

*A Brief Non-Exhaustive Commentary on Potential Policy Reforms
Initial framework for a broader policy discussion*

A Brief Non-Exhaustive Commentary On Potential Policy Reforms

Addressing issues faced by Malaiyaha Tamil Communities of Sri Lanka.

Initial framework for a broader policy discussion



**by Centre for Policy Alternatives
for the Ministry of Water Supply and Estate Infrastructure Development**

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The Centre for Policy Alternatives (CPA) is an independent, non-partisan organisation that focuses primarily on issues of governance and conflict resolution. Formed in 1996 in the firm belief that the vital contribution of civil society to the public policy debate is in need of strengthening, CPA is committed to programmes of research and advocacy through which public policy is critiqued, alternatives identified and disseminated.

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Introduction

This brief document is prepared to highlight the top-line issues, challenges and broad suggestions for potential policy and practice related interventions in relation to the rights of Malaiyaha Tamil (Hill country Tamil) community. This subject is a broad and complex issue which essentially needs comprehensive and meaningful community consultations to identify specific policy reforms and interventions. However, to initiate a policy dialogue in that direction, it is expected to understand and document broader and potential areas where new reforms or effective implementation of existing laws and policies are required. Therefore, this document is explicitly a non-exhaustive analysis of the issues faced by the Malaiyaham Tamilar (Hill country Tamil) community towards granting them the rights of equal citizens in this country.

The Hill Country Tamils, the distinctive Tamil-speaking community which predominantly lives in the Central, Uva and Sabaragamuwa Provinces of Sri Lanka, currently identifying themselves as Malaiyaha Tamil (also known as Hill Country Tamils/Indian Tamils/ Plantation Tamils/Upcountry Tamils) are descendants of bonded labourers who came to Sri Lanka during the British colonial period. Shortly after independence, the introduction of the Citizenship Act deprived this community of their citizenship rights and excluded them from all forms of mainstream development process. Even though the problem of statelessness was legally resolved in 2003, the structural exclusion continues to remain in development, governance, and politics, resulting in poor socioeconomic development when compared to other communities of the country. The majority of the community that is living in the plantation regions are Malaiyaha Tamils.

The “plantation region” has been defined as areas coming under the Divisional Secretary’s Divisions in Districts of the Central, Uva, Sabaragamuwa, Southern, Western, North Central and Northwestern Provinces, where the resident labourers live in Estates where tea, rubber, coconut, or oil palm is cultivated. According to the 2011 report of the Department of Census and Statistics of Sri Lanka, 901,647, or 4.4 percent, of the total population of Sri Lanka live in the estate sector.

For many years, the Malaiyaha Tamil community has been fighting to attain full and equal citizenship in Sri Lanka. The community has long felt that despite their significant contributions to the country's economic prosperity, they are not treated as equal and full citizens in areas such as politics, governance, and economic development.

Malaiyaha Tamils who have contributed immensely to the well-being of Sri Lanka for the last 200 years since the inception of the plantation sector in 1823 can be considered a community that has been suppressed due to either lack of specific policy protection or lethargic policy implementation and thus advocate for their rights-based issues with short-, medium- and long-term legislative, policy and practice related affirmative actions.

Protection of Rights and Welfare

Objective: *Developing policies to ensure the protection of the rights and welfare of the plantation community with a focus on addressing workplace exploitation and gender-based violence.*

