Up-Country Tamils: Charting a New Future in Sri Lanka

Edited by
Daniel Bass and B. Skanthakumar

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Acknowledgments

This publication emerged from a conference organised by the International Centre for Ethnic Studies in August 2017. The conference brought together a broad range of scholars and practitioners, who have been researching and working on the area, with a view to developing an enhanced and nuanced understanding of the issues and challenges on the subject, and generating recommendations for law, policy, and practice.

For ten years after the end of the war in May 2009, political and academic debate and discussion on ethnic reconciliation have centred on a simplistic Sinhala-Tamil binary, ignoring other ethnic groups and the multiplicity of Tamil, Muslim, and other identities on the island. Many of the issues pertaining to majority-minority relations and power sharing remain unresolved, 70 years after independence. Despite numerous political proclamations and changes in government, limited progress has been made to seek real and genuine reconciliation that takes account of the aspirations of the several ethnic and religious groups in the country.

This book addresses the challenges that Up-country Tamils face in contemporary Sri Lanka, politically, economically, and socially, as well as the historical origins and structural determinants of their current predicament.

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Contributors

Daniel Bass is South Asia Program Manager at Cornell University, New York. He is the author of *Everyday Ethnicity in Sri Lanka: Up-country Tamil Identity Politic*s, and co-editor (with Amarnath Amarasingam) of *Sri Lanka: The Struggle for Peace in the Aftermath of War*. He received his MA in South Asian Studies and PhD in Anthropology from the University of Michigan, USA, and has been doing research in the up-country of Sri Lanka for over two decades.

A. S. Chandrabose is a Senior Lecturer at the Department of Social Studies of the Open University of Sri Lanka (OUSL). He introduced the Certificate in Social Harmony course for undergraduate students of the OUSL, through a World Bank-funded project on Higher Education for the Twenty-first Century (HETC) of the Ministry of Higher Education, Sri Lanka. His primary research interests are in the area of the plantation community, rural labour, social welfare and Indian Tamil culture in Sri Lanka.

Zainab Ibrahim is a feminist activist and researcher based in Sri Lanka, with a primary focus on issues of gender equality and women's rights. Her most recent work includes co-creating a platform to document violence against women, girls, and trans people in technology-related spaces. She holds a Master's Degree in Development Studies from the Tata Institute of Social Sciences, India.

Mythri Jegathesan is an Assistant Professor in the Department of Anthropology at Santa Clara University, California. She has conducted field research on the work and life experiences of Hill

Country Tamil women workers in Sri Lanka since 2008. She holds a PhD in Cultural Anthropology from Columbia University. She is the author of *Tea and Solidarity: Tamil Women and Work in Postwar Sri Lanka* (University of Washington Press, 2019) and has published in *Anthropological Quarterly, Dialectical Anthropology, Himal Southasian*, and *SAMAJ: South Asian Multidisciplinary Journal.*

Letchumanan Kamaleswary has a Bachelor's degree in Sociology from the University of Peradeniya and is currently following a Master's degree in Development Studies at the University of Colombo. She was selected for the United Nations OHCHR fellowship Programme on Minorities in 2015. She is currently working as a Senior Programme Officer at the Centre for Equality and Justice (CEJ), Colombo.

Ponniah Logeswary is the Chief Programme Coordinator of Human Development Organization, Kandy. She holds a Diploma in Human Rights and a Bachelor's degree in Political Science. She was a steering committee member in Asia Rural Women's Coalition and Women's Political Academy. She has been doing studies on Plantation and minority women in Sri Lanka.

Periyasamy Muthulingam is Executive Director of the Institute of Social Development and founder of the Tea Plantation Workers' Museum and Archive. He has written over five hundred articles on the Hill Country Tamil Community and a book on the Dravidian movement of Sri Lanka.

Buddhima Padmasiri is a Lecturer in the Department of Social Studies at the Open University of Sri Lanka and an Attorney-At-

Law. She holds a Bachelor's degree in International Relations from the University of Colombo and Master's degree in Conflict, Security and Development from King's College, London University.

Anton Piyarathne is a senior lecturer in Anthropology and Sociology attached to the Department of Social Studies of the Open University of Sri Lanka. He has written two books on the estate Tamil community in Sri Lanka: *Wathukaraya, Kamkaruwa Saha Wenaswana Jeewana Ratawa (Plantation, Labourer and Changing Livelihood Pattern)* (2005) and *Between Inner and Outer Worlds* (2008). His most recent book is titled *Constructing Commongrounds: Everyday Lifeworlds Beyond Politicised Ethnicities in Sri Lanka* (2018).

R. Ramesh BA (Hons), MRDP, PhD, is a senior lecturer at the Department of Political Science, University of Peradeniya, Sri Lanka. His teaching and research interests are mainly on governance, public service delivery, institutional trust, corruption and the plantation community. He has published both locally and internationally on the above areas and recently co-edited a volume (in Tamil) to mark 150 years of tea in Sri Lanka.

Balasingham Skanthakumar is a member of the Social Scientists' Association (SSA) in Sri Lanka. He has published on plantation communities; the political economy of development; human rights; Muslim personal law; labour relations; and the Left movement. He received an LLB (Hons.) and an LLM from the School of Oriental and African Studies, University of London.

Up-country Tamils:
Charting a New Future in Sri Lanka

Daniel Bass

Since their ancestors' arrival on the island in the nineteenth century, Up-country Tamils have lived at the margins of Sri Lankan society and politics, while being an integral part of the country's import-export economy. This book, like the August 2017 conference on which it is based, focuses on the ways in which Up-country Tamils continue to be marginalised, how far they have entered the mainstream, and the difficulties that they have faced along the way. The present moment provides an opportune time for considering the role of the Up-country Tamils, and the interactions between majority and minority, and between margin and mainstream in contemporary Sri Lanka. In the ten years since the end of the war in May 2009, most political and academic debate and discussion about ethnic reconciliation have centred on a simplistic Sinhala-Tamil binary, ignoring other ethnic groups and the multiplicity of Tamil identities on the island.

Background

What does it mean to be a Tamil in post-war Sri Lanka? The end of the war brought some relief concerning the most pressing issues the country faced in the past three decades in ending the brutal violence that caused the deaths, debilitation, and displacement of thousands of Sri Lankans. Yet, it has not resolved many issues relating to majority-minority relations

and power sharing in the post-colonial Sri Lankan state. Despite numerous political proclamations and a major change in government, limited progress has been made in regard to post-war ethnic reconciliation in the country.

Up-country Tamils are the descendants of migrant workers from South India, who travelled to Ceylon between the 1830s and the 1930s, to work on coffee, tea, and rubber plantations in the island's central highlands, loosely identified as the Up-country. At Independence in 1948, the population of Up-country Tamils formed a majority of the Tamil population of Sri Lanka, but other communities often saw them as Indians insufficiently rooted in the country. This perception became a reality with the passage of the Citizenship Acts in 1948 and 1949, and repatriation of approximately 40 per cent of the community, starting in 1967. The outbreak of the war in 1983 ended repatriation, but led to further problems, as violence engulfed much of the island.

This book addresses the many problems that Up-country Tamils face in contemporary Sri Lanka, politically, economically, and socially, as well as the historical origins and structural determinants of their current predicament. The individual chapter authors pay particular attention to the changes that have taken place for Up-country Tamils since the end of the war in 2009, and their implications for the future of the community. At the time of writing this introduction, in the immediate aftermath of the April 2019 Easter attacks, reconciliation seems like an ever more distant dream. Yet, the analyses in this book, focused on Up-country Tamils' precarious position in twenty-first century Sri Lanka, are still salient as Sri Lankans come to terms with a new social and political reality.

Since 1911, "Indian Tamil" has been the official term that the government of Sri Lanka has used to identify this community. While this term explicitly refers to their historical origin, it implies that the community is non-indigenous, and, therefore, not truly Sri Lankan. Such a view underlined the move after independence to deprive this community of citizenship. As a corrective to this, the term "Indian-origin Tamil" came to be used as a self-referent over the course of the twentieth century, especially among Colombo-based elites of Up-country origin. In contrast, the terms "Plantation Tamil" or "Estate Tamil" refer to those who still live and/or work on the estates, and who continue to make up approximately 80 per cent of the total population in the community. Few choose that identification, since it has negative and derogatory connotations. Over the past few decades, "Up-country Tamil", a translation of the Tamil term "*Malaiyaka Tamil*", has become a preferred term, since it includes not only those Tamils on the plantations, but also those historically connected with them but living in other areas in Sri Lanka. It stresses their attachment to their present place of residence as against the country of their ancestral origin, with which fewer and fewer Up-country Tamils continue to have any connection.

Although the majority of Up-country Tamils still live and or work on tea plantations, they increasingly identify with the Up-country as a whole, and not just the estates. In both colonial and post-independence Sri Lanka, the governing authorities viewed Up-country Tamils as an alien community, thus legitimating their continued economic and political marginalisation. In contrast to their official (census) designation as Indian Tamils, their self-identification connects them to the places where they were born,

have lived in and worked for generations. In doing so, Up-country Tamils assert their firm foundation in Sri Lanka, although their fellow Sri Lankans may not necessarily share these sentiments. Up-country Tamils have regularly asserted their identity as Sri Lankan citizens, yet often they are made to feel that Sri Lanka is neither their home nor their homeland even after the end of the war.

Examining the Past and Present: Charting the Future

In addressing issues of belonging, citizenship and identity, this volume also focuses on the political economy of the plantation system in the era of globalisation. The privatisation of the plantations in 1993 initially brought significant capital investment after years of stagnation, neglect, and mismanagement under government ownership. Tea is no longer Sri Lanka's main foreign exchange earner, having fallen behind garment exports and remittances from workers abroad. Twenty-six years after privatisation, Sri Lankan tea plantations are at a crossroads, as they encounter a changing global market and deteriorating local infrastructure. Many plantations have found new economic opportunities in tourism, specialty marketing, or planting other crops. While all stakeholders agree that the present plantation system is not economically sustainable in its current form, no consensus has emerged about what changes need to be introduced, especially in order to retain the resident workforce increasingly reluctant to work on the plantations under the existing terms and conditions.

While tea plantation workers are paid more than what was paid to previous generations – their base Rs700 daily wage (as of

February 2019) does not go very far, due to inflation and the rising cost of living. Mobilised by social media, many estate workers, and their family members and supporters in Colombo, had vigorously protested for a Rs1,000 base daily wage, starting in October 2018, but their demands fell on deaf ears among union leaders and plantation companies. The disconnect between workers and their supposed representatives in the estate unions points to potential further conflict, or even the formation of new political and economic solidarities.

Furthermore, tea estate workers' working conditions, housing, and medical care on the plantations have not improved significantly in decades. A majority of tea plantation workers are women, and it continues to be one of the few jobs accessible to Up-country Tamil women born into the plantations. The large numbers of women in the plantation workforce gives it a gendered as well as class and ethnic character. Traditional, patriarchal gender norms persist in the Up-country, as is the case throughout the island, especially involving household chores as a woman's duty, side by side with long work hours in the plantations. The changing labour dynamics on the plantations and the increased outmigration to urban areas, overseas employment and for education receives considerable attention from contributors to this volume.

Few Up-country Tamils want to work on tea plantations, if they have any other options. In recent decades, thousands of Up-country Tamils have migrated to urban areas, especially Colombo, for work in garment factories and in the informal economy, especially domestic work for women and shop assistants, drivers, and construction labourers for men. Among Colombo elites, the Up-country is renowned as a source, not only for quality tea, but

also for domestic workers. While Colombo work has relatively high status in the Up-country, especially in comparison to estate work, these new forms of labour are neither organised nor protected by existing labour legislation. While many Up-country Tamils live and work in Colombo and other urban areas on the island, most still consider the Up-country their home, especially since part of the family remains anchored in the plantations. This continued connection with the Up-country became apparent during the protests for a Rs1,000 daily wage in Colombo between October 2018 and February 2019. Virtually none of the protesters was a current estate worker. Rather, former workers or family members of current workers took to the streets to display their solidarity with their relations who remain working on the estates.

During the war years, the continued violence was clearly a major impediment to political and economic development in the Up-country as well as elsewhere in Sri Lanka. Over the past several years, some deeper structural problems have emerged. The Up-country has not witnessed the economic boom seen in Colombo, and this book addresses some of the various reasons for this situation and possible ways to overcome the resulting regional and social imbalances. In addition, as plantation trade unions have entered parliamentary politics their role as political parties has meant that they relate to their constituents more as voters than as workers. Up-country Tamils increasingly view their unions as more invested in power dynamics at the centre and preserving their own power and vested interests than in serving their constituencies, yet no other viable alternatives are currently present in the Up-country.

Many changes in the Up-country in recent years were caused by broader technological changes and globalisation processes rather than by local political and economic processes. The spread of mobile phones, digital television, and internet access throughout Sri Lanka, even to Up-country tea estates, has dramatically changed Up-country Tamil society and culture. Migrants to Colombo are now able to maintain contact with their friends and family in the Up-country much more easily than before. Up-county Tamils now have access to a range of Tamil-language news and entertainment avenues, unlike in the past when they were limited to popular Tamil cinema. This global access has not necessarily led to cultural homogenisation, though it has forced Up-country Tamil leaders to be more proactive in protecting and promoting Up-country Tamil musical, literary and other artistic traditions. In the face of rapid changes, many communities try to reinforce and reinvest in those aspects of culture that make them distinctive from their neighbours. This process alters cultural practices, changing everyday activities into expressions of cultural traditions and ethnic identification.

Plan of the Book

This book is based on a conference titled "Up-country Tamils: Charting a New Future", held at the International Centre for Ethnic Studies in Colombo, 2-3 August 2017. Some, but not all, of the chapters were initially presented as papers as part of this conference. The chapters in this book are organised into three sections: *The Politics of Place*, *The Gender of Labour*, and *Beyond the Plantations.*

The first section, *The Politics of Place*, focuses on recent political developments among Up-country Tamils, such as the limits of citizenship, problems with public services, and the lack of justice. These issues are rooted in Up-country Tamils' identification with the Up-country, and their perceived lack of integration in and identification with the rest of the island. The chapters by Daniel Bass, Ramasamy Ramesh, and Letchumanan Kamaleswary highlight the numerous political problems that Up-country Tamils have faced in the post-war years, but also point to the various ways that Up-country Tamils have worked to ameliorate the alienation and suffering, as well as official indifference, faced by the community.

In the second section, *The Gender of Labour*, authors analyse how Up-country Tamil women engage with work, whether on the estates, in the informal sector, in garment factories, or at home. While other chapters do discuss gender issues, the authors in this section, A. S. Chandrabose & S. Logeswary, Mythri Jegathesan, and Zainab Ibrahim & Buddhima Padmasiri, employ gender as a primary frame of analysis for the social and economic life of Up-country Tamils. The majority of Up-country Tamils still live and/or work on tea estates, which have been unionised for decades, yet the unions do not necessarily put the needs and goals of estate workers at the forefront, as the fight for a Rs1,000 daily wage indicated. Most estate workers are women, who face numerous impediments to education and employment outside of the estate sector.

The third section, *Beyond the Plantations*, shifts the focus from the Up-country itself to Up-country Tamils in the Western, Northern and Eastern Provinces. Up-country Tamils have lived in

Colombo for decades, and urban migration has been increasing in recent years. Beginning in the 1970s, many Up-country Tamils moved to the North and East, searching for safety and community in Tamil-majority areas. Up-country Tamils outside of the Up-country have conflicted senses of home and belonging, which affects their political activities, as Anton Piyarathne and Periyasamy Muthulingam explore in this section.

Conclusion

This book does not claim to encompass the breadth of issues that concern many Up-country Tamils, nor the full range of perspectives on how to interpret and respond to them. Nevertheless, it marks a departure in the not insubstantial literature on the community. There is within it a conscious loosening of the identification of Up-country Tamils with Sri Lanka's foremost agricultural export crop and with the plantation as a unit of production. The increased mobility of the community and their dispersal as well as settlement outside of plantation districts has de-homogenised them. This is welcome and overdue. Also, members of the community are themselves represented among the authors. No longer is it tenable for Up-country Tamils to be written about without also including their own activists, practitioners, and scholars. Forthcoming research on the Up-Country Tamils of Sri Lanka must move beyond traditional narratives and train a more dynamic and nuanced lens to chart the future of their journey on this island.

The Politics of Place

1.

Charting Uncertain Futures: Diaspora, Citizenship and Belonging among Up-country Tamils

Daniel Bass

As Sri Lanka slowly emerges from decades of war and years of corrupt authoritarian rule, Up-country Tamils' place in the country remains unsettled. Up-country Tamils have lived on the margins of Sri Lankan society since their ancestors' arrival from India generations ago, but they are charting a new future for themselves in twenty-first century Sri Lanka. In this chapter, I discuss how their plan for this new future is built on mapping the recent past.

I first discuss how Up-country Tamils have formed what I term a "diaspora next door". I suggest that a productive way of analysing Up-country Tamils precarious position is viewing them as part of a larger Indian plantation worker diaspora. I then turn to three key aspects of Up-country Tamils diasporic condition: the limits of local government, discussions of demographic changes, and permutations of party politics. The rise of a distinct Up-country Tamil identity in the latter part of the twentieth century provided new ways to conceptualise their identification with the island without renouncing their Indian history and heritage. In this chapter, I examine how this identification interacts with historical and contemporary debates about who is counted as Sri Lankan, building on my earlier work (Bass 2012, 2016).

Repositioning Up-country Tamils as a diasporic community provides a comparative framework to understand alternative possibilities for Up-country Tamils future on the island. Just like other communities comprised of descendants of colonial-era Indian plantation diasporas, in Fiji, Malaysia, Mauritius and Trinidad, Up-country Tamils have faced similar problems of displacement, battles over citizenship, and struggles for their rights. I posit that Up-country Tamils form a "diaspora next-door" to their ancestral homeland. Most comparative scholars of Indian diasporas (Carter and Torabully 2002; Rai and Reeves 2009; van der Veer 1995; Vertovec 2000) have, by and large, also neglected to include Up-country Tamils in their analyses, with the notable exception of the comprehensive *Encyclopedia of the Indian Diaspora* (Lal 2006). This absence is usually because of Sri Lanka's long-standing historical and cultural links with India, which is, after all, only forty kilometres away. However, India was just as imagined for nineteenth century Tamil plantation workers born in Sri Lanka as it was for Indians in Malaysia, Mauritius, and Trinidad.

Diasporas next door are actually quite common around the world. Besides Up-country Tamils in Sri Lanka, examples of diasporas next door include the Irish in England, Palestinians in Jordan, and Koreans in Japan. All of these groups have lived in neighbouring nation-states for generations, a short distance away from their proverbial homeland. The recent migration of Syrians to Turkey, Lebanon, and Jordan may lead to similar diasporas next door, if significant numbers of their descendants remain in these new lands.

Besides Sri Lanka's physical closeness to India, the other major reason why scholars have not always analysed Up-country Tamils as part of a diaspora is the island's large population of Sri Lankan Tamils. This dominant ethnic nomenclature implicitly denies a certain Sri Lankan-ness to Up-country Tamils. Although Up-country Tamils were a majority of all Tamils in Sri Lanka until the 1960s, the government has consistently labelled them as "Indian Tamils" since the 1911 census, and thus implicitly not really Sri Lankan.

In contrast, I argue that being Indian and being Sri Lankan are not mutually exclusive identities. Being part of the Indian diaspora does not preclude Up-country Tamils' being part of Sri Lanka. A central part of the diasporic condition is the cultural and social connection to more than one place at the same time, but one's present location shapes how one views one's homeland. For example, Viranjini Munasinghe (2001, 259) argues, "to be Indian in Trinidad—what it means to be ethnic in practice—is also to be Indian in an unmistakably Trinidadian fashion". Up-country Tamils interactions with their fellow Sri Lankans over many generations have shaped how they understand their links to India and how they identify with Sri Lanka.

Although Up-country Tamils in Sri Lanka did become a diaspora next door, I am not arguing that geographical distance from India was irrelevant to diasporic identity formation. While the voyage from India to the Caribbean took several months in the late nineteenth century, it took just a few weeks to travel to Sri Lanka. The structures of recruitment for indenture also selected for a predisposition to individualism, since most of the migrants

were young men who left their villages and families behind, leaving them free to alter their identities in the diaspora (Jayawardena 1971, 92). In contrast, contract-based *kankani* systems in Sri Lanka and Malaysia encouraged group migration, including neighbours, relatives, or even entire families.

Up-country Tamils endured displacement and discrimination as part of the diasporic process, not just due to their physical migration from India, but also because of their experiences in Sri Lanka. In both colonial and independent Sri Lanka, governing authorities viewed Up-country Tamils as an inassimilable other, thus legitimating their continued economic and political marginalisation. Up-country Tamils have become emplaced in the diaspora, yet have been made to feel that Sri Lanka is neither their home nor their homeland. I have elsewhere elaborated further about how this situation compares with those of Up-country Tamils' cousins in Malaysia, Mauritius, Fiji, and Trinidad (Bass 2012, 22-47), but I will next focus on some specific examples of ways that Up-country Tamils are charting a new future by mapping their past.

In recent years, many Up-county Tamil activists and politicians have highlighted one fundamental area in which Up-country Tamils, or at least those still living on estates, are not equal citizens of Sri Lanka. In terms of local government, estates were not included in the *Pradeshiya Sabhas* Act until late 2018, depriving Estate Tamils of the public services received by other Sri Lankans. Since the colonial era, the government has treated tea estates as economic entities where the normal rules do not apply. While *Pradeshiya Sabhas* were only established in 1987, they are built upon earlier Village Councils, which similarly

excluded estates as private entities (Ramesh, Sathis, and Pradeep 2011, 2). Tea estates are in many ways more like Free Trade Zones than the surrounding countryside. However, key differences do exist. Notably, estate workers have had trade unions since they were legalised in the 1930s, while unionising is stifled in Free Trade Zone garment factories. Nevertheless, the colonial legacy of estates as separate from the rest of the country remains partly intact. Estate residents were counted in terms of apportioning local government representation, but could not avail themselves of local government services until just recently – and even now, only with the permission of the estate management.

International NGOs, rather than the Sri Lankan government, have funded most of the development work on estates in recent decades, especially in education. As Joseph, an Up-country Tamil politician explained to me, "Only now they are doing some road development and other things ... but it is not treated as a village, like down South or the North East or anywhere in the country". To Up-country Tamils, estates are their homes, but to outsiders, including government officials, they are primarily commercial operations. Since privatisation of the plantations in 1993, the central government has increasingly neglected up-country tea estates, leaving them to their corporate masters and concentrating attention on low- and mid-country tea estates, which are primarily owned by Sinhala smallholders.

In spite of good intentions, the push for greater local governance is not likely to succeed for reasons both internal and external to the up-country. Internally, there is little push for greater local government representation at a grassroots level. Most Up-country Tamils are unaware of the inequality that persists in

local governance. Even with education efforts, some may not feel that the effort required to force this change is worthwhile or even attainable. While a palpable sense of inequality and incomplete citizenship can mobilise people, local government representation is usually not forceful enough to galvanise a movement.

