removal of the right of appeal to a labour tribunal enjoyed today by an employee on probation whose services have been terminated.

We welcome the acceptance of the principle of equal pay irrespective of sex (Clause 14) and hope that the assessment of output according to quantity and quality of work will be so construed and determined as not to provide a loophole for continued discriminatory practices against and exploitation of women workers.

We welcome the proposal in Clause 19 to extend to all workers whose remuneration is not fixed by a specific Wages Board or Remuneration Tribunal, terms and conditions of employment as would be applicable to specified classes of employees in the trade which is predominant in the area.

While welcoming the institutionalisation of the domestic inquiry in cases when an employer wishes to terminate the services of an employee on the ground of alleged misconduct or breach of obligations, we consider it highly obnoxious and devoid of natural justice that the decision of the domestic inquiry, where

the employer is naturally in the favourable position of being both prosecutor and judge, cannot be appealed under the Industrial Disputes Act unless the employee is able to prove bad faith on the part of the employer, victimisation, violation of the principles of natural justice or perverse findings. The burden of proof has been shifted, under this draft, from the accuser to the accused. This seems to be contrary to the letter and the spirit of all other legislation in Sri Lanka. We believe that the present system whereby an employee dissatisfied with the findings of the domestic inquiry can appeal to a labour tribunal, which is under a duty to make all such investigations and hear all such evidence as it may consider necessary and then make such order as may appear to the tribunal to be just and equitable, far more in keeping with the principles of justice and equity.

The new proposal may reduce the work load of the tribunals but would certainly be detrimental to the interest of the employees. We find that under Section (8) of Clause 23, an employee has the right of being represented at a domestic inquiry only "by any other person employed by the same employer". Workers in public sector enterprises and other large work places have, by exercise of their powers of persuasion and pressure, won the right to have themselves represented by a trade union representative. Since such representation by someone with greater experience and background knowledge will be more conducive to the interest of justice being served, we would urge that this hard-won right be extended to all workers.

The proposals in the White Paper in this area contain several welcome features—the definitions of causal and temporary work; the removal of the right of an employer in the plantation sector to terminate the services of a spouse or children when a husband is discontinued; equal pay irrespective of sex; extension of wages board coverage. But to our mind the main effect of the proposed new legislation is to make job-security an illusion. An employer will have the power to get rid of an employee for any arbitrary or capricious reason including trade union militancy merely on the payment of compensation and his action will be final and unappealable. The principle that has been established by labour legislation and industrial court precedent that the services of an employee can be terminated only on grounds relevant to the performance of his duties and that too after proof in duly established inquiries and tribunals is thus done away with. The tenure of any job becomes dependent on the goodwill of the employer, provided he has the capacity to pay. And any employer in search of a docile, cowed-down work force, amenable to his

demands, will know the value of a few examples. It is to be feared that this arbitrary power given to employers will be abused; create a feeling of job-insecurity; lead to greater exploitation of workers; reduce their independence and capacity to protect their own interests individually or collectively and will also nullify to a great extent any possible benefits from employee participation.

2. Strikes, Lock-outs and Go-Slow

“The right to strike is one of the most fundamental rights enjoyed by employees and their unions and is an integral part of their right to defend their collective economic and social interests. The right generally follows from the right of workers to organise for trade union purposes and the right to bargain collectively. Both these rights are protected by the right to strike. For instance, the right to strike provides some guarantee that employers will bargain in good faith with organisations of workers. The justification for the right to strike is the fact that it is the one weapon which can correct the unequal bargaining position of employer and employee.” It is the right to strike, described as above by S. R. de Silva in his book “The Legal Framework of Industrial Relations in Ceylon” (p. 117) that has been severely circumscribed by the White Paper proposals.

At present the right to strike is restricted legally as follows:-

- (1) A strike in an essential industry must be preceded by a written notice in the prescribed form of the intention to commence the strike twenty-one days before such intended commencement;
- (2) A strike organised with a view to procuring the alteration of any of the terms and conditions of any collective agreement, award or settlement in terms of the Industrial Disputes Act is an offence;
- (3) A strike organised with a view to procuring the alteration of any order made by a labour tribunal is an offence;
- (4) A strike concerning an industrial dispute that has been referred to an industrial court, arbitrator or labour tribunal before such award is made is an offence;
- (5) A strike by members of the police, prisons and armed forces is illegal.

The new proposals would extend these restrictions by prohibiting:-

- (1) Strikes in essential services;
- (2) Strikes designed to procure the alteration of decisions made by any arbitrator, tribunal or court under the Industrial Disputes Act or of decisions made by an Employee's Council or Conciliation Commission;
- (3) A strike without due notice of 21 days as laid down in Clause 29;
- (4) A strike over a dispute that has been referred to arbitration or conciliation by the Employees Council, Conciliation Commission in terms of Clause 30.

The Industrial Disputes Commission reporting in 1970 did not favour the prohibition of strikes even in essential services, recommending only that such strikes should have the period of notice extended to 30 days.

With regard to the proposal to make strike action illegal during the pendency of conciliation either by the Employees Council or the Conciliation Commission, we would like to quote paragraphs 342 and 343 of the Report of the Commission on Industrial Disputes 1970,

“The freedom of (1) uniting into labour associations; (2) engaging the employer in negotiations with a union and (3) invoking economic sanctions, has been described as a concomitant of collective bargaining. The question to which we have to address ourselves in the present context is whether the last of these is to be curbed or restricted in any way when negotiation has failed and State intervention has set in motion the process of conciliation. It has been suggested that proper conciliation cannot take place in the shadow of the threat of economic sanctions. On the other hand, it has been said that it is only the operation of economic sanctions that would facilitate and expedite the successful conclusion of the conciliation process..... We see no necessity for the postponement of the resort to economic sanctions until such time as the conciliation procedure has been exhausted. Conciliation may commence during the pendency of or immediately after notice of a strike or lock-out. Conciliation proceedings, though they should be completed during a specified period of time, may take longer than anticipated and we see no justification for the absolute restriction of the freedom to strike pending conciliation. In the hands of labour,

the strike weapon is the only means by which a powerful employer can be induced to consider the demands of his employees and to take it away at the stage of conciliation would be to deprive labour of this cherished right”.

It would also be relevant to state here that the International Labour Organisation has declared that only the following limitations could be construed as not infringing the rights of association of workers:-

- (1) prosecution under the law for threats of intimidation;
- (2) a declaration as illegal of a strike designed to coerce the government in regard to a political matter;
- (3) restrictions placed on the right to strike in essential services provided there are satisfactory alternative arrangements for redress of grievances.

We, therefore, believe that the new restrictions on strikes proposed in the White Paper are a denial of the fundamental rights of workers to association and action in defence of their interests and should therefore not be enacted into law. It appears to us, as indicated in the diagram at the end of this memorandum that a legal strike even, if the proposals in the white paper are enacted into law, be just impossible.

It must further be emphasised that provisions proposed in Clause 32 of the White Paper not only restricts the right of the employees in regard to strike action but also calls into question the fundamental rights of all citizens. This clause lays down that any person who helps in any way the furtherance of an illegal strike or who assists any person engaged in such a strike with a gift is guilty of an offence. Any person giving a gift in money or kind to the destitute family of a striker may under this clause be guilty of an offence. To our mind these restrictions on the behaviour of a conscientious citizen goes against human rights of other individuals and groups including the Press and also against the concepts of a free and just society. The President himself has often stood for human rights and has on occasion justified opposition to unjust laws through Satyagraha campaigns.

One of the objectives of the Government in introducing the law proposed in the White Paper is to ensure that ‘production and productivity do not suffer in consequence of any irresponsible action on the part of the workers, trade unions or employers’. While it is true that employers are compelled to refrain from lock-outs in similar circumstances we would argue that restric-

tions on the right to strike of the workers would seem to imply that irresponsible work stoppages by the workers has been a significant factor retarding economic development. This, however, is an unverified affirmation. The H. W. Jayewardene Commission attempted to study the effects of strikes on the economy and while feeling that such effects were significant, recommended further research into this question. However their general conclusion was as follows: "We are fairly convinced that as a general rule strikes are founded on some grievance, real or fancied but the unfortunate aspect of these strikes is the failure of the parties to make use of existing machinery to settle grievances without causing damage to the economy of the country. *The right to strike which labour considers as almost a "sacred right"* should be left inviolate, but that should not preclude the due implementation of the existing legal provisions, themselves built round that concept, so as to avoid strikes, minimise their effects and to settle them". (paragraph 868).