Key Issues

- ⇒ Recognition of the unique identity of the Malaiyaha Tamil community in the plantation sector is a fundamental prerequisite to developing a broader policy and program protection framework that safeguards their rights and promotes their welfare.
- ⇒ Despite Malaiyaha Tamil communities being accepted, within the technical definition of the legal connotation, as citizens of this country, in pragmatic terms, the said legal status has not been meaningfully translated into 'Active and Equal Citizenship' for the overwhelming majority of the members of Malaiyaha Tamil community. Even though these communities are merely being registered as electors and considered as voters in elections, they are persistently excluded and discriminated against in terms of accessing public service and enjoying a range of socio-economic and other rights, on equal grounds with other communities.
- ⇒ Not only have the entrenched social norms resulted in this exclusion but also the unaccountable governance systems of successive governments have also not demonstrated genuine political will to recognise them as citizens in this country.
- ⇒ Estate managements have stopped most welfare provisions despite their contractual obligations to do so. Access to minimum standards of sanitation, housing, clean and safe drinking water and other amenities are lacking. The lack of open discussion between state, trade unions, community representatives and the plantation companies have exacerbated the discriminatory living conditions of Malaiyaha Tamil community. Lack of worker's social connections, money power, education and self-esteem to challenge suppression have meant authorities including plantation managements continue to ignore these issues with no cost.
- ⇒ Malaiyaha Tamils are disproportionately affected by marginalisation, discrimination, exploitative working conditions and abysmal living conditions. The following table indicates the status of the community in comparison with other communities during the period of 2016-19. However, the most recent accurate figures may indicate the gravity of the situation in the context of post-COVID-19 pandemic and the subsequent economic crisis by which the Malaiyaha Tamil community is one of the worst affected. This indicates the need for genuine assessment of the impediments of legal and policy frameworks that hinder the socio-economic and political advancement of this community. Thus, distinctive policy measures, accountable implementation mechanisms, responsible administrative frameworks, appropriate affirmative actions, to address long-standing issues of these communities in Sri Lanka should be carefully drafted in consultation with affected communities and stakeholders.

Table 1 Comparison of Socioeconomic Status in the Estate Sector -2016 -2019

Indicators	National	Urban	Rural	Estate
Average monthly income by main source (salaries and wages) (Rs)	-	43226	25443	39,195
Mean household income per month (Rs) (2019)	76414	116670	69517	46865
Mean per capita income per month (Rs)	20527	30452	18870	11647
Income receiver's mean income per month (Rs)	42308	61426	39324	22469
No. of income receiver's in the household (%)	1.8	1.9	1.8	2.0
Household size (%)	3.8	4	3.8	4.1
Mean household expenditure per month (Rs)	63130	95392	57652	38519
Poverty headcount (%) (2019)	11.9	4.4	12.6	29.7
Poverty as % by sector (2019)	14.3	6.0	15.0	33.8
Unemployment (%)	4.4	4.0	4.5	3.1
% of indebted households	59.7	52.9	60.9	64.4
University Education (%)	6	-	-	0.3
The population that owns a house (%)	83.7	-	90.4	5.6

Single housing	5.3	93.9	98.5	40.8
Representation in civil service (%)	22%	-	-	1.1
Literacy (%)	93.1	95	93	85
Computer literacy (%)	21.6	35	19.9	6
Share of population with access to clean water (%)	82.8	-	84.3	55.1
Share households not using toilet (%)	1.7	0.2	1.8	4.6
Infant mortality rate (for 1000 live birth) (%)	9.7	-	-	29
Low birth weight children (%)	16.6	-	-	31

Moderately food insecure	-	31.9	34.9	41.3
Severely food insecure	-	2.1	1.1	2.1
Proportion of stunted growth children under 05 years (%)	18	-	-	40.8

- ⇒ There has been visible structural and institutional exclusion in health service provision in the plantation sector for two centuries. Currently the health system is being managed by the plantation companies, excluding national and provincial health authority leading to gross neglect due to lack of accountability.
- ⇒ As a result, infant mortality, maternal mortality, malnutrition, and other health indicators remain dismal. The infant mortality rate is an indicator of the health condition prevailing in a society or a country. Thus, while the national health indicators of Sri Lanka remained fairly acceptable in regional terms, there are high infant mortality rates in the plantation sector.

Policy/Implementation Gap

- **Lack of recognition** of the Malaiyaha Tamil community living in the plantation regions who have for over two centuries from 1823 onwards, contributed immensely to the economy, development, and Balance of Payments of Sri Lanka.
- **Lack of political acknowledgement** of the fact that the community was deprived of its citizenship, development opportunities and political representation for a considerable post-independence period and as a result lags behind in most socio-economic and human development indicators when compared to other communities in Sri Lanka.
- **Lack of policy implementation** endorsing their right to be treated as equal citizens enjoying the full measure of rights and dignity as a constituent community with a distinct identity and contributing to the overarching Sri Lankan identity.
- **Lack of effective implementation** of the Pradeshiya Sabhas (Amendment) Act, No. 30 OF 2018 An Act to Amend the Pradeshiya Sabhas Act, NO. 15 OF 1987 Amendment of section 33 of the principal enactment. Section 3 (2) *“In the case of plantation regions, the Pradeshiya Sabhas may, upon adoption of a special resolution and in consultation with the administrative authority of the relevant estate, utilise the Pradeshiya Sabha fund to facilitate the residents of the respective plantation regions with roads, wells and other common amenities necessary for the welfare of such residents.”*