Pressure from within the community is critical due to external factors that could easily frustrate these reforms. Many Sinhala leaders are likely to be hesitant to grant greater local power to Up-country Tamils, since that would diminish the representation of Sinhalas in up-country *Pradeshiya Sabhas*. Joseph acknowledged that Up-country Tamil leaders have to motivate their constituency carefully, as not to ruffle any feathers among Sinhala leaders:

> "The other thing is now, if we go straight away for these regional councils or provincial councils, the people will be disturbed, the people in the sense of the majority community leaders. They don't like to give power to our people. So they don't want to introduce this federal system or this provincial council system, or regional council system, whatever the power sharing, they are against it. So I thought that at the grassroots level, if you try to bring this local government as a power-sharing unit, then we can have something there".

Furthermore, *Pradeshiya Sabhas* have limited power and limited funding, and much more local development work is conducted through the Divisional Secretariats, which represent the central government at a local level (Uyangoda 2012, 367). These two administrative units share boundaries, but have vastly different roles in the lives of residents. While Divisional Secretariat officers boast that they are present in citizens' lives from birth to

death, *Pradeshiya Sabha* members are peripheral to the life of most Sri Lankans, who tend to see them as corrupt, inefficient, and out of touch (Uyangoda 2012, 375–377). *Pradeshiya Sabhas* have limited revenue, and so can only do limited things, but even those small improvements would be significant changes for Up-country Tamils, and the potential foundation on which to build greater participation in and returns from the democratic process.

While these problems indicate the various ways that Up-country Tamils remain second-class citizens, many Up-country Tamil leaders are also concerned about dwindling demographic numbers, which is a common concern among minority populations. The decennial census has perennially undercounted Up-country Tamils due to their marginality, but also because many identify as "Sri Lankan Tamils" to census officials. This is partly because the official name for the community remains "Indian Tamil", which has little meaning or relevance to most Up-country Tamil youth. In the summary report of the 2011 census, census officials even admitted that "It was documented that some Indian Tamils have misreported as Sri Lankan Tamils during the Census 1981", the last reliable island-wide census before 2011 (Bandara 2012, 73). Yet, this has been a trend for decades, as Up-country Tamils having become Sri Lankan citizens came to identify as "Sri Lankan Tamils"; and the 2011 census simply reflects and extends these developments (Bass 2012, 61–63). Table 1 shows the sharply declining number of "Indian Tamils" in recent decades, despite the steady growth in the total number of Tamils on the island.

Table 1. Tamil population of Sri Lanka, 1881–2011
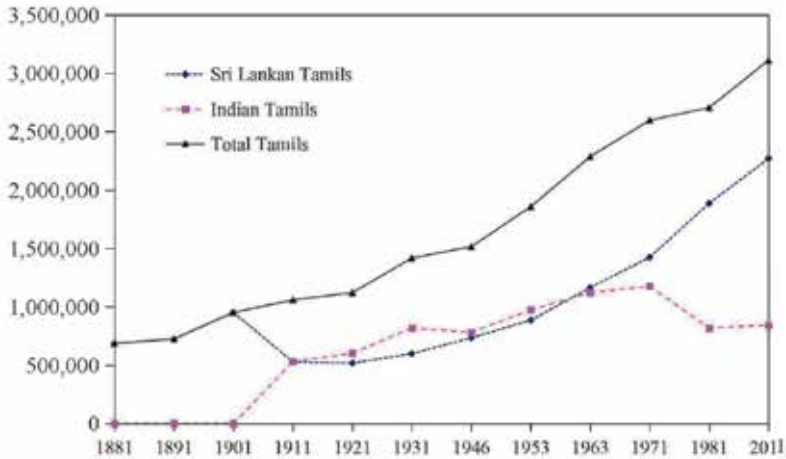
In contrast with other ethnic groups in Sri Lanka, the population of "Indian Tamils" barely grew between 1981 and 2011. The average annual growth rate for Indian Tamils was just 0.09 per cent, compared with 1.04 per cent for Sinhalas, 0.60 per cent for Sri Lankan Tamils, and 1.87 per cent for Muslims, still officially called "Sri Lankan Moors" (Bandara 2012, 68). The critical question here is why this was the case. Significant numbers of Up-country Tamils must have identified as Sri Lankan Tamil and many others migrated elsewhere, especially to India, either as refugees or repatriates, but one single reason is unlikely to explain this decline.

This shift in ethnic identifications between 1981 and 2011 is further reflected in the number of Indian Tamils residing in the Northern Province. While the Indian Tamil population of Jaffna district was 0.7 per cent in 1981 and only 0.1 per cent in 2011, other districts showed even greater changes (Bandara 2012, 70).

Mannar district went from being 13.0 per cent Indian Tamil in 1981 to 0.4 per cent in 2011, Vavuniya from 19.6 per cent to 0.8 per cent, Mullaitivu from 14.5 per cent to 2.4 per cent, and Kilinochchi from 16.4 per cent to 1.5 per cent (Bandara 2012, 70). Many of those self-identified Indian Tamils likely left for India as refugees, and others may have migrated to Colombo or the up-country, but such a drastic drop cannot be totally explained by out-migration. Unfortunately, numerous Indian Tamils who lived in these districts in 1981 probably became victims of the war and were no longer alive to be counted in the census of 2011. But the most likely explanation for this demographic shift is that the experience during the war led these Indian Tamils to identify as Sri Lankan Tamils, not just in the census, but also in everyday life.

These tensions in identification were present during an interview that I had with an O-level Tamil language teacher at a school near Ragala. When I asked, "Do you say you are Up-country Tamil or do you say you are Indian Tamil?" she unequivocally responded, "Up-country Tamil". She explained that she lives in the up-country, and that her link to India is not very strong. Yet, when I next asked if she preferred to call herself "Sri Lankan Tamil" or "Up-country Tamil", she said "Sri Lankan Tamil", since the up-country is part of Sri Lanka, and "it is not necessary to separate from Sri Lanka". She had a broad view of these ethnic identifications, choosing the most far-reaching possible identity, rather than narrowing on the specific differences, as is common in academic analysis. Ethnic labels mean different things in different contexts and many Up-country Tamils will sometimes identify as Sri Lankan Tamils, since they are citizens, ignoring the official associations of this term.

Despite this, many Up-country Tamil leaders feel that these demographic changes are part of larger, intentional discriminatory government policies. Joseph, the Up-country Tamil party leader told me, "If you take this population-wise, the government manipulation is there. Up-country people register themselves as 'Indian Tamil', some [government officials] don't like this and mark them as Sri Lankan Tamil". While he acknowledged Up-country Tamils' reticence associated with the stigma of being marked as an "Indian" Tamil, he blames government officials as much as individual Up-country Tamils. Such conspiracy-minded thinking is widely prevalent in Sri Lankan politics (Bass 2012, 17–18), and developments post-war have only furthered and legitimated such views.

Some Up-country Tamils leaders argue that pernicious government birth control policies have limited the population of the community. While the government has been negligent in providing fully informed consent for birth control practices in the up-country, this has not been an intentional policy, as much as one born out of neglect and indifference (Bass 2008). However, even if Up-country Tamils were victims of purposefully discriminatory methods of population control, it cannot statistically explain the entire decrease in the "Indian Tamil" population documented in the last census.

Many scholars and activists estimate that Up-country Tamils made up about 7 per cent of the island's population in 1981, not 5.5 per cent as officially counted, and should account for a similar proportion today (Bass 2012, 63; Chandrabose and Sivapragasam 2011, 20). Some blame the census for being incompetent at best, and biased at worst, when it comes to counting Indian Tamils. Yet, the instructions for census workers in 2001 clearly stated, after

listing the various ethnic options, "The Tamils of Indian origin are classified as Indian Tamils, even though they or their parents may have obtained Sri Lanka citizenship by registration" (Department of Census and Statistics 2001, 3). While census employees may not have acted as instructed, the misidentification is just as likely due to individual Up-country Tamils claiming to be Sri Lankan, as malevolence or incompetence on the part of census officials.

The fact that fewer Up-country Tamils were officially counted in the 2011 census is inarguable. What is arguable is why this was the case, though multiple factors are clearly involved, including identification as Sri Lankan Tamil, out-migration from the island, and decreasing family size. Whether any of these changes are positive or negative is another matter. For many Up-country Tamils, lower population statistics are an index of their decreased power in post-war Sri Lanka. Not only is the majority community not listening to minority concerns, but also there are now, at least officially, numerically fewer ethnic minorities to voice those complaints. Yet, all hope is not lost, and recent developments in Up-country Tamil parliamentary politics offer some potential possibilities.

Despite a history that might indicate the contrary, Up-country Tamils have consistently trusted in the power of government and democracy to enact change and improve conditions for their community. During the war, Up-country Tamil political leaders regularly invoked their faith in working within the system, in contrast to separatists fighting to create Tamil Eelam. From the revocation of their citizenship after Independence, to the repatriation of nearly 40 per cent of the community in the 1960s and 70s, to the violence of the civil war, Up-country Tamils

have suffered massively at the hands of successive Sri Lankan governments. Yet, an overall sense of faith in parliamentary politics persevered, since Up-country Tamils have so few viable options available.

The 2015 election of President Maithripala Sirisena and the subsequent United National Front victory in parliamentary elections opened up new possibilities for Up-country Tamils, as it did for all Sri Lankans. Yet this initial optimism was balanced by widespread concern that development dollars and political attention would be further focused on the North and East, pushing the up-country aside yet again. However, recent changes in up-country politics since 2015 highlights Up-country Tamils' faith in the electoral process and in Sri Lanka, even after decades of discrimination and broken promises.

Successive Sinhala-dominated governments have regularly disappointed Up-country Tamils, who have also become increasingly disillusioned with traditional political formations in the up-country. Up-country Tamil political parties, led by the Ceylon Workers' Congress (CWC), have become creatures of Colombo, just like Sinhala-led parties, focusing more on patronage and power than on delivering services to citizens. Benefits flowed less to these politicians' constituencies, and more and more to the politicians themselves, in the forms of ministerial postings and perks, and patronage for friends, relatives, and supporters, to more illegitimate benefits, such as bribery and corruption. These trends continued unabated and uninterrupted under President Mahinda Rajapaksa, only to hit a startling speed bump with the 2015 presidential and parliamentary elections.

While the CWC has dominated Up-country Tamil politics for decades, its power has been slipping ever since Saumiyamurthy Thondaman's death in 1999. Although Arumugam Thondaman has inherited his grandfather's ability to shift with the political winds and ally himself with whichever party is in power, he has done so with increasingly diminishing returns, for the up-country, at least, if not for himself. Of course, numerous other parties have always been active in the up-country, though it is only recently that they have been able to secure a major political presence in government.

The political success of these other Up-country Tamil parties is a healthy sign of democracy that will have long-term benefits for the community, but it has until recently tended to be a source of division. Successive governments have been adept at playing various Up-country Tamil political parties against each other, further diluting their power and increasing their reliance and allegiance to governing coalitions. Despite these developments, Up-country Tamils in general have much more faith in the power of democracy than other ethnic groups on the island. While over three quarters of Up-country Tamils in a 2004-2005 survey felt that their votes could make a difference, the highest of any ethnic group on the island, they also had the lowest level of satisfaction with democracy among all ethnic groups (Uyangoda and Peiris 2009, 69–71). Up-country Tamils strongly believe in democracy's ability to enact change in theory, but are regularly disappointed by democracy in practice.

Multiple, overlapping reasons explain why Up-country Tamils retain strong beliefs in the power of electoral democracy. First, after struggling for decades to regain citizenship and the

right to participate in electoral politics, Up-country Tamils hold that privilege in very high regard. Having lost this ability for generations, it is not something to be taken lightly. Second, Up-country Tamils tend to value political participation since it is one of the few avenues that they have available to enact change in their lives. In recent decades, estate trade unions have become increasingly complacent, with union actions more related to leaders' political positions than to improving the lives of workers. Additionally, fewer and fewer Up-country Tamils live and/or work on the estates, further reducing unions' power and appeal. Third, the end of the war brought increasing political and economic attention to the North and East. While these areas undoubtedly need the development, the feeling among many Up-country Tamils is that they are being pushed further to the margins as Jaffna Tamils reclaim space in Sri Lankan politics and government.

In June 2015, the Social Scientists' Association conducted a multilingual survey of 1,500 households across 44 electorates in 22 electoral districts to gauge the island's *Political Weather Analysis* (Social Scientists' Association 2015). The ethnic breakdown of the survey reveals two notable instances where Up-country Tamils' responses differed significantly from those of other ethnic groups. When asked whether relationships between ethnic communities will improve under Sirisena's presidency, overall 66 per cent believed it would, with 12 per cent feeling ethnic relationships would greatly improve (Social Scientists' Association 2015, 21). Breaking this down by ethnicity, Up-country Tamils felt the strongest, with 88 per cent saying that it will improve or greatly improve, with nearly 33 per cent saying it would greatly improve (Social Scientists' Association 2015, 21).

In contrast, regardless of ethnicity, 49 per cent of respondents were of the belief that the interests of their particular ethnicity were better served in 2015 compared to one year before, but this figure differed strongly among ethnic groups (Social Scientists' Association 2015, 18). Only 33 per cent of Sinhalas felt that the interests of their community were more ensured or more greatly ensured in June 2015 compared to a year before, whereas a very significant number of minority participants, 79 per cent of Sri Lankan Tamils and of Muslims, but only 61 per cent of Up Country Tamils, opined that their interests were more ensured compared to the previous year (Social Scientists' Association 2015, 18).

Somewhat paradoxically, Up-country Tamils were more likely to say that interethnic relationships would improve under Sirisena's presidency, yet they were less likely than other ethnic minority communities to feel that the interests of their own community were ensured. In other words, while Up-country Tamils were more optimistic and hopeful about overall ethnic relations in Sri Lanka, they did not necessarily believe that those improvements, which are usually plotted on Sinhala-Tamil axes, would have space to address Up-country Tamil interests. They are more hopeful for the future of the island than ever, but do not feel that overall improvements in post-war ethnic relations will improve their own situations.

For the twenty-six years that the war lasted, it appeared obvious to many Sri Lankans and scholars, myself included, that the war presented countless limits on Up-country Tamils' everyday lives and its end would bring not only peace but also prosperity. But these problems have persisted since May 2009. Just as the

end of colonialism and the establishment of independence did not automatically resolve the many problems of colonialism, the end of the war did not resolve all the issues behind the conflict. Similarly, Mahinda Rajapaksa's electoral loss in 2015 did not automatically end the structural and social violence that his authoritarian policies engendered.

While the presidential election was a major change for politics island-wide, the parliamentary elections in 2015 may have presented a bigger change for the up-country. For the first time in Sri Lankan history, the CWC was no longer the largest Up-country Tamil political party in parliament. This change was made possible due to the formation of the Tamil Progressive Alliance (TPA), which united the second, third and fourth largest Up-country Tamil political parties: the Up-Country People's Front, the National Union of Workers, and the Democratic People's Front. This alliance is novel for several reasons, not only in that it secured eight seats in Nuwara Eliya, Badulla, Colombo and Kandy districts on the United National Front ticket, in comparison to the two seats that the CWC garnered solely in Nuwara Eliya district.

This is the first time that Up-country Tamil political parties have formed a successful electoral alliance, without the participation of the CWC, which tended to bully and overwhelm smaller parties when it was a partner in such initiatives in the past. Additionally, the name of the group does not indicate any regional identification, as seen in the Up-country People's Front, or a link to a trade union past, as with the National Union of Workers. This is a major shift, moving beyond the regional and union-based politics of the past, connecting Up-country Tamils as an ethnic

and political community, wherever they live and work. One major reason for this change is the presence of the Democratic People's Front, whose candidates won seats in Colombo and Kandy, indicating the increased Up-country Tamil constituency in these urban areas.

The success of the TPA is a landmark achievement in Up-country Tamil politics. Just as President Sirisena's election appeared to mark a transition from the party politics of the past towards a new, still indeterminate political configuration, so did the electoral success of the TPA. In the end, it takes more than just an electoral victory to change political culture, institutions, and practices on the island. The CWC may not currently be the dominant Up-country Tamil party, but they still have resources and connections to bring them back to power before too long.

In the past, when the CWC allied itself with the losing side during an election, they quickly did an about-face and joined the governing party, to increasingly diminishing returns. Historically the CWC has been able to shift with the political winds with remarkable speed and few repercussions, mainly because no other Up-country Tamil party was able to present itself as a credible alternative. The establishment of the TPA averted this possibility for now, but the CWC remains the largest trade union on the estates. In addition, it is an open question as to whether the CWC's association with the Rajapaksa government will benefit them or not in future electoral campaigns.

If the TPA succeeds in ways that its constituent parties have not been able to do before, they may meet the promise of parliamentary politics for Up-country Tamils for the first time in

generations, but the likelihood of this occurring has diminished greatly with every month of the Sirisena presidency. Like other communities in Sri Lanka, Up-country Tamils have struggled to chart a new future for themselves, despite the legacies of war and conflict that continue to undermine these efforts.

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2.

Incomplete Citizenship of the Plantation Community: Access to Governance Institutions and Public Service Delivery

R. Ramesh

Introduction

This chapter analyses the impact of the legal form of citizenship on access to social rights and legally mandated public services. A large body of literature argues that attaining legal citizenship is more likely to end years of marginalisation and discrimination of a previously stateless people, and furthermore provides avenues to access a range of rights and entitlements (Houtzager and Archarya 2010; Kymlika 1995). This chapter focuses on the context of Sri Lanka to analyse the impact of legal citizenship rights on access to governance institutions and social rights of the Plantation Community. This ethnic minority community has mainly lived and worked on tea and rubber plantations for over 200 years. While they may constitute a numerical majority in certain areas of central Sri Lanka, they were deprived of citizenship for five decades (since 1948), and the prolonged problem of citizenship was only fully solved in 2003 through the Citizenship (Amendment) Act, No 16 of 2003.

This chapter provides empirical evidence that plantation workers still encounter problems and challenges in enjoying citizenship rights in general, specifically social citizenship. They are therefore lagging behind in social development, subjective

human wellbeing, and social rights, though they hold the legal form of citizenship. This builds on earlier studies (Sivapragasam 2011; Kanapathipillai 2009; Kader 2017; Shunsuke 2013; Hettige 2003) which indicate that the Plantation Community have been living under privatised plantation management with limited access to administrative agencies and public services. Bass (2012, 75) argues, "Up-country Tamils have been unable to exercise their social citizenship rights since they often are excluded from official representations and discussions of Sri Lankan society, therefore, many people remain in poverty on the plantations".

This shows that the legal form of citizenship has had insufficient impact on subjective wellbeing, social citizenship, and access to governance among the people of the plantations. These studies, however, have not focused much on institutional variables or factors such as quality and working of public institutions, institutional characteristics (impartiality, fairness, and rule of law principles, effectiveness and institutional neutrality) and nature of public institutions, and their influence in accessing governance structures. These factors remain significant in measuring the quality of a government and citizens' access to public services (Rothstein and Teorell 2008). These variables are closely linked with theories of public administration and governance—the founders of the theory argue that citizens' access to governance structures highly depend on the impartial and fair working of public administration, and input (policymaking) as well as output side (policy implementation) of the policy process. Furthermore, they went on to argue that policy implementers and public officials from top to down shall adhere to the key principles of impartiality, fairness, and rule of law, which is a procedural norm, where public officials do not consider anything about citizens' status, ethnicity,

and other grounds and need to work in accordance with what is stipulated in the law and policy (Rothstein and Teorell 2008; La Porta et al. 1999). The two influential World Bank publications entitled *Voices of the Poor: Can Anyone Hear Us?* (Narayanan 2000) and *Performance Accountability and Combating Corruption* (Shah 2008) clearly demonstrate the influence of the above factors on citizens' access to governance in general and provide detailed account of diverse societies in particular where institutional and political factors continue to inhibit deserving communities from gaining access to legally mandated public services and social citizenship rights as rightful citizens.

In this light, this chapter aims to explore the impact of the legal form of citizenship in accessing governance and legally mandated public services from the quality of government perspective and to examine how far and in what manner institutional variables influence access. In this backdrop, the chapter poses the question like this: in which ways did legal citizenship and institutional variables influence the Plantation Community's access to legally mandated public services in Sri Lanka?

The central argument of the chapter is that provision of legal citizenship alone has not much improved the status of access to governance and social citizenship due to the low quality of governance structures in the country. This argument helps elucidate the significance of public institutions and their institutional working and attitudes in shaping access to social rights and governance in the Plantation Community. In other words, in some instances, the formal legal system or laws might have ensured equal status of rights, but the practice may be

different due to institutional environment, working, norms, attitudes, citizenship practices and behaviour. The chapter also examines the limitations in accessing governance structures and social rights in an ethnically stratified context of Sri Lanka.

The first part of the chapter provides the introduction and design of the paper followed by theoretical standpoints on the quality of government, whilst the second part analyses the empirical evidence, with a view to finding the relationship between access to governance, institutional variables, and quality of government and their influence on one another. The third part presents the conclusions, contribution, and implications of the study.

Methodology

This chapter is an output of a qualitative study carried out in Nuwara Eliya, Kandy, and Badulla districts between 2015 and 2016 for a period of eight months. The study was conducted as part of a PhD project titled "Citizenship rights, public service delivery and the quality of government in Sri Lanka", and my focus here is to present and analyse the qualitative data collected from purposively selected 54 respondents. The study areas and public institutions were selected in consultation with local leaders, civil society activists, and the public, along with access to data and geographical accessibility. Thus, I selected the following public institutions from central and remote locations to learn about the accessibility of public services, and the quality of institutions and services: District and Divisional Secretariat Divisions, *Grama Niladharis*, police, agriculture, hospitals, Education department, Samurdhi Office/Bank and Ceylon Electricity Board. I collected

the data through semi-structured and in-depth interviews, along with eight Focus Group Discussions (FGDs). The language used for preparing and administering the interview guides was English. A professional translator translated the guides into Tamil to facilitate respondents' understanding. I conducted a pilot study involving 15 respondents to test the validity of the interview guides.

For the interviews, I focused on various categories of respondents including plantation workers, non-workers who live in the estates, public officials, plantation management, political leaders, and civil society activists and youth, which helped minimise bias in the process of data collection and analyses. I also conducted FGDs in remote and central locations using different sets of questions, which lasted for one to one and a half hours, where six to ten participants, including plantation workers, civil society activists, teachers, and youth attended the discussion. I also maintained a gender balance in the entire data collection process—28 males and 26 females participated in the interviews and 33 males and 34 females in FGDs. Interview questions helped capture the key aspects of the study, and respondents freely expressed their own views and experiences. Respondents were selected from all ethnic groups based on the relevance, expertise, and availability of information. Thus, 18 Sinhalas and 37 Tamils were interviewed for this study and Sinhala respondents were mainly public officials, plantation managers, civil society activists and politicians, whilst Tamils respondents were estate workers, non-workers, trade union representatives, public servants, local politicians, civil society activists, and NGO workers. The FGDs mainly took place with estate workers, non-workers, youth, and plantation teachers.