Even if it were to be argued that the strike weapon has been used indiscriminately by unions, this situation must be seen in a total context as part of the failure of employees and employers equally to establish better methods of communication and consultation and to use honestly and with good intention the existing conciliation machinery. To blame the unions alone for this situation would be an unjustified emotional response. And to legislate severe restrictions on the right to strike, almost to the point of making any legal strike impossible, would be to tilt the balance of power, already weighted on the side of the employer and further strengthened by the new powers of dismissal to be given to him, totally in favour of the employer.

The United National Party rightly found fault with the last government that used emergency powers "in December 1976 to crush and humiliate the workers when they took action to obtain relief" (U. N, P. Manifesto). It would seem that the Draft Bill will eliminate the need for such emergency power by banning strikes in essential services; it would go further by restricting strikes in all other work-places; by removing jobs security, by cutting the trade union movement from its local bases in the work places and thereby enabling employers to crush and humiliate the workers even more.

The Government's policy may be self-defeating if the prohibition of strikes has the impact of making the trade unions more militant and better organized when they decide to embark on illegal strikes. This policy may also help send dissent underground and thus cause more tension and disruption in Sri Lanka society than we have known in the past 30 years.

3. Employee Participation in Management

We are entirely behind the proposal to involve employees of enterprises in the management of the enterprises they work in and recall that this was one of the planks of the United National Party election manifesto. We believe that participatory management practices can serve to remove a large measure of dissatisfactions arising from the alienation of the worker from the production process and can be a most potent force for the increase of production and productivity. Its motivational effect has been recognised by social scientists; it has been said that, "For the individual members, feeling of well-being and their sense of self-realisation are related to participation and its consequences". Indeed democracy within the work-place is the concomitant of a democratic socialist society. We therefore welcome the establishment of democratically elected Employees Councils.

Though the theoretical value of participation is undoubted, its practical value lies in the degree to which power is shared. In this respect we find (Clause 86) that actual powers of co-decision making are mainly in a number of peripheral areas of management: the fixing of daily working times and breaks, time and place for the payment of remuneration, annual leave rosters, the administration of welfare services, and defined some what ambiguously matters regarding transfers and dismissals of eligible employees. There are two other areas when decision-making is to be jointly wielded by the employer and the council: reduction or cessation of operations in the undertakings and amalgamation with other undertakings. However, these are two basic investment decisions and we fail to see how a Council that is only entitled to receive information on the main areas of management activity (Clause 74) can truly exercise joint decision-making powers in these two areas.

It is our contention that participation as envisaged in the White Paper is confined to relatively minor issues only. We would, therefore, urge that action be taken to enlarge the scope of joint decision-making to include integral areas of management functioning. It is possible even to lay down a framework for total participation and then implement it gradually as the experience and level of managerial skill rises among the work - force.

We are conscious that Clause 87 of the proposed law lays down a skeletal framework for electing employee representatives on to the Boards of Directors of enterprises. This is an experiment that has been tried out in various countries with varying degrees of success. The general experience, however, is that such employee directors are unable to participate significantly in affairs of the

enterprise and act in the best interests of their constituents; in a non-socialist environment, they have two roles to perform—as the guardians of the prosperity of the enterprise, the other as the guardians of the interests of a group within the enterprise which can often find itself in a position of contradiction with the capital – owning group not only in the enterprise itself but outside as well. It is no wonder that these elected worker – directors often succumb to the pressures of the managerial group. This has been the experience of worker – directors in Sri Lanka too.

There is one other pre-requisite for effective participation at Board level and that is effective participatory machinery at lower shop and plant levels. It is our contention that unless participation is made truly effective at that level through a tremendous enlargement of the powers of the Employees Councils, the experiment in participation cannot be successfully implemented.

There is, of course, an assumption that members of Employees Councils and employee – representatives on Boards will perform their functions with honesty and integrity and with the best interests of their constituents at heart. To do this, however, they must be assured of job-security, of freedom from victimisation by the employer. We find that in this connection the provisions of Clause 8I – that any member of a Council or a Conciliation Committee shall not be prejudiced or favoured by reason of the exercise of his functions as such member extremely weak, particularly when we recall that every employee is liable to termination of service with some compensation. It is thus relatively easy for any employer to rid himself of an obstreperous or fearless Council member and extremely difficult for a council member to perform his duties without fears for his job. In short, we feel that there is a great likelihood, even assuming honest elections, free from corrupt practices, taking all the circumstances into consideration, of the Employees Council degenerating into a pliant tool of the employer.

Another aspect that the Government must bear in mind and act on, if the efforts at participation are serious, is the education of workers. This has been indentified as one of the bases of successful participation.

4. The Industrial Relations System

In an earlier part of this paper we traced the growth of the industrial relations system in Sri Lanka with the trade union performing the role of representing the employee, being in fact his bargaining agent and that the role of the union had grown as an expression of the collective strength of the employees—a

strength that had to be forged if the employee was to correct his unequal bargaining position vis-a-vis the employer.

We now find that this system is sought to be replaced by an entirely new system. We find that Employees Councils, apart from being instruments of a participatory process, are to be vested with the role which traditionally had been performed by the trade unions.

The Employees Council has been vested with powers in Clause 71 of

(1) the regulation of relations between employee and employees on the one hand and employer or employers on the other hand..... (Clause 71 a)

(2) the representation of employee or employees in any industrial dispute or any matter connected thereto... (Clause 71 c)

In addition, the Employees Council is also vested with powers of arbitration. In terms of Clause 77, any industrial dispute raised with the employer by an employee or a trade union has to be referred by him to the Employees Council. If the Employees Council judges the grievance not well founded, then that decision is binding on all parties concerned and there can be no appeal of any kind from this decision; even strike action to secure alteration of such a decision is prohibited. If the Council thinks the grievance well-founded, then it negotiates with the employer and seeks redress.

Where the Employees Council fails to obtain redress from the Employer for what it considers a just grievance, the issue goes to the Conciliation Commission. This is a new body which will be set up by Clause 76 of the new proposed Bill. It will consist of persons in equal number appointed by the employer and the council and an independent Chairman either acceptable to both parties or appointed by the Labour Commissioner. The decisions of this body are final and binding on all parties.

We have demonstrated in an earlier section of this paper that the Employees Council is at best a weak instrument of participation and that in the context of lack of job-security can become a tool of the employer. It is possible that the Conciliation Committee, as it is presently constituted, will be even more tilted in favour of the employer. To vest such bodies with virtually veto powers over employee grievances is, to our mind, to make a mockery of the conciliation process.

The situations arising from the new proposals can be summarised as follows: (Clause 77 et al)

(1) The Employees Council will sit in judgement over any grievances or claims submitted by an employee, group of employees or a trade union on behalf of employees.

(2) If the grievance is declared by the Council to be unfounded or without basis, that is the end of the matter. This decision is binding on all parties concerned and there can be no appeal from this decision. Strike action to secure the alteration of any such decision is also prohibited.

(3) If the grievance is declared to be well-founded, then the Council, in its representative role will discuss it with the employer. If the employer accepts the justice of the grievance it is then redressed.

(4) If the employer does not accept it, the dispute is referred to the Conciliation Commission. The decisions of the Conciliation Commission is final and binding on all parties. Strike action to secure the alteration of any such decision is prohibited.

This means that

(1) Arbitration of a dispute by someone independent of both employer and employee is completely shut out.

(2) Given the composition of the Conciliation Commission and the Council, the settlement of any dispute is virtually at the discretion and goodwill of the employer.

(3) The trade union organisations are completely shut out of the conciliation process.

(4) In a dispute with the employer, the employees can bring to bear upon him only the pressure that can be generated at his own work-place.

Whether intended or otherwise, the industrial relations system that is now proposed has no place in it for trade unions. The system that was based on employers contending with the strength of the workers in a work-place, organised in their own association and re-inforced by affiliation to country-wide trade unions and federations drawing their strength from the combined working class of the country is replaced by a system that is plant or enterprise-oriented, where the employer contends only with his

own work-force. A trade union that has no representative, or bargaining role in industrial disputes, that has no role in the conciliation process, which is prohibited from trade union action to alter the decisions of a process in which it has had no part, will become superfluous and must tend, in time, to disappear.

