

*Stateless  
Landless  
Powerless*

*Land & Housing Rights of Plantation  
Community in Sri Lanka*

**P.P. Sivapragasam**



**Human Development Organization  
Sri Lanka**



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# **Stateless, Landless, Powerless**

## **Land and Housing Rights of Plantation Community in Sri Lanka**

Authored By

**P.P. Sivapragasam**

*Published by*

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## ***Human Development Organization***

The Human Development Organization (HDO) is a nongovernmental, nonprofit making and non racial, development organization that works with underprivileged and marginalized communities in the plantation and rural areas of Sri Lanka. HDO is legally registered with the Department of Social Services, Sri Lanka and it is registered with other recognized local and international organizations.

The Vision of the HDO is establishment of a socially just equitable and peaceful civil society through sustainable development.

HDO seeks to fulfill its mission through People centered participatory and sustainable development projects with concern to: environment, human rights and gender balance for social change.

## **Human Development Organization**

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## Executive Summary

This report focuses the land and housing rights of the plantation people in the context of their historical marginalization from successive governments' development policies, while highlighting their physical and socio-economic isolation and neglect.

The plantation Tamils make up approximately 5.4% (2001) of the national population. Also known as "Up Country Tamils," workers reside on the plantations in which they toil. They speak Tamil and practice Hindu religion. There are 914,000 people living on the plantations, and nearly 800,000 among them are Tamils of Indian Origin, whose ancestors were brought from Southern India by the British, beginning in the late 1820s, to work in the Ceylon's (Sri Lanka) coffee, tea and rubber plantations. For the residents of the plantations, the land they maintain is not only a source of livelihood, but it serves as a strong foundation for personal and group identity. Most workers belong to the families who have lived on the plantations for generations and have a history of nearly two centuries.

The key problems facing the plantation community identified in this report, focus on the lack of land and housing rights guaranteed under national and international human rights laws. The findings of the research conducted for this report highlight the lack of awareness within the plantation community of the legal documents for land or housing ownership and their economic rights. Although the plantation workers identify with the land, they do not have legal documents in proof of it. The denial of rights over the ownership of the land and houses in the backdrop of the situation, where they lack in stronger political voice along with the higher ignorance as to the land ownership and economic rights.

The findings of the report reveal the worst living conditions of the plantation community. Approximately 56% of the families live in single side or double side barrack type lines which were constructed more than hundred years ago, whose construction and upkeep dates back to British colonial period. The workers have been promised infrastructural improvement projects for sanitation

networks and construction of new residences. These proposed improvements have yet to be realized in an effective way. The present day plantation workers hold a strong desire to leave the line rooms in favor of land and housing facilities on their own.

The report contrasts the plantation Tamil's landless status with the vast tracts of un-productive and un-cultivated land available in the plantation sector. This report considers whether this land should be given to the plantation workers for housing purposes and thus solve this long standing problem. However, on a national level, there are obstacles in securing these land rights. None of the land reforms or land redistribution schemes to date has benefitted the plantation workers. Instead, these rights have been granted to political supporters of the governments. Plantation Tamil's residential security has become even more questionable, exposing the community to the risk of eviction from the estates.

The report finds that there has been minimum pressure from labour organizations or political parties representing the plantation Tamils to grant them their deserved land and housing rights. This prolonged lapse has reduced the plantation workers' faith in political representatives and labour organizations. Under the guise of "development," government land distribution plans tend to be unfair distribution of land and promoting neo-liberal development policies. Examples of past experiences of such development policies have proved to be threatening to the environmental and general well-being of the plantation residential settlements. The references in this Report include the Land Reforms of 1972, USAWASAMA (1972) and NADSA (1977) as well others that follows.

The report considers that the lack of land rights of the Plantation Tamils impacts severe political and socio-economic repercussions for the said community. Despite the fact plantations form in to the vital component of the agrarian production of the country, this minority community is excluded from many social benefits such as education, health care, and the benefit of national land redistribution schemes.

This report concludes with the following recommendations with the emphasis that the laws of this country recognize the land rights as a basic and human right of this community.

**Recommendations:**

- Abolish the existing out dated plantation line system in dilapidated condition and legitimize land ownership with new housing schemes that incorporate other social amenities and facilities for extra income oriented activities. A minimum of 20 perches land for each family should be allocated under such new schemes.
- Each plantation worker's family should be provided a minimum of 2 acres of land and needed supportive measures as mentioned in the 2012 Budget Speech. In the event of distribution of land, it should be ensured that the family is responsible for the land, production, and marketing of the product.



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**4. Towards a Future Plan**

4.1 Towards a Future Plan

Conclusion

Suggestion

Acknowledgement

N Ours - 16-18 - Sunday & Hols days -  
Average - 75%

70,000 - Available

10,000 needed for Housing

600 million others of EPF, SLSP, JEDB

Court Lodge - Leads

Dust bin Tea - Aliyansalu

Wages - Pakruwasaltery 1984 Equal wages

Collective agreement - - 1992

wages - COLA - 6% p.a.

Alcoholism - Religions

COP - 380 -

NSA - 480 -

For Small Holdings

# CHAPTER 1

## Introduction

1



# 1. Introduction

## 1.1 Land and Housing Rights

Land ownership is a vital source of capital, which opens personal credit markets, leads to investments in the land, provides a social safety-net, and transfers wealth to the next generation. Beyond the potential for a higher income, “secure access to land provides a valuable safety-net as a source of shelter, food and income in times of hardship, and a family's land can be the last available resort in the instance of disaster”<sup>1</sup>.

Land right is interlinked with the right to housing, right to food, right to work and many of other human rights. In many cases, the right to land is tied up with a group's identity, its livelihood, and thus its very survival. For peasants and workers, land is a vital component of a particular way of life. They are usually opposed to large infrastructure and commercial projects along agriculture lands, forests, rivers and lakes because of pollution, dispossession of land, limitations on access to traditional livelihood and other disruptive changes that threaten their survival.

The pressures on land are increasing dramatically. As rural populations grow, plots cultivated are becoming smaller with multiple family units within a single household component. Commercial pressure on land is reported in the media, including cases where access to land and land rights are affected by commercial agriculture, development projects, and tourism projects, creation of special economic zones, natural resource extraction, infrastructure construction and dam construction.

Land right must be seen as an important precondition for the realization of other human rights. However, issues related to land rights have rarely been addressed locally, nationally and internationally, because of their complex nature. Land rights do not just pertain to the right of ownership. They also relate to access, use, possession and occupation of land.

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1 [www.umn.edu/humanrts](http://www.umn.edu/humanrts).

The condition of landlessness threatens the enjoyment of a number of fundamental human rights. Access to land is important for freedom to development and freedom from poverty, and also often necessary for access to numerous other economic, social and cultural rights. It is also a gateway for many other civil and political rights. However, there is no standard definition as to the right to land in the international human rights laws<sup>2</sup>.

## **1.2 Domestic and International Laws**

### **1.2.1 Land Rights in Domestic Laws**

There are two basic principles that underlie most national legal systems, constitutions and domestic laws on the question of land ownership. The first is the right of private ownership. This right includes not only the right to use and enjoyment, but also the right to exclude others. Most systems of land ownership in domestic law seek to uphold and recognize this concept of private ownership, which gives absolute control and exclusive rights on the basis of legal and state-conferred ownership.

The second common and fundamental principle underlying domestic land laws is the regalian doctrine, which holds that all lands belong to the state. A corollary of this principle is that it is only by a grant from the state that land can pass into private ownership. ([www.hrrc.org](http://www.hrrc.org)).

- **Legal Status of Land**

The present Constitution of Sri Lanka (1978), does not provide a specific legal provision regarding the right to land. However the Constitution does contain indirect provisions in its chapter 3 on fundamental rights, which relate to land issues including the guarantee of choice of residence. Articles 12 and 14(1) (h) of the fundamental rights of the 1978 Constitution and Articles 27 (2) (c) ensure the right to housing and land. Apart from this, the 13<sup>th</sup> Amendment to the Constitution,

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2 Elisabeth Wickeri & Anil Kalhan, Land Rights Issues in International Human Rights Law , IflIRB, London

which was introduced to devolve certain powers to Provincial Councils, has a Section on right to land. According to the 13<sup>th</sup> Amendment, land use and improvement, land tenure transfer and alienation of land and, land settlement powers are vested in the Provincial Councils. However, all state land remains the property of the central government. Under the 13<sup>th</sup> Amendment, National Land Commission (NLC) has to be established to formulate national land policy; however to date no NLC has been established.

### **1.2.2 Land Rights in the International Legal Framework**

Though the land is a cross-cutting issue, no legal framework developed for right to land, is explicit in the International law. Also, the mandate of states towards land issues has not been given adequate attention in the international legal framework. However, a number of key areas on access to land have been discussed in the Universal Declaration of Human Rights (UDHR), ILO Convention 169 on Indigenous and Tribal People, Convention on Elimination of All forms of Discrimination Against Women (CEDAW), International Covenant on Economic, Social and Cultural Rights (ICESCR) and Declaration on the Rights of Indigenous Peoples. Land is compulsory and sufficient condition on which the right to adequate housing is absolutely contingent for people and communities.

### **1.3 Right to Housing**

Housing rights are unmistakably a part of international human rights law. The right to adequate housing is embodied in the UDHR and major international human rights treaties such as the ICESCR. In 1996, world leaders reaffirmed the right to adequate housing when adopting the Habitat Agenda at the Second United Nations Conference on Human Settlements. These instruments and declarations have shaped a global social contract designed to ensure access to secure home for all people in all countries<sup>3</sup>. As housing right is a fundamental right, there are a number

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3 UN HABITAT (2002). Housing Rights Legislation, Review of International & National Legal Instruments, UN Pub., Nairobi.

of International Conventions governing the right to housing and reasonable living conditions. Within the International Bill of Human Rights—namely, the UDHR, and the two binding Covenants, the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR)—a number of articles are directly tied to rights to land and housing. The UDHR, ICCPR and ICESCR protect the right to an adequate standard of living, protect privacy and property rights<sup>4</sup>. UN Economic, Social, Cultural Rights Agency stipulates in the general reports 4 of 1991 and 7 of 1997 that acceptable rights to live, should guarantee, secure peaceful living with dignity. The 1978 Constitution, Article 27 ensures acceptable standard of living.