- **Lack of effective implementation** of The New Villages Development Authority for Plantation Region Act No. 32 of 2018 which was established as a government authority to uplift the living standards of estate sector communities as in the case of Mahaweli Authority, a National Agriculture Development Authority to address the needs and grievances of the estate communities who have been neglected for decades by the private companies that they depend on to provide for their wellbeing. This lack of implementation has effectively nullified the objectives of said Act. .
- **Lack of monitoring and review** of the implementation of such legal frameworks bring no change to the prolonged social setup in which Malaiyaha Tamil communities remain as victims of the prolonged suppression. For example, the implementation of New Villages Development Authority for Plantation Region Act No. 32 of 2018 with a meaningful aim to realise the envisaged results is weak. The objects of the Authority shall be to – *(a) ensure inclusion of the plantation community in the designated areas into the social mainstream by socio, economic, cultural and infrastructure development in the plantation region; and (b) empower the plantation community in the designated areas socially and economically in order to enable them to contribute to the national development process...*
- **Lack of policy implementation** to ensure that the health services are integrated into the national, where appropriate, and mainly the provincial health system enabling the respective provincial councils to manage the subject with due accountability. At present, there are 412 estates in the country comprising of 250,000 families. As of now, only 61 estate hospitals were handed over to the provincial health administration, whilst others are still under the estate management.
- **Lack of political will** to take any measures so far to establish a strong provincial level health system which Malaiyaha Tamil communities can access and benefit. This is an indication of the disregard on the part of successive governments to equally implement the provincial government mechanism within regions designated as plantation regions.
- **Lack of a process integrating** public services into the mainstream administrative frameworks in the plantation sector needs careful attention such as empowering society with opportunities for equal education, providing adequate transport facilities, improving living conditions, improving water and sanitary facilities, and facilitating receipt of their services in the language of their preference.
- **Lack of administrative action** to ensure the provision of ‘Postal Addresses’ to all individual families of the plantation sector. The current demeaning process whereby personal correspondence is entrusted to estate management offices, which may not hold accountability for the security of communications, leaving space for further neglect and abuse is a discriminatory practice which can and should be changed.

- **Lack of incorporation of policy recommendations** into civil administration, development programmes, or estate management mandates. These estate communities are also without basic services such as water supply, drainage, toilet facilities, developed road networks and transport services. Neither the estate management, nor the relevant government agencies such as the Water Board, Sri Lanka Transport Board or relevant local government agencies have taken initiatives towards providing the required services or upgrading the existing ones. Matters related to most of the public services, to which Malaiyaha Tamil community has a legitimate entitlement theoretically on par with other communities of the country, have not been incorporated into civil administration, civil society organisations or development programs in the country to an acceptable level.

Proposed Actions for a Broader Policy Discourse

1. Enforcing Constitutionally guaranteed language rights, particularly in designated bilingual divisions while ensuring the public services are available and accessible to Malaiyaha Tamil community in the plantation regions in the language of their choice.
2. Ensuring appropriate political power sharing and a proportional system of electoral arrangements that take into consideration the demographic characteristics of the community.
4. Ensuring access to all public services, from local government authorities and divisional secretariats, for plantation residents as equal citizens. Also, giving effect to the government's decision to establish new Pradeshiya Sabhas and divisional secretariats in line with equitable delimitation norms.
5. Enforcing Constitutional guarantees pertaining to language rights, particularly in designated bilingual divisions while ensuring the public services are available and accessible to Malaiyaha Tamil community in the plantation regions.
6. Designing, resourcing, and implementing a long-term National development plan to address social, economic, political and other rights-based concerns to ensure the protection and welfare of Malaiyaha Tamil community.
7. Ensure that any social welfare programs take into consideration the plantation workers who are assessed to be the poorest and most food insecure community in the country. Introduce special programs to address the acute malnutrition situation in the plantations.
8. Ministry of Public Administration, Home Affairs, Provincial Councils and Local Government, in collaboration with respective Pradeshiya Sabhas, Police, Postal Department, the Election Commission and the Department of Census and Statistics to initiate a comprehensive census of houses in the plantation sector and subsequently providing a postal address to each house.
9. In order to ensure the realisation of the intended aim of the Pradeshiya Sabhas (Amendment) Act, No. 30 OF 2018, the action plan to utilise the Pradeshiya Sabha fund