This is certainly a basic and fundamental change in the industrial relations system. But even apart from its consequences to the power-dynamics of the country, we feel that the net result of the new system will be to reduce the bargaining power of the employee and subject his future to the goodwill of the employer. We also feel that this proposal goes counter to the legal and social developments in the country over the last fifty years, developments the intent of which was to strengthen the hand of the weak against the powerful.

5. Employee Participation in Profits

The concept that employees who contribute their labour to the profitability of an enterprise have a right to a share in those profits just as much the provider of capital is one that has found increasing acceptability in recent times. It has been recognised that both capital and labour make their own distinct contribution to the production of goods and services, to the well-being of their communities and are, therefore, both entitled to share in the fruits of their enterprise.

The recognition of this concept in the proposed legislation is, therefore, to be welcomed, but it is unfortunate that the actual implementation of the concept falls far below expectations.

The Employees Trust Fund which is to be established will receive two kinds of contributions from employers:-

(1) a monthly gratuity contribution of an amount of six percent of the total earnings of an employee during the month,

(2) bonus contributions - bonus being determined in the prescribed manner.

Of these categories bonuses paid yearly are now an accepted part of the industrial scene and are a legitimate cost taken into consideration by employees. There is no law as regards gratuities or retirement gratuities. Thus the nett effect of the new law, presuming that the Employees Provident Fund law stands as it does, with an employers' minimum contribution of 6% would

be to increase the total outlay on an employee to 12% of his salary. And unlike the Provident Fund, the gratuity contribution to this Fund will be paid to an employee on termination only if he

- (1) has served his employer for not less than 5 years;
- (2) his termination has not been due to any breach of his obligations (Clause 99).

In view of the fact that the Fund will comprise only of these two types of contributions and that payments from the fund will be subject to certain limitations, we cannot see that this is a true sharing of profits. We believe that just as dividends are paid on capital invested out of the profits of an enterprise, so should a quantum of the profits be paid to those who have invested their labour.

As far as the governance of the Trust Fund is concerned, we find some lack of clarity in the provisions (Clause 90) which makes comment difficult.

Our observations in this section can be summarised as follows:-

- (1) There are some welcome features in the present law with regard to some underprivileged groups such as casual and temporary labour women workers, plantation workers etc.
- (2) However, the right to terminate with compensation, the institution of a new industrial relations system based on elected Employees Councils and new conciliation machinery which can be dominated by the employer, the restriction of strikes, the elimination of trade unions in the bargaining and dispute conciliation procedure have together tilted the balance of power completely in favour of the employer; the employee will virtually be in the position he was in before the trade union movement became active, as far as his bargaining strength is concerned.

The new procedure has the appearance of a perfect democratic process, grievances of employees being judged by a group of freely elected peers - but knowing that in our society, the relations to production of different classes are subject to different laws and that the capital-owning classes i. e. employers are dominant,

institution of such a system can only serve to denude the workers of all rights that they now enjoy and make them once again completely subject to the employer.

One of the objectives behind the White Paper proposals appears to be the creation of a suitable environment of economic growth and the motivation workers in the interests of productivity. As far as motivation theory is concerned, there are two methods of achieving this: one, the method of compulsion, either by rigid regimentation or by injecting an element of uncertainty regarding job-tenure, the other, the method of involvement. The first concentrates on the negative aspects of the human psyche and assumes that he has to be coerced to work; the second concentrates on the positive aspects and assumes that given a certain social environment he will find fulfilment in his work and joy in being a contributing member of his society. It may appear attractive to mix these two approaches - the traditional carrot and the stick - but ultimately the value systems of the society must determine which of these is more appropriate.

SECTION IV

We think that the question of employment relations should include also wider aspects in relation to employment viz. the whole problem of the sharing of the fruits of work as among workers, of employment, motivation for work, the social responsibilities of capital and indeed the entire question of the setting up of a just, free and participatory society to which this government is committed. In this section we shall attempt to consider some of these wider implications of the White Paper proposals.

When we consider the U. N. P. Electoral Manifesto, we see that the government has promised much concerning the type of just and free society to be established in Sri Lanka. It is within this framework that the goals of employment and the nature of employment relations have to be worked out. Unfortunately the present draft Bill does not contain any advance towards the setting up of a socialist and democratic society that the government is pledged to. The U. N. P. Government still emphasises that it is motivated by the objective of a just and free society. However, the principles on which this White Paper are based are not those of freedom and justice or of moral considerations but rather those of contractual relations and of the power of money. Thus the services of an employee can be terminated at will by

the employer for a financial consideration whether such termination be just or not, moral or immoral. Neither is there freedom for an employee to appeal to a court of law so long as the statutory sum of money is paid.

Acquisitive, Not Moral or Dharmista.

We are therefore setting aside entirely the premises on which a just, free and moral society can be based and entering into relationships which are purely based on money. Where the right of access to a court of law is not open to an aggrieved worker it is difficult to maintain that we are dealing with a free society, and much less a just one. In this sense it would seem that the draft Bill lays aside the considerations which would flow from what the U. N. P. manifesto calls "the ethical wisdoms preached by the great religious teachers." It is also departing radically from the new goal which the Party set before itself and proclaimed to the electorate - "the creation of a New Society, based on human moral values." What we have in the draft Bill are money values, where money is the criterion and motivation force rather than any other considerations of moral values. In that sense the U. N. P. does not solve "the moral crisis" of which it speaks, but makes the situation worse.

The Manifesto promises

"While we seek to change man's environment from a purely industrial and possessive one where man exploits man for his private gain, one where man does not control his fellow citizens through the ownership of the means of production; so must we seek to help man to change his nature to take his place in a Society which is not acquisitive but where each works for all." (page 3).

These indeed are noble principles. But what we have in this draft Bill is precisely the contrary; for here man can exploit man for his private benefit, and one man has control over the lives of his fellow citizens through the control over capital. This bill is based on the acquisitive motive and not on the motivation in which "Each works for all."

The U. N. P. Manifesto makes a further promise in these terms:

"The U. N. P. is not only a Democratic Party. it is also a Socialist Party. In brief, our policy is to make the people and not the Government of the day the owners and managers of the means of production, distribution and exchange and terminate the exploitation of Man by Man, and Man by the State within the framework of a Democratic Society.

“In implementing Socialism we do not intend to fit the Government into the place of the private capitalist. We do not intend to concentrate and centralize production, distribution and financial power in the hands of a Government, a privileged class or a few families” (page 12).

The Government further undertook to “eliminate the enslavement of the people by the government and its bureaucracy and provide for the people’s participation in the activities of the State” (page 10).

In relation to economic activity the U. N. P. affirmed that:

“The employees organized in self-managed institutions should be the masters of their fate and of the institution they work in. They should also have control of not only their own labour but also over the fruits of their labour...

“From these organizations delegates will be chosen to serve on the Management together with those appointed by the State.

“With Sri Lanka adopting socialist measures, the U. N. P. will advance the cause of worker ownerships” (page 7).

This is one of the important positive platforms on which the U.N.P. campaigned. While, concerning the Free Trade Zone there is only one sentence in the Manifesto, a good deal of the Manifesto is concerned with the concept and the promise of the setting up of a society in which the workers would own and manage the means of production. For this purpose the present government promised to set up a *people’s sector* of the economy.

“We will set up a **PEOPLE’S SECTOR** and the necessary enabling institutions with the object of ensuring that ownership and management of the means of production, distribution and exchange belong to the people of the country” (page 9).

The concept of a people’s sector was proposed as an alternative to individualistic capitalism and State capitalism. The Manifesto elaborated thus this promise:

“To ensure greater efficiency in production and to provide a more satisfactory service to consumers, we shall implement a competitive economic policy through the newly established People’s Sector, a reorganized State Sector and the Co-operative Sector and shall where desirable permit inter-sector arrangements” (page 3). These are some of the promises of the United National Party concerning economic relationships and institutions.

Democratic Socialist Society

The U. N. P. pledged itself to democracy "for Democracy alone permits each one the freedom to live as a free individual and to bring up his family..." and to socialism. "for socialism provides opportunities for the vast majority living in poverty and misery to afford happier lives for themselves and members of their families. It can redress the social injustices whereby a few enjoy luxuries and comforts while rest live without food and clothing, in huts and hovels. We believe that democracy and socialism must go hand in hand". (p. 3)

It explained further the inter-relation between the freedom of democracy and the justice of socialism. "We believe that Democracy without Socialism is a Democracy of exploitation; and that Socialism without Democracy is a Socialism of oppression" (p. 11).