In the meantime, the international covenants stipulate that acceptable standard of living shall include the following<sup>5</sup>

1. Protection against forcible eviction of a person from his/her house; arbitrary demolition or destruction of the house
2. Freedom from intervention by others and violation of privacy
3. Freedom to choose one's house and freedom of movement
4. Other facilities such as of potable water, drainages and transport
5. Choosing a place for housing and hindrance free road access to the house and guarantee of social and cultural qualities.

#### **1.4 Land and Housing Issues of the Plantation Community**

Plantation workers of Indian Origin were brought to Sri Lanka to maintain that sector which later became a vital component of Sri Lanka's economy. The Indian Origin Plantation Tamils derive their origin from South India, and they were recruited by the British rulers from 1823 onwards. These workers have no legal ownership of land and housing in which they live for generations. There are around 914,000 people living in the plantation sector of Sri Lanka. Of them around

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4 United Nations, 2002, Human Rights – A Compilation of International Instruments, vol. 1, UN Publication

5 UN-HABITAT&UN OHCHR, 2002, Housing Rights Legislation – UN housing Rights Programs, Report No.1

800,000 belong to the Indian Origin Tamil community<sup>6</sup>. The houses provided to them are called “line rooms” because they resemble the barracks. These line rooms were constructed during the British colonial period. Small vegetable plots, and an occasional cattle shed, provide the residential cluster the appearance of extreme congestion. These clusters of line settlements which are surrounded by tea, rubber or coconut plantations cannot be identified as living quarters that reserve the dignity of the plantation workers families. In the meantime, land and housing issues have been also contributory factors to ethnic tension in the local politics and especially between the plantation community and the neighbouring villagers.

Landlessness is not a new issue, and there had been previous efforts to address it. Both during the colonial and post – independence periods, there were many efforts to address landlessness through government initiatives, including colonization schemes and land reforms. However, the long outstanding issues pertaining to the land and housing rights of the plantation people have come to be taken up only of late in the recent decades. TUs and political parties have discussed the housing needs of these people over the years from the point view as a matter of concession rather than it as the rights of the workers and their family members. But, there is hardly any evidence as to any constructive approach towards the problems concerned the right to land and housing.

## **1.5 Scope of the Study**

This study examines and analyzes land and housing rights of the plantation community in Sri Lanka within a broad perspective – from national and international human rights standards to focus on problems and discriminations faced by the community from the inception of the plantation sector in Sri Lanka. This study also examines the initiatives by the government, plantation management and other stakeholders to address land and housing issues in the plantation sector.

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6 Chandrabose A.S. & Sivapragasam P.P., (2011), Red Color of Tea, Central Issues that Impact the Tea Plantation Community in Sri Lanka, HDO Pub., Kandy.



## 1.6 Objectives of the Study

1. To identify the critical issues related to land and housing rights of the plantation community in Sri Lanka.
2. To assess the mechanism, factors and actors involve in influencing the issues related to land and housing rights.
3. To explore remedial measures and adoptable strategies to solve the problem.

## 1.7 Methodology

A literature survey was conducted to meet the requirements of the first component of this study. The second component based on field oriented information relies heavily on focus group discussions, participant observations and individual interviews. The fieldwork was carried out between March and May 2012 among 100 worker families in 8 Plantations in 03 districts - Nuwara Eliya, Badulla and Kandy.

Field visits and focus group discussions were facilitated by the Human Development Organization and University Students. Informants can be categorized in to three groups, namely:

- a). Workers living in Twin Quarters (consist of two household units)
- b). Workers living in Flats/Double story Houses
- c). Workers living in Line Rooms (Single side and Barrack type).

The first group of people we interacted represented cross sections of the community and diverse in groups, such as plantation supervisors, school - teachers, estate health officers, NGO activists and trade unions (TUs), but all having an interest in the work being done. The interviews served to add new perspectives and provided authentication to the data obtained from other informants.

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## CHAPTER 2

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### Plantation Sector in Sri Lanka Crisis and Issues

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2



## 2.1 Plantation Sector in Sri Lanka – Crisis and Issues

Land is a source of livelihood for the people. Land rights have been increasingly recognized as fundamental to social and economic well being. ‘Land, a contentious issue in Sri Lanka, is a common source of conflicts in families, and is also a recurring problem among communities. It is also a highly politicized and sensitive issue, with successive governments and other political actors attempting to use it as a means of asserting control and power. Land is seen as one of the root causes of the ethnic conflict and war<sup>7</sup>. In this context, the right to land and housing has become a serious issue for the plantation community too.

### 2.1.1 The Plantation Community in Sri Lanka

Historically plantation workers<sup>8</sup> in Sri Lanka share a fate similar to that of millions of workers in many neo-colonial Third World Countries. They are the products of the 19<sup>th</sup> century phase of western capitalist expansion under colonialism, characterized by the establishment of plantation based economies. From the second decade of the 19<sup>th</sup> century onwards coffee plantations had been developed in Sri Lanka. The workers and their family members were brought and kept under the indentured labour system which Hugh Tinker defined as the ‘New System of Slavery’. By 1880 tea replaced coffee<sup>9</sup>. Immigrant Indian workers became the cheap and easiest source of labour for the plantations.

The current Up-Country Tamils are of South Indian origin. According to Professor Bastianpillai, workers around India - Tamil Nadu cities of Thirunelveli, Tiruchi, Madurai and Tanjore were recruited from the 1827s. Sri Lanka has one of the finest social welfare records among developing countries. The island's welfare policies are funded through revenue derived from the agricultural sector, which is still dominated by plantations, particularly tea plantations. The plantation people

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7 B. Fonseka & M. Raheem (2011), Land in the Northern Province, Post War Politics, Policy & Practices, CPA Pub., and Colombo.

8 According to Ministry of Estate Infrastructure - National Plan of Action for Social Development of the Plantation Community 2006, Total families in the estates are 230,000 and population is 900,034.

9 Nadesan S. (1993), A History of Up-Country People in Sri Lanka, Nandalala Publication., Hatton.

officially known as, “Indian Origin Tamils” (IOTs) form in to a minority community constituting about 5.4% (2001) of the population of the country. However this percentage has to be higher since a reasonable numbers of persons of Indian origin have entered themselves as Sri Lankan Tamils in the Census. Living on the plantations under a regimented system of labour management, at the initial stage, they were denied right to mobility and the management took over the responsibility for their welfare, including health, education and for the supply of goods needed. This system underwent changes with the nationalization of plantations, and the subsequent privatization in the system of management and with the growth of trade unions. Totally the people living in the Sri Lankan plantations, particularly women, have been subjected to various kinds of oppression concerning their civil, political, economic, social and cultural rights, and the right to development continuously. They speak Tamil and are Hindu by religion. A majority of them are *Dalits*<sup>10</sup> living in the central parts of Sri Lanka confined to tea and rubber plantations and a small number in coconut estates and surrounded by Sinhala *Buddhist* population. They have remained isolated from the rest of the population, and are subject to discrimination in many areas; a vast number of them had been deprived of citizenship until a few years back, and, to date a number of them remain vote-less, mainly because they have problems with regard to getting themselves registered. The plantation line room that housed a worker-family, symbolized their captivity as they had no right to leave the estate or own a land or a house elsewhere.<sup>11</sup> There is a considerable concern about the high level of poverty, unemployment, and also decline in the nutrition status, and the presence of illiteracy. Discrimination and violence against women in the tea plantation are other major challenges. Plantation community is one of the most marginalized from main stream in terms of ethnic, cultural, religious and language rights and social development programs as a minority group.

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10 Tuder Silva, P.P. Sivapragasam P.Thanges (Edit), (2009), Casteless or Caste Blindness, IIDS Pub, Colombo.

11 Shanmugaratnam N (1997), Privatisation of Tea Plantations, The challenge of reforming production relations in Sri Lanka: An Institutional Historical Perspective, Social Scientists Association, Colombo

The land and housing rights for the plantation people continue to be a problem to date. Even the ownership of those lines with surrounded land space, which were built by the British and in which they live for over 150 years has not been vested in them. This is a challenge to the rights upheld nationally and internationally. There are two types of line rooms in the plantations:

- 1) Single line-rooms with front or back verandah.
- 2) Back to – back line rooms with verandah.

The line rooms are usually unventilated, overcrowded, smoky and gloomy. Open drains, and communal pit latrines occupy the narrow spaces between and adjacent to the line rooms. Small vegetable plots, and an occasional cattle shed, provide this congested appearance of residential cluster, surrounded by tea, rubber or coconut plantations. However the land and housing related issue is one of the determining factors between villagers and the plantation community and local politics that leads to ethnic tension and conflicts.

## 2.2 Land Issue

The land issue has been one of the historic factors contributing to the ethnic conflicts and the tension between groups in Sri Lanka since colonization of the country, while determining ethnic relationship between the plantation community and the Sinhalese in the plantation areas. It is a well known fact that the colonial rulers had taken over the land of the native farmers in the Kandyan Kingdom during the early British period. 'Although it was the act of British rulers that deprived the Kandyan peasants of land extension which caused land scarcity in latest stages, nevertheless nationalist forces targeted IOT workers, ignoring the fact that they too were as much the victims as the Kandyan peasants'<sup>12</sup>.

At the beginning, various land ordinances were enacted by the British rulers to set-up plantations by using their power, on unutilized and uncultivated lands in the country. The Ordinances were:

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12 Foundation for Co-Existence, Human Security in the Hill Country, FCE & FCT Pub., Colombo.

- a) The Waste Land Ordinance No 12 of 1840
- b) The Temple Land Registration Ordinance No 10 of 1856
- c) The Crown Land Ordinance of 1897

The lands acquired by the British rulers were distributed mainly to British nationals to open up plantations. Due to the acquisition of land for plantations, the village peasants and landlords in the mid and low country were left to face land and livelihood problems relating to future village expansion.