Table 1: Comparison of Socioeconomic Status in the Estate Sector – 2016

Indicators	National	Urban	Rural	Estate
Mean Salary per month (Rs)	-	39,195	30,439	15,899
Mean household income per month (Rs)	62,237	88,692	58,137	34,804
Mean per capita income per month (Rs)	16,377	22,297	15,508	8566
Income receiver's mean income per month (Rs)	33,894	46,383	32,134	16,940
No. of income receivers in the household (%)	1.8	1.9	1.8	2.0
Household size (%)	3.8	4	3.8	4.1
Mean nominal household expenditure per month (Rs)	54,999	77,337	51,377	44,851
Poverty headcount (%)	4.1	1.9	4.3	8.8
Unemployment (%)	4.4	4.0	4.5	3.1
University Education (%)	6	-	-	0.3
Population that own a house (%)	83.7	-	90.4	5.6
Representation in civil service (%)	22%	-	-	1.1
Literacy (%)	93.1	95	93	85
Computer literacy (%)	21.6	35	19.9	6
Population with no schooling (%)	4	3	4	12
Population with O/L or equivalent (%)	17	21	17	7
Share of population with access to clean water (%)	82.8	-	84.3	55.1
Share of households without access to toilet (%)	1.7	0.2	1.8	4.6
Infant mortality rate (per 1000 live births) (%)	9.7	-	-	29
Low birth weight children (%)	16.6	-	-	31
Proportion of stunted growth children under 05 years (%)	18	-	-	40.8

Source: The author compiled the above table using various sources including the Ten-Year Development Plan (Ministry of Hill Country New Villages and Community Development 2016); Department of Census and Statistics (2017), World Bank, (2016) and Sri Lanka Tea Industry in Transition: 150 Years and Beyond (Wijayasiri, Arunatilake and Kelegama 2017).

Relative influence of citizenship rights in accessing public services

Although formal citizenship has enabled the Plantation Community to enjoy quite a few social rights, considerable socio–economic disparities, owing to lack of access to governance institutions and public services, still persist. This community therefore, is likely to perceive citizenship as a nominal entitlement, since it has not improved their subjective human and social well-being much, such as education, health, housing, employment and other basic services. The analysis of evidence shows that access to governance structures and their services remain a major grievance of this community. Table 1 compares the social development of the Plantation Community along with national-level indicators.

The table above indicates the degree to which public services penetrate into the plantation sector and the level of disparity. This explains that the legal form of citizenship seems to only be a symbolic equality or formal equality, which is unlikely to generate sufficient courses for equity and justice, where individuals of a particular ethnic group are found in unequal circumstances in terms of rights, entitlements, resources and services. In fact, symbolic equality is unlikely to allow deprived people to realise the substantive meaning of equality, which is about empowering capacity and opportunities of underprivileged groups, ensuring that citizens are given resources necessary to decide what they want, and ensuring equal chances.

In the late 1980s, due to constant demand, pressure, and resistance, the Sri Lankan government made some efforts to improve the social rights of this community by giving citizenship

rights on a limited scale, which had only a marginal impact on improving access to governance. Subsequently, the issue of citizenship or statelessness was solved in 2003, but this did not resolve other dimensions of legal citizenship rights such as access to governance, public services, social rights, and institutional and policy reforms so as to enable this community to enjoy social rights in a substantial manner on par with other citizens of the country.

Though there is superficial progress in some social indicators, government policies towards this community have not changed in reality, as this chapter shows. More importantly, three decades of protracted civil war also have had a negative impact on this community's social development, where successive governments did not pay much attention to the demands and aspirations of this community, as there was an intensive conflict with another minority. Therefore, governments concentrated largely on suppressing the conflict rather than addressing the demands of ethnic minorities. In fact, political demands of this community were seriously taken into policy and political forums only after the end of civil war. This becomes evident when we look at the social development of this community before and after 2009.

Drastic increase in political representation at all levels together with percentage of voters in this community also significantly influenced the structure and process of party and electoral politics of the country shortly after the civil war. This tendency invariably forced the ethnic majority leaders to hear the demands and voices of this community due to coalition politics persuaded by the present proportional representative system, where a single major political party could not secure a clear simple majority to form the government. This becomes evident when

we analyse the general election results since 1994. As a result of this pattern, not only plantation based political parties but other minority parties too became "king-makers" in national politics in the form of constituent partners of successive governments by using their vote base and representations. When we compare the situation of pre- and post-2009 trends, there has been some visible improvement in the social development of this community than that before 2009.

Nevertheless, it does not mean that the plantation based political parties and leaders did not have any influence in the national political process before 2009. For instance, in 2004 there were 10 MPs in parliament who represented the Plantation Community—of them, two were cabinet ministers[1] and seven had deputy ministerial portfolios including education, health, vocational training, justice, national integration, and postal and estate infrastructure development. Nevertheless, during this period, no huge changes, development or reforms took place in the sphere of governance structures in the plantations. Importantly, serious issues such as housing, land rights, legal discrimination, amending the *Pradeshiya Sabha* Act, and creating new governance structures (local authorities, divisional secretariat divisions) were not seriously taken into account when compared to the post-2009 context, though several proposals had been submitted time and again.

The post-2009 scenario opened up the avenues to put more pressure on social development and governance issues in many

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[1]   Arumugan Thondaman was Minister of Estate Infrastructure Development (Ceylon Workers' Congress–CWC) and Periyasamy Chandrasekaran was Minister of Community Development (Up-country People's Front–UPF).

spheres such as education, health service provision, housing, public sector employment and institutional and legal reforms. Amendment to the *Pradeshiya Sabha* (PS) Act, establishment of four new PS's in the Nuwara Eliya district, and a separate authority for plantation sector development, are some of the significant changes in the post-war context. Yet, there are limitations and institutional and structural issues in gaining access to social rights and developmental benefits in full. Furthermore, historical discrimation of this community since independence also remains another key factor in the slow pace of social development. This mainly includes the citizenship problem, disenfranchisement, language act, land reforms act, nationalisation of plantations, and then privatisation without adequate social security measures. Put differently, some of the structures, institutions, laws, and policies created during the period of statelessness continue to remain in practice in Sri Lanka, which continue to have an enduring impact on social citizenship rights of this community, together with governance.

It is safe to argue that persistent social stigma, pre-conceived notions, stereotyping, and social classification may not immediately disappear among a previously stateless people, and it can possibly continue to generate some form of psychological resistance to actively practice and enjoy citizenship rights. Empirical evidence (Ramesh 2018) suggests that a significant number of the Plantation Community still possess a sense of fear and an inferiority complex in accessing public institutions since they were left out from all forms of governance for about four decades. Importantly, even after slowly gaining citizenship rights, they had to encounter ill-treatment, disdain and discrimination.

Furthermore, they do have a strong feeling and preconceived notion that formal institutions are ineffective, inaccessible and disempowering. Similarly, this tendency is also caused by lack of competency in Sinhala language, especially among an older generation, where public institutions outside of the North and East are incapable of serving Tamil-speaking service seekers. This leaves the Plantation Community feeling powerless, unheard, and silenced. In addition, this community is not treated with special care or from the perspective of a marginalised community. There is no affirmative action or policy of positive discrimination to ensure speedy recovery from historical discrimination. They have to go through the same bureaucratic bottlenecks, incomprehensible rules, regulations, the need for documents to which they do not have access, and difficulties in accessing relevant information.

At the local level, there are plenty of public and local government institutions to serve the deserving communities in line with stipulated rules and regulations. Yet, in practice, such institutions do work in favour of local elites. They have direct access to and influence over local level officials and resist equal distribution of resources and government patronage to needy people. In such contexts, people of the plantations feel humiliated and excluded. This pattern is more likely to have an influence in public service DELIVERY and institutional working, which could increase the likelihood of limiting access to public services and social rights, though it has been slowly changing among the younger generation. Nevertheless, it does not mean that legal citizenship did not make any progress in this community. There has been some impact on the socio-economic and political spheres, though it is modest when compared to other communities.

Interestingly, the tendency has been changing among the younger generation, particularly those who are better educated. They claim equal citizenship in every aspect of governance structures. This becomes evident when we look at their tendency to seek public sector employment, their relationship with public institutions and Sinhala language competency, migration to urban areas and the Middle East, and so forth. The provision of citizenship largely sparked migration in this community, as they were able to get Sri Lankan identity documents such as the national identity card and birth certificate.

Moreover, continuous deprivation, social and institutional ill-treatment, vulnerability, weak social capital, incapability and marginalisation from all forms of governance appear to have generated "relative poverty" among the Plantation Community. This pattern persists as a significant barrier to improving the human capability of the community, though it is changing among the younger generation due to increasing level of education, outside exposure, and engagements with various social and community-based organisations. Based on empirical evidence, the chapter makes a strong claim that unfair policies, practices, ill-treatment and exclusion from governance structures have significantly decreased and destroyed the social capital of the Plantation Community and have dismantled social and institutional trust. This claim could possibly be generalised to other contexts, especially South Asia, where marginalised people have limited access to governance structures and social capital (see Narayan 2000).

In fact, public services still remain important for disadvantaged people, giving them the opportunity to reach their

human potential and realise their life goals. However, as we
see in Sri Lanka, many laws and policies have historically been
explicit in singling out specific groups for favourable treatment
and limiting or denying another section to enjoy social rights.
In such contexts, formal citizenship may continue to remain as
a nominal entitlement. As indicated in the *Human Development
Report 2016* (UNDP 2016), this kind of detrimental treatment
mainly takes place based on identity, social class, and profession
or based on their ascribed characteristics. It is not the only driver
of exclusion, but also subverts social citizenship, human capability
and rule of law in particular, and quality of government in general.

One could also argue that institutions cannot be understood
simply through their formal rules, since actual practices often
differ from these rules. Institutional behaviour is dynamic, taking
different shapes based on discretionary power, informal networks,
and relationships. For instance, there are formal rules and
regulations which generally prohibit bribes and unethical practices
in the working of public institutions in Sri Lanka, but "rules in use
or informal practices" commonly require a bribe in exchange for
service delivery. Thus institutions are more likely to produce and
reproduce social and power inequalities by serving only those who
fulfil certain informal requirements, perpetuating entrenched
discrepancies in terms of gender, ethnicity, race, caste, religion,
and so forth. This simply indicates how formal institutions are
structured by informal networks, power, relationships, and elite
capture.

Public institutions often claim to be serving all citizens with
common goods and services, but they actually reproduce unequal
relationships and tend to marginalise the needs and demands of

some segments of society who deserve public services but lack power and informal relationships. The differential impact of public institutions in the lives of the Plantation Community is not always apparent. They are invisible, but deeply entrenched in various forms. Interestingly, though the Plantation Community have bitter experience and negative perception and receive a small portion of government services, they are more likely to join those programmes—even if it was not what they want—because they have a feeling that something is better than nothing and such programmes could help them in some way.

Access to governance institutions

As this chapter indicates, there has been a significant variation between policies and practices or implementation, which has led to undesirable outcomes in service delivery at the local level. In 1987 and 1988, some provisions were made to recognise Tamil as an official language through the 13th and 16th amendments to the present Constitution, which not only recognised Tamil as an "Official Language" but also affirmed it as a language of administration. Along with these constitutional amendments, the Official Languages Commission Act (No. 18) of 1991 and several government directives, gazette notifications, and circulars came into force to implement Tamil language provisions in public administration. These arrangements have not been adequately implemented in plantation areas compared to the northern and eastern parts of the country, and officials and institutions are less likely to follow these Acts and circulars in full. Indeed, Tamil has been an official language since 1987, with legal guarantees for Tamil-speaking minorities to have access to public services and to conduct government business in their language. Nevertheless,

it seems that institutional weaknesses in implementing these laws and policies continue to be an obstacle to access public services in Tamil language in general, and for the people of the plantations in particular. This demonstrates that a high-level of autonomy in all state institutions, where minority groups form a majority, is more likely to protect and foster language rights and access to public services.

Successive governments declared many local - level government institutions i.e. Divisional Secretariat Divisions as bilingual offices[2] with a view to ensuring language rights of minorities. In 2005, for instance, the Ministry of Public Administration issued a circular, which stipulated that DS Divisions with 12.5 per cent of Tamil-speaking population should be declared as a bilingual institution, where administrative functions should be conducted in both Sinhala and Tamil. However, a significant number of DS divisions with 12.5 per cent of Tamil-speaking population located in the plantation areas function only or mainly in Sinhala.

In 2005, to improve the access to public services in the plantation sector, the then Ministry of Nation Building and Estate Infrastructure Development appointed 250 youth as Estate Community Communication Facilitators (ECCF), in bilingual DS offices in plantation areas. These officers have bilingual skills and they assist the translation process where Tamil speakers have to transact business with Sinhala-speaking officers. These ECCFs have become a beneficial category of employees, facilitating the communication between Sinhala-speaking officials and Tamil-

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[2]   Administrative transactions of those institutions should be performed both in Sinhala and Tamil, which gives equal importance to the Tamil language.

speaking citizens. Nevertheless, in the recent past, as the evidence shows, ECCFs have been deployed elsewhere with different tasks than their mandated one. Therefore, the objective of this cadre appointment faces heavy criticism (Silva et al. 2014).

Moreover, there has been apparent restrictions and difficulties in gaining access to relevant information on public services in the plantation areas. This is a critical barrier between the existence of an entitlement and the ability to obtain them. This leaves the Plantation Community vulnerable to exploitative middleman and corrupt officials where they have to bribe officials even to get information, applications, and documents. There is a severe information gap between public institutions and this community. Since they do not have much awareness on government programmes and various rules and regulations involved, they are often overlooked while estate management does not show any interest in disseminating this information to workers. Thus, in most cases, the only channel through which they get some information on government programmes is through a middleman, which has proven to be problematic and exploitative. The middleman misinterprets the government programmes and services for his own interest, which frequently involve extracting a percentage of benefits or payments for his own use, as revealed in the FGDs in Nuwara Eliya and Kandy. The Plantation Community do not know of what assistance they are entitled to by law; nor do they have a clear understanding on the source of aid received, whether from the state or NGOs.

Constant discrimination in all forms of governance has compelled Plantation Community to demand state reform, which is a recent development in this community and is closely

associated with the contemporary constitutional and power-sharing discourse. This pattern has emanated from the new political leadership in the Plantation Community, along with the support of political and social activists. They put forth the demand to reform existing administrative and local-level political structures from the perspectives of an ethnic minority which has suffered and continues to suffer discrimination, as well as social and political exclusion (Uyangoda 2013). The proposal submitted by the Tamil Progressive Alliance (TPA)[3] to the Steering Committee of the Constitutional Assembly—the body responsible of preparing the draft report for the new constitution—focuses more on access to governance structures at the local level, which remains their top priority.[4]

This chapter also argues that the disparity of available public institutions in the plantation areas (compared with the rest of the country) continues to be a problem of accessing public services. Cross-country comparison of public institutions, especially in the areas of the ethnic majority, gives more evidence in favour of the above argument. Namely, analysis of responses and review of various documents indicate the disparity in the availability of Divisional Secretariat Divisions (DSDs) and Grama Niladhari

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[3]   The TPA was formed in 2015 just before the general election, as a political alliance consisting of three political parties: the Up-Country People's Front headed by V. Radhakrishnan; the National Union of Workers headed by P. Thigambaram; and the Democratic People's Front headed by Mano Ganesan.

[4]   This proposal was prepared by Up-Country based intellectuals and civil society activists in consultation with TPA representatives and submitted to the steering committee headed by the current Prime Minister Ranil Wickremesinghe. The same issue was highlighted in other proposals submitted to the Public *Representations* Committee on Constitutional Reforms by the Institute of Social Development, Human Development Organization, Upcountry Social Development Forum, and upcountry political parties and individuals. This became evident in a meeting in Hatton in late 2016 with all parties, institutions and individuals who submitted proposals.

Divisions (GNDs) in the plantation sector as well as in the rest of the country.

In the case of the Nuwara Eliya district, the total population is 711,644, of which Tamils account for 410,200 (58.64%) and Sinhalas and Muslims for 282,053 (39.63%) and 17,652 (2.48%) respectively. There are however, only five DSDs to serve such a large population. The national policy for creating DSDs suggests that one DSD could be formed for some 30,000–40,000 people. However, in Nuwara Eliya, the practice is significantly different; i.e. out of five DSDs of the district, the Nuwara Eliya and Ambagamuwa DSDs are Tamil-majority. The former consists of 210,968 persons and the latter 203,076 persons.

It is possible to compare this situation with other districts of the country to identify and understand the institutional inequality or partiality in service delivery. For example, Matale district has 11 DSDs, representing a total population of 482,229, while Trincomalee district has 11 DSDs to serve a total population of 378,182. An important factor to note here is that certain DSDs in the Trincomalee district are comprised of fewer than 12,000 people, such as Morawewa (7,946), Padavi Siripura (11,858) and Gomarankadawala (7,339), to name a few. Furthermore, the Lahugala DSD in Ampara district is comprised of 8,900 persons. The above-mentioned DSDs have been established in Sinhala-majority areas. This evidence proves the institutional inequality in public service delivery in areas where the Plantation Community constitutes the numerical majority.

Various forms of patron-clientelism affects neutrality, impartiality, and fairness in treating minorities in general and the Plantation Community in particular. This emerges based

on identity affiliation, political affiliation and from other forms of associational relationships. This becomes visible mostly in selective or means-tested welfare programs, where officials are more likely to provide services in line with a patron-client approach or patronage system. Healthcare, housing, subsidised food, relief during natural disaster, social security payments for elders, the disabled and pregnant mothers, and provision of *Samurdhi* benefits, all largely suffer from the above informal approach. During the field survey, respondents mentioned that there are government programmes as stated above to help poor and marginalised people with loans, livelihoods, subsidies for livestock, agriculture, funds to open shop, funds to embark micro enterprise, and so forth. However, the selection process and eligibility criteria for these programmes often leave out many families most in need. It was revealed that only some 40% of those selected receive such support. The remainder do not have informal relationships, networks, or the power and ability to bribe officials.

Also, the Plantation Community raised the issue of the quality of public services that reach deserving people: always substandard and therefore of little use. Hospital, education, and housing were rated by the Plantation Community as the most important services, but also expensive due to institutional practices. In the Kandy district, 48 per cent of the respondents noted that "we seldom go to hospitals as they are far off from our residence and there is always a shortage of medicine and lack of a sympathetic attitude of health workers".

Public institutions in Sri Lanka are steeped in clientelism. When formal institutions break down or place enormous rules and eligibility criteria, local elites and influential people in the

plantation areas tend to employ a variety of strategies to meet their needs, including working around a system that is apparently unjust and unfair and unethical practices to access public services where equal access, impartiality, and fairness in service delivery become completely futile and lead to various forms of indifferent treatment and restrictions in enjoying public services. Interestingly, it was found that there are psychological impacts in connection with accessing public institutions in this community. During the FGDs, it was reported that humiliation, intimidation, and insults have significant effects on the extent to which people utilise public services at all. Negotiating service delivery through corruption, bribery and rude treatment are endemic in public institutions which leave the people of the plantations feeling powerless, voiceless, and marginalised in governance and service delivery mechanism to which they are entitled as rightful citizens of the country. They are also powerless and voiceless to complain against such acts of public institutions as this may result in losing the required services altogether.

It is also worth noting the hurdles and hardships encountered by Plantation Community women in accessing governance institutions and services as rightful citizens of the country. The likelihood of discrimination and ill-treatment remains higher among women than that of men in the plantations. Owing to cultural barriers and deep-rooted inequalities and conventional practices, there is visible discrepancy among women in reaping the benefits of citizenship in full. Male dominated institutional culture and organisational citizenship behaviour continue to remain impediments to enjoy equal citizenship rights.

As Amali Philips (2003-4: 88) argues, women in the plantations have been experiencing multiple marginalisation as descendants of immigrants, as minorities, and as women. In fact, this pattern largely afflicts their capability to gain access to legally mandated public services. This becomes evident when they attempt to access poverty alleviation subsidies, disaster relief, housing, elderly payment, and subsidies for pregnant mothers, and so forth. Thus, one could argue that the Plantation Community women continue to hold a different citizenship experience or diminished form of citizenship compared to men in this community. This is simply because of the gendered nature of citizenship. Therefore, they are less likely to realise the full potential of citizenship entitlements.

Women and men have different experiences of citizenship due to the socio-cultural construction of citizenship (Philips, 4). In the case of plantation women, to improve their access to governance, there is a need to re-gender citizenship and ensure gender neutral citizenship approaches. As long-standing discrimination of women in governance and other spheres has diminished their human capability and social capital, they did not have access to engage in community organisations, networks and associations, and participation was also largely restricted, though there are some changes with younger women making progress in education. All these factors prevented them from actively practising citizenship rights and entitlements. The legal status of citizenship is unlikely to have an impact on plantation women as they are unable to break the vicious circle of inequality entrenched socially and culturally in this community. More importantly, even in the plantation system, women's access to supervisory positions, leadership positions in

trade unions, temple and other community-based committees, are still restricted based on cultural perceptions of gender roles. Due to changes in profession, education, exposure and migration, younger women are slowly taking up these roles.

Institutional trustworthiness and its influence in service delivery

According to the Trust Survey carried out in 2015/16 by the NORHED Project on Policy and Governance Studies in South Asia, Sri Lankans have a low level of trust (66 per cent) in public institutions when compared to Nepal (70 per cent) and Bangladesh (73 per cent). Furthermore, Sri Lankans have only 42 per cent trust in public officials as compared to Nepal (45 per cent) and Bangladesh (72 per cent). The report indicates that Sri Lankans have measured institutional trust based on various factors such as impartiality and fairness in implementing policies, programmes, exercising power, adhering to equality before law principles, effectiveness, efficiency, service satisfaction, benevolence, helpfulness, accessibility, transparency, accountability, and equal treatment, etc. Sri Lanka's public institutions are poorly performing in all these indicators due to various factors which substantially affect citizens' trust in public institutions.

In all three districts, a significant number of participants expressed a feeling of distrust and betrayal by the public institutions, as seen in Table 2, below. This became evident where only 42 per cent of participants were in favour of public institutions and tend to have trust in them. In their opinion, government institutions should not only be guardians of their rights but are also there to fight poverty. Some 58 per

cent emphatically expressed their distrust in the civil service, attitudes of public officials, indifferent treatments and corrupt practices.

An interesting finding of this study is that differential and ill-treatment by public institutions continues to have an impact not only on victims or the person who experienced it, but also among their children, families and community members. Put differently, the one who experiences ill-treatment and discrimination by public officials shares their feelings and experiences with their family members and society, which makes the others too feel that public institutions are not trustworthy, reliable, helpful, benevolent, or honest.

The low level of trust in public institutions appears to be linked with lack of multicultural organisational practices, lack of inclusive citizenship, and poor diversity management. This pattern clearly shows the causal connection among institutional variables and dependent variables. In Sri Lanka, since most of the public officials hold similar values, beliefs, and social backgrounds; they are likely to represent the interests of a particular section of the society by limiting the access to other sections. This increases the likelihood of a sense of feeling among minorities that public institutions are not trustworthy and less likely to pursue universalism in service provision, while prone to serve the interests of certain segments of society.