There was reason to hope that U. N. P. had really changed its orientation for it claimed that it was now a new broadbased party that had learnt much through defeat. (p. 11). "During the years our Party has been in Opposition it has made an introspective search for the cause of our defeat in 1970. We are acutely conscious of the fact that the people are clamouring for radical changes in society... Pursuant to the change in the leadership of our Party in 1973 the party adopted a new Political, Social and Economic Programme so that it could fulfill the modern aspiration of our people." (p. 2)

An Inner Conflict

Unfortunately, in the course of the past eight months we see a conflict within the U. N. P. itself between those who are working towards a more just and free society and those who appear to be working for the establishment of a more capitalistic and unequal society. It would seem that there are two faces of the U. N. P. - one oriented towards the service of the majority of the people on just and moral principles and the other towards the encouragement of the power and wealth of the few based on capitalistic motivation. In the later perspective the emphasis is on discipline, on the need of law and order, of stability in the society for greater productivity. It is only then that capital would be prepared to invest here, specially foreign capital.

In this respect the government's policies seem to be determined in large measure under pressure from agencies such as the I. M. F. Hence in the first Budget the promises of the Government to the people were given up to satisfy the demands of the I. M. F. and of the capitalistic view of the economy. This has been publicly stated even by supporters of the U. N. P., like

Mr. Esmond Wickremasinghe. So there seems to be a conflict between the face of the U. N. P. which is for a just, free and righteous, dharmista society and the other which is prepared to open up our country to local and foreign capital freed of the legal and moral restraints of a socialistic and democratic society. The idea of the "robber baron land" used for describing the Free Trade Zone or the *G.C.E.C. indicates the type of amoral value implied in this other face of the U. N. P. It would seem that this inner conflict within the U. N. P. itself has not been resolved.

Hence we find that in the past few months there has been no policy for the reduction of the inequalities in society. After the initial post-election sop of the reduction in the price of flour, the poor have had more and more obligations placed on them. In these White Paper proposals too the advantages are primarily with the employers, the owners of capital. The entire budgetary exercise of liberalizing the economy again gives advantages and opportunities substantially to the elite class: to import as they like, to travel as they desire, to bring in luxury goods irrespective of the urgent needs of the masses. Instead of building a socialist sector or a public sector there has been a tendency to de-socialize; to hand over to private management even public sector enterprises. While there is great pressure on the working class that they should work, that there should be no strikes, that trade unions should be disciplined - all of which we can understand - there is hardly any limitations on the profits that the owners of capital, specially foreign capital can earn. There is a greater freedom for capital to influence imports such as of private cars and the oil for their consumption. Profits can be more easily sent out of the country. Foreign capital is given exceptional incentives. But why is it that the obligations are placed on the already burdened working class without a corresponding sharing of the obligations of austerity and sacrifice by the privileged classes?

Instead of a free, just and participatory society we see the grave danger of an increase of enormous inequalities. The draft Bill if enacted is likely to increase the gap between the rich and poor. For, while there are limitations on the bargaining powers of the workers, the owners of capital can continue to increase their wealth and economic power. Unfortunately the Government has not given serious attention to the reducing of the big gap between the under - privileged many and the affluent few.

When this draft bill is taken in relation to other already enacted legislation such as the Greater Colombo Economic Commission (F. T. Z) Act and the Second Amendment to the Constitution

* Greater Colombo Economic Commission

setting up an Executive President, we see that the powers of the State and of the employers are greatly enhanced. The G. C. E. C. has wide powers within its area of authority. This Commission is responsible only to the President. On the other hand, the workers within the G. C. E. C. area are likely to be much more subject to the powers of the employers than hitherto. Certain of the more favourable sections of the draft bill may not be applied in this or other areas, if the Minister so decides.

We wish to raise the fundamental question of policy for the Government. If we want a democratic and a socialist society the policy must be one of sharing of the burdens and benefits of nature and of production by all. Unfortunately there seems to be conviction that it is only with foreign capital that this country can be developed and therefore we must pay the price that foreign enterprises demand viz: a capitalistic framework of employer - employee relationships within a so called "free economy". It is a tragedy that this Government has not been able to conceive of another *motivation* to encourage the people of this country to work hard and share the benefits of their work.

This is a challenge to Sri Lanka society. We want a socialistic and a democratic society in which we avoid the excesses of totalitarianism of both the right and the left, of capitalist and of communist regimes. We have therefore to find a way of motivating ourselves freely and justly. This is a difficult task, one which we have searched for and worked towards during the past few decades. Even within our limited production, the quality of life in Sri Lanka has been better than in many other countries, thanks to the controls on wealth and the effort at sharing what we have. But if we were merely to hand over our country to the capitalistic approach and subordinate the workers to a "hire and fire" system then we are not facing this challenge of trying to set up a democratic socialist society. It is here that we must *avoid the moral pitfalls of the attractions of a merely acquisitive motivation.* We must have more confidence in the working people of the country. If they are convinced that our society is one in which there is a genuine sharing of burdens by all, there is no doubt that the workers will give of their best towards pulling this country out of the economic difficulties in which we are now.

If the means of production are owned and managed by the people as a whole, as the Government promised then there would be other *motivations* to employment generation as well as to work. If the emphasis was to be not on the concentration of industry in a few relatively privileged urban pockets with foreign capital and producing for export but rather for developing our own

industries, specially in the rural areas with the peoples' participation, using our raw materials and providing for our own needs and markets, taking advantage of the surplus generated by the plantations, we would have another approach towards the entire complex of socio - economic and political problems.

We would like the Government to consider more actively and with a greater sense of priorities, many of the proposals in its Manifesto concerning agriculture, agro-industries, fisheries, the employment of youth, co-operative farms, a national youth service, health services, housing etc. all of which give a different type of emphasis. All these also do not harm our cultural and religious way of life, unlike the foreign investment and tourist oriented enterprises which are to be concentrated in the urban sea coast areas.

We recognise that the country is in an important stage in its evolution. If it fails to resolve the problems of unemployment and of the increasing productivity, it will be difficult to establish political and social stability. The answer to this, however, is not the giving up of the rights of the workers in favour of capital, but the working out of greater sharing and a deeper sense of responsibility in both workers and owners of capital. In this sense the proposals for co-management and the sharing of profits in the draft Bill are far too minimal to be effective as a motivation for workers or for building the type of free and just society envisioned in the U. N. P. Manifesto. We may even remind the Government that they do not even go so far as to implement the promises of the 1965 manifesto of the U. N. P. which pledged to bring about profit sharing in our country.

Employment relations and the problems of employment cannot be resolved except within the wider framework of the type of society we want. We therefore raise these wider issues. We would like the Government to give consideration to its overall programme of policies including decentralization of power and not to push ahead legislation that is likely to deprive the working class of the gains of several decades of struggle and evolution. The alienation of the working class in the urban areas, in the plantations including the coconut industry is far too high a price to pay to satisfy the pressures of local or foreign capital.

We recommend that the government *consult with the trade unions* concerning this legislation so as to obtain their responsible and responsive cooperation in this common task that faces all the people in the country.

AN APPEAL FOR WORKERS RIGHTS

By the Centre for Society and Religion

We are happy that the government has presented the White Paper on Employment Relations for public discussion and is prepared to listen to the views of others including the Trade Unions. However we are perturbed that, while the White Paper has many welcome features, its principal recommendations will, if implemented, be a serious blow to the workers rights. Over the past three to four decades the conditions of social justice have improved much thanks to the struggles of the workers and the enlightened support of liberal political leaders and others who have championed the cause of social justice.

Welcome Features of the White Paper

- Definition of casual and temporary labour and measures to stop abuse.
- Limitation of period of probation.
- Extension of Wages Board terms and conditions to those not specifically covered.
- Equal wages irrespective of sex.
- Termination of wife's / children's services on husband's termination stopped in plantation sector.
- Acceptance of the principle of employees participation in management through Employees Councils and worker representatives on Boards.
- Half-wages during suspension.
- Acceptance of principle of employees participation in profits.