Plantation agriculture in many tropical countries was established by extensive clearing of virgin jungles that preserved ecosystems rich in biodiversity. Tea, rubber, coconut, oil palm, coffee, cocoa and many other plantation crops were cultivated as mono crops utilizing external inputs. This resulted in habitat conversion (loss of biodiversity) because mono cropping had a detrimental impact on nature by the plantation agriculture and led to all the subsequent economic, social and environmental problems. Conversions of habitats lead to its reduction or total elimination of natural living beings. *(Buddhi Jayasuriya./ former General Manager Coconut Cultivation Board & Sri Lanka State Plantations Corporation, Dep. General Manager Janatha Estates Development Board /15March2012)*

It is estimated that more than 1.1million acres of crown land were sold during the period 1833 to 1886, and, of this, nearly 230,000 acres were sold during the four years, 1840 to 1843, whereas less than 80,000 acres had been sold before 1840. At the same time the ordinance deprived the peasantry of their needs of forest lands for Chena cultivation and pasturing cattle, and thus a legitimate source of income<sup>13</sup>. According to the study on the Socio-Economic Conditions and Unproductive Lands in the Plantation Sector, out of 279,450 hectares of land in the plantation sector, about 25% are uncultivable land. The extent of uncultivable land under JEBD and SLSPC is higher than the land in the private company managed estates. It is 22.93% (57,442.66 ha) in private managed estates, 38.94 (5,968.81) in JEDB estates and 33.38% (4775.91 ha) in SLSPC estates. Although there are

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13 Yogaratnam, T (2001). Study on Country Profile, Allocation of State Land for Peasant Agriculture in Sri Lanka. (University of Peradeniya).

plantations in 13 districts, they are mainly concentrated in the Nuwara Eliya, Ratnapura, Badulla, Kandy and Kalutara districts. In the meantime, the highest percentage of uncultivable land could be found in Moneragalla (50.7%), Matara (40.2%), Kandy (31.7%), Matale (28.3%), Ratnapura (26.9%) and Badulla (25.9%) districts. The highest hectareages of uncultivable land has been identified in Ratnapura (15,516.14 ha), Nuwara Eliya (11,795.84 ha), Badulla (10,795.84 ha) and Kandy (10,705.78 ha) districts<sup>14</sup>. It should be noted that the land taken up for estates was largely undeveloped and unutilized. Much of the expansion of coffee cultivation in the years from 1850 to 1860 occurred outside the Central Province, primarily Uva and Sabaragamuwa, where vast unbroken tracts of virgin forest in mountainous regions were brought into cultivation. The earliest immigrant labourers did not find cultivated land ready to be engaged in wage earning employments; rather they found only forest lands. Through the labour of these first immigrant workers and of subsequent waves of immigrant, the forests were transformed into coffee and later, tea estates. Regardless of this fact, the land scarcity faced by villagers in the hill country remains a source of tension between villagers and estates workers. There have been campaigns to spread the perception that the IOT laborers took land of the Sinhala farmers, instead of which, the communities should have been brought together to develop a common strategy for land use and lobbying for equitable and just land distribution (*Human Security in the Hill Country*).

### **2.3 Exclusion from Land Rights**

Even during the colonial era – which stretched up to 1948 when the plantation people had the right to vote, the latter were not included for benefit from any of the government land grant programs, and housing development projects. Whenever a project was contemplated, the land for such project had to be acquired from estates.

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<sup>14</sup> [www.geocities.ws/monlarslk/publications/Plantation/Socio\\_Economic\\_Plantation\\_Sector\\_2006.pdf](http://www.geocities.ws/monlarslk/publications/Plantation/Socio_Economic_Plantation_Sector_2006.pdf)

Therefore, it only resulted in the plantation workers of such estates being rendered landless, homeless and jobless.

There is no evidence of any attempt to have the plantation workers included in any of the government based rural or urban land and housing projects. The Civil Organizations and TUs have been voicing for remedy to the deplorable situation of the line room facilities with mother and father, son and daughter-in-law, daughter and son-in-law cramming into a single 10 x 12 foot room. There were numerous government initiatives to address landless issue. In 2008, the government introduced a scheme to provide land to the landless, which was implemented in some parts of Sri Lanka. The Land Commissioner General's Department on 20 August 2008 issued a circular for state land alienation.<sup>15</sup>

**Land Development Ordinance No. 19 of 1935:** Under the Land Development Ordinance, certain families were granted state land which had been vested with the Land Commissioner Department for the purpose of developing the land. According to the existing law, state land can only be granted to persons who came into occupation of the land before 15 June 1995, except in the case of special relocation or resettlement programs.

**The Land Grants (Special Provisions) Act No. 43 of 1979:** The Land Grants (Special Provisions) Act provides that the President may grant agricultural or estate land to any citizen of Sri Lanka who is landless and has the capacity to develop it. This refers to state land which is vested with the Land Reform Commission. This land will be transferred only after being surveyed, and the instrument of disposition must be registered with the Government Agent. Any transfer of state land under this Act is subject to conditions.

The Gazette Notification No 10168 of 1950 stipulated provisions for constructing line rooms after 1950. It said that the single cottage type line should consist of an open veranda or an enclosed veranda, a living room, a back veranda and a kitchen. It also laid down in the Rule 10 thereof, the vicinity must be clean of

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15 B. Fonseka & M. Raheem 2011, *Land in the Northern Province, Post-War Politics, Policy & Practices*, CPA Pub., Colombo



refuse and excreta and the line drains must be cleaned regularly. The other Acts that regulate the housing in the estates of Sri Lanka are Estate Labour (Indian) Ordinance 1889 and Estate Quarters (Special Provisions) Act No 2 of 1971.

## 2.4 Women, Land and Housing Rights

While most communities in Sri Lanka have accepted women's right to property including land in the laws governing inheritance of personal property. Public policy in land reforms programs of Sri Lanka (1972) was based on the concept of household as a male-headed unit, with titles being granted only to men. Land reform programs continue to be premised on the assumption of the household as homogenous or the 'community' as a united collection of households. Not only in the plantations, but, throughout the country, women's land ownership remains very low. However, land ownership remains crucial to the large majority of rural poor women and men who depend on agriculture.

In the Land Development Ordinance No 19 of 1935, itself, an eldest son or a male cousin is recognized as the heir by the state. The household is viewed as a homogenous unit and land is distributed to the male heir as the head of the household. Discrimination also prevails in housing, housing loans and in transferring houses in the plantation sector as well as other sectors in Sri Lanka. As far as the plantation sector is concerned, line rooms or land for single houses are provided in the name of the male head of the family. Similarly housing loans and freely issued building materials are provided to the male head of the family. There is an exception where the family is headed by a woman/(widow/divorcee). According to plantation workers in FGD, in computing total household income for the purpose of Bank loans the management includes the income of all male and female workers in the family. However, in other communities, customary practices give women landed property rights. Varied laws prevail in terms of property rights—the Kandyan Law, Thesawalamai (Tamil customary Law), and

the Muslim Law. Women have legal right to land under these laws, while under the General Law, women have equal rights.

## 2.5 Citizenship and Land Reform

The Ceylon Citizenship Act No 18 of 1948 de-citizenized the entire population of Indian Origin Tamil. With only an insignificant number of plantation workers managing to get citizenship under the Registration of Indian and Pakistani Residents (Citizenship) Act No, 3 of 1949, a vast majority of them, and their natural increases remained stateless until the 1964 Indo – Ceylon (Pact) Act was introduced. During this period too, there had been a number of schemes launched by the government to distribute land to the landless, but, none benefited the Indian Origin plantation workers. As a result of the 1948 Citizenship Act, the Indian Origin Tamil plantation community – not being recognized as citizens – had been deprived of civil, political, economic, social and cultural rights enjoyed by other citizens. Particularly, they had been alienated from land and housing rights. Every government in the post independence period, provided land to the citizens for housing and agricultural purposes as part of the political agenda. But, the plantation people, in spite of being an important partner in the economy of the country, had been isolated. The statelessness affected not only the Tamil plantation workers, but prevented Indian Origin Tamils in urban and rural areas from owning land and houses. This situation continued until the citizenship issue was solved, recently.

Under the Land Reform Law No.1 of 1972, the plantations were taken over by the government (Nationalization) in two stages, the first the rupee company plantations and the second, the Sterling Company plantations. The government earmarked what it categorized as nonviable estates. Most of the sterling company owned plantations were handed over to state agencies, namely: Sri Lanka State Plantation Cooperation (SLSPC), and *Janatha* Estates Development Board (JEDB) for management purposes. These agencies which managed the plantations until the

1990s had taken over the responsibility of housing and welfare of the plantation workers. But, they limited their activities to repairing, renovating and white washing the line rooms within the funds allocated for the purpose.

It was believed that nationalization would benefit the workers, but they were forcibly evicted from their homes. The government gazetted the Emergency (Preservation of Public Order on Estates) No.3 of 1975 (notification no186 /60), whereby the Chairman of the Land Reform Commission could evict a resident worker if, in his opinion, this was necessary to preserve public order. These laws were used to evict workers en masse, purportedly in order to give land to landless, but where priority was given to political supporters who assisted politicians in election campaigns<sup>16</sup>. According to the people of the area who were eye witness (through field interview) to some incidents, the taking over authorities from the Land Reform Commission were accompanied by local politicians and their supporters to the estates earmarked to be taken over, and compelled the workers to keep away from their line rooms until the takeover was effected. Without consideration to their pathetic plight, they were instantly physically removed, their goods were thrown out and the rooms locked with guards posted. (*A former worker of Galoya Division of Uplands Estate, Galaha*) Ultimately the nationalization process did not bring any radical change in the land ownership or the possession of the means of production for the plantation workers.