Table 2: Plantation Community's trust in selected public institutions

Institutions	Sinhalas*	Indian Tamils
Civil Service	60.5	42.3
District Secretariat	78.1	49.5
Divisional Secretariat	81.4	51.2
Grama Niladhari	87	40.1
Election Commission	69.8	68.2
Human Rights Commission	54.2	69.6
Anti–Corruption Commission	46.8	53.2
Police	62.8	35.2
Local government authorities	69.4	42.1
Central government	48.2	50.8
Parliament	51.2	57.3
Education department	72.0	69.3
Electricity board	75.1	53.2
Post office	70.6	56.1
Agriculture department	77.2	35.2

Source: Field Survey, 2015/16 by the author for a three-year project on Quality of Government, Public Service Delivery and Citizenship Rights in Sri Lanka. Data for Sinhalas extracted from Trust Survey Report, 2015/16.

Conclusion

Although great effort has been made to grant legal citizenship to the Plantation Community, structural discrimination and indifferent treatment still continue to have an influence. Furthermore, various policies and their particularistic and unfair practices are more likely to systematically preclude this community from enjoying public services and social citizenship rights. This condition requires reforms in policies, laws, and

institutions in order to eradicate all forms of discrimination against this community and to make sure that they enjoy substantial benefits of citizenship. This chapter also informs policy makers that there is a need to develop public institutions, train officials, formulate and implement policies in a manner consistent with impartiality, fairness, rule of law, and effectiveness and efficiency. It could improve access to public services and governance for all segments of society, regardless of ethnicity, social class, identity and education, which in turn can improve the quality of governance and trust in public institutions and in government. This chapter also provides causal explanation to understand the relationship between the quality of governance, access to public services, institutional variables and social citizenship rights.

More importantly, as the evidence shows, the people of the plantations demand better and equal public service delivery together with greater accountability and responsiveness. Entrenched inequalities, marginalisation, endemic corruption in service delivery, indifferent treatment and unfairness in implementing policies and programmes and exercising power, have fuelled these demands – creating a deeper sense of urgency in service delivery shortcomings and governance issues. Namely, creating space for stronger citizens' voice and participation, and demand for appropriate institutional and policy reforms, could bring positive changes in gaining access to governance institutions which in turn could ensure service delivery desired by this community. Such measures would enable the Plantation Community to make meaningful choices about service delivery quality, access, accountability, efficiency, and equity.

This indicates the need of citizen-centric governance where deserving people and communities would make an influence in public service and governance structures. Some empirical evidence and anecdotal case studies from India, Kenya, Bangladesh and many African countries demonstrate the positive impact of this approach (see Einhorn 2007). New partnerships between public institutions and civil society, people's movements and community-based organisations, and cross–community networks are some avenues to enhance service delivery. Moreover, empowering these organisations could minimise the elite capture and domination in public service delivery at the local level.

Public institutions link citizens with public services and governance and to participate in civic life and processes. When these institutions work effectively in line with quality of governance principles, they provide opportunities to overcome socio-economic issues and other forms of discrimination and power asymmetry in governance. On the contrary, if they deteriorate and become corrupt, unfair and ineffective, then the public services become privileges accessed primarily by those already with power, resources, informal networks, and relationships, where ethnicity, language, caste, gender, religion, political affiliations, profession, and many other overt and covert factors determine the working of public institutions.

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3.

Forgotten Experiences of Up-country Tamil Women in Transitional Justice

Letchumanan Kamaleswary

Introduction

Since Sri Lanka is in a transitional period from war to peace, it is undergoing a related process of transitional justice. The United Nations (2010) defines Transitional Justice (TJ) as: "The full range of processes and mechanisms associated with a society's attempt to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation".

The government elected in January 2015 has undertaken efforts to implement the recommendations of the United Nations Human Rights Council, Resolution 30/1 (Revised 34/1.L). In 2015, the government appointed the Consultation Task Force on Reconciliation Mechanisms (CTFRM) to get views and opinions from the general public, and, in January 2017, the CTFRM submitted its final report. Alongside this, a parallel process on constitutional reform occurred. Prime Minister Ranil Wickremesinghe appointed the Public Representations Committee on Constitutional Reforms (PRCCR), which conducted nationwide consultations, submitting its final report in June 2016. The Constitutional Assembly appointed six sub-committees to make recommendations in the areas of fundamental rights, judiciary, finance, law and order, public service, and centre-periphery relations. Even though these processes appear

democratic and structured, it is debateable whether these reports bring the demands of Up-country Tamils into mainstream discussions. However, despite these concerns, representatives of Up-country Tamils served in both the CTFRM and the PRCCR.

The British facilitated Tamils' migration from South India as bonded labourers, starting in the 1820s (Lawrence 2005 and Jegathesan 2013). Since then, they have faced many issues, such as low wages, unstable income, health issues, chronic diseases, etc. Up-country Tamils became stateless through the Citizenship Acts of 1948 and 1949 after Ceylon gained independence in 1948. Following the "Sinhala Only" Act in 1956, Up-country Tamils were also targeted during communal riots. The 'Sirima–Shastri' Pact of 1964 and the 'Sirima–Gandhi' Pact of 1974, facilitated the "repatriation" of approximately 40 per cent of the estate Tamil population to India, and the balance 60 per cent stayed in Sri Lanka. The problem of statelessness remained fully unresolved until the introduction of the Grant of Citizenship to Persons of Indian Origin Act No. 35 of 2003.

Many Sinhalas and Sri Lankan Tamils did not consider Up-country Tamils to be Sri Lankan, as they had migrated recently from South India. There was constant discrimination against Up-country Tamils at both political and social levels. For instance, when Up-country Tamils lost the right to vote in 1948, many Sri Lankan Tamil politicians at that time did not oppose it. Therefore, Up-country Tamils are a minority who are marginalised within the minority Tamil community. The concerns of Up-country Tamil women, especially in relationship to the ethnic conflict in Sri Lanka, have been even further marginalised.

The objective of this chapter is to bring to light the needs and experiences of Up-country Tamil women in the ongoing discourse of transitional justice and reconciliation. This chapter examines and analyses three issues: the experiences of women who relocated from the Up-country to the East and North of Sri Lanka in 1978 and 1983; how Up-country Tamil women coped when their close relatives went missing during the ethnic conflict (1983-2009); and how these women view the Prevention of Terrorism Act through which their relatives have been, and in some cases are still, under detention.

Methodology

The study on which this chapter is based was conducted using both primary and secondary data. I conducted 10 life history interviews with Up-country Tamil women. Among them, four women had close relatives (husband, son, father, siblings) arrested under the Prevention of Terrorism Act; three women had close relatives who were disappeared during the ethnic conflict, two women relocated to the North and East because of the conflict during the 1970's and 1980's; and one woman temporarily migrated to Colombo, seeking employment. The participants for life history interviews were selected based on a snowball sampling method, where a known person introduces another person who faced similar issues. However, there are limitations in this method if the informant does not know another informant to introduce to the researcher. The secondary data was collected from the Consultation Task Force Report (2016); Department of Census and Statistics (2012); International Committee of the Red Cross (2016); and reports from the Nuwara Eliya District Secretariat (unpublished and on file with the author).

Current Status of Up-country Tamil Women

Throughout the paper, I define Up-country women as women who live in both tea and rubber plantations and work as labourers; women who migrated from plantations to urban areas for employment purposes; and women who were displaced from plantations to the North and East at different times and identify themselves as plantation-origin Tamils.

This definition is broader than that of Ganeshan (1999) who has written on the dynamics of gender in the ethnic composition of Up-country Tamils in Sri Lanka. According to her definition, the following categories of women are considered to be Up-country Tamil women: the women estate workers from both tea plantations and rubber plantations; women who migrated to other parts of the country for formal and informal work, for studies, due to ethnic violence, and because of class mobility through educational qualification. Ganeshan further argues that the nationalisation of estates that took place in 1972, and their privatisation in the 1990s, affected women more than men. The closed economic structure of the tea estates did not reveal the issues faced by women to the outside, which is one reason she argues why Up-country Tamil women's issues were not brought to mainstream discussion until the 1980s.

Up-country Tamil women have limited leadership roles in their communities. Up-country Tamil male plantation workers have more time and space to participate in the work of creating culture and identity than women working in the plantations, who are much less likely to interact with the world outside their communities, because their time and space is much more limited (Red Flag Women's Movement 2012: 71).

Kurian and Jayawardena (2014) question whether Up-country Tea plantation Tamil women workers are 'Slaves of Slaves'. They discuss how patriarchal norms and practices were incorporated into the life and labour regime on the Sri Lankan plantations, and their implications for women workers. As they point out, plantation Tamil women workers are under the authority of men and the patriarchal system. The best example of this can be found in the structure of trade unions, since men head all the unions except the Red Flag Women's Movement.

Domestic violence persists in the plantation sector, as with the rest of the country. Shifani and Seelagama (2010) have found the causes for violence within the household to be alcoholism, patriarchal values, reliance on traditional gender roles, and gender-based division of labour. These causes and contributing factors for the domestic violence are similar to those among other communities (Deraniyagala 1992; Jayasundere 2009; Kodikara 2012).

Impact of Ethnic Conflict on Up-country Tamils

Uyangoda (1998) writing in the 1990s in the context of an ongoing war, states that there were restrictions on civil society organisations that work in the plantation and arbitrary arrests among the plantation community. Furthermore, the plantation people were not aware of their rights upon detention. Their lack of National Identity Cards was a major threat to their personal liberty and freedom of movement during the ethnic conflict, he notes.

Lawrence (2015: 98-108) has discussed how the ethnic conflict should be resolved and its impact on the future of Up-country Tamils. He does not analyse the place of Up-country Tamil women in the conflict nor their stand on it. Women's role in conflict resolution differs from men, as during the war and in the absence of men at home, women bear the sole responsibility for the households. There are also many instances in the North and East that women were at the forefront of initiatives to create ethnic harmony among communities.

De Silva (2017) has examined how victims arrested under the Prevention of Terrorism Act (PTA) suffered, and their current situation. She has also interviewed one woman from Kandy whose father was arrested in 1998, and was sentenced to death in 2003. This is one rare instance where an Up-country Tamil woman's experience that was directly related to the war was documented.

Ethnic Conflict, Transitional Justice, and Women in Sri Lanka

Transitional Justice (TJ) has become an important topic in post-war Sri Lanka, especially after the United Nations Human Rights Council Resolution 30/1 titled "Promoting Reconciliation, Accountability and Human Rights in Sri Lanka". The government of Sri Lankan co-sponsored this resolution after the change of regime in 2015. State mechanisms such as the Consultation Task Force on Reconciliation Mechanisms, and civil society organisations such as FOKUS WOMEN, International Centre for Ethnic Studies, Centre for Policy Alternatives, Viluthu Human Resource Development Centre, South Asian Centre for Legal Studies, Verite Research, National Peace Council, Rights Now, and

Transparency International Sri Lanka, have conducted research, consultations, discussions, and dialogues on transitional justice among different ethnic and social groups.

The International Centre for Ethnic Studies (ICES) has conducted regional consultations and documented the views of the general public on transitional justice (ICES, 2015). One consultation was held in Nuwara Eliya during which it was claimed that 3,000 Up-country Tamils were killed in the 1983 riots, and that Up-country Tamils were affected by the Janatha Vimukthi Peramuna (JVP) uprising in the late 1980s, the Bindunuwewa massacre, and other violent episodes. A notable fact is that women's concerns, issues, and experiences were documented at the consultations in other regions, such as Jaffna, Trincomalee, and Galle, but not in Nuwara Eliya.

Women researchers have consulted women who are directly and indirectly affected by armed conflict and documented their experiences. Saroor and Saavedra (2017) have conducted individual interviews, focus group discussions, and workshops among 53 activists and 61 survivors of various forms of violence in the North and East of Sri Lanka. Their purpose is to provide the perspective of women who are particularly affected by the conflict and to provide women's perspectives on transitional justice mechanisms applicable to women. However, this study too does not include Up-country Tamil women in the scope of research. This illustrates how Up-country Tamil women's issues related to the ethnic conflict are not included in mainstream discussion in Sri Lanka. The other issue that arises from this omission is how it was determined that the Tamil women of the Up-country were unaffected by the conflict or spared some of the issues faced by

women in the North and East or women of other communities in the border zones.

Maunaguru (2016) writes on the progress of women's rights activism in Eastern Sri Lanka from 1975 to 2003. However, she does not have information on the women who migrated to the East from the Up-country, although they faced similar issues as other women in the North and East during war. Furthermore, women's organisations and women activists have been documenting the struggles of women since the beginning of ethnic tensions, riots, and also during the armed conflict. Suriya Women's Organisation in Batticaloa has been documenting these issues since its inception in 1990. So did Rajani Thiranagama (1990) of the University Teachers for Human Rights (Jaffna) in her co-authored book, *The Broken Palmyra*, which documents human rights violations in the North in the 1980s.

Vasuki (2014) explains how grassroots and village-level women's activism emerged in the Eastern Province of Sri Lanka, specifically from 2000 to 2012. She speaks about Tamil and Muslim women's struggles during the war. The article does not specifically mention the issues of women who migrated to the East from the Up-country following the 1977 and 1983 riots. Whether those women's close relatives were disappeared, or arrested, or killed is not discussed. The reasons for not discussing these issues are two-fold. First, these women who migrated to the East may not want to identify themselves as Up-country Tamils anymore, due to social stigma or discrimination. The second reason could be that women's organisations in the East do not work with this community, or do so without knowing or asking whether these women are of Up-country origin.

Despite ample research studies on economic, social, and cultural issues of Up-country Tamil women, as well as documentation of women's experiences in the war, especially in the North and East, it is clear that there is inadequate research on the war-related experiences of Up-country Tamil women. This chapter attempts to bridge that gap.

Up-country Tamil Women's Experiences in Conflict

*"*People think that these things happen only in the North and East. They do not know that there are Tamils living in Moneragala. They do not know people from here have also disappeared*"* – Malaiyaha Tamil participant, FGD on Disappearances, Buttala, Uva Province (CTFRM 2016, Vol. I: 177).

The International Committee of the Red Cross (2016: i) defines a missing person as "a person whose whereabouts are unknown to his/her relatives and/or who, on the basis of reliable information, has been reported missing […] in connection with an international or non-international armed conflict, a situation of internal violence or disturbances". Cases of disappearances have also happened among Up-country Tamils during and after the armed conflict in Sri Lanka. An exact number of missing persons among Up-country Tamils is not available, because an island-wide survey was never conducted to find the total number of cases and the Consultation Task Force Report does not provide the exact number of disappearances among Up-country Tamils. It is also important to note that not all the missing persons' family members have made a complaint or given information to the authorities. Another factor is that the Up-country Tamils, especially those who

relocated to the North and East, have not identified their ethnicity as Up-country Tamil.

However, many Up-country Tamil men were arrested by the Criminal Investigation Department (CID) and the Terrorist Investigation Department (TID) during the ethnic conflict in Sri Lanka. Again, there is no information on how many people were arrested under the PTA, nor their place of origin and ethnicity, since there is no proper documentation or publicly available database.

Up-country women face similar and unique problems as do women in the North, East, internally displaced Muslim women, and also Sinhala women from former border villages, due to the ethnic conflict. The female relatives face different issues when compared to their male counterparts.

Accessing Information

Women find it very hard to get relevant information from government authorities about missing relatives. They do not know what exactly should be done when their relatives are missing, disappear, or are arrested. Women are often not aware of the reasons for the arrests, who arrested their relatives, and where they were taken. Most of the time, their immediate reaction is influenced by a neighbour's advice.

A woman who was interviewed for this study said the following:

> "I first went to the trade union leader at the regional office and waited there for so long. Then they took me to the police station to make a complaint. I thought I should have

gone directly to the police station without wasting time" – Wife of a person arrested under the PTA in 2007.

Thus, women generally lack awareness of existing legal mechanisms that they can access. Among interviewed women, only some know about the Human Rights Commission (HRC), the ICRC, or Sri Lanka Red Cross.

Since the strength of human rights organisations is weak in the plantation sector, these women are often uninformed about different state commissions and their public consultations, unlike what can be seen in the North and East. It clearly shows in the reports produced by different commissions, such as Lessons Learnt and Reconciliation Commission (LLRC), the Consultation Task Force, and the Public Representations Committee (PRC). The annex to the PRCCR report (2016) which indicates the identity of those who made submissions, reveals that there were very few submissions by Up-country Tamil women.

The closed system of estate management is another factor that contributes to the issues that women face in accessing information. Though Up-country Tamils nowadays have access to print media, television and internet, the relevant information does not always reach them due to socio-economic and political reasons. Civil society organisations find it difficult to work in the plantations, as they have to get prior approval from the relevant company management to conduct awareness programmes. This prevents Up-country women from getting all the relevant knowledge on current political affairs.

Language as a Barrier

"I was explaining my issues in Tamil, then the police asked me something in Sinhala. I did not understand. I think they scolded me then. I could figure that out from the policemen's facial expressions and when they raised the tone of the voice" – Mother, whose son disappeared in 2008, Hatton.

Not all plantation Tamils can speak the Sinhala language fluently. Some women can only handle basic communication, and therefore are not in a position to explain their issues in detail when making an official complaint. There are also women who do not have any grasp of Sinhala. According to my interviews, Up-country Tamil women faced language issues in police stations more often than in other state institutions.

"I was explaining my issues in Tamil and the policeman who was taking down my complaint answered the phone instead and was talking on the phone for so long … I was confused. I am sure that he did not understand what I was telling him and also he did not want to give importance to my issue" – Woman from Nuwara Eliya, whose relative is a policeman who disappeared in 1990 in Batticaloa.

Lack of Support from Civil Society Organisations

There are rights-based civil society organisations, such as the Human Development Organization (HDO), Institute of Social Development (ISD), and Red Flag Women's Movement (RFWM), in the plantation area. Organisations working in the plantation sector tend to focus on economic, social, and cultural issues such

as health, maternity, wage issues, and labour rights. It is very rare that these organisations focus their work on peace building, reconciliation, and transitional justice.

The same situation occurs among women's organisations. The women's organisations working in the plantation sector focus more on economic, social, and cultural issues. The other women's organisations and NGOs who work on transitional justice completely ignore the Up-country Tamils, based on the assumption that the Up-country was not directly affected by the war and therefore there are no conflict-related issues prevailing there. The second limitation is that donor-driven projects restrict geographical areas to the North and East and organisations do not have the expertise to work in the plantation sector. Finally, the number of Up-country people affected by the conflict is assumed to be very small when compared to the North and East.

Mistrust among Community Members and Relatives

When a person has disappeared or has been arrested, their family members are considered to be suspect too. Neighbours often believe that the victims could have some connection with the LTTE [Liberation Tigers of Tamil Eelam], and that's the reason for their disappearance or arrest. So the family members are often questioned on their supposed guilt by others. Furthermore, neighbours and relatives do not always invite these family members to their functions or other events, to avoid having any connection with the families of the disappeared or arrested, and risking becoming suspects themselves.

"There were so many questions from the neighbours like: 'Why was he arrested? What did your son do?' ... The CID or TID – I am not exactly sure of who they were – would often come by the house to make inquiries of other family members. The arrests affected the other children too. I requested my youngest son not to come home, fearing that they may arrest him too. Because whenever they came, they ask for the whereabouts of the other children. So I was scared" – Mother, whose son was arrested in 2007, Ragala.

Women's Security

According to the women interviewed for the study, female family members of the disappeared or arrested persons find it hard to leave the house. They are scared that they might be arrested themselves, or that their Sinhala neighbours would harm them thinking that they have connections to the LTTE. There are incidents in which estate management has stopped relatives of the disappeared from coming to work or asked them to move out of the estate. The women who were displaced in the North and East, and the women who live in plantations face similar types of security issues. One woman said the following:

"We are from Nawalapitiya and moved to Kilinochchi due to the riots in 1983. When my eldest son was arrested and tortured, I came back to Nawalapitiya to protect my family. Then my second son was disappeared when he went to Nuwara Eliya one day. Because of these two incidents, I was seen as LTTE and I was also arrested and sent to jail" – Woman from Nawalapitiya.

Dependence on the Trade Unions

The trade unions in the plantation sector play a vital role in the lives of Up-country Tamils. Any issues that they face within the estate management they take to the *thalaivar*: the leader or representative of a particular trade union on an estate. There are many unions and therefore many *thalaivars* on an estate. These trade union representatives have some power, in that they decide when to take up an issue or complaint with their branch office, and whether they can provide any support. One woman said that a trade union representative took money to represent her issue at the regional union office. No matter what the next step is, it all depends on the trade union's advice. However, these trade union representatives at the estate level are corrupt, which often delays the process. This extreme dependence on trade unions also causes delays in filing a case and reaching out to the appropriate state institution.

Threats and Intimidation

All the women interviewed in this study had faced threats and intimidation from service providers, estate management, and even the trade unions of which they are members. One woman was told by the estate management that her family member was a "terrorist", and thus, the police did not need to help find him, and that her family deserved the isolation experienced from the rest of the community for its "criminal activities".

Another important factor is that women always focus on the issues faced by their male family members. They rarely talk about themselves and their own problems because of stigma

and other cultural issues. They usually seek justice for the male family members, but not for themselves. One reason for this is the threat and intimidation from estate management and service providers, especially police officers. Up-country Tamil women play subordinate roles, from their households to their work in the fields. Even though there is a women's wing of most trade unions, called *Mathar Sangam*, women only play traditional roles here (Philips 2005). All these factors make women think of themselves as of secondary importance and to prioritise male family members' issues.

Twice the Economic Burden

In the Up-country when something happens to one family member, the women suffer the most. They go to the police station to make a complaint or they try to seek help from trade unions, estate management, or any other institution that that they can think of. Further, women spend a large portion of their own income and savings to find their missing relatives or bail out an arrested person.

> "I spent my EPF money amounting to Rs600,000 in order to get him out. This is the only saving I had in my life". – Mother, whose son was arrested in 2007, Ragala.

In fact, this woman had spent this amount not on bail, but to bribe different intermediaries to facilitate the bail application. This statement clearly shows how women suffer economically, when the other person at home who contributes to the household income disappears. Up-country Tamil women are victimised twice over, as they not only lose the money that they already have, but

they also lose their daily wage when they go to the police station or any other institution.

Sexual Harassment

Up-country Tamil women also face sexual harassment when they seek help to access services and justice. The main perpetrators are government service providers, especially police officers, trade union representatives, and other men within the Up-country Tamil community. Two women shared their experiences as follows:

> "The police officer told me that in order to find my brother-in-law, you need to come with me. Only when the other police officers laughed, I understood what he really meant" – Sister-in-law of a disappeared person, Hatton.

> "I was really scared. When the officer said, 'you must have slept with so many LTTE men, why can't you stay one night with me?" These words made me so scared. Luckily he did not do anything to me as he said" – Mother of a disappeared person, 57 years.