Features Needing Revision

- Disciplinary inquiries: more time to accused to reply; representation by trade union members to be permitted.
- Appeals to tribunals from disciplinary inquiries must be permitted without limitation of grounds.
- Employers must not be permitted to terminate services on payment of compensation.
- Termination must only be on grounds relevant to work.
- Additional restriction on the right to strike must be removed.
- Liberty of citizens to assist those on strike must be recognised.

- Scope, functions and responsibilities of Employees Councils must be enlarged to cover integral management functions.
- Employees Councils must participate in management and not be vested with representative or arbitration functions.
- Employees Councils must be allowed to form joint associations.
- The present role of trade unions in representing employees in bargaining and in industrial disputes must be preserved.
- Employee participations in profits must be made real—not confined to gratuities and bonus payments.

We recognize that our present crisis demands hard work, austerity & discipline of all of us including the working class and the trade unions. However we think the suggestions of the White Paper are in certain respects a denial of the human rights of the workers. They can also lead to the dehumanization of the employers as well as of employment relations. Basically money and power will replace arbitration and equity. The right to strike is virtually completely negated. Trade Unions are almost totally by passed. Worker organization is practically limited to the plant level. Workers are ultimately defenceless against the power of employers who are well organized within each industry, at the national level and even internationally.

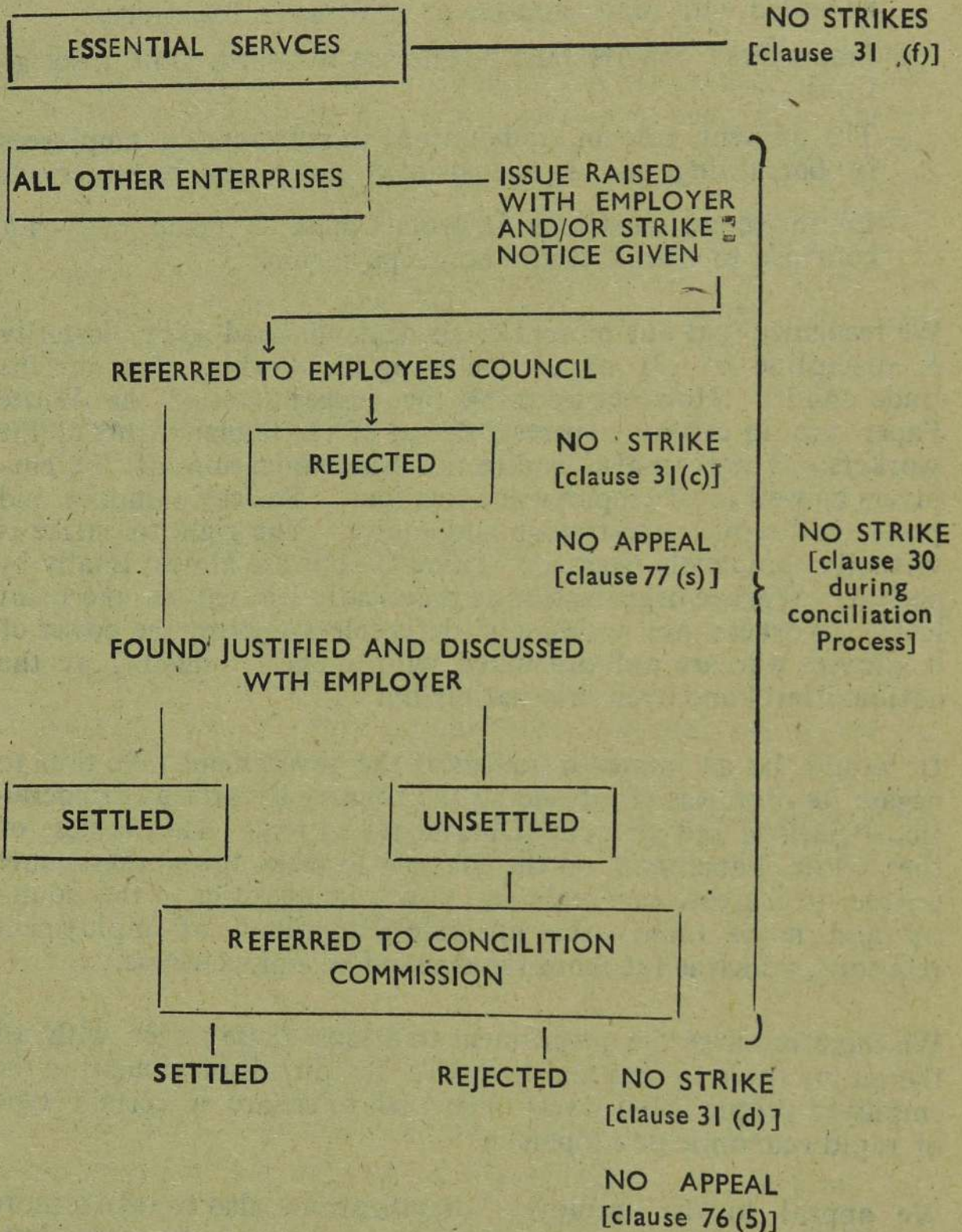
It would be an immense tragedy if the government were thus to negate its promises of advancing the country towards a democratic, socialistic and virtuous (Dharmista) society. The values of the White Paper seem on the contrary to make the workers more unfree, to increase economic and power inequalities in the country and make money the ultimate determinant of employment relations, which is far from the demand of righteousness.

We therefore urge the government to discuss these issues with all the major trade unions and to avoid the pitfall of alienating the employed people at all levels in its rush to ensure a certain type of rapid economic development.

We appeal to the employers organizations also to take a more positive interest in the rights of their employees who contribute so much to their productivity and who are also human beings.

We likewise invite all other public spirited bodies including the religious organizations to give an earnest consideration to this grave issue that will affect the future of about two million employees in Sri Lanka

NEVER A LEGAL STRIKE



- **THIS MEANS THAT STRIKE ACTION CANNOT BE USED TO REDRESS GRIEVANCES**
- **THERE CANNOT BE A LEGAL STRIKE**
- **UNSETTLED PROBLEMS MUST GO UNDERGROUND**

WORKERS' PARTICIPATION AT THE LEVEL OF THE ENTERPRISE

The concept of participation

The starting-point of the analysis in question was the necessity to specify the idea of participation. This was conceived as being a process of a dynamic and general character, even if it is in the framework of concrete situations of which a more or less detailed description could be given separately. Indeed, it is notably according to a series of factors of institutional, technological, legal, economic and social nature, that it is possible to define as a whole the framework into which participation is placed, the more so because the participation of workers in decisions made by enterprises constitutes a growing preoccupation for governments, employers and, above all, for the workers themselves. In fact, the idea and the practice of workers' participation are to-day amply recognised as being a conquest of the trade union movement.

The participation of workers which appears in distinct forms is applied in different domains within the enterprise (without considering the more direct forms in national economic and social development) and responds to different interests and aspects. Among the factors which involve such a diversity of participation, procedures can be cited, the characteristics of the social system in force and the type of ownership; the level of the country's economic development, the size and complexity of production units, the application of technological progress and, more directly the management systems used in each enterprise.

The extreme variety in forms of participation requires, to be able to achieve a profitable analysis of each of them and which is capable of resulting in operative conclusions, an effort to distinguish the characteristics common to the various forms of participation. The starting-point in achieving this is in understanding participation as being an integrated process. That is to say, the process by which workers are able to command, through various methods of procedure and in systematic and coherent manner, respect for their opinions and interests in relation to all the decisions which determine the functioning and the development of the enterprise to which they belong.

The rules of general conditions which are at the base of the development of a participation system are: freedom of association; the strength and the structure of the union movement; the availa-

bility of accurate, opportune, systematic, complete and objective information; the education and training of workers; the existence of stimulative policies; the receptivity of capabilities of the employers; the material conditions and institutional facilities on which the workers can count. To the extent that all these conditions are fulfilled, the workers' participation can develop in the best circumstances and with the greatest chances of success.

The different forms of participation may be classified according to the type of decisions which must be taken in the enterprise, i. e. those of a general nature and those which are very specific. Among the general decisions are the outlines of the type of workers' participation in the boards of directors and management of enterprises, together with those which consist of the permanent participation of union officials, in co-ordination with their executive bodies, where enterprises are highly organised and planned.

Essential Conditions:

One of the most important conditions for assuring the success of a participation system lies in workers' education, both of a general nature and of a specialised training to fulfill the specific requirements of the system.