to facilitate the residents of the respective plantation regions with roads, wells and other common amenities necessary for the welfare of such residents should be framed in the form of a specific By-law to which the Ministry of Public Administration, Home Affairs, Provincial Councils and Local Government can give a blanket endorsement to be applied in Pradeshiya Sabhas in respective areas defined as 'Plantation Regions'.

10. Additionally, at divisional/local level, as appropriate, a forum consisting of local government representatives, plantation management bodies, government institutions and civil society representatives should be established to monitor and review the progress of the implementation of the provisions of the said Pradeshiya Sabhas (Amendment) Act, No. 30 of 2018.
11. Implement a government driven water supply and sanitary facility project on a priority basis with an aim of bringing the plantation community in line with national average indicators on drinking water and toilet facility.
12. Develop the road networks in the area within the purview of the local government, provincial and central government ministry and integrate them into the national mainstream for regular maintenance and improvement.

Housing Crisis

Objective: Finding sustainable solutions to the housing crisis affecting plantation communities

Key Issues

- ⇒ Housing has been one of the serious issues that has adversely affected the wellbeing of Malaiyaha Tamils in the plantation sector for centuries. A row of 10x10 line rooms originally constructed during the British period as labour quarters for estate workers continue to remain the core of the housing stock among estate residents despite nearly two centuries of their habitation and resulting wear and tear of the housing stock. More often than not estate management has neglected the needed maintenance work adding to the grievances relating to housing.
- ⇒ The lack of land rights in the plantation sector that prevented Malaiyaha Tamils from renovating or expanding the existing labour lines or building any alternative houses for married children with their own offspring even if they had money because of denial of land rights to estate residents despite estates being their birthplace, their hereditary role in building and sustaining the plantations and much land in the relevant estates being neglected, unproductive at present and acquired for village.
- ⇒ Many plantation residents tend to see their housing problem as one where they are confined to neglected labour lines in a discriminatory manner without access to alternative housing or legitimate access to land for housing or agricultural purposes.
- ⇒ The most important among them is the overcrowded shared living and sleeping in these often one room living units. This poses privacy issues in two generational and at times three generational family units. Often newly married, unmarried, and elderly some of whom may be chronically ill, are required to share living and sleeping within the same room, in unhygienic and socially undesirable conditions.
- ⇒ Lack of any legal title to labour lines or the land on which they are located, the refusal of plantation authorities for any requests for required constructions by plantation residents including some cattle sheds etc are issues that require strong policy level intervention to resolve.
- ⇒ The present government's National Policy Framework *called Vistas of Prosperity and Splendor* stated that low-rising houses with all facilities will be put up for in the plantation sector. It has not come into effect thus far. Previous housing projects excluded those who do not work in the plantations. Whilst the government agreed to provide seven perches, there is also growing demand and agitations for 20 perch lands.

- ⇒ Land right is closely associated with the right to food and food sovereignty. The World Food Program's reports highlight that food insecurity and malnutrition remain extremely high in the plantations. However, the matter has not been sufficiently addressed despite political statements of policy makers of successive governments to do so.
- ⇒ According to the Statistical Information on Plantation Crops, it is found that there are plenty of (more than 40,000 hectare) of unused or abandoned estate lands in the plantation areas so some seven perches land can be granted for the construction of houses and another 20 perches for livelihood activities. Thus, it would take only an estimated 14,576 hectares to distribute to a total of 174,913 families who are in desperate need of lands. One hectare could be allocated for 12 families, providing each 27 perches with necessary access and around 15 families can settle in one hectare. This seems to be a viable solution to address housing issues in the sector.