The other factor is that women have no idea what they should do when they face these types of sexual harassment.

Unseen Psycho-Social Needs

> "I had sleepless nights when neighbours discuss how people are generally tortured in detention centres. One day I fainted in the tea estate. Since then I cannot do much work with my right arm" – Mother, whose son was arrested in 2007, Ragala.

Psycho-social issues related to war are not dealt with properly in Sri Lanka. Similarly, stakeholders do not recognise the psychological issues faced by Up-country women, which remain unaddressed at present.

Unlike with socio-economic issues, women do not usually disclose the psychological issues experienced. The Jaffna Social Action Centre and Shanthiham in the North, and Suriya Women's Development Centre in the East, are some of the organisations that provide counselling support to war-affected women. However, the CTFRM (2016) claims that psycho-social issues are not adequately dealt with in the war-affected areas. Similarly, there is a lack of studies on the psycho-social needs of the war-affected people in the Up-country.

Permanent Relocation

Households and individuals from the Up-country Tamil community have moved to the north and east of Sri Lanka on different occasions over the past 50 years, primarily at two critical points. Whenever there is an ethnic riot, some Up-country Tamils moved to the North thinking they are less vulnerable to harm in a majority Tamil-speaking region. The major relocation happened during and after riots and violence in 1958, 1977 and 1983 (UTHR-J 1993).

Secondly, the Sirima–Shastri Pact of 1964 and the Sirima–Gandhi Pact of 1974, facilitated about 40 per cent of then stateless Up-country people to migrate to India. On their journey, some passed through Vavuniya on their way to the port of Talaimannar. Some among them managed to stay on in Vavuniya and evade

repatriation. However, the host Tamils did not necessarily welcome these displaced people.

The following statements from women explain the psychological and social acceptance issues experienced during and after the relocation:

> "We moved from [Sinhala-Tamil border village] Welimada to Batticaloa during the 1983 riots. We had to clear the forest and live. The host community in Batticaloa never accepted us. We were never equal to the Sri Lankan Tamils" – President of a Women's Rural Development Society.

Thus, Up-country Tamils had issues integrating with the North-Eastern Tamils since there are differences in custom and dialect between them. On the other hand, the host Tamils also shunned the migrants because of their assumed caste origin.

Language and Lack of Participation

When conflict over language is discussed in Sri Lanka, it is usually about the use of Tamil in addition to Sinhala. The complaint is usually about Tamils, especially outside the North and East, being unable to access services in their own language. But, there are linguistic divisions within the Tamil community as well between North-Eastern Tamils and Up-country Tamils. Though both groups speak Tamil, their dialects, including vocabulary and pronunciation, are significantly different.

> "I am scared to speak in public forums as my own dialect might surface and these people will ridicule or make a mockery of that. So in all the meetings I keep quiet" –

Woman displaced to Batticaloa from Welimada during 1983 riots.

Women expressed the perception that host community Tamils ridicule Up-country Tamil speech. The former group appear to believe that the way they speak is the correct way, and that it is superior to the accent and style of the latter group. Up-country women therefore fear speaking their own language. They have adopted Sri Lankan Tamil speech where possible. This again leads to the lack of participation in different forums and decision-making processes.

Ethnic Identity

The interviewed women in the North and the East have issues concerning their ethnic identification as well. They expressed that it is difficult to completely assimilate into one identity. While their parents are Up-country Tamils, these women are born in the North of Sri Lanka and have adopted the culture, language and rituals of northern Tamils. They disregard their parents' ethnic identity and consider themselves Sri Lankan Tamils.

One woman whose family was displaced to Vavuniya in 1958 said:

"I know my ethnic identity is Up-country Tamil as it is my parents' ethnicity. Since I am married to a Sri Lankan Tamil person, I feel uncomfortable to call myself an Up-country Tamil. My husband also, does not like me identifying myself as an Up-country Tamil and we do not mention Up-country Tamil in any document" – Woman who changed her ethnic identity to Sri Lankan Tamil.

Decrease in Population Size

According to the Department of Census and Statistics, the population of Up-country Tamils, or "Indian Tamils" as they are still officially classified, has been on the decrease as a percentage of the total population of Sri Lanka. The table below illustrates this data clearly:

Table 1. Up-country Tamil population, 1953-2011

Year	Number of 'Indian Tamils'	Percentage (%) of Total Population
1953	974,100	12.03
1963	1,123,000	10.61
1971	1,174,606	9.26
1981	818,656	5.51
2011	839,504	4.12

Source:http://www.statistics.gov.lk/page.asp?page=Population%20and%20Housing,p. 8.

Though the increased use of contraceptives and awareness on reproductive health have had an impact, the fact of multiple displacement and identity-shifting by Up-country Tamils in the North and the East has played a major role in reducing their numbers in the total population. Based on the interviews for this study, the displaced community register themselves as Sri Lankan and not Indian Tamils.

Multiple Displacements

Multiple displacements are another issue that both men and women face. However, women face specific issues such as physical

security, dropout of schools and early marriage due to multiple displacements.

> "55 families were displaced to Batticaloa in 1983, and then some families were again displaced to Trincomalee due to the war. After some time they came back to Batticaloa" – Woman displaced from Welimada during 1983 riots).

Temporary Relocation

Up-country Tamil men and women have also travelled all over the country searching for job opportunities. According to the interviews and the secondary data, young women who relocated to urban areas for employment purposes during the ethnic conflict faced sudden identity checks at boarding places and workplaces by the police, difficulties in finding boarding places, especially in Colombo as the landlord/landlady were fearful of Tamil tenants, and the impossibility of late night travel because of the fear of arrest. The tenants had to give their personal information before they took residence in their boarding place, as it was a compulsory requirement of the police. The landlord had to collect and provide this information, and they did not like to accommodate Tamil women, who were feared to be LTTE suicide cadre.

Communication was another issue when police officers made an inquiry. The police officers could not speak or understand Tamil, and vice versa, some Up-country Tamil women could not communicate in Sinhala. This had raised police officers' suspicions of the place of origin of these women, leading to their wrongful arrest. According to the interviewees, they faced discrimination in the workplace if they were monolingual Tamil-speakers and

were stigmatised as "terrorists" because of their ethnicity. They also had difficulties in getting police reports confirming their good character from their place of origin in the plantation areas.

An interviewed woman who migrated to Colombo from the Up-country to work in the apparel industry said that she had to give up this job since she did not have a national identity card. The police had constantly targeted her every time they came to inquire on the identity of the workers. However, these issues are insufficiently identified and documented. Further investigation is required to document all the issues faced by youth seeking employment opportunities in urban areas during the years of war.

Conclusion

Up-country Tamil women have been facing various issues similar to those of women from other conflict-affected areas in Sri Lanka, but their concerns have not been addressed by state or civil society initiatives for transitional justice. The Consultation Task Force on Reconciliation Mechanisms (CTFRM) report, and the civil society consultations, research reports and advocacy materials, clearly show that the experiences of Up-Country Tamil women in the conflict are under-analysed and misunderstood.

The main reason for this is in the definition of conflict-affected women and/or identification of conflict-affected women. The donor-driven projects among civil society organisations are limited in reach, with regard to transitional justice concerns of Up-country Tamils. It is also evident that the patriarchal ideology of estate management, plantation trade unions, as well as Up-country Tamil men, place obstacles in the way of Tamil women

from participating in any decision-making process. This once again paves the way to non-recognition of their issues in the ongoing transitional justice process.

The following recommendations were drawn from the ideas of the women interviewed and the secondary sources.

There should be a collaborative effort in order to make sure that Up-country Tamil women are included in ongoing TJ processes. State institutions and mechanisms should make sure that Up-Country Tamil women are included in the ongoing TJ processes, conduct necessary awareness raising programs on TJ mechanisms in the Up-country, and localise the CTFRM report and its recommendations among Up-country Tamil women.

Women's Organisations who work in the Up-country area, as well as those who work in other districts on TJ, have the obligations to ensure an inclusive TJ process. Thus, they should conduct comprehensive research to identify the issues faced by Up-country Tamil Women as a result of ethnic conflict, to map the organisations who work in and with Up-country Tamils, and to conduct targeted advocacy activities with relevant stakeholders so that Up-country Tamil women are included in the discussions, consultations, and workshops on TJ.

Organisations working with the Up-country community should create a database to document the details of disappeared persons, arrested under PTA and violent activities towards Up-country Tamil people. They need to work with other women's organisations to bring forth the issues faced by Up-country Tamil women as a result of ethnic conflict and publicise the problems

faced by women as bulletins, briefing papers, and as advocacy documents. These resources will open up spaces and platforms for women to participate in decision-making and express their opinions and views.

Plantation trade unions should support civil society organisations in their efforts to document and create a database on affected people and have discussions with plantation managements to ensure affected people get reparation and get employment security. Furthermore, they are also capable of carrying out advocacy initiatives to include Up-country Tamils in ongoing TJ processes.

The conflict itself has had a major impact on Up-country Tamil women. They have faced language barriers when accessing public services, security issues, economic burdens, and threats and intimidation similar to those faced by women in the North and East. Therefore, it is necessary to identify them as a war-affected group and document their specific concerns. By doing so, these women's voices will be heard in the ongoing TJ processes in Sri Lanka. Moreover, state and civil society actors, including women's organisations, must ensure that Up-country Tamil women are able to access and utilise any Transitional Justice mechanisms which may be created.

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The Gender of Labour

4.

Employability Skills, Higher Education and Livelihood: Outlook for Women in the Tea Plantations[5]

A. S. Chandrabose and S. Logeswary

Introduction

Women workers in the tea industry are playing a dual role as breadwinners and caregivers on the estates (Ramesh, Rasnayake, and Kamalrathne 2013; Jayawardena, Padmasiri, Peiris, and Skanthakumar 2014). The tea plantation sector is one of the main economic activities in the country and accounted for 13.5 per cent of exports in 2018, generating over US$1.4 billion in revenue (Central Bank 2019, 152). The tea sector is so critical to the national economy that it will not be an exaggeration to call it the backbone of the country's economy, even in the present context where agricultural exports have lessened in importance in comparison to light industrial goods, especially ready-made garments. Despite this important contribution to the economy, the public investment in the people who work in this sector, particularly for women workers to access opportunities to enhance their skills and increase their education, is extremely limited. This chapter, based upon field interviews in the Central Province of Sri Lanka, highlights these deficiencies and their consequences for sustainable livelihoods for women workers in the tea plantation sector.

Plantation Women in Sri Lanka

Women in the tea plantations are mainly engaged in plucking tea leaves, which is the main field operation in the tea plantation sector. The actual number of women workers involved in the tea plantation sector is difficult to determine. According to the latest available report of the Ministry of Plantation Industries (published in November 2013), the total number of registered workers in the tea plantations was 193,412 (MPI 2012, 145). However, this report does not reveal the distribution of registered male and female workers, nor those who are casual and temporary workers in the plantation sector.

Men on tea plantations engage in other manual work, as well as in low- and middle-level supervisory and top-level managerial positions. In comparison to women in non-plantation agriculture, the women in the estate sector have greater access to employment and equal pay, but gender segregation of labour in the sector constrains women from moving beyond manual labour to managerial roles, traps them in labour-intensive low-skilled jobs, and limits their chances of accessing employment opportunities in other sectors and locations (World Bank 2007).

In general, "Indian Tamils" who moved out from the estates into the village have a better social status than the "Indian Tamils" in the plantation sector. Those who moved to villages had the opportunity to construct their own houses. They also have their personal addresses along with street names, something which estate residents still do not possess. Moreover, living in a village community, Indian Tamils also gained access to benefits given by the local government, that are not available to estate residents from the plantation management.

Objectives and Methodology

The objectives of the study on which this chapter is based were three-fold. Firstly, to have a broad overview of the social and economic status of plantation women in Sri Lanka. Secondly, to study the existing opportunities available in the estate sector to enhance the employability skills of females and access to employment achieved by the women tea workers. Thirdly, to explore the available opportunities within the higher education system for women on the estates, and the extent to which it has supported women workers in the tea estates in diversifying their livelihood prospects.

The study was based on both secondary and primary data. The primary data was collected mainly from household interviews conducted in four randomly selected tea estates in the Central Province in Sri Lanka. Apart from these household surveys, three focus group discussions (FGDs) were conducted to validate the data collected from the household surveys. Since the study is mainly focused on employability skills and higher education, national standards were applied in the sample selection. For example, the information related to employability skills was obtained only from household members above 14 years of age and looking for jobs. Those 14 years of age and above and continuing their education were not interviewed. Whereas, those who completed their post-secondary education and were awaiting further education, or had enrolled in higher education institutions, or completed the tertiary level of education, were also considered for the sample survey.

The household data was collected in stages. A field survey methodology training programme was organised for field assistants or investigators who were selected from a pool identified by the

non-governmental Human Development Organization in Kandy. A structured questionnaire was designed to abstract relevant data from the selected households in the selected plantations. Nineteen plantations were selected in a purposive way in Nuwara Eliya, Kandy, and Kegalle districts based on the Human Development Organization's districts of intervention. The management on each plantation was contacted through HDO's network of "Community Volunteers", who work directly with the communities. We decided to select 20 to 40 households from each plantation, depending on the population, using systematic sample techniques. The total number of household surveys incorporated into this study is 425, and disaggregated as follows:

District	No. of Estates	No. of Households
Kegalle	3	75
Kandy	6	125
Nuwara Eliya	10	225
Total	**19**	**425**

Figure 1. Level of Education
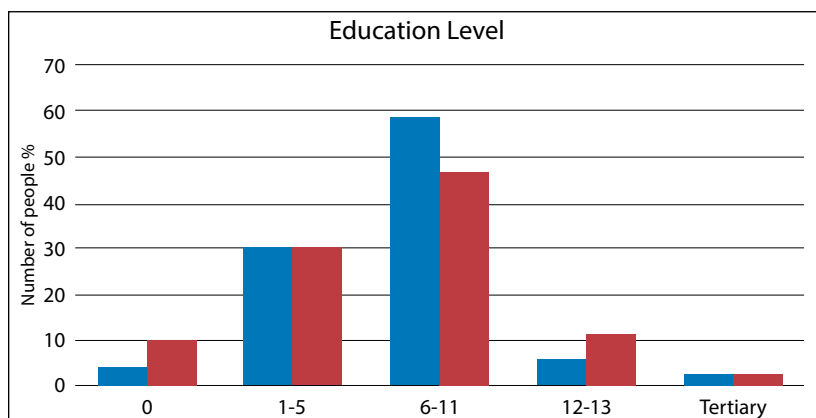
Source: Field survey among the selected tea estates in Sri Lanka – November 2016

The report enumerated 425 households, the population of which was 53 per cent female and 47 per cent male. According to Figure 1—where the blue coloured bar on the left represents males and the red coloured bar on the right represents females—the illiteracy rate among the female population is 9.6 per cent, and among the males in the sample is 3.8 per cent. The female population is on par with the males in enrolment and completion of primary education (Grade 1-5) in the sample population in the estates. However, this gender parity is not reflected in secondary school education, i.e. from Grades 6–11. Despite this difference, the number of females studying in Grades 12–13 is higher than that of males. It shows that a significant portion of the female estate community are very keen to enrol in the higher grades and complete their studies, in comparison to young males who drop out of the education system.

Figure 2 gives some information on income that the estate community earns. Accordingly, around 67 per cent of the sample receive less than Rs15,000 (US$85) per month. Of this number, around 28 per cent of them reported an income less than Rs8,500 (US$48) per month. As far as the official poverty line (US$1.25) per day is concerned, this means that roughly 10 per cent of the sample population in the estate are living below the poverty line.

Figure 2. Monthly Income of the Sample Population
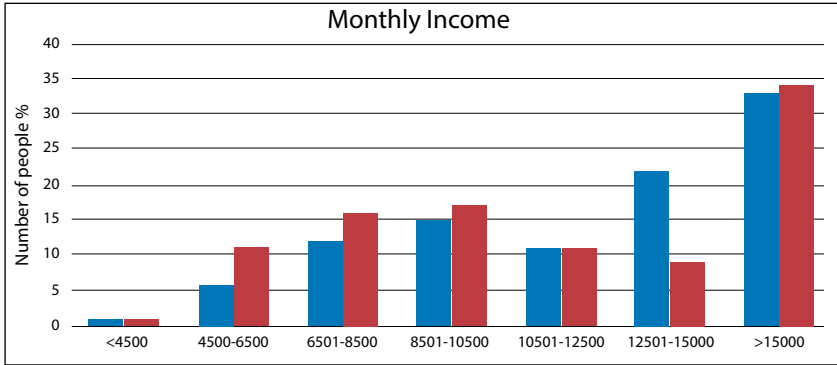
Source: Field survey among the selected tea estates in Sri Lanka – November 2016

Access to Land Resources

Housing, land, and property rights are an important precondition for the realisation of other human rights. Hence, securing and protecting vulnerable people's land rights is essential for bringing about a fair and prosperous society (Institute for Human Rights and Business 2009). However, issues related to land rights in Sri Lanka 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.

The total extent of tea land in Sri Lanka is 202,022 hectares. Among this extent, the privately managed Regional Plantation Companies (RPCs) administer 70,752 hectares (35 per cent) and state-owned enterprises such as the Janatha Estates Development Board (JEDB), Sri Lanka State Plantation Corporation (SLSPC) etc. manage an extent of 9,033 hectares (4.5 per cent) for tea

cultivation; and the remaining 121,967 hectares (60.5 per cent) are distributed amongst 400,000 tea smallholders (Ministry of Plantation Industries 2018: 3). It should be noted that the entire tea land managed by these RPCs actually belongs to the Land Reform Commission (LRC) of the Government of Sri Lanka; in other words, the land belongs to the state.

The plantation land was leased to the RPCs to manage for 55 years in 1992, at the time of privatisation of the plantations in the country. Thereby, the tea land is neither owned by the RPCs nor by the tea workers living in the estates. Thus the tea workers living in the RPCs mainly engage with work designated by the management.

In relation to housing rights and the consequences of lack of adequate housing, the following context is also of relevance. Each registered worker and his or her spouse is entitled, under the *Estate Labour (Indian) Ordinance* of 1889 as amended by Act No. 15 of 1941, to "a separate room" and shall not be compelled to share such a room with anyone other than a child of the worker or his or her spouse. However, the shortage of housing is such that joint or extended family members have been forced to share the cramped and unsanitary line rooms on estates. A "home garden" has been allocated for each household to cultivate vegetables for its own consumption. This piece of land is no more than 100 square feet and is also not owned by the household.

Since neither the land nor the accommodation belongs to the household, estate workers are not motivated to invest their modest savings to expand the facilities of their dwellings nor purchase land or housing in the vicinity to construct additional housing for family members. Thus estate workers generally lack immoveable

assets. The inability to purchase land within the plantations has contributed to the poor status of estate sector residents in comparison to other sectors in society. The children of the tea estate workers are pushed to leave the plantations as that system does not allow them the prospect of legal title even if they have the means to acquire land. Therefore, the young people migrate from the estates, seeking to settle either in villages or urban areas where at least there is no restriction on them owning housing and land (Chandrabose 2017; Sivapragasam 2012).

The participants in the field survey also stated that some of them were allocated seven perches of estate land (0.0177 hectare) on which to build a house. The estate management has guaranteed their loan to finance the construction. The cost incurred in building the houses is deducted monthly from the wages of workers. This loan has been repaid in full within the last twenty-five years but the ownership of the house and the land on which it is constructed, has yet to be transferred to them. This claim has been supported by another study (Vamadevan and Skanthakumar 2015).

Some estate workers living in line rooms also try to erect a small hut adjacent to their respective rooms to use as a kitchen, but on many occasions estate management do not allow them to do so and sometimes bring in the police to force the residents to remove it, as it is an "unauthorised structure". As a woman who attended one FGD stated, "We do not have the facility of individual housing. The plantation management refuses to release estate land for new housing. The Plantation people should be granted land and housing rights. Where we live now are the "lines" that were provided and built by the Whites. Estate lands in the hill country

areas are being occupied by people of the majority community who are building houses", which is denied to the residents of the estates.

The above arguments clearly reveal the constraints in acquiring land for the estate community in Sri Lanka, who do not own the land where they live and work. Among the sample population in the estates, workers are living mainly in four types of houses. Figure 3 illustrates the distribution of houses in the sample. Accordingly, only 29 per cent of them are living in a single house, whereas others are still living in the line rooms which were constructed by the British planters over a century ago in those estates.

Figure 3. Estate Worker Housing
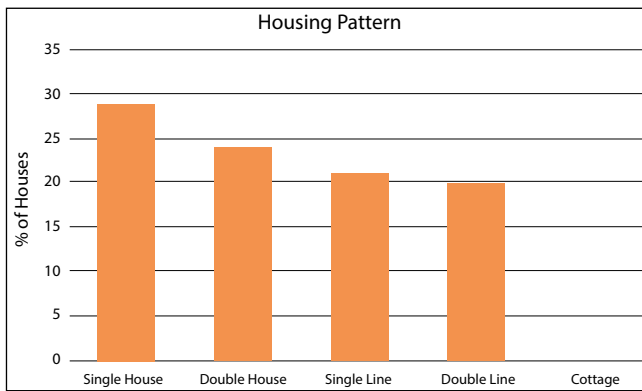
Source: Field survey among the selected Tea estates in Sri Lanka – November 2016

The plantation industry was privatised in 1992 and the newly-formed plantation companies claimed that they could not afford social welfare programmes and established the Plantation Housing and Social Welfare Trust, which has since changed its name to the

Plantation Human Development Trust (PHDT). The PHDT is the authorised institution to provide welfare programmes for estate workers, since district and provincial government programmes for housing, water supply, sanitation, healthcare, and education in the rural sector do not reach estate communities. As a result of this exclusion from mainstream supply of public services, plantation workers are among the most economically deprived communities in the country, and therefore the most vulnerable to disease and ill health outcomes (Periyasamy and Liyanahetti 2017).

Access to Higher Education

It is very difficult to get disaggregated data about the number of students enrolled in higher education from the estate community. However, recent data collection carried out by the Ministry of Hill Country New Villages, Infrastructure and Community Development in 2017 has revealed that around 500 students from the estate sector gain admission to the national universities each year. Since 85 per cent of the secondary education schools in the plantations only have facilities to study in the Arts and Commerce streams in their GCE Advanced Level classes, this bias against science, mathematics, and information technology is reflected in the university intake as well.

Apart from admission to national universities, estate youth also can study at technical colleges. Around 50 technical colleges are distributed in almost all the districts in the country, in both Sinhala and Tamil mediums. However, the technical colleges in the plantation districts are mainly or only in Sinhala. The children of the plantation workers are generally insufficiently competent in Sinhala to sustain enrolment in vocational and technical education

institutions nearest to the estates (Sandirasegaram 2010). One exception is the Thondaman Vocational Training Centre (TVTC) which was established in Hatton in the late 1990s, with German assistance, based on the request of late Minister S. Thondaman. The medium of instruction is in the Tamil language. However, the TVTC can only absorb around 200 youths annually for various training programmes and has faced budgetary problems in expansion.