The fundamental characteristics which the process of training for participation must fulfill are: an adequate balance between general and specific knowledge; the contents of a course must correspond with the workers' interests—it is, therefore, necessary that they have control of it in all its phases; the recognition of the social value of educational responsibilities and consequently the intergration, under the workers' management, of all the possibilities of education which exist in this domain; the recognition of the material conditions which make possible the real integration of workers in the process of education.

The contents of educational programmes, designed in accordance with the varied nature of training (general and specific) must take into account, as major elements, the range of priorities in workers activities, the level of participation and responsibility as well as the level of preliminary training. Furthermore all education must be directed towards the development of the interpretative capacities of workers.

It is recommended that all programmes include the following subjects; the economy, the administration of enterprises and legislation as a base for the integral training of workers. These lessons should be compiled by taking into account the points that they have in common with the study of specific subjects.

Fundamental objectives and nature of workers' training in relation to participation

Participation necessitates a more ample training than that required for technical instruction. The first characteristic of the analysis of educational needs in connection with the participation system is the double nature of the educational process, specially in so far as it results in the capacity to determine certain particular functions (for example; the persons dealing with cultural matters, the union officials in charge of salary policies, etc.) As a general rule it offers not only an essential basic knowledge but more precisely, it forms a means of understanding and interpretation of the various functions and of the places occupied by each of them in the general system.

This double nature of educational needs shows itself by multiple specific effects, of which, doubtless, the most important is the definition of subjects and of the types of training programmes, as well as advanced courses. The average educational level of the workers will be higher; their understanding of the participation system, its mechanism and its way of working, its contents and general orientation will be greater—in short, its control by themselves. Thus, the result will be better.

Evidently, it is not sufficient that workers attain a determined level of education but that furthermore, the substance of this training corresponds well with their own interest. To arrive at this, it is essential to respect fully their freedom of association and, above all, to start from the principle that the main responsibility and control of all of the workers' educational process depends upon themselves. Happily, this principle tends to be universally recognised, in the same way that the union movement has given sufficient proof of being able to define clearly the objectives in this domain. In its practical application, the recognition of this principle implies certain conditions, among which, one must distinguish the necessity for workers to:

- * choose the subjects which they consider useful to learn in terms of their experience;
- * determine the criteria of participation in the various educational programmes:
- * exercise control over the equipment and means used, in order to develop the programmes:
- * ensure the development of their instructors' training, as a means of increasing the possibilities of expanding the educational system and to ensure permanent revision as a result of their own experience.

The style, the aptitude and the standards which, in principle, are found in everyday life make up the most reliable criteria for evaluating the subject-matter as well as the signification of workers' education.

The responsibility of society

The emphasis on the previous paragraph must not, in any way, be confused with an isolationist or self-sufficient vision of the role of workers in their own educational process. In reality workers' education is a responsibility of society as a whole, principally through specialised institutions. Consequently if the control that workers and their organisations exercise over the educative process is an essential condition, it is still true that a series of agencies and institutions may take part in this process. The possibility of using such resources, as well as potential resources, necessitates a specific organisation which is able to mobilise them properly and in an integrated and complementary way.

The essential conditions for workers' access to training include, in addition to those concerning the availability of premises, libraries and study material, audio-visual equipment, printing facilities and job security through a system of paid educational leave. These demands by the trade union movement have met in many countries and form a common approach in international resolutions on such questions.

Contents of workers' education programmes with a view to participation

The nature of the participation process and the double nature of education, affect the fundamental subject-matter which must be included in training programmes designed to give workers sufficient knowledge with a view to participation.

Indeed, if the objective pursued is to ensure the type of training which will permit the body of workers to take part efficiently in all the aspects and functions of the participation system and to perform, at the same time, their particular duties within the framework of this system with full knowledge of the facts and consciousness of the resulting effects, this training must, of necessity, be of the multi-purpose type.

This type is not only essential for the smooth running of the participation system but also for all the activities of the enterprises and for the results necessary for the economic and social development of the country. This type of training must, of course, be

realistic and practical: it is evidently out of the question to attempt to give universal knowledge to all the workers, as this is impossible. The variegated contents of this type of education should be defined, in the light of various factors, as follows:

- * the field of action of the workers in the participation system for example, personnel policy, social matters, productivity committees, etc.;
- * the level of participation inside the system, for example: official of a section committee, member of a technical commission, financial management adviser, representative on the board of directors, etc.;
- * the level of preliminary training, which is not a specific condition of differentiation in relation to the participation system, but of which mention must be made, since it is a fundamental criterion for the start of the training process.

A second criterion for the orientation of education programmes in the matter of participation, is the fact that they must have, as a fundamental aim, the development of the interpretative capacities of the workers. It is precisely in this difference of orientation that may lie the success or failure of a training programme, above all when it is given by specialised institutions, such as universities, whose educative orientations may not necessarily coincide with those of the workers.

Generally, the programmes for training in participation should include the following subjects:

- * the economy: especially designed to bring out the characteristics of various systems of organisation of economy, the significance of certain concepts such as work, production, productivity, salaries, prices, etc: the importance of planning and the enterprise's activities; the principal functions of the enterprise etc. Of prime importance is the knowledge of the fundamental concepts of national book-keeping (national product, income, tax system, etc.) as well as the economic plans and policies of the government.
- * administration of the enterprise: particularly, everything concerning organisation system; book-keeping with special emphasis on cost accountancy and its principal concepts (especially for the officials at the highest level in the participation system who must make the most frequent use of it); the organisation of labour and salary structures; the planning and control systems of enterprise. In all cases it is desirable to make a study of the enterprise in question, of its produc-

tion processes and its system of organisation, not only as an example, but as a specific subject which will facilitate the application of the particular norms of participation;

- * legislation: especially designed to teach workers their rights and obligations, as well as the principal legal instruments and institutions which affect them. From the importance given to this subject, there will result a better knowledge of labour legislation and legal norms and, where it exists, law concerning workers' participation and the relevant role of trade union organisations.

To these general subjects will be added those of specific studies, i. e. from among the group of integrated subjects, including those which are the most directly applicable to each situation, level and type of participation scheme. It is at this phase of the training system that the importance of research into participation and the assistance functions of a specialised institution will be the most pertinent.

Source - Labour Education - I.L.O. Geneva No. 27 March 1975.

THE FREE PROCESSING ZONE AND LABOUR

Batty Weerakoon

(General Secretary, Ceylon Federation of Labour)
Low Wages

Let us first look at the Free Processing Zone not from the point of view of ourselves, the alleged beneficiaries, but from that of our alleged benefactors. Lester R. Brown of the *Overseas Development Council* located in Washington, in his book *World without Borders* says thus of South Korea, Taiwan, Hongkong and Singapore, which countries are the most committed to the idea of the free zones:

“Each of these four economies has been exceedingly successful in converting low wages into an asset to attract investment from abroad in labour intensive manufacturing activities, especially by American and Japanese firms.”

Mr. Brown, an American spokesman for the extension of American capital overseas has hit the nail on the head. Low wages—that is the attraction these countries have for him. He goes on thus:

“The combination of overpriced labour and underpriced capital has aggravated the employment situation in many countries. Overpriced labour, particularly industrial labour, resulting from strong trade union pressure for higher wages, discourages investment from abroad in labour-intensive activities. The means that the bargaining power of organised labour must be regulated in many poor countries if it is not to worsen an already grave situation.”

Mr. Brown, certainly was not writing a book just for the pleasure of stating his views. He is selling to us the concept of “low wages.” Trade Union activity he sees, not as others have seen it, that is as *collective bargaining* but as the means of overpricing labour. Collective bargaining itself is no un-American concept; and one bargains not for over or under pricing but to strike at a marketable price. But that concept, the concept of collective bargaining appears to be a liberal view of trade union activity purely for American, domestic consumption. Us poor

devils—our trade union activity is aimed at overpricing our labour. And he gives us what he thinks is most sensible advise. When he says that the bargaining power of organised labour must be regulated he means that the bargaining power of trade unions must be regulated. This is what he cannot get done with American labour. He therefore wishes to have for capital a world without borders, a world outside America to which American capital can shift without the embarrassment of organised labour and its high bargaining power. American capital, in comparatively labour intensive area, is in the process of doing this. It was only last September that *Zenith radio Corporation* in the U S announced its decision to shift its production of component parts to Taiwan and Mexico at the cost of 5600 American jobs. This is how American capital meet the Japanese challenge in the electronics field. The only reason for this shift is the search for low wage costs. The order in priority of cheap labour is clear.