The UNP which came to power in 1977, earmarked some more plantations as non viable and set up an agency namely: National Agricultural Diversification and Settlement Authority (NADSA) and handed over such plantations to the agency under a crop diversification and land distribution program. '26,000 acres were allocated for the purposes'<sup>17</sup>. Under this programme many estate land were plotted out and distributed among neighboring villagers and supporters of major political parties. According to Dr. A.S. Chandrabose, around 1400 Tamil families lived in these estates. A fair number of them were denied land on the ground that

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16 Kanapathpillai, A.K. (2011), *The Epic of Tea, Politics in the Plantations of Sri Lanka*, SSA Pub., Colombo.

17 *Ibid* (page etc.)

they did not have citizenship. At last, although it had been proposed to issue land to 827 people, only 20 estate families were granted land and others were displaced from the estates (*Virakesari*, 01.01.2012). An example of this was seen in Galaha Group, Wariyagala estate, Nillambe estate, Goorookelle estate and Tembiligala estate in the Kandy district and Atugoda division of Golinda Group, Leuke estate, Gevilipitiya estate and Narangala estate in Kegalle district.

**Private Owned Estates:** There are privately owned tea, rubber and coconut estates in Sri Lanka in which a considerable number of workers live and work. Following the implementation of the land reform in 1972, the number of such estates-with 50 acres ceiling- increased. There is a need to secure the land and housing rights of these workers. Compared to their counterparts in the regional plantation company, SLSPC and JEDB plantations, they are worse off in human rights and other forms of violations. A majority of them live in lines. Therefore, a need has arisen to ensure that housing facilities, through housing schemes are increased and also their land and housing ownership in consultation and help of their employers is ensured as well.

## 2.6 Privatization of Plantations

The UNP government introduced liberalized economic policies in 1977. Under this policy, many public enterprises were privatized including plantations since 1982. However the plantations were handed over to the companies only after 1992<sup>18</sup>. About 450 middle and large tea, rubber and coconut plantations were handed over to 22 private companies. Still 50 small and large plantations remain in the hands of state agencies, namely JEDB and SLSPC.

The Plantation Housing & Social Welfare Trust (PHSWT / Trust) was introduced by the government and registered under the Sri Lanka Companies Act No 17 of 1982 and the plantation welfare unit was handed over to the Trust. Later the PHSWT was renamed as The Plantation Human Development Trust

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18 Sivapragasam P.P. (2008), *Studies on the Impact of Neoliberal Policies on the Conditions of Agriculture Workers, Globalization and its impact on Plantation Workers in Sri Lanka*. CAWI Pub, Malaysia.

(PHDT) in 2002. The PHDT is a Tripartite Organization representing the Government of Sri Lanka (GOSL), Regional Plantation Companies (RPC) and Plantation Trade Unions (TU). This Trust was envisaged to co-ordinate and facilitate programs to enhance the quality of life of one million plantation workers and their family members in Sri Lanka.

In a 2006 statement PHDT stated, they were repairing all line rooms in the plantations and estimated to construct over 193,000 houses for plantation workers within the next 8 years. The Director also stated that “at present it has been decided to construct 3500 houses per annum, these estates have over 912,110 resident population attached to 21 regional plantation companies and JEDB & SLSPC. The government has decided to construct 50,000 houses per year to cater to the poor masses in the country. This includes the estate sector as well.” The Director further predicted that if the government started its housing project, all plantation workers would receive single houses within a short period.<sup>19</sup> In the meantime the PHDT had completed 25% of the total requirement at the end of 2008. The PHDT also involves in the re-roofing, renovating and re building the existing houses and other welfare activities in the plantations.

The current PHDT program is mandated to transfer the ownership of plantation housing after the settlement of the initial bank loan (of Rs 100,000) and interest by the resident worker. The loan should be settled within ten years. Those who construct the house with the patronage of the PHDT will be entitled to the ownership of the house only after the settlement of the loan within the stipulated ten year period.

The development program for the plantation community had been discussed in detail, namely: the ‘National Plan of Action for Social Development of the Plantation Community 2006 - 2015 was prepared by the Ministry of Estate Housing, Infrastructure and Community Development with the patronage of

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19 Sunil C. Perera *Asian Tribune* published on 2.4. 2006

UNDP<sup>20</sup>. Almost all the key issues of the plantation community were thoroughly gone into at the preparation stage of the report. As far as the housing was concerned, it was projected to provide facilities for 200,000 units of new housing in the plantation sector. It was proposed to re-build or newly construct houses in the plantations at the rate of 20,000 per year. The plan was estimated to cost Rs 13,571Mn. for the construction of 60,000 houses in 2008. However, the plan was not implemented, the major reason being the non-existence of the port folio in the Ministry with the component of Estate Housing, Infrastructure and Community Development in the present government.

Under the Asian Development Bank assisted Plantation Development Project, housing loans are being provided to 6,000 families to construct their own houses. The maximum loan amount is Rs.100,000.00 apart from Rs. 145,000.00 worth of materials supplied and technical support provided by the Estate Workers Housing Cooperative Societies (EWHCS). It was said that the lease on the land would pass on to the workers from RPCs upon completion of the loan repayment by the end of ten years. Given the time and resource constraints in replacing the existing barracks type lines with separate housing model, the project will continue the reroofing scheme for 11,000 line rooms to address the immediate problem of leaking roofs. In addition, the project will provide 150 common site services as required at the housing compounds. The Project will also examine different options for improving sanitation, upgrading septic tanks, monitoring groundwater against bacterial contamination, and awareness rising.

In the meantime Ceylon Workers Congress (CWC) urged that the ownership of the line rooms occupied by the plantation workers should be transferred to the respective occupant families. Thereafter (under the UNP government), before the general election in 1994, CWC distributed a sheet of paper purported to be the deed of ownership of the line rooms they occupied. The act was criticized by many stating that it was not a legal title of ownership. In

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20 Mr M. Vamadevan, was given the leadership to prepare the vital document in his capacity of secretary to the Ministry of Estate Infrastructure in Sri Lanka, during 2004-06.

1998, P. Chandrasekaran Deputy Minister of Estate Housing took initiative to provide single houses to the plantation workers. This housing scheme was implemented in some estates. But legal title has not been issued to the beneficiaries to-date. The flat housing (Plantation Community Housing Program) project was initiated in a few estates by the Ministry of Housing & Plantation Infrastructure (0.4% of the total houses in the plantations) in 2003. To-date the occupants have not been provided with ownership titles. Some of the occupants who were interviewed stated that the houses were not comfortable; they were not spacious and it looked as if a flat had been erected upon the existing line room.

His Excellency President Mahinda Rajapakse in the *Mahinda Chintana*, (2005) the vision for future Sri Lanka, has mentioned thus: 'one of my major goals is to make the plantation community a house owning society. Accordingly, instead of the present "line rooms", every plantation worker's family will be a proud owner of a new home with basic amenities by the year 2015'. While a sum of Rs. 5 billion will be allocated annually for this purpose as part of the Government contribution, foreign financing will also be utilized for this project.<sup>21</sup> Since 1994 attempts had been made to provide separate house for each worker family. The housing program had been considerably successful in the Galle and Matara districts of Southern province. Subsequently, the program was expanded in a limited way to other plantation districts such as Ratnapura, Kegalla and Kandy. However, it had not sufficiently reached the Nuwara Eliya and Badulla districts which are the major residential areas of the Indian Tamil plantation workers. All attempts to provide good housing to the plantation workers reached only a few plantation workers.

Still the line rooms built by the British remain in most of the plantation areas as the reminder of the past. The following tables (No 1 and No 2) give the changes that occurred in the plantation housing, reported in the Consumer Finances (CFS) by the Statistical Department of Central Bank of Sri Lanka.

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21 *Mahinda Chintana*, A Brighter Future Presidential Election – 2010, p 41

**Table No. 1**

Type of house	1996/97	2003/04
Line Rooms	83.2 %	63.4 %
Single/Twin House	10.2%	28.1%
Other	6.6%	18.5%

Source: Compiled from the *Report on Consumer Finance Survey 2003/04*, Central Bank of Sri Lanka

As per the above data, the single house unit for the plantation community had increased from 10.2 percent in 1996/97 to 28.1 percent as per the survey conducted, in 2003/04. The number of persons residing in line rooms also reduced from 83.2 percent to 63.4 percent respectively in 1996/97 and 2003/04. However, the increases of other categories from 6.6 percent to 18.5 percent are largely the separate attachments made by the occupants themselves to the line rooms in the plantations. These separate attachments are generally used for cooking. In certain instances the attachment is also used as a separate abode for newly married couples in the sector.

**Table No. 2**

**Percentage distribution of households by type of structure and sector – 2009**

Sector	Total	Type of structure				
		Single housing unit	Flat	Attached house/Annex	Line rooms or row houses	Slums/Shanties and Others
	(%)	(%)	(%)	(%)	(%)	(%)
<b>Sri Lanka</b>	<b>100</b>	<b>89.2</b>	<b>2.8</b>	<b>3.1</b>	<b>4.1</b>	<b>0.8</b>
Urban	100	71.7	10.9	11.3	4.8	1.4
Rural	100	95.6	1.6	1.4	0.7	0.7
Estate	100	33.4	0.4	8.8	56.1	1.3

*Household Income & Expenditure Survey 2009/2010, Sri Lanka.*

According to the above sector specific HHI & E Survey 2009/10, (Table No.2) 56.1 percent of the households in the plantation sector live in line rooms (or row houses). When the plantation sector is compared with other sectors (rural and urban), only 33.4 percent of the households live in single houses in the plantation



sector whereas in the rural sector which reports the best figures in this regard, nearly 95 percent of the households live in single houses.<sup>22</sup>

Policies have been formulated and discussions conducted regarding the residential facilities for the plantation community at various stages. Some of them are as follows:

- Gazette Notification No: 10168 of 1950, re-construction lines
- Plantation Workers' residential quarters project - 1958
- Plantation Workers' twin cottage house project - 1978
- National Housing Project - 1982
- Distribution of 20, 10, and 7 perches land - 1987
- 2000 Houses project - 1995
- Two story / Flat housing project - 2001

Several initiatives to solve the land and housing problem of the plantation community have failed to bring about any progressive change in the situation of the people concerned.