This study also probed the awareness of estate communities on the various training institutes established in and around the plantation sector in the country. Only 12.4 per cent of the sample population was aware of the TVTC; while others were ignorant of the facilities available in the TVTC for the children of the estate workers. Again, only 12.4 per cent of the sample was aware of the Sri Pada College of Education located in Patana in the Nuwara Eliya district which was also constructed with German (GTZ) funding. This institution was created to provide a two-year programme (leading to a Diploma in Education), for the plantation youth who have successfully completed the GCE Advanced Level education in estate schools, but have missed out on admission to university. Upon successfully completing the diploma, the students are eligible for direct recruitment as government schoolteachers.

Figure 4 below illustrates the percentage of the sample population who reported themselves to be aware of the various higher education institutions located in the plantation districts.

Figure 4. Awareness of Institutions
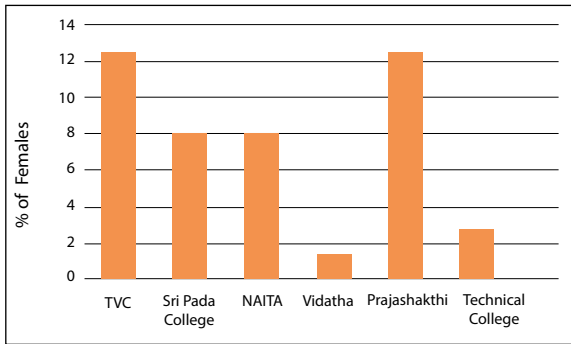
Source: Field survey among the selected tea estates in Sri Lanka – November 2016

Figure 5 below illustrates the professional qualification achieved by the estate community in the sample. As far as the level of professional qualification is concerned, no one in the sample population had obtained university-level qualifications such as the Bachelor of Arts degree. The highest qualification achieved by the female members in the household is diploma-level in teaching, midwifery, and nursing. Apart from that, two in the sample had studied up to diploma in English, and completed the postgraduate qualification in the field of education, and are now teaching in government schools.

It should be noted that students enrolled for university education from low-income families are entitled to receive financial assistance under the government *Mahapola* scholarship scheme. All youth of the plantation community who qualify to study in the national universities are granted some financial aid by the Indian High Commission in Sri Lanka. Some well-wishers and Indian Tamil associations also provide financial assistance to estate-origin university students who are boarded in the national universities. However, only a small number from the estates have

entered university. A few have qualified as nurses after vocational training.

Figure 5. Professional Qualification of the Sample Population

Level of Professional Qualification Achieved by the Females in the Estate
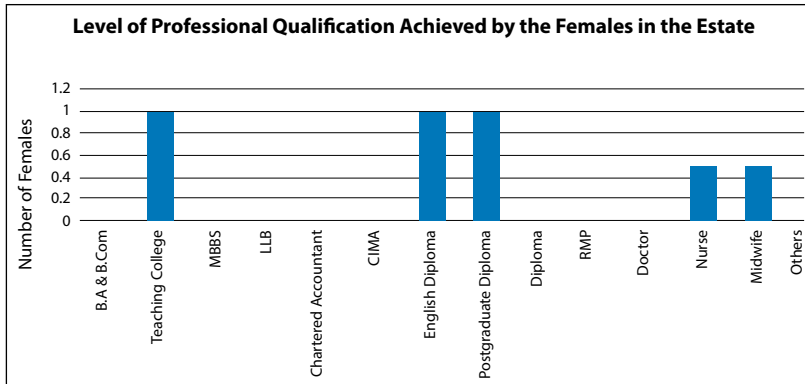
Source: Field survey among the selected tea estates in Sri Lanka – November 2016

Where the higher study opportunities available to girls or young women is concerned, the selection for university entrance is done on the basis of merit or academic performance, as well as factoring in the "backwardness" of the district as a form of positive action for inclusion of youth from marginalised areas. However, there is neither a rule nor policy for any special concession for the people, or women of the plantation community, who are the most disadvantaged group in socio-economic development within those districts, according to national surveys and statistics (Skanthakumar 2017). It is necessary to adopt an affirmative action or positive discrimination mechanism for an equitable approach that enables the plantation community and women in particular to become part of the mainstream in their districts.

Aside from the *Mahapola* higher education scholarship—which the government provides in general to all students—and the Estate Workers Education Fund which is administered by the Indian High Commission in Sri Lanka; there are no public-funded assistance schemes targeting students who are marginalised either socially or in development outcomes from the plantation community. Special preference ought to be given to women from the plantations in admission to universities in order to raise their standard of education and this should be accompanied by a scholarship scheme that supports them during their education.

Women's Employability Skills

Skills and knowledge are the driving forces of economic growth and social development of any country. The economy becomes more productive, innovative, and competitive through the existence of more skilled human potential. Women are the most vibrant and dynamic segment as well as potentially most valuable human resource (OECD 2011). According to the FGDs, while plantation women with higher education or middle-level education seek and secure jobs outside the plantations, more opportunities in the urban sector, corporate sector, or NGO sector, are available to men, while such opportunities are seldom available to women.

Where vocational training for job opportunities are concerned, with the exception of the Nuwara Eliya district, in other plantation districts, the training centres impart instruction in the Sinhala language. This excludes Tamil-speaking plantation women from fully benefiting from the training. At the same time,

the vocational centres are located far away from the plantations, with limited transport facilities. This is an additional stumbling block for access to training and education outside of the plantations. Even after vocational training opportunities, there is still a shortfall of women entering non-traditional occupations, such as drivers, vehicle-repair, building construction, electricity wiring, and the police force.

Figure 6. Job Categories of Females
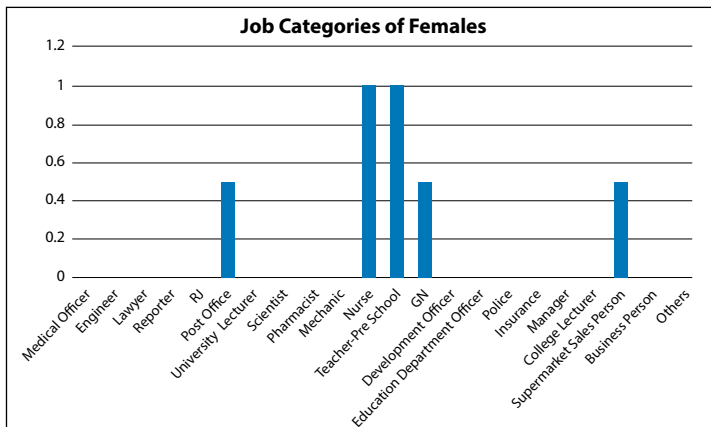
Source: Field survey among the selected tea estates in Sri Lanka – November 2016

In certain instances, the girl students expressed their wish to complete their higher studies. The preferred career aspiration for many of them is to receive appointment as government school teachers. There are a handful of female children of tea workers who have been recently absorbed into the public administrative system such as Secretary to the Urban Council, *Grama Niladhari*, Development Officer in the Divisional Secretary's office and the District Secretary's office, etc. Figure 6 illustrates the occupational profile of females among the sample selected for the study.

According to the focus group discussions, there are a number of young daughters of tea workers who are in the fields of law, clerical and administrative service, and print and electronic media such as radio and television. Among the schoolteachers roughly 300 of them have completed their postgraduate studies i.e., postgraduate diploma in Education, Master of Education, Master of Arts, and are mainly engaged in government school teaching.

The data presented in Figure 7 gives the engagement of the sample in terms of use of communication technology by the estate community. The sample clearly reveals that 35 per cent are using mobile phones. Behind mobile phone usage, is that of social media especially Facebook (13.3 per cent); which is higher than the usage of web-browsing and email among the estate community. The latter information and communication tools are largely used via the smartphone rather than the more expensive personal computers. Also it is not the tea workers on the estate but rather the young female members in their families who access and use email and the internet.

Figure 7. Awareness of Information Communication Technology
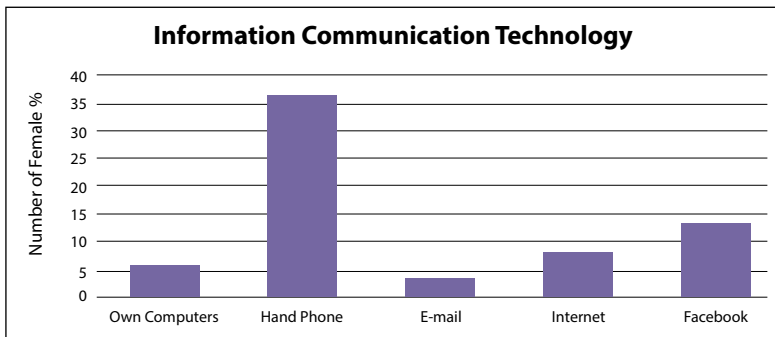
Source: Field survey among the selected tea estates in Sri Lanka – November 2016

Conclusion

This chapter is mainly focused on the economic rights, land rights, higher education, and employability skills of the tea plantation workers in Sri Lanka. The quantitative and qualitative data used for the study was collected from the household survey conducted in the major tea plantations located in the districts of Nuwara Eliya, Kandy, and Kegalle, incorporating a total of 425 households. Apart from the household survey, 10 focus group discussions as well as key informant interviews were also carried out and their views were also integrated in this analysis.

The contribution of the plantation women workers to the national economy is immense and the women in the plantation sector have been the main drivers of both the household and the plantation economies. They are mainly engaged in labour-intensive tasks of tea plucking and rubber tapping in the plantations.

Tea workers are not entitled to the ownership of tea land under the plantation system. The tea land is owned by the government. As far as the achievement of higher education of the women workers in the tea plantation is concerned, it is insignificant when compared to national-level data. However, the household survey has identified certain achievements among the female members in the household. It should be noted that none of the tea workers has received any sort of tertiary education after leaving school. Indeed, a few female members in the selected households who have undertaken tertiary education are not working on the tea plantation. The highest qualification achieved by the female members in the household sample is the diploma in teaching, and diploma in midwifery and nursing; and this was only two women out of the total sample of 425.

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5.

Visible Grounds: Organising Unorganised Women Workers with the Working Women's Front[6]

Mythri Jegathesan

Introduction

In July 2017, I sat down with Priya[7] in the offices of the Working Women's Front (WWF) in Kandy over a cup of tea to discuss what she had encountered in the field that week. Priya is a 26-year old Hill Country Tamil woman and field mobiliser for the Working Women's Front, a registered trade union that works out of Kandy. When Priya was 17 years old, she worked as a shop attendant in a shoe store in Kandy town for four months in 2008, after completing her Ordinary Level (O/L) examination. As a full-time worker, her monthly salary at the time was four thousand rupees, and she first became aware that her labour rights were

[7] I have changed all names of individuals mentioned in this publication and removed any unique identifiers to protect my interlocutors' privacy and confidentiality. The only names that remain unchanged are those names of historical or public figures.

being violated when the Kandy Labour Commissioner made a "surprise" visit to check the shop's compliance with labour laws and regulations. Such mandatory visits included the Commissioner's confirmation of the business' provision of employee benefits and compliance with safety and health regulations within the workplace.

When the Commissioner visited the shoe store during Priya's shift, she noticed that her manager had sent out certain employees, including her, from the store to run errands and complete other small tasks, while three women employees remained on the floor. Later, she learned from another employee that the three employees, out of the ten employees at the shoe store, who had been asked to remain on the floor and had been able to interact with the Commissioner, were receiving their required Employees' Trust Fund (ETF) and Employees' Provident Fund (EPF) benefits. At the time, Priya knew about the provision of employee benefits but assumed that she was not eligible for those benefits because the manager had not offered or mentioned these to her when she began working at the shop as a teenager.

At the time of Priya's employment, the Working Women's Front was not yet a registered trade union, but had begun operating informally as the women's wing and advocacy movement for women workers within the Institute of Social Development (ISD), a local non-governmental organisation in Kandy. ISD was founded in 1991 with the objective to "empower the marginalised and discriminated plantation community". In 1997, ISD created a women's wing to specifically address women's issues. Between 1997 and 2011, the women's wing conducted gender and labour rights workshops and training for Hill Country Tamil working women on Sri Lanka's tea plantations with the following programmatic

objectives: (1) promoting labour rights and collective bargaining for working women; (2) facilitating gender parity, bodily rights and career guidance for youth; (3) ensuring safe migration for women migrant workers; and (4) promoting women's participation in local politics (Institute of Social Development, UD). During this time, the wing also transferred women's labour issues to local trade unions to represent.

Today, WWF's main office is housed within the Institute of Social Development and their efforts remain linked to the organisation's larger mission and vision to promote decent work and women's empowerment and strengthen the broader leadership and civic participation of *Malaiyaha Thamilar*, or Hill Country Tamil, communities living in Sri Lanka. Mobilising unorganised workers in informal and formal sectors, the WWF foregrounds the intersectional and shifting labour realities that Hill Country Tamil women experience. In doing so, this movement finds kinship with less traditional forms of gendered labour organising and responds to the need to organise the unorganised in Sri Lanka.

In 2008, Priya attended WWF programmes and was made aware of her rights through her participation and conversations with other Hill Country Tamil women working across organised, unorganised, and informal labour sectors in and beyond Sri Lanka. In 2009, when Priya was 18, she joined the WWF to help mobilise other women like her so that they could be made aware of their rights, as she had the year before. In her time as a mobiliser and member of the WWF General Council since then, she has been organising field trainings with other WWF members and has conducted fieldwork with a Colombo-based senior researcher about women's experiences with informal labour in the Hill Country.

In 2017, eight years after she joined WWF, Priya and I sat and talked about her work as a mobiliser in WWF's main office in Kandy. Priya spoke earnestly about her work to document labour violations and showed me the photographs that she had taken on her cell phone during her last few field visits with WWF members: images of EPF and ETF slips with incorrect or missing pieces of information, images of flyers from factories and businesses advertising inflated or misrepresented monthly salaries to women seeking employment, and improper forms of wage documentation for workers. "How many stories—how much evidence—we have, and yet, it is difficult for women to do anything about the circumstances. All we can do is witness and record what happens, follow through, and demand for our rights", she said.

What Priya outlined to me that day is not an easy task. Yet, it is the primary task and objective that falls within the general principles of labour organising among unorganised workers in Sri Lanka. This chapter explores an emerging labour organising movement among Hill Country Tamil women living on Sri Lanka's tea plantations. Specifically, it looks at the activities of the Working Women's Front (WWF)—the first women-led trade union in Sri Lanka to mobilise women workers around their labour and gender rights and dignified working conditions across formal and informal labour economies. WWF began as a movement within a community-based organisation to empower Hill Country Tamils living on Sri Lanka's tea plantations, and its objectives remain linked to a commitment to challenge key features of labour organising and practice on the plantations. Mostly male leadership and enduring forms of political patronage dominate Sri Lanka's tea plantation sector trade union activities. This dynamic

results in ideological and pragmatic limits to unions' abilities to effectively connect with women workers who work on and beyond the plantations. Today, roughly 62.7 per cent of Sri Lanka's labour force works in the informal sector and, given the nature of informal labour, the statistic is most likely higher due to practical constraints on methodologies for data collection on informal and casual labour practices (HIES 2009/10, 7). Furthermore, the International Labour Organization (ILO) estimates that of Sri Lanka's total workforce, only 9.5 per cent of workers are members of registered trade unions (ILO Sri Lanka, UD).

This chapter provides ethnographic evidence to highlight WWF's unique place within Sri Lanka's labour organising landscapes and, specifically, how this union uniquely intervenes to promote the rights of women workers in Sri Lanka's plantation areas. I argue that WWF remains distinct within Sri Lanka's labour organising landscape for taking an intersectional and pragmatic approach to gender justice and labour empowerment for women workers in the plantation areas. By directly addressing the inequalities that women workers' experiences across intersections of age, labour sector, caste, and gender, and organising unorganised sectors in conversation with formal sector workers, this union builds a pragmatic platform of solidarity for social change among women workers in Sri Lanka. In doing so, WWF responds to a need in feminist labour organising movements in Sri Lanka, but also faces challenges with respect to its sustainability and acceptance within broader labour organising efforts within the plantation sector and the country.

This chapter is based on ongoing ethnographic research[8] with the Working Women's Front that I began in 2014. For this study, I conducted semi-structured, informal, and group interviews, surveys, document analysis, and participant observation of union meetings, workshops, and day-to-day activities in the field and in the main office. Specifically, this chapter focuses on participant observation conducted between 2014 and 2016 and a sample of 58 case studies collected between July and August 2017. The sample of case studies, which were selected and prepared for analysis by WWF member, Thamilchelvi Sritharan, consisted of approximately one per cent of WWF's mobilised base[9] at the time. Following the collection period, the case studies were initially analysed using open and focused coding (Emerson 2011) by undergraduate research assistant, William Pollard between September and December 2017 under my supervision. I then contextually analysed these codes alongside my raw and expanded field-notes from participant observation and document-based analysis of WWF press and media releases, legal records, and a review of topics covered in the WWF Tamil-language monthly print newsletter, *Sabatham*. Given the scope of this chapter, I will only draw upon the data that I collected from the union records and case studies and the ethnographic fieldwork that I conducted in 2015 and 2016 with WWF leadership and mobilised workers in the Central Province of Sri Lanka.

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[8] This research was supported by the 2016-2018 Bannan Institute and Ignatian Center for Jesuit Education and 2016-2017 Roelandts Grant Program from the Miller Center for Social Entrepreneurship at Santa Clara University (Santa Clara, CA, United States).

[9] At the time of the sample collection, it was estimated that WWF had mobilised 1,102 workers between April 2013 and March 2017. While the sample size (58 case studies) seems small, the funding for this project was limited to one month of data collection and one month of translation (carried out by one WWF field mobiliser) and the capacity of WWF and the researcher were limited in terms of technology for scanning, translation, and time afforded for the study on short notice.

Reforming Gender Inequity in Plantation Sector Trade Unions

As Sri Lanka's first women-only-led and trans-sector trade union, WWF directly responds to the persistent structural inequalities that persist through a lack of infrastructural support for promoting women's leadership among plantation sector trade unions. As of 2016, 987,074 Hill Country Tamils live on Sri Lanka's regional plantation company-owned estates throughout the country but only 163,068, or 16 per cent of the resident community, are registered as workers (Rajadurai 2016, 10). As a distinct group, Hill Country Tamils comprise an ethno-linguistic minority in Sri Lanka whose collective history of colonial wage labour, statelessness, ethnic and caste discrimination, and disenfranchisement has left them marginalised socially, politically, and economically.

At the end of 2016, 1,782 trade unions were registered in Sri Lanka. Labour organising has a long tradition in the country that emerged within and in concert with broader civic calls for economic justice and the political inclusion of minorities (Department of Labour 2017, 96). Scholars have well documented this history and trade union mobilisations within the plantation sector since its beginnings in the early 1920s (Jayawardena 1972; Kandasamy 2002; Vijayanathan 2007; Gunawardena and Biyanwila 2008; Bass 2012; Jayawardena and Kurian 2015). Based on the findings of this scholarship, I want to draw attention to the entanglements of three distinct but co-present axes of mobilisations within the plantation sector that I argue contributed to the WWF's entry as a feminist trade union.

First, the rise of unionism as a form of labour empowerment took place alongside and in concert with pre-independence mobilisations around citizenship and franchise. In the plantation sector, the entanglement of unionism with franchise remained a source of tension among Ceylon's elites, who hesitated to give minority Hill Country Tamil plantation workers and their resident families the right to vote due to racial, ethnic, and caste-based differences (Jayawardena and Kurian 2015, 312).

Second, the power and influence of the trade unions in the plantation sector became inextricably linked to emergent political parties with national and personal interests that extended beyond the primary objectives of protecting workers and serving their best interests (Jayawardena 1972; Gunawardena and Biyanwila 2008; Bass 2012; Ruwanpura 2015). Most notably, this politics of patronage became most apparent with the union-cum-political parties' shifting allegiances to majoritarian national coalitions and alliances during the 26-year long civil war. For instance, Daniel Bass writes, "The CWC functioned like a docile, company-run union, keeping up appearances of antagonism with management but adopting far less radical positions than other smaller unions (Bass 2012, 109)". Beyond the internal politics of the CWC, however, the management-friendly operations of the unions became even more pervasive on an infrastructural level as well, for instance, with the centralisation of estate welfare and development filtered through the Plantation Human Development Trust (PHDT)—an industry-housed tripartite organisation comprised of unions, the Government of Sri Lanka, and the regional plantation companies (RPCs). As Vijayanathan notes, "strategic business unionism and political unionism approach[es] adopted by IOT [Indian-

Origin Tamil] trade unions in fact lent support for continuity and strengthening of existing structures and conditions and therefore perpetuat[ed] the unchanging social life style of IOTs (Vijayanathan 2007, 20)". In this way, the politics and activities of Sri Lanka's plantation trade unions began to have a direct investment in maintaining systems of inequality and hierarchy that kept estate workers in their place within the industry, the broader civil society, and the nation.

Third, alongside trade union organising and politics, faith-based, non-governmental (NGO), international (INGO), and industry-led organisations carried out rights-based and tangible forms of development. These forms of development also provided fertile ground for negotiating the social and economic rights of plantation workers and their resident families (Fernando 2007; Bass 2012; Jegathesan 2015a; Jegathesan 2015c). As a result of plantation trade unions' involvement in the marginalising politics of a majoritarian state, the shifting political patronage of their union leaders-turned politicians, and neoliberal forms of development, women had little to no place for upward mobility in union leadership, and, more importantly, in exacting meaningful forms of action and connection between women union members and their union representatives (Kandasamy 2002; Jayawardena and Kurian 2015). At the same time, without this entanglement, unions such as the WWF would not have come to be in the Sri Lankan context, and its emergence is, in many ways, a needed response to fill a need in labour organising movements for women who work in multiple sectors throughout Sri Lanka, and over the course of their lives.

WWF emerged to directly challenge and destabilise the "nominal" place of women in current trade union structures within the plantations. As researchers have demonstrated, women workers have been integral to the rise of key trade unions nationally and within specific sectors and industries (Kandasamy 2002; Women and Media Collective 2014; Kurian and Jayawardena 2015). However, on the plantations, the presence of women in union leadership has been largely marginal despite a long history of industrial labour participation over two hundred years and consistent levels of membership. Scholars have identified two significant ways in which women's place and leadership within plantation trade unions have been compromised. First, women's leadership in the plantation trade unions has been symbolically obligatory and largely ineffective in actualising the right of women to make decisions within union hierarchies of leadership (Samarasinghe 1993, 336; Kandasamy 2002, 56). Both Kandasamy (2002) and Phillips (2005) note that designated gender-based wings of or committees within unions such as the *Mathar Sangam* (Women's Congress) are not given decision-making rights and are often relegated to organising religious or cultural events affiliated with the estate, temple, or welfare committees. Second, despite key women rising to leadership positions in plantation unions nationally and within local government politics, they continue to face physical intimidation, verbal harassment, and gender-based discrimination (Red Flag Women's Movement 2012; Women and Media Collective 2014; Neubert 2016). This latter issue, discrimination based on gender experience and culturally contextual roles such as marriage, motherhood, and gendered divisions of labour in the household, continue to impact not only women's labour choices but also their abilities to participate in structures that aim to facilitate their labour empowerment.