Policy/Implementation Gap

- **Lack of robust research** to understand the socio-economic impact of the rent-free line room accommodation that has often been a device used by the plantation authorities to retain a subservient residential work force under a system of bonded labour in the plantations.
- **Lack of credible data on the actual situation of the housing issue** faced by Malaiyaha Tamil community to design necessary policy frameworks and programs to address the housing issue has undermined the severity of the issue.
- **Lack of right to land/housing ownership** threatens a number of fundamental human freedoms. Access to land is important for development, livelihood, obtaining disaster reliefs and poverty reduction, but also often necessary for access to numerous economic, social and cultural rights, and as a gateway for many civil and political rights.
- **Lack of recognition of citizenship in terms of ownership of land**, limiting the ability of landless individuals to travel and participate in the political process. The right to land ownership of Plantation Community is a long-standing demand. Political parties, civil society organisations and intellectuals have been demanding land ownership for years. Several promises have been made by previous governments, especially, with regard to ownership of housing but the communities are yet to benefit meaningfully from any such commitment.
- **Lack of implementation of Section 6 (d) New Villages Development Authority for Plantation Region Act, No. 32 of 2018**, states "*facilitate the issuance of title deeds for the legal occupants of the houses in the Estates within the designated areas to grant them ownership of such houses*" as one of the functions of the Authority: No visible outcomes can be seen despite mere legal provisions contained in laws specifically designed for the benefit of plantation communities.

Proposed Actions for a Broader Policy Discourse

1. National level research to be conducted covering all Malaiyaha Tamil communities residing in areas designated as plantation regions and their status of affairs connected to housing issues.
2. Effective and meaningful implementation of the provisions with regard to land ownership stipulated under the New Villages Development Authority for Plantation Region Act, No. 32 of 2018.
3. Recognition of all human settlements in the plantations as fully-fledged villages through legal reform and administrative measures.
4. Formulation of a specific policy framework for the identification of lands that can be assigned to Malaiyaha Tamil communities with legal ownership and facilitation for constructing houses.
5. Taking required legislative and administrative measures to ensure that all residents in the estates are given secure land tenure to a plot of land for housing. The extent of land so given shall be in parity with land entitlements given to others in the same divisional secretariat area. Husband and Wife in a household to be given joint ownership.
6. Prioritising plantation worker families when redistributing land in estates that have been closed down or are non-operational. The extent of land shall be no less than those that are given for villagers in the same area for housing, agriculture and other livelihood purposes and shall have security of tenure.
7. Any land distribution should be proportionate to the community composition in a given GN and DS division and landless residents should be prioritised in distribution.
8. Setting up a special unit in the NHDA and allocating adequate funds in annual budgets to provide standalone houses on a grant basis or concessionary terms to the worker families with a target of fulfilling the full housing stock requirement in 10 years. To actively pursue bilateral and multilateral development assistance for building houses to the Malaiyaha Tamil community.
9. Implementing a special housing support program for middle income government officers, teachers, and other similar groups in the plantation sector.
10. Regularizing and providing title deeds for the 37,000+ houses that have been built under various government schemes in the past three decades.

Children and Youth

Objective: Developing policies and interventions to address the issues of children dropping out of schools in the plantation sector and of youth unemployment