## **2.7 Land Related Struggle of the Plantation Community**

The 2012 Budget proposals envisaged re-distributing 37,000 hectares of plantation land to smallholders in two acre blocks. The lands would be given on 30-years lease arrangements. It was stated that these state lands were given to private sector in 1992-95, but the private sector had not put them into productive use. Further, President of Sri Lanka, as Finance Minister made the following proposal in his 2012 budget speech; "In my last budget speech, I proposed that all land given to the private sector which were not utilized for the purpose for which lands were given, would be taken back by the Government. We have identified around 37,000 hectares of land that are not being used in the plantation sector. As these lands have not been put into productive use since the privatization of plantations in the year 1992, I propose to take steps to enter into alternate 30 year lease arrangements

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22 Household Income and Expenditure Survey- 2009/10, Department of Census & Statistics, Sri Lanka. p. 40.

with small holders distributing to each 2 acres of such identified lands. Steps will also be taken to extend suitable financial assistance to such small holder, families to enable them to develop the lands. In addition, high quality seeds and planting material will also be provided to them.” At the same time, it has been stated in the *Mahinda Chintana*, ‘one of my major goals is to make the plantation community a house owning society, by the year 2015’.

In order to alleviate poverty and reduce unemployment, it was said that the government would distribute un-utilized land, but nothing has been done yet. Since 1972 all the estate lands including the line rooms were taken over by the government. From that time onwards workers were promised that they would be given ownership of houses and land that they had been living in and cultivating. But up to now no guarantee of or any legal title has been given to the plantation people<sup>23</sup>.

The land right struggle of the Up-Country people is not of a recent origin. It dates back to the 1942s when the government acquired 500 acres of the land of Knavsmere Estate (*Urulavalli, Bulathkohupitiya*) in the Kegalle District. The incident involving the shooting and killing of Sivanu Letchumanan, a laborer of Devon estate who resisted the survey of estate land, the introduction of Land Reform Law in 1970, and the introduction of NADSA scheme in 1977 are to be viewed as reflection of land alienation policy pursued in the Up-Country plantations. According to the recent studies, there is no evidence or information of any major land rights struggle by the Up-Country plantation community, except a few isolated struggles which were carried out by the workers themselves. One of such major incident is as mentioned earlier, by the Knavsmere plantation workers with the help of left inclined TUs, against acquiring of 500 acres by the government. It had not been followed up in to powerful struggles. Several workers were arrested and charged. ‘As a prelude to acquisition, barbed wire was placed around workers’ line houses, restraining free access’ (Kanapathypillai, 2011). At

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23 Fontgalland, G.D. (2004). the Impact of Globalization on the Plantation Sector in Sri Lanka, Leo Marga Ahram, Sri Lanka. P. 15.

the tail end of Sirimavo Bandaranaike's government in 1977, a scheme was plotted out to drive out plantation workers, acquire estate lands and settle outsiders as part of colonizing the plantations. The plantation workers objected, when surveyors with police protection 'invaded' Devon estate to survey, the workers and youths jointly protested. There was police firing and one youth, Sivanu Latchumanan was killed. Sivanu Latchumanan died on May 13. There was a widespread protest on May 15 of that same year. The Up-Country was shaken up with demonstrations and work stoppages on that day. Students came out in large numbers. The 'settlement' project was abandoned ([www.thesundayleader.lk](http://www.thesundayleader.lk), 25 May 2005).

This has created a need to analyze the background factors contributing to the weakening of the struggle; (which may be summarized as follows):

1. Throughout the history, these people had remained as captive and bonded labour.
2. The plantations remain as a separate entity with the authoritative and regimental form of administration.
3. The workers, as a labour force depending on the labour, not having a clear conscious about the other factors of production such as land, capital and management.
4. The plantation TUs and political parties which urge for substitute to 'line' housing system are not forwarding any alternate housing schemes for the workers settlement.
5. The plantation workers being not looked upon as producers but as an alienated labour force away from the benefits of the production and profitability.
6. Extreme backwardness in education hinders their social and economic progress
7. Line housing system and an income for livelihood under an oppressive system, making them unable to realize the need for land rights.

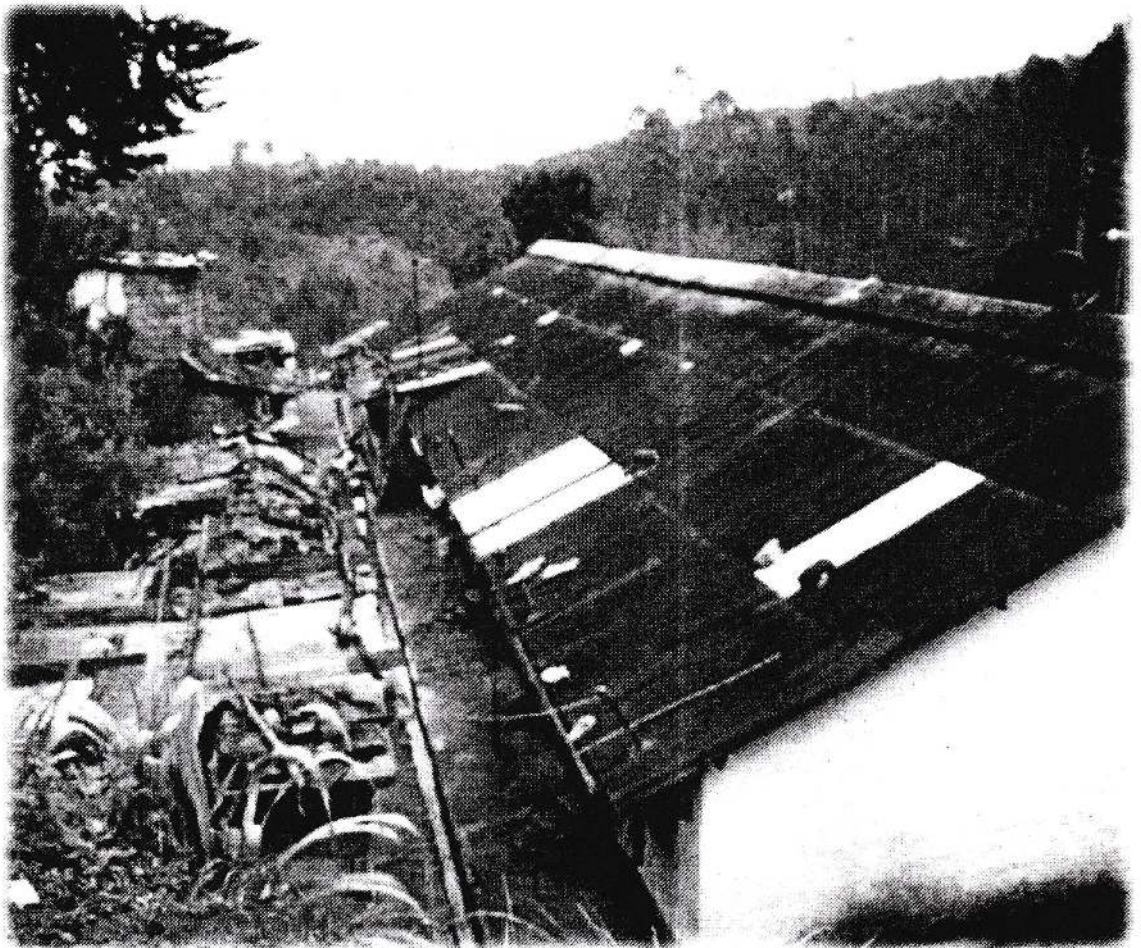
8. Their migration to Sri Lanka as caste oppressed and landless people from South India.
9. The post independence (1948) Citizenship Ordinance rendering the Indian Origin Tamils stateless and destitute with political and economic rights lost. As this problem extended until as recently as 2003, the plantation workers remained as an alienated force legally excluded from aspiring for right to land and fixed capital.
10. The successive governments being majority community interest centered adopted the tendency of disowning the minority communities of land with specific reference to the plantation community.
11. The parties which took over power successively making "land" a political factor, and distributing land on ethnic line in-order to win elections. On this basis, the state lands were distributed to landless peasants with preference to the political supporters of the majority community. As the lands were issued to villagers after 1970s, many plantation workers lost not only job and home, but were ousted from the estates
12. Failure to create co-operation, friendship and reconciliation between the rural and plantation people leading to ethnic grievances.
13. Tamil plantation workers are shut out of *Swarna Bhoomi*, *Jayabhoomi*, *Ranabhoomi*, *Ranabima*- land distribution projects for landless rural people
14. Failure to absorb the plantation workers in to the
  - One hundred thousand houses for landless rural people project (1978)
  - One million houses Project (1983-1984)
  - Million houses project (1991)
  - Gam Udava,
  - Sevana project and various other national housing projects.

15. The ethnic violence of 1958, 1977, 1981, 1983 and 1986 prevented the plantation workers from availing themselves of land and housing ownership
16. There have been other political factors influencing the set back of the land and housing rights struggles. History has it that land for the plantation industry had been taken over from the mid and low country native Sinhala people by the British. Therefore when the lands were distributed, a trend that priority should be given to rural Sinhalese, had gained upper hand. It became worsen because both the plantation workers and their trade unions put off the questions of the plantation workers land rights.
17. In the 30 years of Tamil National Struggle in the North and East, land rights had been prioritized in those regions. The land rights demand for the Up-Country plantation people had been frozen due to the fear that it would be given a racist twist or interpreted as part of the separatist demand.