From the perspective of documentation, key Tamil women leaders who have been working from the 1920s through the 1950s, with the exception of All Ceylon Estate Labour Federation founder Natesa Aiyar's wife, Meenachi Ammal, and Mangalammal Masilamani, and more recent (2010 to present) women leaders, such as Anushiya Sivarajah (Ceylon Workers Congress), Saraswathi Sivaguru (National Union of Workers), and Menaha Kandasamy (Red Flag Union), have largely fallen out of the focus of English-language plantation union histories (Jayawardena and Kurian 2015, 304-307). Two factors largely contribute to their invisibility and marginality within national-level documentation of the activities of traditional plantation trade unions. First, the invisibility of these women reminds us that the work of many of these women was only documented in Tamil. Thus, difficulties existed for historians to analyse primary sources documenting union activities due to language barriers and lack of access to locally archived union materials outside of Colombo or university libraries (Jegathesan 2015b, 118).

Second, the place of these women in the backdrop of written representations of union activities in the plantation sector speaks to how the internal silencing of women within unions operates as a political strategy to keep decision-making power centralised and in men's control. This can be seen in the aesthetics and operations of political patronage through union leaders on the estates themselves. For instance, when I would ask female *thalaivars* and women workers which unions they belonged to in my larger ethnographic research on tea estates within RPC-run plantations, I noticed that they would specifically not mention the larger union names of which they were members; rather they would

respond with the names of the male political leaders of the union-cum-political party at the time, such as "Thondaman" for CWC or "Digambaram" for National Union of Workers (NUW). With male political leaders coming to stand in and represent the union, rather than the union's mission and objectives themselves, it is important to make connections between articulated and embodied relationships that women have to unions on the plantations and the dominance of male political figures in defining what those unions represent for their members and the protection of their labour rights.

Addressing these silenced narratives, the Working Women's Front exposes younger generations of women to Hill Country Tamil women organisers who were pioneers in labour organising. For instance, WWF honours the life of Mrs. Sivapakkiyam Kumaravel, who lived in Kandy, and campaigned as part of the Ceylon Indian Labour Congress (CILC) for a six-hour workday for women plantation workers in the 1940s. Mrs. Kumaravel was present for the February 2012 inauguration ceremony of the WWF and maintained close contact with the union, until she passed away in January 2019, aged 98. WWF also honours the life of Ms. Krishnammal, a former union leader and union songwriter from Badulla. WWF has had excerpts of her songs reprinted and discussed in the Tamil daily newspaper *Virakesari* and also in WWF's monthly newsletter, *Sabatham*, so that Tamil women workers can read about her life story and work. Also, in her nineties and living in Badulla when the union was in its formative stages, Krishnammal was honoured at the 2008 International Tea Day celebrations held in Kandy. By building and maintaining kinship between the struggles of pioneering women union leaders such as

Sivappakkiyam and Krishnammal, WWF encourages today's Hill Country Tamil women to not forget their place within Sri Lanka's collective history of labour rights advocacy but also to recognise the connections between historical struggles and present obstacles that working women encounter.

Challenging Structural Violence with Structural Change

WWF's origin story responds directly to the above histories and structures of gendered inequality among plantation trade unions. Its registration, structure, methodologies, and conceptual approaches to addressing women's labour realities challenge the tactics employed by plantation trade unions to reach out to working women's issues and experiences. In doing so, this union calls attention to how former modes of labour organising, bolstered by patriarchal and stagnant industrial-political relations, fall short in their capacities to empower and promote women's upward mobility and leadership. Structurally, WWF follows a traditional union structure, relative to both its size and scale within contemporary Sri Lanka (Kandasamy 2002, 44-45). Between 2011 and 2014, 15 Hill Country Tamil women, including Priya, completed labour rights and awareness trainings to become WWF field mobilisers and by 2014, fifty-two women comprised the General Council across six field sites and the Executive Council consisted of 13 members.

As the first women-only led trade union in Sri Lanka, WWF sits apart from other registered trade unions in the plantation sector in both structure and practice. At present, the General Secretary, Krishnan Yogeshwari, is a woman worker with a

strong orientation to feminist thinking and a deep knowledge of labour rights and organising. Additionally, K. Aruljothy, who is employed as a welfare officer, serves as the union's President. The key difference between WWF and other plantation trade unions has been its commitment to appointing women workers to Executive and General Council leadership or office-bearing positions within the union. The union refuses to have men assume office-bearing positions as an explicit restructuring of current patriarchal structures of power that have come to be synonymous with dominating male decision-making plantation trade unions constituents.

While changing the structure to give women decision-making positions within a union is the first step, in practice, WWF serves as a cogent example in the Sri Lankan context for being a visible presence nationally as the country's first women-led trade union. On one hand, the union assumes a strong presence in the plantation sector as a visible symbol of women's empowerment. On national days of labour recognition such as International Women's Day, May Day, and International Tea Day, WWF makes itself known through the organisation of marches, rallies, Tamil newspaper writings, and workshops to mobilise the wider community and mark what have been traditionally male spaces with their physical presence. Behind the scenes, WWF also makes itself visible in the transnational context. It works to build relationships of solidarity and international dialogue with women's movements in South Asia and in other countries in the "Global South", including women's trade unions in Malaysia, India, and the Philippines through UN-based and other gender-based network forums.

Additionally, WWF's monthly membership dues are presently Rs30, more than two-thirds less than the traditional Rs100 monthly membership due of plantation trade unions. Recognising the economic burdens that women face, especially those in the unorganised sector and those who are unemployed or in the reserve labour force (RLF)[10], WWF acknowledges the realities that workers in non-formal settings face, but strives to remain inclusive in building its membership base. For instance, from 2013 to 2017, 720 women workers were not able to continuously pay their membership dues, but WWF still maintained an effort to address their labour grievances and provided them with guidance and advice to better their situations. With aims to maintain principles of inclusivity over hierarchy, WWF's structure matches its diverse composition and outreach across formal and informal labour sectors. At the end of 2017, WWF had a total of 1,272 members, meaning those who are actively paying monthly membership dues. In July 2017, I sat down with WWF members in Kandy to review the gradual increase in their membership base since its inception in 2013 (see Figure 1). In my conversations with Priya and other key members and mobilisers, the challenge remains not only in reaching women workers outside of working hours but also keeping track of their shifts in employment and internal migration within the country due to marriage, shifts in employment, and other factors.

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[10]   The "reserve labor force" refers to those individuals in a community who, throughout their life history (from childhood to older years) because of their flexible social relations and skills, are "on reserve" and have the capacities to work when formal and informal labour is available or needed (Lancy 2015).

Figure 1. Number of new Working Women's Front registered members, April 2013–March 2017
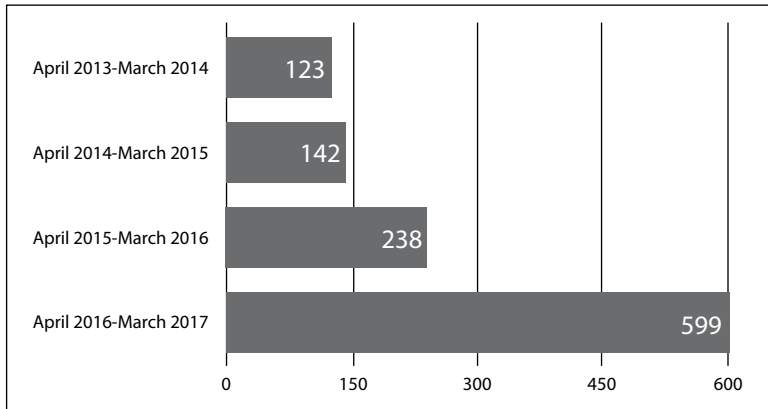
WWF started with a modest membership base. However, with international funding to support its outreach and membership activities from 2012 to 2017, the union saw a significant increase of members largely due to two primary factors (see Figure 2). First, beginning in 2013, WWF began reaching out to the reserve labour force and unemployed individuals. Though the numbers did not immediately reflect these efforts, there was a significant increase in both member types from 2015 to 2017. Second, WWF saw a marked increase in its recruitment of garment workers during that same period.

Figure 2. The Working Women's Front Union Membership, by employment

Working Women's Front Union Membership 2013-2017

WORK FORCE	APRIL 2013-MARCH 2014	APRIL 2014-MARCH 2015	APRIL 2015-MARCH 2016	APRIL 2016-MARCH 2017
Estate	15	7	25	130
Garment	17	17	70	194
Shop and Office	34	50	11	72
Home-Based/Self-Employed	19	60	11	23
Domestic	11	4	0	12
Unemployed/Reserve Labour Force	0	0	78	92
Migrant	27	3	36	12
Gardening	0	0	7	5
TOTAL (2013-2017)	**123**	**142**	**238**	**599**

Source: Working Women's Front

Figure 3. Primary Employment Sector Breakdown from Sample of WWF Case Studies, 2012-2017
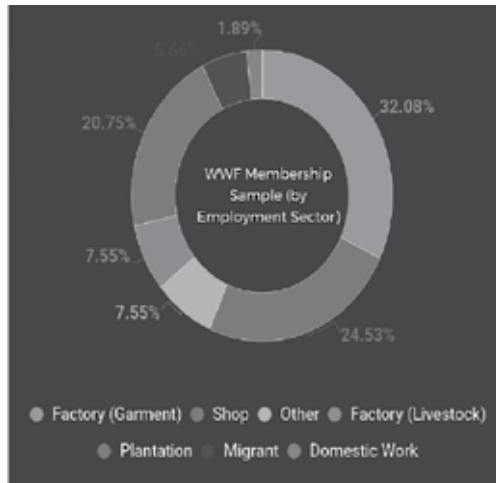
Image created by William Pollard and Maya Kaneko, Santa Clara University.

In July and August 2017, a sample of 58 case studies from WWF's membership database dating from 2012 to 2017 were translated from Tamil into English in support of creating an

English-language digital archive of WWF's achievements and sustainability for the first five years after its registration. The content of those selected translated case studies were then analysed using open and focused coding to identify both the primary issues that WWF addressed through their engagement of women workers and their primary sectors of employment targeted during their first documented grievances.[11]

Of the 58 case studies, nearly 33 per cent of workers were labouring in informal and unorganised sectors (see Figure 3). Ahead of plantation work (20.75 per cent), the two primary employment sectors are garment (32.08 per cent) and shop (24.53 per cent) work, a notable trend, given its affirmation of the preferences of younger generations of women on the plantation to not register as full-time workers on the estates. While both domestic and migrant work comprise a total of 7.5 per cent of workers, this low percentage may attest to the fact that it is still uncharted ground to think about unionising domestic workers in Sri Lanka and transnationally and also difficult to access domestic workers given the dispersed and shifting dynamics of intimate labour. Lastly, the diversity of income generation among these 58 women workers demonstrates how systemic social and economic inequalities directly impact the limited range of work that Hill Country Tamils perform within semi-skilled to unskilled labour markets.

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[11] The sample was curated and selected by my research assistant, Thamilchelvi Sritharan, and SCU undergraduate research assistant, William Pollard, carried out the open and focused coding.

Figure 4. The primary and secondary grievances addressed by WWF between 2012 and 2017

Image created by William Pollard and Maya Kaneko, Santa Clara University

Pollard then used open and focused coding to identify the primary and original reasons that members sought the assistance and action of WWF. After identification, he and research assistant Maya Kaneko created a word cloud data visualisation[12] of the primary and secondary reasons, which women workers cited and which WWF responded, from which he found the following trends across the sample of grievance cases (see Figure 4).

Of the sample set digitised and translated, nearly 35 per cent of cases dealt primarily with issues regarding access to employee benefits and retirement funds. Beyond this outcome, the visualisation itself reveals the range of issues that women workers identified to WWF members and how economic issues specifically draw women workers to seek WWF's assistance. While WWF

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[12] Word clouds are data visualisations that represent the frequency of words used in a data set. See Andy Ramsden and Andrew Bate, "Using Word Clouds in Teaching and Learning", p. 1.

trainings and workshops address workers' economic rights, these are not the only issues covered. WWF works to complement these concerns with education-based awareness around the secondary and tertiary concerns that may arise alongside economic issues such as workplace discrimination, quality of work, domestic rights and violence, and livelihood opportunities.

Geographically, WWF began working in the Central Province, but between its registration and 2017, expanded its membership to include women workers in Uva, Western, Sabaragamuwa and Northern Provinces. Figure 5, below, shows a sample of locations in which WWF has active members, taken from the entire membership database and in consultation with key leaders.

While these findings are in no way representative of the full reach and extent of WWF's work in the first five years of its life as a trade union, it is important to recognise how such data specifically serves women-led unions whose sustainability and work are impacted at intersections of ethnicity, gender, and class; and to highlight that Hill Country Tamils are dispersed throughout the country and live outside the plantation sector as well. Tracking and recording this data, while limited in this first phase, can serve as a foundation for other feminist trade unions to model and build upon in highlighting the work that women union leaders do to connect with and organise, unorganised workers.

Figure 5. A sample of locations where WWF mobilised workers across Uva, Central, and Sabaragamuwa Provinces in Sri Lanka between 2012 and 2017

Hatton	Kandy	Ambagamuwa
Pusselawa	Galaha	Pundaloya
Gampola	Panwila	Nuwara Eliya
Matale	Talawakelle	Nawalapitiya
Watawala	Kadawala	Kalugala

Created by the author

Making Women's Labour Realities Visible

To maintain an inclusive membership base, WWF employs a diverse set of outreach and sustainability measures. Mobilisers and key members are in the field, three to four days a week. A day in the field consists of going from house to house to meet members

and prospective members, beginning in the morning and ending in the early evening. As Pramila, a mobiliser whom I accompanied in the field in 2015 and 2016, explained "the field" is not only where WWF builds and sustains its connections but also where it gains entry into potential labour cases, and ways to encourage women to document and track their labour experiences using face to face interactions. Beyond fieldwork, WWF key leaders conduct regular trainings on career planning, trade union leadership, informal labour rights, domestic violence, and education and awareness trainings on statutory entitlements. In addition to rights-based and capacity building opportunities, WWF conducts sector-specific forums to which the Labour Commissioner and other members of local Labour Department divisions are present. During these meetings, women workers from each group join to discuss their labour experiences, employer treatment, and actual violations or acts of discrimination that they face in workplaces.

From documenting the lack of toilet facilities or failure to provide safety wear in a garment factory to missing EPF and ETF benefits from pay slips, women workers are able to have face-to-face interactions with government officials to have their concerns and complaints heard and recorded. This also gives women workers opportunities to be in a safe space to voice their concerns directly to the Labour Commissioner, and to also hear the concerns of others, while strategising for better work conditions and ways to challenge employers who do not follow labour law or regulations. In addition, WWF also provides legal advocacy on labour discrimination, safe migration, domestic disputes, statutory entitlements as outlined in the Shop and Office Act,

and also mobilises the reserve labour force and youth, including school dropouts, school-attending children, and family members who have kin working abroad or in formal, informal, and casual labour sectors.

In August 2014, I participated and observed a WWF leadership training on trade union activities in the workplace among garment, domestic, and reserve labour force (RLF) workers in Kandy district. The range of voices and perspectives in the room of 16 women was striking, ranging from 16-year-old school dropouts looking for work to elderly women in their early 60s that were thinking about domestic work in Colombo. The workshop discussed the purpose of labour organising and what trade union activities would be useful for their group in particular. As WWF mobilisers walked around the room, I noticed smaller details that demonstrated how WWF addressed the intersectionality of women's labour through cultivating a sense of solidarity among a diverse group of women.

For instance, while filling out membership forms, younger girls, having just completed their Ordinary Levels, helped elderly women, who were struggling to read, fill out their forms. Those same young girls then received assurance from elderly and middle-aged women about managing the stigmas of dropping out of school. In this way, the experiences gave women confidence to speak. This became evident towards the end of the programme when Dinusha, who, at the time, was 18 years old, raised her hand to speak and share her labour grievances with a Sinhala-speaking representative of the Kandy Labour Commissioner's office. With a WWF member interpreting for her, Dinusha explained that she had begun working as a fabric cutter at a small garment factory

in the Hill Country only four months prior to the meeting. With a promised daily base wage of Rs200 a day, she was given eight hours a day to complete her tasks, but that this was not enough time to complete the task at hand and that her boss had taken cuts from her salary. The target, she told the group, was to complete a dozen pieces of fabric for a Rs15 per piece supplement (for a total potential of Rs180 earning per day) in addition to her Rs200 daily wage rate. But continually she was able to complete only ten of the twelve pieces, and so she did not receive the supplement. Additionally, her mother had not been well and she had to take three days leave. Then, she had an issue in her household ("*veetu piraccinai*") and again had to take another three days leave in the last month. With her six days of absence, she only received a Rs2,000 salary for that month, though entitled to well above that amount. She added that she had hurt her finger while cutting garments and had left work early to go to the doctor, because there were no bandages on site for workers. For that day too, she did not receive any wages.

The process of questioning and exchange between Dinusha, the WWF member who interpreted for her, and the Labour Department's representative, was striking in that it became clear how such events work to facilitate the production of the evidence needed to make labour grievances and rely on gendered relations of recognition and trust among workers, union members, and outside parties. As mediators, WWF members not only serve as facilitators of such evidence production but also work to maintain safe and trusting spaces in which working women, especially those new to the labour force, can express themselves, despite differential hierarchies across age, work experience, and industry in the group.

In August 2016, I returned to the field and observed three different trainings that WWF conducted over ten days within Nuwara Eliya district. The first event brought together approximately 50 women workers from six different garment factories in the Hill Country to receive training about labour rights and the value of women's labour and then an opportunity to share their specific labour experiences with a member of the district-level Labour Commissioner's Department. In the second part of the programme, women specifically listed their labour grievances on large, differently coloured posters, and were given time to present their specific issues to the representative to record and follow-up on.

In the second event, three WWF members assembled a more intimate group of 12 women working in various locations in Nuwara Eliya town to discuss their labour experiences and learn best practices for safekeeping of labour-related documents and asking for statutory entitlements. From examining individual women's EPF slips, to interrogating the misleading marketing on job advertisements, the women in attendance had a safe space to voice their concerns and receive guidance about moving forward to ensure their rights in the workplace.

In the final event, WWF members visited a primary school to talk about bodily rights and domestic issues with 50 school attending children, ages five to ten years old. In this training, the mobilisers asked the children to think about what they deemed was non-violent, safe and ideal interactions and how to recognise forms of violence and social factors that impact their relationships to family and community members. The children described issues such as domestic violence, alcohol and cigarette use, having proper places to study in the home, loans and financial stress, and verbal abuse.

These three trainings demonstrate two features of WWF's work that deserve attention. First, each type of training was committed to cultivating safe spaces for participants from all backgrounds and experiences to openly share and discuss their concerns. To do so, WWF acknowledges the structural constraints that women workers face and that surface as they work in labour spaces designed to profit from their exploitation. As one worker recalled in her individual and anonymous evaluation of the August 2016 garment factory rights training, the experience made her "see that women workers like us should not just sit back and do nothing when things go wrong but look together to see how to challenge these issues to come to light". In such spaces, women workers take the detailed experiences of labour exploitation that they have identified seriously, lift them out of what can often be silencing places of labour and diminished value and bring them into spaces of solidarity to make them visible and challenge them.

Second, each type of gathering addresses the reality that Hill Country Tamil women work throughout their lives and the relationality of their life work in family, workplace, and gendered settings. By working with a range of women from children to the elderly, WWF acknowledges that women are not tied to one sector for the entirety of their lives and do move and partake in multiple and different income-generation activities throughout their lives. Furthermore, as a union of women, WWF works to remove the stigma of women's membership in unions and union participation as potential detractors from their home lives and commitments. Given that women mobilisers are working mothers, wives, and daughters themselves, they encourage women in these gatherings to bring in their family experiences into the union space and encourage family members to support women who work and contribute to their household's and community's lives.

Conclusion

With patriarchal forms of leadership and activities dominating today's plantation sector and Hill Country Tamil women's lives, this case study on the first five years of the Working Women's Front seeks to highlight how feminist forms of labour organising and organising the unorganised can be more commensurate with the labour aspirations and landscapes that *Malaiyaha Thamilar* women workers navigate. Filling a gap in labour organising on the plantations, WWF has demonstrated that intersectional feminist and relational approaches to labour organising are key to reaching Hill Country Tamil women living on the estates, but working across Sri Lanka's formal, informal, and unorganised labour sectors. But these successes are not without challenges.

Unions such as WWF must work twice as hard to maintain visibility of their efforts within male-dominated and politicised union climates on the plantations. They also compromise their financial sustainability to more equitably meet marginalised minority women workers' economic and social realities. Lastly, given their location and key membership in the Central Province, they are limited in their reach into fields where women work across and beyond Sri Lanka and must adopt alternative strategies to connect with women workers and sustain those connections. These shifting dynamics and the flexible and precarious nature of intimate, casual, and unorganised labour take time, toil, and concerted struggle from union mobilisers to sustain on the ground.

This study seeks to make visible the evidence of organising the unorganised and the positive impacts of intersectional and relational approaches and methodologies in feminist labour

organising and why this approach is critical to meeting the labour needs of Hill Country Tamil women in Sri Lanka. With the drying-up of WWF's international funding in 2017, the unmet demands of plantation workers to secure a living wage despite nationwide protests in October 2018, and the parliamentary crisis involving the Executive Presidency in late 2018, already fragile minorities such as the Hill Country Tamils and newer unions such as WWF face double impacts of invisibility, sustainability, and economic inequity in the present and near future. What they need are assurances and actions of solidarity to recognise what formal and informal workers like Priya and Dinusha want for their futures, and how women themselves articulate the ways they value their work and capacity to generate income for their families and communities in conditions of structural inequality and violence. Given the intractability and insecurity of Sri Lanka's current national politics to serve as a means to improving workers' conditions, unions and community organisers can learn from WWF's less conventional methodologies to meet workers' needs and their objectives to disentangle the rights of minority workers from the corrosively patriarchal and normative politics of union representation in Sri Lanka.

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6.

Between the Factory and the Estate: A Reproduction of Exploitative Structures

Zainab Ibrahim and Buddhima Padmasiri

"It is no point just having jobs. The jobs have to bring an income to the people and develop their circumstances. It is that sort of an apparel industry that we want"– Government Official, Ministry of Industry and Commerce, Uva Province

Introduction

Plantation workers have been trapped within exploitative economic conditions in which owners of capital are regional plantation companies. In a context where the plantation industry itself is considered economically unsustainable, but there is little consensus on how to move forward, workers themselves are trying to find a way out. They are migrating to garment factory employment; as domestic workers both locally and overseas; and as day labourers, making the labour geography in these areas more complex. Despite diversified employment options being a potential upward driver out of poverty for plantation workers, these new forms of employment appear to recreate old systems of violence and exploitation of workers, as this chapter shows, using garment factories in the Uva, Sabaragamuwa and Central Provinces as case-studies.