“Driven by international competitive cost difference in first labour and later in tax and anti-pollution costs, American companies offset declining domestic and export market shares by a remarkable mobility in transporting their production facilities to ‘export platform’ facilities in under-developed countries.”

Global Companies—The Political Economy of World Business Ed. George W. Ball.

First is cheap labour and later the tax and other benefits. The *Export Processing Zones* constitute the most advanced “export platform”. Here we see the very close connection between under-development, cheap labour and high exploitative foreign capital. Under-development is thus not only the historical legacy of imperialism bequeathed to us. It is the only guarantee for the continued survival of that same imperialism in new forms. This is so because under-development guarantees cheap labour. Low wages becomes our only asset and we welcome as our sole benefactor, our only hope, the quantity that is our biggest exploiter. There are some who are heard to say that Karl Marx is dated, that he is Nineteenth Century. But is not this priority given to the search of low wages. not by a Trade Minister of a puny country, but by the biggest capitalists of the most powerful imperialisms, itself the proof of Marx’s Labour Theory of Value? If we are not careful we will soon have the brand new socialism of the Export Processing Zones - of the “export platforms” of

American and Japanese capital. We the open mouthed beneficiaries see these invitees to our Free Zone as fairy god-fathers. They are expected to generate employment, to launch us on the road of development, give us capital and technology. All that we need do is relax our labour laws and regulations a little, which they feel is, on the whole, not a hard thing. Here is the *Daily News* reporting one of our front-line businessmen, Mr. A. Y. S. Gnanam:

“Why are they coming here? For our cheap labour..... There is no doubt that the investor will have to be given certain concessions over labour if he is to be attracted to the FTZ, said Mr. Gnanam. “Most other countries which have such zones have allowed such concessions. If labour laws are too rigid they will not come. On concessions alone we still face competition from other zones in the world.”

Mason Zone—S. Korea

Let us examine the concessions over labour given in the other zones with which, as Mr. Gnanam so wisely states, we shall be obliged to compete. Let's start with South Korea, the destination of one of our key ministers, Mr. Gamini Dissanayake and his team that went out to study the zones at first hand. We have for this the material published as a report under the title *People Toiling Under Pharaoh* published in 1976 by the Urban Rural Mission Christian Conference of Asia, sent across to the Ceylon Federation of Labour by our organisation's friend Mr. Ma Wei Pin of the International Union of Food & Allied Workers' Association (IUF) stationed in Singapore. In respect of Korea the report makes a close study of the Masan Export Free Zone in South Korea, established in 1970. The Iri Export Free Zone was set up in 1973. “These were established”, says the Pharaoh report, “entirely for the use of factories built with foreign capital, earning foreign currency, and by that means bettering the international payments balance of Korea. In this zone (sic) can be found almost all sorts of middle and small scale factories, from labour intensive electronics and textile firms, to a variety of other manufactures. Cheap labour power and inexpensive land for building factories are the two major factors inducing foreign capital interest in these zones”. Japanese capital reigns supreme in these zones, and Korea's labour costs are approximately one-fourth those of Japan and her land costs about one fiftieth”.

The Report describes labour in the *Masan* zone as sweat-shop labour. In 1974 the percentage of women workers in the Masan

workforce ranged in the several establishments from 76 - 74%. Of this workforce 68.9% were in the age group 18-29 years. The next largest group 17.4% constituted the under 18 years of age group. Education wise 60.6% were of middle school level and 23.4% were of upper school (high school) level. Of this workforce of 24,575 i.e. 51.3% worked as trainees and 36.7% as unlicensed skilled workers. Here we thus get all the basic conditions of sweat shop labour. The majority are women with, best only a middle school education, in the 16-25 year age at group functioning as trainees or unlicensed workers.

One would expect the companies within the zone to pay wages that are at least the average wages which prevail outside. But the Pharoah Report shows that in 1974 whilst at the Hamil Synthetic Fibre Plant (just in front of the Masan Zone) the starting wage for a middle-school leaver woman was W. 420, of the 62 companies inside the zone only 10 paid that grade of workers more than W. 400 per day. In fact of these 62 companies 13 paid women trainees less than W. 300 per day whilst the average was no more than W. 350 to 400 per day. The number of industrial accidents during this period would indicate the blind intensity with which these workers had to exert themselves. The Labour Office in Masan gives a total of 3072 accidents. This in a workforce of 24000 workers would mean that every eighth worker had an industrial accident that year. On this the report concludes, "The conditions causing such a high rate of industrial accidents are the direct results of the pressures for high intensity work exerted by companies who entered Korea to exploit cheap labour - intensive production or who were driven out of Japan due to pollution or lack of economic feasibility, (sic) who are trying to reap a quick profit, and who consequently have no interest in creating a safe work environment."

The Report considers the link between this type of labour exploitation and the size and quality of the investment. "Among the companies located in Masan", it states., "the largest is the \$ 4.4 million investment of the Korea Taiyo Electronics Company, and the smallest are the American wig manufacturer, Chung Raja Fashions Ltd., with totally American capital, and the Japanese umbrella maker, Kukokawa Shops, each of which has a capital base of \$ 50,000.. The average investment is \$ 800,000. More than 50% are less than 500,000 and over 80% are under \$ 1 million. This type of small scale, investment is not unrelated to the Export Free Zone's low wages and poor working conditions".

Exploitation of Labour

From the point of view of labour there is not even the advantage of standard wages and working conditions. In October 1974 the daily wage for women workers in electronic manufacturing companies varied thus:

Real Tone Comany	—	w. 540
Ilshin-Dongyang	—	w. 625
Tokyo Electronics	—	w. 510
Summi Electronics	—	w. 570
(in Oct 77 — Us \$ 1	—	w. 484)

Around February 1974 these wages were in the region of w. 450. The Report notes that the wage increases did not conform to the loss in real wages resulting from inflation. Even this increase was achieved through a desperate struggle of the workers in these zones in 1973 for an all-round improvement of wages. In the *Ilshin-Dongyang Communications Equipment Co.* the increase went thus: Daily wage of w. 250, increased to w. 360 by December 1973, to w. 450 in February 1974, to w. 625 in October 1974. Even so the wage level of women workers in Masan is approximately 1/6th that of Japanese women workers and lower even than elsewhere in Korea.

The line of wage increase in Ilshin Dongyang is a pointer to something else too. The increase from w. 250 to 625 is around a 150%. This alone shows the degree of exploitation to which these workers were subjected. With the struggle for wage increases and the economic recession that was in the background the Masan Zone saw Japanese capital resorting both to closures and to a laying off of large numbers of workers. This was accompanied by the reduction of idle capacity, and an increase in labour productivity. The Hanguk Dong Kwan Co. justified the lay-off of 10 workers on the ground that with that lay off in one month productivity could be increased by 20% and that one worker's idle labour capacity affects negatively the production of other workers.

Employment —a myth

In passing, let us also register the fact that the Pharoah report explodes the myth that these zones create employment. The number of employees of the 71 companies located in the Zone in 1973 was 21,240. By September 1974, the number of companies had increased by 31% to; 96%; yet the number of employees had increased only by 15% to 24,325 persons (6,290 men and 18,035

women). During this period a total of 8 companies were shut-down affecting 1,846 jobs. A 50% shut down of 12 companies caused another 2000 lay offs bringing the unemployment figure to more than 3,800 workers. When this figure is set off the increase in employment was a mere 3,075 persons. And that at what cost!

As to how these dismissals and lay offs take place or are decided upon is also most revealing. In the Hanguk Dong Kwan factory the average monthly production in 1973 of 2,300 workers was W. 456,000. By 1974 only 2000 workers were producing an average of W. 545,000 per month. Because of this increase in labour in intensity in October 1974 more than 50 male workers were forcibly laid-off, and plans were underway to dismiss 600 women workers at the beginning of November which was the time when the Pharoah report investigations were concluded.

Fierce working class struggles have taken place in the face of these conditions. The Pharoah report comments thus on labour disputes some of which gave rise even to strikes: "They arise partially from the fact that Masan is the advance landing-point, so to speak, of the Japanese economic invasion of Korea, and in spite of the strength of the pressures from the companies or from the Korean government, the struggles have been fiercely waged."