## CHAPTER 3

3

### Contemporary Land Issues in the Plantations



### 3.1 Contemporary Land Issues in the Plantation

According to field study, almost 100 percent of the plantation workers have no land ownership, though they live for nearly two centuries; there is no legal document relating to land or housing ownership with the people. Approximately 54% of them live in single side or double side lines. 46% live in either separate houses built by themselves at loan expenses under the supervision of TRUST, or twin cottages or houses themselves built. Referring to land allocation for the housing construction, it was said that 20 perches, 10 perches and 7 perches would be allocated. However, generally almost 7 perches or below 7 perches were allocated for the selected plantation workers. About 3% of the houses have been constructed through own efforts either in the home gardens or in front of their respective line rooms. However it is noteworthy that for the houses built according to the specification of TRUST/ Estate Workers Housing Cooperative Societies (EWHCS) or Plantation Management in the estates, to date no document whatever assuring ownership has been given. Workers live in these single houses for over 10 years. These houses have been built by workers themselves with their loan money, through EWHCS with the support of Plantation Human Development Trust. But there is no clear understanding relating to the right to these land / houses. Neither has land permit, land grant, land deed, nor land title been issued to these people, nor assurance that such documents will be issued. Similarly, there is no evidence of TUs or political parties taking steps towards obtaining the ownership of land and houses to the occupants. The land or housing rights as far as the Up-Country plantation people are concerned, remain a distant dream. The field study shows that 3% have put up their temporary cottages or houses in their vegetable gardens. They have been cultivating these gardens for as quite a long time for duration of 20 to 50 years. But no steps appear to have been taken to obtain lawful deeds for them.

The workers have obtained loans ranging from Rs. 25,000. to 100,000. to build house and repay monthly at the rate of Rs. 400 to Rs.1000 through check roll

wages. This continues for the last over 10 years. But a majority of them are not clear as to the repayment regulations as well the details as to how long they have to pay back the loans. But according to plantation supervisory level staff, they have been doing it for over 10 years, and it will continue for another 5 to 10 years. Even they do not have a clear understanding about the right to land or housing. But they stated that if the deeds of ownership were provided there was a possibility for the deeds to be sold to outsiders. In the meantime, they stated that the plantation management and TRUST were giving free of charge a certain amount of building materials such as roofing sheets, cement, transportation etc... It was confirmed by the beneficiary workers as well.

According to this study, 87 % have a vague understanding about the legal documents of land or housing ownership, the importance of such documents, or that through such documents they can attain their economic rights. Living for generations in the plantations, they believe that the line rooms or the separate houses that they live in belong to them. In the meantime, it is observed through focus group discussions (FGD) and individual discussions that the workers in the Nuwara Eliya district depend on the TU cum political leadership for their land or housing ownership right as well as other demands. But, those in the other districts do not have any faith in the TUs or political leadership. They state that they themselves have to try to win this right.

The field study also shows that 72% of those living in the line rooms do not wish to continue to live there. The rest 28% having renovated and rebuilt their line rooms, with vegetable gardens in the immediate neighborhood and transport facilities, wish to live in the 'lines' itself. But on the whole, they are prepared to leave the 'lines', if they are given land and housing facilities to their own. An insignificant number – old aged, wish to live the rest of their lives in the 'lines' itself.



### 3.2 Problems Relating to Land and Development

Another factor contributing to the land right conflict of the plantation workers has been the initiation of major development schemes under the neo-liberal globalization policy in 1977. The *Mahaweli* Development Project, a multipurpose development Scheme, building dams for hydro electricity, irrigation of dry land and agricultural development, brought about various changes. But, it was done, after closing down many estates and villages in the bank of *Mahaweli* River. Due to the electricity development projects, Pallekelle, Gurudeniya & Maberitenna estates in the Kandy District, many estates bordering the Old Punduloya town and some estates in the Hapugastalawa were closed down. Although some villages too went under water, the affected villagers were given alternate places. But a majority of the plantation workers had to move out – some of them in to other estates, besides, without any of their land and housing rights addressed. It is however noteworthy that in some cases, the plantation workers were given land, together with their village counterparts.

It is reported that some of the estates handed over to the private companies, JEDB and SLSPC, had been losing and abandoned, and many estates were plotted out and distributed to the villagers. (*Chandrabose. A.S. Virakesari 25.12.2011*). According to the Ministry of Plantation Industries (MPI) statistics, the cultivated land with plantation crops under the SLSPC and JEDB was 190,577 hectares in 1995. But it reduced to 178,092 hectares in 2009; around 74,000 hectares remained un-cultivated throughout, perhaps under conservations, roads, encroachments, or abandoned etc. This has led to the political slogan that this extent of land be utilized for alternative activities or handed over to small farmers. On this basis (*Thinakkural, News Paper – 10/9/2010*), action was taken to utilize the Little Valley, Galaha and Ambalamana estate lands in the Kandy district for colonization or alternative activities. Part of Great Valley and Bopitiya estate lands were allocated to Board of Investment (BOI) Projects (*16/09/2010, Thinakkural*) and Loolecondra and Le vallon estates in the Kandy district have also been planned to be brought under multipurpose development projects.

This has been followed by action to distribute some estate lands of Kahawatta Plantation Company, and in particular, Imboolpitiya Estate in the Kandy district (Sooriyakanthi 11/05/2011). These are the follow-up of the 2011 budget announcement that uncultivated land on estate would be taken over by the government. But no clear policy has been announced regarding the land right of the plantation workers who made these estates into prime land. Then, in the 2012 Budget Report it was stated that 37,000 hectares of land in the plantations would be given to small holders at 2 acres each, on a 30 year lease. This announcement too contained no mention of the land right of the plantation workers who laboured for the value of the land. Though the government has announced that they have identified 37,000 ha of unutilized land, and plan to distribute them at 2 ac plots... to-date it is not clear as to where this land is situated in the plantations.

It is important that the land right of the descendants of the rural Sinhalese who lost land when the plantations emerged and thereafter, should be restored, but in the meantime it should be ensured that the right of the Up Country plantation workers is not jeopardized. It was revealed in the group discussions and interviews that over 50 % of those residing on the plantations, had information about the uncultivated land on the plantations. They mentioned, however, their request to the management for permission to cultivate vegetable or extension of houses, build houses or keep cattle, were turned down. On many occasions, if the workers utilized even a small plot of land for the above said purposes, legal action leading to loss of employment, had been taken or exposed to various other threats which they mentioned. It is apparent here, therefore, there is inconsistency between the government's stated policy planning and implementation of development activities. In practice, on many occasions, outsiders have been found to have settled on estate lands (Sooriyakanthi – 11/05/2011, Udayasooriyan –01/12/2011, Virakesari - 25/03/2012). On the other hand, there are possibilities for these settlement efforts to provoke conflict and violence bordering land issue, while rendering the

plantation people, with specific reference to women and children into a landless, jobless and a powerless community.

### 3.3 Upper Kotmale Hydro Project

Hydro Electricity Project: The Upper Kotmale Dam Project was declared open by President of Sri Lanka in July, 2012. It entails construction of the dam to produce electricity. The project is constructed on the western slopes of the Nuwara Eliya mountain range, between Talawakele and Pattana/Kotagala. Kothmale Oya water is diverted by constructing an intake dam in between Talawakelle and Pattana. This Kotmale Oya taps the waters of six popular waterfalls of Devon, St Clairs, Puna, Ramboda, St.Andrews and Pundalu Oya. Diverting these water falls into the intake pond, diminishes the beauty of waterfalls. The dam water is directed through 25 km long tunnels into the Hydro Power Plant with 150MW capacity. Upper Kothmale hydro power project diminishes main waterfalls. This is an enormous price to pay, as these waterfalls are important parts of natural heritage. The tea industry, the tourism industry and vegetable cultivation would be adversely affected. 'Taking two hundred acres of land for this project, would also affect the livelihood of the workers'<sup>24</sup>.

The proposed uprooting of people, lands going under water, environmental damage etc., are issues of vital concern to the people. Despite the assurances of the scheme proponents, the people at large are aware of its adverse consequence and, are ready to oppose it vigorously. The Upper-Kotmale Project was first conceived in 1982, when the UNP was in power and S.Thondaman was Cabinet Minister. There was mass opposition by the people against its implementation then. The track records of Ceylon Workers Congress (CWC) and Up Country Peoples' Front (UPF), plantation based TUs cum political parties, leave much to be desired on this matter. UPF was all for it, insisting only that sufficient compensation be paid. CWC opposed it earlier while UPF supported it. After crossing over to the

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24 G.Fontgalland, 2004, The Impact of Globalization on the Plantation Sector in Sri Lanka, LMA Pub, Sri Lanka.

government CWC came up with a contention that only one waterfall would be affected under an amended scheme. ([www.thesundayleader.lk](http://www.thesundayleader.lk), 25 May 2005). At last when the project was finalized, a number of affected people were provided housing facilities but, the land issue including livelihood of the affected people has not been solved to date.

### 3.4 Pradeshiya Sabha (Local Authority) Services:

There is an interrelation between land and development programs of the *Pradeshiya Sabhas* (Local Council) in Sri Lanka. *Pradeshiya Sabha* allocates land for public development activities like road constructions, water supply, construction of community centers etc. *Pradeshiya Sabha* Act Number 15 of 1987 of Sri Lanka, and its Section 33, prohibits elected members of the local government to implement any development activity, including infrastructure development in the plantation sector, without the approval from the plantation management or the proprietor. The problem came to be realized when the *Udawalpala Pradeshiya Sabha* of Central Provincial Council was suspended on 26/08/2008 and dissolved on 22/01/2010, citing some development projects it had undertaken in some estates in the area. The project in question concerned the construction of a water tank to supply clean drinking water to the residents of the estate and construction of a by-road, and cementing the surroundings of worker quarters. (Estates are Nayapane and New Peacock in Pussellawa).

*Pradeshiya Sabhas Act (No. 15 of 1987) - Section 33* : The *Pradeshiya Sabha* may, at the request of the owner or owners of anyone or more estates or industrial enterprises situated within its limits, in any case in which the *Pradeshiya Sabha* is of opinion that the public interest would not otherwise justify the construction or maintenance of a road in such a locality, contract with such owner or owners, for the construction or maintenance of a road for the service of the estate or estates, or the enterprise or enterprises in question, subject to the payment of such contribution towards the expenses of such construction or maintenance as

may be approved by the *Pradeshiya Sabha* and subject to the condition that by an appropriate instrument such road is constituted a public road and is vested in the *Pradeshiya Sabha*, and all such agreed contributions shall be deemed to be special rates imposed upon the lands benefited, and shall be recoverable in the same manner as a rate imposed under this Act, and all the provisions of this Act relating to rates shall apply thereto.