Key Issues

- ⇒ Education of the Malaiyaha Tamils remains below national averages owing to discriminatory state policies and exclusions in taking the plantation schools under the state control, appointing qualified and trained teachers, and allocating sufficient resources etc.
- ⇒ In terms of university education, there are about 100,000 students in all 15 national universities and among them, only about 2500 students are from the plantation areas. Every year, an average of 40,000 students enters these universities, but plantation students are very few among them. Only about 500-600 of them are selected annually for university admission, and they are mostly confined to Arts stream, as there are no schools with adequate facilities to provide Science and Mathematics stream education.
- ⇒ The national literacy rate was 92.3%, whereas it was only 85% in the estate sector in 2020 and the prolonged exclusion and lack of implementing robust programs to upgrade the educational achievements of children in Malaiyaha Tamil community are evident with available data.
- ⇒ Therefore, many students from the estate community have been continually deprived of higher education. Apart from that, there is no vocational training institute with a medium of instruction in Tamil where the children of plantation workers can enrol in such courses to get skills required for decent jobs with good pay.
- ⇒ If the state fails to deliver effective, innovative, timely and multi-sectoral responses, the children in plantation communities are in danger of not only dropping out of school but also being pushed into child - (including bonded) labour.
- ⇒ Women and girls have faced differentiated and disproportionate impacts during the pandemic response exacerbating the routine human rights violations and abuses that many experience. COVID-19 issues are not gender neutral, and any response through policies and programs which lacks inclusion of gender, and an intersectional lens is set to derail the little progress made in advancing the rights of women and girls.

- ⇒ COVID-19 school closures have increased the risk of children’s exposure to domestic work including as caregivers as well as abuse, exploitation, and violence. Female children are often in the most vulnerable situation as parents (and in some families, single mothers) leave for work to pluck tea leaves, the children are left home alone fending for themselves. They are both victims of, and witnesses to abuse and violence, and they carry trauma today, not merely because of the risk of exposure to the virus but also because of the lack of robust and accountable child rights protection services and mechanisms.
- ⇒ It is essential that the State through its child protection authorities ensures that all children are protected from exploitation and abuse whilst promoting a culture that promotes and advances the rights of the child. The table given below indicates the severity of the educational sector issue among the Malaiyaha Tamil community.

Level of Education in the Plantation Sector 2017/18

Indicators	National	Urban	Rural	Estate
Adult literacy	91.4	94.6	91.8	74.3
No schooling	3.1	2.2	3.0	8.3
Up to grade five	21.1	15.9	21.5	35.5
Passed grade 6-10	44.0	39.6	44.0	44.0
Passed O/L	16.7	19.2	16.7	8.6
Passed A/L	12.2	18.2	11.4	3.3
Passed degree above	2.8	4.9	2.4	0.3
Not engaged in educational activities - Age 5-14 (%)	4.2	4.5	3.9	7.2
Computer literacy (%)	24.2	36.8	22.1	8.8
Monthly expenditure for education (LKR)	2401	4130	2114	948
Upper secondary enrolment (%)	80.6	86.2	81.4	53.8
Collegiate school enrolment (%)	39.4	45.8	39.7	12.8

Source: Household income and expenditure survey report, 2019

- ⇒ School dropout is a crucial problem among the children living in state owned estates. Parents cannot manage educational expenses with the nation's lowest incomes and persistent poverty, so this pattern has significantly increased over the past 10 years.
- ⇒ Estate schools often hold classes in primary grades only. Transfer from estates to secondary schools in nearby towns was difficult not only because of the costs involved but also because of poor public transport services in the areas.
- ⇒ The schools in the estates and secondary schools in the nearby towns had many limitations due to the absence of well qualified teachers, lack of facilities for science and technology education, lack of laboratories, playgrounds etc.
- ⇒ Inability for estate children to concentrate on their homework due to crowded line housing, disturbances from family members and neighbours and also the possible distractions caused by alcoholism including outright domestic violence.

- ⇒ The decline of guaranteed employment in the estate on the one hand and the dislike for manual work in the estates among youth have both contributed to this situation. A continuing issue is that despite educational achievements by the youth of Malaiyaha Tamil communities, the estate authorities deliberately avoid recruiting children of estate residents even when they have the required educational qualifications for office work and higher-level supervisory work in the estates due to their long-held biases.
- ⇒ Unemployment among youth in the Estate Sector: An increasing number of plantation youth are engaged in unskilled labour, underemployment, private firms with low wages and most of them work in deplorable conditions. Overall, unemployment seems to be an emerging problem among plantation youth due to the mismatch between skills and available jobs.