Authoritarian government a must

In this let us not forget that the South Koreans live under a very authoritarian government that may not be the best model for persons with dharmishta aspirations. It has also one of the most corrupt administrations where pay-offs are government sponsored as was revealed in the Tongsun Park deals, and are accepted as standard practice. Its Central Intelligence Agency (KCIA) is run in collaboration with local and foreign business and is used as an instrument of terror and coercion even in labour disputes. Korea has no rule of law although our lawyers (and not only Ministers) go there to discuss the finer points of the rule of law.

Japanese capital that enjoys this police and security service, the security of an authoritarian government and the absolute right to hire and fire workers who struggle against the heavy odds against them would be attracted to another area only by the availability of even better advantages. Their attraction is to even more authoritarian labour camps such as Taiwan. Such pieces of legislation as we have, The Termination of Employment Act,

and The Industrial Disputes Act which are a restraint on the right to dismiss an employee are anathema to these Japanese interests. Therefore Mr. Gnanam's request for a little bit of relaxation of our labour laws means in fact the withdrawal of these pieces of legislation and even the subjective of our militant trade union movement to such tactics as those of the KACA.

The effect of this is already seen in the Government's pronouncement of intentions about restructuring the trade union movement in Sri Lanka. Sri Lanka is too small a place for a strongly organised militant trade union movement to function side by side with an area of labour in the several zones subjected to the kind of exploitation we have noted in the Masan zone. Hence the proposals in the Government's policy statement (a transcription of the relevant passage from the UNP's election manifesto) with regard to the trade unions. In fact in that passage, read it how you may, there are no proposals except the statement of an intention to shift the trade unions from the basis of militant struggle for the improvement of the workers' share of the social surplus to a basis of welfare activity and the so-called participation in ownership and management. Participation in management has been seen in the Masan Zone too, although there has been no participation in ownership. And this is how the Pharoah report documents one instance as happened in the *Daesnng Industries*, of such participation:-

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“On March 1, 1974, the Company President, giving lip service to labor relations, formed a labour management council. On April 1, 1974, the company announced a management deficit to the representatives of the labor-management council and asked for the council's co-operation, requesting either a reduction in workers or a 15% cut in wages. At the same time it cut back work compensation and instituted a check system, fired 48 workers and laid off 120 workers for 3 months.”

The Check System

The check system is a means of selecting workers for firing and lay off on the basis of points which include - (1) fidelity, (2) degree of co-operation with the company, (3) ability, (4) productivity (5) loyalty to the company, etc. Through this check system which was a permanent threat to workers, production was increased per person, per day in the range of 62 to 73% in the several departments. And by June 20th 1974, “some 400 workers, including voluntary resignations, lay-offs and dismissals, had been effectively dropped from the workplace. For the remaining 583 workers, a partial lay-off system was put into

practice. In July 1974, the factory was closed and more than 500 workers were left unpaid for both June and July. Comrade president Kim Chungyu pulled up stakes and departed for Japan, leaving unpaid a debt to the Pusan Bank of W. 240 million, debts for materials in the range of W. 100 - 200 million, as well as all salaries for June & July."

So here is an instance of workers co-operating to have their throats cut by the employer. If foreign capital is to by-pass the zones in South Korea and Taiwan to get to Katunayake in Sri Lanka, participation cannot certainly be anything more than this.

FTZ—Sri Lanka

Neither South Korea nor Taiwan had the embarrassment of a militant and well organised trade union movement as there is in Sri Lanka. Hence they were free to lay down the law, or rather to permit foreign capital to lay down the law as it pleased. Sri Lanka's U. N. P. government has to get rid of that embarrassment. Hence the present attack on the trade union movement. In this the Government will not succeed and there are already the signs that it cannot go ahead with the measures it contemplated. This alone will indicate to those looking for Free Zones that Sri Lanka will not be that free. The leaders of this Government are not babies not to know that. In a country like Sri Lanka with a tradition of militant trade union struggle the bringing together in one Zone, of young workers in number about 50,000 is the best guarantee of the most militant type of organisation. Japanese or American capital used to Taiwan and South Korea will not dare stay in such a zone even for an exploratory month.

No. The Free Zone is a cover. Proof of this is already there in the note issued by the Prime Minister's office and published in the Ceylon Daily News of 31st October under the headline—"Appoint Task Force to report on Free Trade Zone". It says—

"While drawing upon the experience of export processing zones elsewhere in the world, the strategy required for Sri Lanka need not necessarily conform to any one of them since a scheme for export development, at any given point of time, has to take into account the international trading situation as well as the political and socio-economic priorities within the country in the foreseeable future.

This is the rationale for the adjustments that follow and are spelled out thus:

“The overall strategy should be to use the Free Trade Zone to promote not only manufacturing industries for export but equally importantly to develop agriculture and agro-based industry for export since it is the latter that offers the greater employment potential. In most cases, it is neither feasible nor economic to locate agro-based industries in a single geographical location away from the areas in which the raw material is produced (e. g. processing of pineapple or high-value medicinal plants growing in Uva or the Eastern Province: processing of fish and other marine products landed in Mutwal or Galle.) Thus the flexibility to designate export processing ventures in different parts of the country as eligible for Free Trade Zone facilities and benefits should be maintained.”

That is, the whole country will be open to foreign capital on the cheapest possible terms. This is an offer not to the small capitalists as would come to a free zone but to big capital. What is relevant here is no more its relation to labour. There we are faced with a larger issue, the issue of complete subservience to imperialism.

WOMEN WORKERS

Very little thought has been given to the problems encountered by the women. They continue to be a source of cheap labour in industry, agriculture and the plantation sectors.

According to the figures of the 1971 census, out of a total working population of 3,622,000, the number of women employed amounted to 815,000, of whom the bulk (76%) were paid employees, 12% being unpaid family workers (in agriculture) and 11% being own account workers. Forty two percent (343,000) of women were in the plantation sector (tea, rubber and coconut.) Twenty percent (162,000) were engaged in the agriculture sector, another 20% (162,000) in what is called the 'service sector', working mainly in the health and the educational services and as domestic servants. There were 103,000 (or 12.7% of employed women) in industries of whom the largest group (77,000) were in textile manufacturing and 14,000 in the food manufacturing industries.

Occupational Discrimination

The vast majority of working women in this country are doing un-skilled and semi-skilled work such as transplanting paddy, picking tea, tapping rubber, cleaning fibre, sorting graphite, spinning and weaving cloth and packing and labelling products. Large numbers are also in jobs considered 'traditional' feminine occupations teaching, nursing, secretarial work and work in shops. With the growth of tourism there will be no doubt an increase of other 'traditional' female occupations—hostesses entertainers and prostitutes. Women are conspicuously absent in management and executive posts—whether in the public or private sector—and in jobs involving technical and mechanical skills.

Unequal Pay

The key area of the exploitation of women is in the area of wages where open and legal discrimination is practised. Where women in middle-class occupations receive equal pay with men, working class and rural women are subject to wage discrimination. There are sectors of the economy where minimum wage legislation does not apply and wages are determined by tradition, by supply and demand and the bargaining power of the employer. Except in youth settlements where equal wages are paid, women's wages in agriculture are always significantly lower than those of men and vary with each district. In the industrial sector we see the increasing phenomenon of 'sweated labour', a term used to indicate an undue degree of exploitation of unorganised workers, usually of women workers. In Sri Lanka there are numerous small garment and batik workshops, back-street shops making food and other 'sweat shops' employing women and children at less than subsistence rates, and far below the minimum wages in other industries. Another form of super-exploitation of women workers occurs in trades such as beedi, matches and coconut fibre where work is farmed out to women at home and they are paid at very low piecerates.

A few examples of discrimination in wage rate (Labour Gazette, May 1976)

<i>Trade</i>	<i>Men</i>	<i>Women</i>
Brick & Tile Manufacture	5.90	4.84
Coir Mattress & Bristle Fibre		
Export Trade	5.35	4.42
Match Manufacture	5.20	4.75
Plumbago Trade	6.53	4.43
Rubber Export Trade	6.25	5.95

(Extracts from 'Women & Employment' by Dr. Kumari Jayawardena in *Economic Review*, September 1976, People's Bank, Colombo.)

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Published by the Centre for Society and Religion

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