One of the major impediments in the *Pradeshiya Sabha* Act for the development of these people is that the plantation settlement has been put under the purview of the estate management companies. This has deprived the plantation settlements of the right to land & development. *Udapalatha Pradeshiya Sabha*, run by an independent group, was suspended for developing estate settlements and cementing roads for such settlements. (*Daily mirror Transparency International webpage*), 17/03/2010)<sup>25</sup>

### 3.5 Land and Development Mirage

Nuwara Eliya district is not only a high quality tea growing area, but also possesses tourist resources valid land. The area is also fertile for vegetable cultivation. Over 56% of the plantation people (Indian Origin Tamils)<sup>26</sup> live in the Nuwara Eliya district. Recently many estate lands were taken in the name of “development programs” such as airport, road construction, settlement etc. Other major threat is the establishment of new army camps in the plantation areas. Thousands of people face threat of displacement as well as of losing their livelihood sources along with civil, political, cultural and social rights. According to Mr. V. Puthirasigamani (one time Deputy Minister of Justice) 500 acres including, Pedro and Scado (Magastota Area) estates, are to be taken over by government to create an airport. Many opposed closing down the Potato Seed Farm of Agricultural Research Centre at Seetha Eliya to construct an airport. As opposition rose from within the government as well, the plan was abandoned. It is only as an alternative that the

25 *Daily mirror Transparency International webpage*, 17/03/2010

26 *Census of Population and Housing*, 2001, Colombo.

fertile Scado Estate has been taken over for the airport construction. Apart from this, Pedro, Scrap and Bambaragala estates are being taken over for airport staff and for other needs. When attempts were made to distribute Bambaragala land under the UNP regime, there were protests against it and therefore it was abandoned. Now it is to be taken over under the UPFA government.”

It also could be observed that there is an increase of new security personnel centers in the plantation areas. There is an army camp within the Nuwara Eliya Municipal Council limit since 1971. There were 20 soldiers in the Camp. At present it has been changed in to a regiment, with over hundred soldiers. In the meantime, hurried action is being taken to establish a Special Task Force (STF) camp in Meepilimana, 6km from Nuwara Eliya town. Additionally, another STF camp is to be established at Watagoda - Talawakelle. It has been planned and action taken to establish an army camp in Pundaloya, apart from the one at Nuwara Eliya. (V. Puthirasigamani, Virakesari, 29/07/2012). According to the FGD, teachers, TU representatives, and Civil Society Organization activists, lands in all Nuwara Eliya district have been surveyed and government officers are collecting statistics. It has identified that there are around 5000 hetaeras bare or un-cultivated land in the Nuwara Eliya district, but there is no clear picture on land distribution whether among estate workers or outsiders or both. Nuwara Eliya is the only district, apart from North-East, where Tamils are densely populated and their political strength is consolidated. But land distribution, land take over for the so-called development projects and setting-up of settlements, will alter the demographic pattern and weaken the socio-political strength of the Up Country plantation community in this District.

Talawakele is one of the suburbs of the Nuwara Eliya district. The Upper Kotmale hydro dam project is situated between Talawakele, Watagoda and Pattana. Around 200 acres were acquired for this project. According to the media, Talawakele - Lindula Urban Council is planning to acquire around 70 acres of land (2012 July) for the extension and development of the urban council and its

activities. People of the area while highly appreciating the development activities of the local council or the government institutions, they question the sustainability of the development programs & processes and the livelihood and rights of the people. One of the other major constraints is the exclusion of the people particularly women in such decision making and development processes, which directly affect the said people. Pursuant to the above development projects, nearly 33 acres of land is to be acquired for tourism development and other purposes from Logie, Bearwell, Great Western, Talawakele and Walrich Estates in the Talawakele region. (*Virakesari* 26.08.2012). This is not an issue for the plantation people alone but common for the villagers and town based residents as well. Farmers, workers and women struggle against land acquisition, encroachment and taking over of their land by their respective governments or by the multinational companies or International Financial Institutions. In the name of development or for political purposes, people who lived for generations are removed from their own land forcibly, their right to livelihood, right to land and housing becoming a serious question.

***Land Issues in the Hantane Estate,  
Kandy***

*Hantane is one of the largest plantations in the Kandy District with seven Divisions, namely: West Division, Factory Division, Hantane Top Division, Udoowela Middle Division, Udoowela Top Division, Uragalla Division and Kitoolmoolla Division. It has a land area of 1500 hectares with a larger resident labour population.*

***Land Acquisition (Acquisition)***

*This Group of Plantation Divisional Units were originally bordering the city of Kandy, almost at the distance of 1km. Presently owing to urban expansion the border of the plantation is demarcated at a distance of 3km from the city. The Lower Division of Hantane Estate has been closed down for various purposes. These geographical changes, as revealed by the study, have result from land acquisition. The total tea land area*

*of 1500 hectares, through land acquisition under various projects by successive governments has shrunken to about 78 ha. This poses a question: will Hantane remain as an estate at all, in the longer run? It is said that not even a single worker has been given a perch of land with title deed during this process of land acquisition.*

*According to the information provided by the informants (estate leaders), the lands have been acquired for the following reasons:*

- *250 ha for National Housing Development*
- *50 ha by the Ministry of Plantation Industries largely to be released in favour of a politician.*
- *It was said that about 150 ha had been allocated for business purposes by LRC*
- *30 ha for a private hospital*
- *50 ha sold out by JEDB*
- *8 ha brought under forest conservation scheme.*
- *27 ha for birds sanctuary*
- *5 ha under re forestation scheme*



- 50 ha allocated for the Ministry of Higher Education to establish a private university
- It has been planned to acquire about 200 ha for so called development programs (Sooriyakanthi New paper 28/03/2012)
- Expansion owing to estate land encroachment by the outsiders with the support of the politicians.

### **Problems faced by the community**

There are around 1000 families living in this estate. However only 350 workers are employed in the estate. Most of the youth work outside the estate, particularly in domestic works, shops, hotels and small business in and around Kandy city. But there is no any social and employment security for both estate and non estate workers. According to the informants most of the retired workers had not got their EPF and ETF benefits since last 10 to 15 years. The EPF and ETF fund of the present workers have been not remitted to the Central Bank of Ceylon by the JEDB. In the same time, nonresident estate workers are

excluded from benefiting EPF and ETF. Most of the people, particularly youths seek employment from outside the estate, due to the following reasons:

- a. Very limited new enrolment in to estate works.
- b. Estate jobs are not attractable.
- c. Low wage compared to private sector.
- d. More work load and more hours of work.
- e. Reduction of employment opportunities in the estate.
- f. Limited access to staff category jobs for estate youths.
- g. Poor management and administration of estate including low production, high cost of production and non access to supervisory level staff.
- h. Bankrupt of the estate.

Though around 1000 families live in this estate, there is no guarantee for the ownership of the land and housing in which they live for generations. Still most of them live in outdated barrack type line rooms. Many hectares of land has been

acquired for various reasons; however a single perch has not been given to the families who live in this estate. However land struggle has been initiated by the people themselves to get at least 30 perches land per family for their living purpose.

### **Demand of the people**

1. Each worker family be given a plot of land under title deed for living and livelihood purpose.
2. Future of the livelihood of the workers should be taken in to consideration when land is acquired for so called development programs.
3. If the estate is closed, proper compensation should be paid for the present workers.
4. EPF and ETF problem should be settled

## **Case Study 2**

### **Land issue of the Galoya Division of Imboolpitiya Estate**

Galoya is about 1km away from Nawalapitiya town. It is a division of

Imboolpitiya estate of Kahawatta Plantations Company. There are 5 divisions in Imboolpitiya estate. They are Galoya, Lower Division, IDB (Galaboda), Greenwood and Upper Division

### **Galoya Division**

There are 250 families living in the estate. Of them there are 60 workers - 20 males and 40 females. The total acreage of land on Galoya is 450. 40 acres are under tea cultivation. Some of the workers have been involved in granite quarry in Imboolpitiya. Land acquisition from Imboolpitiya dates back to the 1987s (which was for urban development of Nawalapitiya town). Tea land was converted into forest conservation. Further, a plot of land was subsequently distributed to the traders from Nawalapitiya and the village community for various purposes by LRC.

At the early stage, Imboolpitiya estate bordered the 'Jayathilake' Urban Council play ground. Today with that area made into residential and business area, the land area of the estate has been greatly curtailed.

*It has been told that according to an agreement, the plantation company is bound to release 100 acres to JEDB for housing settlement of the outsiders.*

***As an initiative towards this encroachment process the following aspects are being observed.***

- *On 7/5/2011, some outsiders who came to Galoya, accompanied by a staff of Divisional Secretariat of Pradeshiya Sabha, occupied bare land in the surrounding area of the workers' quarters and line rooms.*
- *On 8/5/2011, the Land Surveyors earmarked and plotted out this area to be distributed to the above said outsiders. In this background, estate workers launched a protest against this land acquisition.*

*This was followed by 65 particular estate youths and others living in the same estate, constructing temporary cottages on the land surrounding their residence. 5 of them have started cultivation on the land, through an organization formed under the name: "Farmers*

*Organization for Development of Bare Land of Galoya". After that they submitted a memorandum to Grama Niladri, Divisional Secretary and the President of Sri Lanka. The Memorandum highlighted that they cultivate bare land in conformity to the government policy on bare lands. As a result of this struggle the estate management agreed with the youths for them to continue the cultivation. As mentioned above, the estate is full of granite rocks, and sale of granite rocks was continued by outsiders. This has been discontinued due to youth struggle, in which some youths were arrested.*

*To-date the land encroachment continues. It is said that lands have been sold to outsiders and they have started constructions. However the estate community is still continuing their struggle for their right to land.*

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## CHAPTER 4

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### 4

# Towards a Future Plan

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## 4.1 Towards a Future Plan

It is clear that generally, the people who live in the plantations have been deprived of right to development, and excluded from their right to decision making about their own future. There appears to be a situation where freedom to development and the rights to development are restricted. As a minority community, the Up-Country plantation people being kept out of the national stream of life for quite a long time. Their inability to take part in the decision making and development process, their being alienated from the land of their long time occupation, and their inability to receive their share of production under the captive labour system have in combine posed question not only as to their human rights, but freedom to development as well.