Policy/Implementation Gap

- **Lack of policy level decisions** to address the prolonged issue of limited opportunities for Tamil medium education in the plantation sector.
- **Lack of resource allocations** by the central government to provincial governments to address continued lack of facilities in schools catering to estate children.
- **Lack of lasting solutions** with implementable systems to address the issue of poor transport facilities and infrastructure in the plantation sector restricting opportunities for secondary education in better-equipped schools outside the area for the relevant children in Malaiyaha Tamil community.
- **The non-existence of technical colleges** to provide proper technical knowledge and vocational skills and guidance to the plantation youth are seen as a great setback as far as the education is concerned. As they were deprived of their citizenship rights for a very long time, they could not get sufficient employment opportunities in the government sector until the late 1980s. Their percentages in the public sector including, namely, Provincial Services, Statutory Boards and Corporations are 0.1%, 0.2% and 0.5%, respectively.
- **Lack of training or vocational education opportunities to meet labour requirements.** The Thondaman Technical College located in Hatton is providing some technical training to the plantation youth only in the NuwaraEliya District. Even this institution does not provide technical training to meet the demands of the labour market and there are no such resources available. As a result, today unemployment has become a significant social issue among the plantation youth.

Proposed Actions for a Broader Policy Discourse

1. Taking action to reduce and eliminate the significant disparities between plantation and national education achievements by upgrading/establishing 10 national schools in Nuwara Eliya, Kandy, Matale, Badulla, Monaragala, Kegalle, Rathnapura, Kalutara and Avissawella zones.
2. Developing these national schools as fully equipped education hubs in the regions including Science/Mathematics/Technology streams and be accessible to plantation children.
3. Upgrading the standard of primary schools in the plantation regions in par with other schools in terms of physical and human resources.
4. Allocating physical resources and improving infrastructure in all the schools in plantation areas including playgrounds, libraries, and IT labs.
5. Improving frequency and quality of public transport in the plantation areas for children, particularly adolescent girl children.
6. Recruiting required number of qualified teachers particularly in science and mathematics streams at the middle and secondary levels and in the interim to ensure a bridging program with bilateral/multilateral development assistance.
7. Introducing an affirmative action program for students from plantation programs in university entrance, particularly in engineering, medical and ICT streams to be equally distributed between boys and girls graduating from plantation areas in Tamil medium.
8. Establishing a National University in Hatton, an additional full-fledged college of education and Teachers Training College and Skill Development and Vocational Training Centre that are specifically dedicated to the special needs of hill country Tamil community.
9. Making technical and vocational courses accessible for hill country youth – both male and female. This to be done by conducting more courses in Tamil medium at technical colleges and establishing special entry criteria and targeted programs for disadvantaged youth. To encourage greater accessibility and participation, career counselling, on the job training and stipends should be considered.
10. Implementing an affirmative action program to integrate qualified hill country Tamil women and men into minor employment categories in public services to ensure representation commensurate with population.

11. Establishment of a dedicated centre in Colombo for the development of vocational and leadership skills and career guidance of hill country youth who migrate to the capital and are stagnating in low paying, unskilled, informal jobs.
12. Providing avenues for youth from the Malaiyaha community to gain formal training and knowledge on technology related to tea production and processing to take up higher end jobs. Improve IT infrastructure in Nuwara-Eliya and Badulla and Ensure collaboration with bilateral and multilateral actors to create IT hubs and incubation centres linked with national and international technology service providers.

Estate Workers and Informal Workers

Objective: *Policy recommendations to address unique needs and challenges faced by both estate workers and informal workers in the plantation communities*

Key Issues

- ⇒ About 80 percent of the upcountry workers returned to their estates after the pandemic-imposed restrictions. Between 30 to 40 percent remain unemployed and are dependents. The community has been hit by economic hardship in the wake of Covid-19 and the subsequent economic crisis and are finding it difficult to feed their children, provide online education and fulfil other basic needs.
- ⇒ Non-estate workers are excluded by the privatised plantation management, state owned plantation companies and government institutions in welfare provision, social security benefits and other material gains. A significant number of non-estate workers are moving to the nearby villages, vegetable gardens, construction sites and suburban areas as migrant workers for daily wages engaging in temporary jobs. It is estimated that more than 50,000 youth are working in Colombo in different sectors including doing trade and business in Pettah. Yet they are often exploited and underpaid.
- ⇒ Workers have lost their livelihoods and been pushed to leave the estates or remain in hunger, chronic poverty, and desperation. The estate management does not allow workers to have income generating activities even on abandoned land. Youth who returned from Colombo after the Covid-19 pandemic tried to make use of abandoned land for their livelihoods, but they were not allowed to do so by the estate management.
- ⇒ Land encroachment for business and tourism remains on the rise. Owing to poor maintenance and non-use of huge areas of land, outsiders have captured estate land for various purposes. Workers have been denied this right for decades although they deserve land rights as citizens of the country.

- ⇒ Locally influential people occupy the lands with the support of politicians and there is no action taken either by the estate management or top administration. Certain politicians with power want to capture unused lands in state-owned plantations for different uses including tourism.
- ⇒ Due to the inefficient status of unions, there are constant violations of labour rights in wage issues, welfare payments such as EPF and ETF, setting of norms for daily work, cleaning the tea field and applying fertilisers and chemicals on time. In some instances, salaries are not provided regularly. Workers in the estates are far less likely to receive their EPF and ETF funds.

Policy/Implementation Gap

- **Lack of application of nationally established labour laws and policies** resulting in deplorable working conditions in the plantations. Although the plantation companies are part of several international agreements and certifications including Rainforest, Ethical Tea Partnership and Fair Trade, the key elements of these certifications are not implemented in full. Several ILO conventions stress the importance of decent work, but they are not implemented fully and there is a poor regulatory mechanism to ensure that these are implemented to improve working conditions of the plantation workers.
- **Lack of application of nationally established Labour Laws and Policies.** Living wage is a universal concept accepted in all sectors including agriculture, but in the case of Sri Lanka, plantation workers are not given a living wage and there is a huge discrepancy between their wage and cost of living index of the country.
- **Lack of application of nationally established Workplace Safety/Hygiene/Sanitation Regulations.** The industry consists of more than 65% of women workers, but there are no facilities for washrooms in the field and occupational health and safety are at dismal levels. They are compelled to work for more than 8 hours without break or rest and mothers are not given sufficient time to breastfeed.

Proposed Actions

1. Ensure a living wage for the workers and commence a process of industry restructuring that transforms plantation workers into smallholders as the sustainable solution to the livelihoods of these families. Address the adverse impacts of any outgrower schemes and ensure the security of employment and income for plantation workers.

2. The Government should strictly monitor the labour practices in the Government, Regional Plantation Companies, as well as private estates through a strengthened Labour Department and ensure that labour rights are protected. Any currently available labour law protections currently available to the workers should be bolstered.
3. Introduce a more transparent, user-friendly, and streamlined process for the withdrawal of EPF, ETF, and pensions by beneficiaries.
4. Ensure that the land rights and other entitlements to State services and support to Malaiyaha Tamils displaced and living in the North and East are fulfilled without any discrimination.
5. Publicly acknowledge the immense contribution of the Malaiyaha Tamil community to the economy of Sri Lanka and the structural exclusion they have been subjected to.
6. Ensure a workplace free of sexual harassment and equal pay for women workers. Introduce legal and administrative measures to safeguard the rights of domestic workers and informal sector workers.
7. Agreements of the plantation companies incorporated by a certificate of incorporation issued under section 15(1) of the Companies Act, No. 17 of 1982 as repealed and replaced by Act, No. 7 of 2007, in terms of section 2 of the Conversion of Public Corporations or Government Owned Business Undertakings into Public Companies Act, No. 23 of 1987, and in respect of which long term lease agreements have been entered into with the Janatha Estate Development Board (JEDB) or the Sri Lanka State Plantation Corporation established by the Sri Lanka State Plantations Corporation Act, No. 4 of 1958, as the case may be, for the management of identified tea, rubber and coconut estates for a given period should be reviewed to assess their compliance with labour standards.
8. Appointing an Independent Commission ensuring space for Malaiyaha Tamil communities and other concerned parties to present their issues, grievances, and injustices on socio-economic and cultural, civil-political and all other rights related spheres. This should aim to take stock of the current status of the affected communities, potential policy, structural, practice and administrative related impediments by which these communities are suppressed and design a broader consultation process to identify and validate appropriate legal, policy and practice related reforms.