According to HHI and E Survey 2009/10, the total population in the Estate sector is 1.1 million and the average household size is 4.3. Based on this information there are approximately 255,813 families living in the plantations. According to the MPI, the total extent of plantation land vested in RPCs, JEDB and SLSPC in 2005 was 250,320 hectares; the total cultivated extent was 178,092 ha. In 2009 around more than 70,000 ha remained un-cultivated. The study of Socio-Economic Conditions and Unproductive Lands in the Plantation Sector reveals that ([www.geocities.ws/.../Plantation/Socio\\_Economic\\_Plantation\\_Sector](http://www.geocities.ws/.../Plantation/Socio_Economic_Plantation_Sector)), out of 279,450 hectares of land under Plantation Sector, about 25% are uncultivable. The extent of uncultivable land under JEDB and SLSPC is higher than under the private company managed estates.

**Table 3**  
**Uncultivable Land**

<b>Estate Agency</b>	<b>Hectares</b>
Private Company Estates	57,442
JEDB	5,969
SLSPC	4,776
Total	68,187

In this context, in relation to land and housing rights of the plantation community, two main issues to be discussed here are as follows:

1. Land and housing ownership of the plantation community
2. Land for livelihood and economic purpose

It is noted from the above statistics and information, there were approximately 255,813 families in the plantation sector, including supervisory staff and 250,320 hectares of the total land, and the total cultivated extent was 178,092 ha. in 2009. And around more than 70,000 ha remained un-cultivated or brought in to road or public places extension, development of water sources, reservation, or subjected to encroachments. According to Program Support Group 2001, permanent family units in the plantations are around 185,533 families in private company estates and 14,111 families in JEDB and SLSPC estates. Different sources give different numbers of families in the plantations. Therefore taking in to account these various sources, the number has to be put averagely at 200,000, as per Ministry of Estate Infrastructure and Livestock Development<sup>27</sup>. It has been announced that 7 to 20 perches land will be provided for each family for housing construction purposes.

If we calculate land necessary for housing purposes of these 200,000 families, even at 20 perches to each family (which they consider, is necessary as revealed in the FGD), 4,000,000 perches or 10,117 hectares would cover the land needs of the entire population. Already it is calculated that there are 74,000 ha of un-cultivated land available according to the MPI, and according to Budget Speech 2012, it is identified to be around 37,000 ha, unproductive or uncultivated land in the plantation areas. In this context, only around 10,000 hectares is needed for the housing purpose. This land for the housing purpose should be given to the ownership of the people in the plantations. The right to land ownership or titles should be given to the family with some restrictive conditions, such as; the land can-not be sold or alienated for a certain period and the ownership to be collective between husband and wife or the principal male and female family members.

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27 Ministry of Estate Infrastructure & Livestock Development, National Plan of Action for Social Development of Plantation Community 2006-2015, Colombo.

The sustainability of the plantation industry depends on the sustainability of the social and economic conditions of the workers, the nation, and the ecology. The sector also depends on sustainable productive resources, enhanced environment quality, mixed farming systems (low and mid country), democratized management method, respect for human rights & human dignity of the workers and their families. The livelihood of around 200,000 workers and around one million people directly and indirectly depend on the Plantation Industry in Sri Lanka.

According to the media, plantation companies and the Plantation Ministry, the plantation sector, particularly tea industry is facing production and marketing difficulties due to Middle East political crises, wage increase, increased cost of production, productivity decline, conventional management system, corruption, captive labour system, and social constraints like higher incidents of poverty among the workers community.

For the past three to four decades, the plantation sector has been facing many challenges for its existence. According to Buddi Jayasooriya, about 53% of the estate sector and nearly 70% of the SLSPC and JEDB plantations are seedling tea; these teas are around 100 years old. Even 30% of the existing vegetative-planted (VP) teas are more than 30 years old. The average tea production in plantation companies, SLSPC and JEDB in 2009 were 1500, 591, and 517 kilos made tea per ha respectively, compared to the productivity of the tea smallholder sector with 2138 kg per ha in 2009. In the context of sales profit of the tea, JEDB and SLSPC are worse; where as in 2009 the losses were Rs 48.96 and 34.08 per kg respectively. The total cultivated extent of lands under the two plantations (JEDB & SLSPC) is 13,134 ha and uncultivated extent is 9,369 ha. The total numbers of employees are 12,833, of which 11842 are plantation workers in 14,111 family units. The Employees Provident Fund (EPF), Employees Trust Fund (ETF) and gratuity entitlements of the workers in the JEDB and SLSPC estates are not remitted to the Central Bank of Sri Lanka for the last 10 to 15 years. According to the media, the outstanding amounts are more than Rs 600 million.

In this perspective, an alternative strategy should be engaged for the sustainability of the sector and industry. It is now obvious that the smallholding is becoming popular and sustainable in this sector. Tea smallholders show a striking progress and competitive performance in terms of productivity, profitability and sustainability.

The unprofitable and unproductive estates should be initially distributed among workers of the respective estates and promote them as small holders with followed by neighboring landless villagers. Distribution of the 37,000 ha land identified in the 2012 budget speech as well, could be worked out at 2 acres each on a 30 year lease. However, a long term lease, like 99 years, could include certain conditions under a cooperative or a collective system. This is more ethical than to leasing of lands to various private individuals and agencies as has happened since 2001. Many such estates leased to private agencies were abandoned and became bankrupt. Some of the examples are, Harepark, Waithalawa and Woodside Estates, which ended up in untold hardships to the workers.

## **Conclusion & Suggestions**

Plantation workers of Indian Origin were brought to Sri Lanka to maintain that sector of the country's economy, which later became Sri Lanka's mainstream economy. Plantation labour constituted the first modern working class of the country. However, the possibilities to overcome poverty and powerlessness have yet to be achieved by them. There must be a sustainable development program precisely designed to address the strategic challenge that will replace elite dominance, with placing the plantation community at the centre of the development process. And there must be redistributive justice with respect to resource ownership, as well as the power to decide how these resources are to be utilized and managed.

The present plantation TU cum political system must be changed into a people centered political system. People's empowerment is broadly defined as the



economic and political power should be transferred from the elite and dominant families to the broad majority of people and community. In this context, NGOs, TUs and plantation companies as a part of civil society, should play a most important role for the social change of the plantation community and for their equitable, social, just and sustainable development.

It could be assumed that plantations, as a form of agriculture production will survive in to next century as well. People, particularly workers in plantations, should be seen as corporate partners of the industry with due rights and dignity. The community should not be seen as means to further ends of economic production and growth. Healthy and educated workers are more productive and complement particularly when inclusion and participation is ensured in decision making process.

Sri Lanka is signatory to a number of international human rights instruments, including the Convention on the Elimination of All Forms of Racial Discrimination (CERD), the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights (ICESCR), Convention on Child Rights (CRC), Migrant Workers Convention (MWC), Torture Convention (CAT) and Convention on the Elimination of Discrimination Against Women (CEDAW). These instruments set out in the international human rights standards to which signatories agree to be bound, and in relation to which they agree to undergo periodic scrutiny by a system of independent United Nations Committees.

Land is a source of livelihood of the people, and the land right increasingly recognized as fundamental factor to social and economic well being. 'Land is a controversial issue in Sri Lanka as well as it bears the potentiality to be a source of conflict in the plantation areas as well in future. It is a common source of conflict in family disputes, and is also a recurring problem resulting in litigation. In this context, the right to land and housing becomes serious issues of the plantation community.

Plantation workers have no legal ownership for land and housing in which they live for many generations. Land right is co-related to the right to housing, food, and work. In many cases, the right to land is tied up with a group's identity, its livelihood and thus its very survival. For plantation community, land is a vital component of a particular way of life. They live, and work in the same land within which they created a new world of plantation entity.

## Suggestions

- The State and the Government of Sri Lanka should develop a general policy plan on land and land use, in relation to state as well as private land in consultation with the local, provincial and national level state and non state institutions.
- The Sri Lankan State should establish an Independent Land Committee or Commission (apart from LRC) with the Provincial sub Committees or Commissions to prepare and implement an effective land and land utility policy and program and to ensure, promote and protect land rights of the people.
- Remedial actions and strategies b
- e taken to reduce the land discrimination and land conflict among communities in various parts of the country.
- Land related policy development, land mapping, land survey, land distribution and land related information to be transparent, widely available and be carried out with the participation of communities, local authorities and provincial authorities and civil society organizations.
- Provide appropriate housing schemes to the Plantation Community with needed social amenities and facilities, scope for extra income earning activities as well as guaranteed ownership of the houses which is vested in the occupant of the house.

- Abolish the existing outdated and dilapidated plantation line system. Alternatively legitimize land ownership with the replacement of new housing scheme with minimum of 20 perches of land space for each family, including for the workers living in private owned estates.
- Each plantation worker family should be provided with minimum 2 acres of land and resource support for livelihood purpose, as mentioned in the 2012 budget speech, or in the event of distribution of land, so that the family can be responsible for the land, production, and marketing of the product as individuals or as collectives.

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- Human Development Organization -



# Stateless Landless Powerless

## Land & Housing Rights of Plantation Community in Sri Lanka

**Land is a source of livelihood for the people.** Land rights have been increasingly recognized as fundamental to social and economic well being. Land, a contentious issue in Sri Lanka, is a common source of conflicts in families, and is also a recurring problem among communities. It is also a highly sensitive and politicized issue, with successive governments and other political actors attempting to use it as a means of asserting control and power. Land right is interlinked with the right to housing, right to food, right to work and a host of other human rights. In many cases, the right to land is tied up with a group's identity, its livelihood, and thus its very survival. Land right must be seen as an important precondition for the realization of other human rights. However, issues related to land rights have rarely been addressed locally, nationally and internationally, because of the fact that the land issues are very complex.

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