Established apparel companies have been moving to the estate sector in recent years to further drive down costs and take

advantage of a "captive" labour market. It is within this context that we explore the intersection of estate labour and the apparel industry. While providing alternative employment and higher wages relative to plantation work, several workers we spoke to found themselves trapped in unequal power dynamics, between medium and larger scale manufacturers competing on tight margins on the one hand and limited bargaining power and organisation for workers on the other.

This chapter will first provide a context to Sri Lanka's plantation sector, as well as the garment industry and its presence in the hill country, followed by the push-pull factors that drives the movement of labour between the industries, and the reassertion of exploitative labour relations in the nexus between the plantation and the garment industry, despite existing protections in law. Discussions of movement of workers between estates and apparel factories are drawn primarily from Kegalle, Kandy, and Hatton. In the case of Badulla, workers interviewed in this study were primarily from neighbouring villages and not estates. However, officials from the Department of Labour and the Ministry of Industry and Commerce in Badulla, spoke of the context of labour movement in this district from estates to factories as well as the broader context of labour in this area. This chapter concludes with a discussion of the challenges of mobilisation and resistance in the garment industry in the hill-country context.[13]

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[13]   In the course of research, there were several knowledge gaps that emerged in relation to the nexus between the garment industry and its location in plantation areas. For instance, the gendered nature of labour migration between these industries and in conditions of work, as well as findings that could be applied from a systematic assessment of the 200 Garment Factories Programme. There were also challenges in sourcing information such as details of registered factories in each district studied, from various state agencies due to poor record-keeping and maintenance or limited records.

Conditions of work in the plantation sector in Sri Lanka

The plantation industries in Sri Lanka date back to the British colonial period, which utilised labour from South India, in slave-like conditions of employment. These captive labour conditions have continued in various guises since, characterised by lack of mobility of workers; isolation from urban labour; repressive management practices; and patriarchal control of women workers (Kandasamy 2014, 16). Women workers on the tea plantations of Sri Lanka constitute the majority of the labour force on the estates. Plantation workers are amongst the most deprived people of Sri Lanka, in terms of poverty, living conditions, and relatively low achievements in health and education.

Kurian and Jayawardena (2014) identified three factors that contributed to the preservation of slave-like practices on the estates and these legacies continued to influence labour relations on the estates. Firstly, the Colonial Office provided many incentives for planters to develop the highly profitable plantation production, often neglecting the basic rights and conditions of workers. Secondly, several planters who had previously worked on slave plantations in the Caribbean were involved in the setting up and running of the plantations in 19th century Sri Lanka and found the brutal methods used to control slaves and exploit female labour, useful in managing waged workers too. Thirdly, slavery existed in both Sri Lanka and South India in this period and so people in authority were familiar with these practices, and did not challenge them either. Despite the abolition of slavery in the British empire in 1834, these relations continued in practice in the forms of recruitment adopted. For instance, poor and destitute workers from South India were advanced money for transport

and other costs, to be deducted from their wages, and so these workers began their work on the estates in debt and thus bonded to the planters. Women were increasingly hired because it was considered acceptable to pay them lower wages than men, and disparities in the hours of work for the same wage, continues in practice today.

Trade union struggles began in the plantation sector in 1931 and these struggles grew to encompass not just labour rights but also democratic rights, including those of citizenship and the franchise. Since the 1970s, women and women's rights groups have fought against the exploitation of women on the estates, demanding equal pay and treatment, and improvements in work and living conditions. Today, women continue to work some of the longest hours in the plantation sector, up to six days a week. Since they are employed in the formal sector, estate workers are entitled to legislative protection that govern working conditions and terms of employment. The collective bargaining agreement between plantation trade unions and employers, negotiated for every three years, sets a daily wage, making plantation workers daily-wage labourers. Workers often cannot fully utilise all the work days as management does not offer work when it rains, for instance, or they reduce work days when there is low yield or due to their own absenteeism (Jayawardena et al. 2014). All of this results in considerable insecurity of income.

> "It is a dream to obtain a salary of Rs15,000 by working in the estate. It is not practical or achievable for a worker to work for 30 days in a month due to various conditions such as weather" – Regional Director, Ministry of Industry and Commerce, Uva Province

The mean per capita income per month for the estate sector in 2016 was Rs8,566, which is almost equivalent to the mean per capita expenditure per month of Rs8,577, according to the Department of Census and Statistics data. The mean household income per month in 2016 in the estate sector was Rs34,804, and for an average household size of four people, mean household expenditure each month for the estate sector was just marginally lower at Rs30,884. (Department of Census and Statistics, 2018). Therefore, the margin for savings and emergency expenses is negligible.

Garment factories in Sri Lanka's hill country

The establishment of the garment industry as a crucial driver of the Sri Lankan economy followed the economic liberalisation policies of 1977, and were influenced by global trends of market regulation and growing labour market flexibility (Standing 1999). Today, the garment industry is the country's main industrial exporter contributing 44 per cent of total exports (EDB 2015, 3), the highest foreign exchange earner, and the highest industrial employment generator (BOI Sri Lanka, 2015). It is also an industry with the highest growth rate of 19.7 per cent in 2014, and constituted 30 per cent of factory industrial production of the country in the same year (Central Bank 2014, 47).

Initially, the garment industry was centralised in Export Processing Zones (EPZs) which had the added benefit of tax concessions for investors. With the introduction of the "200 Garment Factory Programme" (200 GFP) of 1992 and the "50 Garment Factory Programme" (50 GFP) of 1998, the industry

and its production was dispersed across the island with the objective of generating employment opportunities for rural youth. This programme aimed to locate one factory in each Assistant Government Agent (AGA) division in the country, and with a 95 per cent female workforce (Lynch 2002, 99 and 118). The state provided infrastructure facilities such as roads, electricity, and water pipes, before the factories were established (Lynch 2002, 87-88). Therefore, it is through this state-led industrial development programme that garment factories were established outside of EPZs, including in the hill country.

Since the mid-1990s the garment industry has been closely tied into narratives of using "development for peace". For instance, the 200 Garment Factories Programme was set up in the aftermath of the second Janatha Vimukthi Peramuna insurrection, to quell youth unrest by providing jobs for young people in rural areas. More recently, garment factories have been incentivised to set up in the North and East following the war, as part of a similar conversation on "development as reconciliation".

Based on the mapping conducted by the researchers, there are currently 72 BOI registered factories and 89 non-BOI factories of large (over 100 workers and a minimum investment of Rs100 million) and medium scale (25-100 workers and investment of less than Rs100 million), in the Uva, Central, and Sabaragamuwa Provinces. Of the 72 BOI registered factories, 22 began under the 200 Garment Factories Programme, although some current owners indicated that they had leased or bought the premises for their current operations from previous owners under the programme. At present, factories of four of the largest apparel firms in Sri Lanka—MAS, Brandix, Hirdaramani and Polytex—are

all found in these provinces. In addition to these factories, there is one Export Processing Zone (EPZ) near Kandy called the Pallekele EPZ, set up in 1994. Spread across 205 acres, six of the 11 factories are garment factories, employing 5,000 of the 7,000 workers in this EPZ.

The signing and the eventual phasing out of the Multi-Fibre Agreement (MFA) that granted quotas to the garment industry, the granting of trade concessions on exports to the European Union through the GSP+ preferences scheme, and the end of the war in 2009, were all key turning points in the development of the apparel industry. The MFA, with its scheme of guaranteed quotas, provided the impetus for state-led plans of expanding the garment industry across the country. The phase out of the MFA in 2005 encouraged numerous advances and innovations across the apparel industry in terms of product, process, marketing, and organisational structures (Wijayasiri and Dissanayake 2008; Athukorala and Ekanayake 2014). For some factories, however, the end of quotas resulted in challenges in finding markets and investment and resulted in closures, such as in Badulla (interview with Labour Commissioner, Badulla).

Several apparel firms that had survived in the post-MFA era, set their sights afresh on the hill country, opening new factories in these areas spurred on by labour availability and low competition relative to EPZs. This has had impact on the cost structures and efficiencies of these factories, though not always positive for workers, with hidden costs built into their employment, as discussed below. The characteristics of the labour force have also changed significantly from the early days of the industry in the 1970s, when the workforce was primarily unmarried, Sinhala women from more rural parts of the country (Lynch 2002).

Greater flexibility of labour has also created more precarious forms of employment within the industry.

Moving between factory and the estate: Push-pull factors

The horizontal movement of estate workers from plantation work into domestic work locally and the re-creation of conditions of servitude that has characterised plantation work in Sri Lanka over the past 200 years, has been well documented by Kandasamy (2014). Daniel Bass considered other factors that affected this migration of work from the plantation sector into the apparel industry. He gives the example of a female worker who considered work in a garment factory as increasing her social status, together with her relatively higher level of education. Although this employment was more strenuous and provided her with a lower salary, she was reluctant to leave as she thought her return to estate work would be viewed as a failure (Bass 2015, 177). Certainly, many features of the plantation system of employment have changed over the years, but some structural features remain, particularly exploitative economic and social relations and the continued existence of a "Company Raj", collectively viewed as continued and systematic violence.[14] In the North and East of the country, the setting-up of garment factories has been part of the post-war "development as reconciliation" discourse. Ruwanpura and Goger (2014) have argued that primitive accumulation of capital has underpinned the State's "business for peace" approach, which has further entrenched power structures in these areas, along lines

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[14]   The "Company Raj" refers to the situation in the plantation sector where the sovereignty of the state is shared with private plantation companies who have leased the estates, such that they effectively "govern" some aspects of the daily lives of people living on estates (Cited in a submission to the Government-appointed Consultation

of ethnicity, class, and language. In this argument, "the priorities of capital take precedence over needs", which we suggest can be extended into priority over rights too. There are several parallels in these processes in the hill country and other areas, despite some differences in context that deserve further exploration.

Diversified livelihood portfolios are also a significant upward driver in pushing households on the estates out of poverty (CEPA 2005). This includes livelihoods incorporating both estate and non-estate work, internal and external migration for work, and a mix of skilled and unskilled labour. This chapter argues that the establishment of garment factories in these areas, while allowing for expanding options of employment, especially for women, outside of estate work, recreates exploitative patterns similar to those in on-estate employment. This highlights an inherent tension between the rights of workers and of labour on the one hand and achieving economic efficiency and gains on the other. Efficiency gains in terms of higher profitability through reduced costs, largely through reduced wages relative to Free Trade Zones, were prioritised by all employers interviewed for this study, who had given this as the primary reason for relocating to the estate sector. The context in Badulla, however, differed from the contexts in Kandy, Kegalle, and Hatton. While there was a movement of workers between estates and apparel factories, as noted by officials from the Department of Labour in Badulla, they identified this as a relatively recent trend, at the time of fieldwork. The reasons that they gave for this were that relatively fewer apparel factories had been set up in this district because transport costs were very high, and that the factories were located outside of the estates.

Task Force on Reconciliation Mechanisms in 2016 by representatives of Up-country Tamils).

There are several contradictory perspectives at play in the factories visited. Workers are better paid in the factories than on the estates, although the wage structure at up-country factories is consistently lower than in factories owned by the same company in other parts of the country. This means, for example, that wages in factories in the Central Province were lower than factories owned by the same company in the Western Province. By workers' admission, this was not sufficient to meet their expenses. A manager in one of the factories that we visited in the Central Province said that the wages offered at his factory were the lowest in a cluster of factories, but higher than that stipulated by law. He said, "we don't have competition with other factories so we don't need to pay very high salaries unlike factories in Avissawella for instance". In his factory the basic wage was Rs11,500 in January 2016. In the Katunayake branch of the same factory, the basic wage was Rs13,500, as of November 2015. Most workers whom we spoke to reported basic wages between Rs11,000 and Rs14,000 a month.[15]

People interviewed for this study said that the factories provide them, especially women, with good employment options, instead of higher paid work outside of estates that take them far away from home or physically demanding estate labour, in which earnings are also dependent on climatic conditions. They saw work in the apparel factories as providing steadier employment with a fixed monthly basic wage and a better opportunity for personal saving. However, by continuing to live and work on the

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[15]   The Budgetary Relief Allowance Act No. 36 of 2005 increased the minimum wage of low paid workers earning Rs10,000 by Rs1,500. However, the average monthly wage for garment industry workers in the Katunayake Export Processing Zone was Rs20,000 in 2015 (Padmasiri 2015).

estates, and therefore within existing patriarchal socio-economic and class structures, women workers in particular continued to be subject to those forms of exploitation.

Most of the workers interviewed in Kegalle, Kandy, and Hatton were from plantation communities that lived and worked on the estates, apart from some of the workers in Badulla who lived in villages neighbouring the estates. They had opted for work in the garment factories, as it was an alternative livelihood option outside of plantation work and they could commute to the factories from home. This is in contrast to the employment and living conditions in some of the Export Processing Zones (EPZ) in the country. For example, the phenomenon of "boarding houses provided by factories", which are considered exploitative because workers are subject to surveillance and discipline by security guards, restrictions on visitors, the need to sign in and out, and the enforcing of curfews (Joint Civil Society Shadow Report to the United Nations Committee on Economic Social and Cultural Rights 2017). Even in "boarding houses" that were not provided by factory employers, intimidation by management prevailed during visits to monitor workers (Compa 2003). To meet basic living conditions, workers need to spend most of their wages each month (Biyanwila 2010, 142). In contrast, boarding houses were not a feature of garment work on the estates studied, although housing on the estates posed its own problems.

The factories offered a potential way out of poor wages and working conditions, considered by workers as being more strenuous and dependent on vagaries of climate, than those offered by the plantation companies. Workers reported that they did not always have fixed employment on the estates and

that plucking tea is physically challenging and often carried out in difficult conditions. The limited days of work in bad weather negatively affected their take-home pay. Their wages for on-estate work were lower relative to the garment factories. The average monthly wage for estate labour was estimated in 2016 to be Rs14,600 (Submission to the Government Consultation Task Force on Reconciliation Mechanisms). Those interviewed by the authors claimed to earn higher wages in the garment factories, but reported monthly incomes of between Rs11,000 and Rs14,000. The variation could also be due to the location of the factory which has an impact on the determination of the wages of the workers within that cluster, the grades of employment of the workers we met, and the small number sampled, which makes a direct comparison of average wages inaccurate. Furthermore, as of October 2016, daily guaranteed basic wages were set at Rs530 per day plus incentives that could take the basic wage to Rs730 per day as per the Collective Agreement between the Employers' Federation of Ceylon and plantation trade unions, including the Ceylon Workers' Congress and the Lanka Jathika Estate Workers' Union.

Work in the garment factories was also seen by many as a way to save for expenses related to women's weddings, as employees are entitled to gratuity payments after five years of work, as Caitrin Lynch has documented (Lynch 2007). However, some of the women we spoke to said that there are cases of people leaving garment factories and returning to estate work, unable to cope with the pressures of production targets and incidents of mistreatment, such as being verbally abused.

"There are lots of people that leave estate work also and go to work in factories. Many go for the interviews. But they see the pressure, the targets, how people get scolded and they leave and go back to the estates saying that it is better to work here" – Garment factory worker, Hatton.

In plantation areas, the location is considered efficient and cost-effective in terms of retaining workers and reducing costs, including wages. Factories are closer to the homes of workers, and so there is less employee turnover, with the primary female workers reporting feeling safer and more secure because they are close to home. However, ideas of safety and security need to be placed in a broader context of reportedly higher levels of domestic violence among plantation communities, as other research shows (Jayawardena et al. 2014, 24-26; de Mel, Peiris and Gomez 2013).

Factories in up-country areas were located further apart due to reasons of hill-country geography, which also meant that workers did not move between factories as much, relative to workers in the Export Processing Zones. For apparel companies, workforce shortages are exacerbated in urban areas and industrial zones due to workers shopping for the "best deal" by switching to neighbouring factories situated close by.

"People are not staying for long in one place in the Katunayake zones because there are more factories and more choices for workers" – A Manager's perspective from a factory in the Central Province.

One factory in Kandy reported a 7 per cent annual turnover rate, as well as low absenteeism rates of 5.5 per cent. In a factory

in Bandarawela, the annual labour turnover rate was 5 per cent and absenteeism was 3.5 per cent annually. Factory managers we spoke to indicated that these rates are higher in their company factories in the Katunayake EPZs. While wages were still higher than the basic minimum as stipulated by the Wages Board Ordinance, in at least one of the factories we spoke to, they were still among the lowest in that company cluster. Managers said that the relative lack of competition between factories in an area due to longer physical distance between factories (at least 8–10 km in some areas), allowed for the fixing of lower than standard wages.

Costs to workers: visible and hidden

One major historical factor in the creation of this workforce for garment factories in the estates cannot be ignored: the production of a regimented workforce under the jurisdiction of private companies that subject workers to, often Sinhala-speaking forms of authority and the leveraging of the differences of social class, ethnicity, language, and gender to maintain this authority. There has and continues to be, "exploitative economic and social relations that contribute significantly to national wealth, but received relatively little but poverty in return" (Submission to CTF, 2016). In our study, we found the reassertion of several features of exploitative labour relations in this nexus between plantations and the garment industry, despite existing protection by law. Companies' drive for improved cost-efficiencies has resulted in unequal power dynamics being set up between medium-to-large scale manufacturers competing on tight margins. There are often hidden costs in-built in this employment, driven by supply chain pressures, which are especially salient for those workers that have limited bargaining power and space for collective organisation.

As outlined by Kidder and Raworth (2014), there are four types of hidden costs for workers, most of which we saw in the course of research: 1) out-of-pocket costs; 2) income and benefits foregone, such as irregularities in EPF and ETF benefits; irregularities in leave, and unpaid overtime in the form of covering work that has been "missed" even when workers have taken statutory holidays; 3) human development costs, such as impaired health and reduced time with family; 4) equity and self-esteem costs, such as public scolding of workers by managers, witnessed in one incident during this study. These visible and hidden costs were observed across all the districts we visited for this study and raised by all workers interviewed.

Based on our observations and interviews with factory management and workers, both within and outside of estates, we now discuss the structures of exploitation that workers continue to face. These structures include, firstly, working conditions and entitlements such as wages and incentives, transport, entitlements including leave and other facilities, and, secondly, the use of language and adversarial relationships with management to entrench control.

In relation to wages and incentives, despite work being available, wages do not seem to match rising costs of living, according to our interviews with workers. One worker in Kegalle explained she was already in debt for the month because expenses for her family of three children often exceeded her pay. There is no standard wage for all the factories owned by a single company, and so it varies based on location, as discussed earlier. In relation to benefits of employment, such as transport, the factories were relatively close to home for most of the workers. However, in

some cases workers travelled as much as 100 km, but transport was provided. In these cases, as noted by workers, they still chose to travel such a long distance, because there were not similar employment options closer to their homes, and they could still travel home each day, since transport was provided. Yet, workers contributed to transport costs from their salaries in some cases. Workers in Badulla received no transport allowance, for example, spending, on average, Rs1,600 per month on transport.

In relation to entitlements, workers reported irregularities in social security, that is, Employees' Provident Fund (EPF) and Employees' Trust Fund (ETF), contributions in some of the factories. In one factory in Kandy, EPF and ETF payments were made only after a year. Workers at this factory explained that they were issued with an EPF number upon joining the factory, which was then changed again after a year of employment to a different number or account that was registered with the EPF Department. The new number made it falsely seem as if they were new employees, even though they had been employed for over a year. According to statutory law in Sri Lanka, entitlement to EPF and ETF begins from the date of employment and prior to confirmation. In a factory in Badulla, EPF and ETF was paid only after three to four months of employment, ostensibly after a probationary period. Labour officials in Kandy said that most of the disputes they handled involved wages, issues with EPF payments, gratuity, and overtime.

As far as leave is concerned, not taking entitled leave was actively promoted and encouraged through the provision of incentives so that targets could be met or exceeded. As an example of the kind of incentives used by factory management, two

workers from a garment factory in Hatton said that if they work continuously for three months without leave, they get a gift such as a plastic basin or bucket for their household. A worker in Kegalle said that if they do not take leave for a year, they are entitled to a gold coin or gold pendant. In some factories, workers were entitled to varying additional payments each month if they did not take leave. From the perspectives of managers, the incentives are intended to curb high absenteeism. From the perspective of workers, they accept the incentives because it increases their usually insufficient monthly take-home salaries.

There were also irregularities in leave offered despite the law, and tactics of intimidation so that workers do not take leave so that production targets could be met. For example, management would threaten to terminate workers' employment or actually terminate some to set an example to others, or, when workers take leave due to illness, management often accused them of providing fake medical certificates. Additionally, if someone from a worker's home calls, asking them to return immediately because of an emergency, they are sent from one person to another within the organisation to get approvals to take leave, delaying the process considerably.

Workers from at least two factories in Kandy said that they worked seven days a week during periods of peak seasonal demand. Some got every alternate Sunday off. In Kegalle, several workers reported that they get seven days of annual leave only after they have worked for a year and a half, while by law, annual leave is for a maximum 14 days. Workers also reported that they were required to meet targets, whatever the cost, and some said production targets would be impossible to meet without working

extra hours. As one worker in Hatton said, an hour's target is applied to 50-55-minute periods and to cover the discrepancy, workers must either stay on in their lunch break or work 10-hour days. If workers take statutory holidays during seasons of peak demand, they are expected to make up for these during weekends or *Poya* holidays, which is not necessarily regarded as overtime, as it ought to under the law.

Management regulated the use of facilities such as toilet breaks. Workers were only permitted to use the toilet during lunch and tea breaks, for instance. Only after one worker at one factory had a fall in her rush to use the bathroom and get back, was a token issued for each production line so that one person, in turn, could use the toilet at any time during the day. Workers from Hatton reported that they could not drink water inside the factory, to avoid taking toilet breaks. Workers in Badulla-based factories also mentioned that they are not provided meals by the factory.

Some of the factories used differences in language to maintain boundaries of power and control between management and workers, resulting in workers being fixed in passive positions relative to employers, as well as the silencing and stifling of their agency. This has been discussed elsewhere as well, such as by Goger and Ruwanpura (2014), who make reference to "silencing is binding—both as workers and as people from a minority community in a post-war setting". Although their study was of garment factories in the East with an Eastern Tamil workforce, the situation is parallel with the situation in the hill-country districts in this study.

In one factory with a predominantly Tamil workforce, managers considered it sufficient if the line supervisors could speak Sinhala fluently, to interpret for management and workers or communicate on behalf of workers. One manager said that the situation was "manageable" because most Up-country Tamil workers could speak and understand Sinhala. In a particularly clear use of language as power, in one company, pay slips to predominantly Tamil workers in Hatton were provided in English, a language that few were able to read or understand. In a factory owned by this same company in Katunayake, Tamil workers from the North got their pay slips in Sinhala, which many struggled to read or understand.[16]

There were adversarial relationships with management. Labour relations were set up in such a way that it reproduced divisions based on social class and language between workers and management, as is true in other contexts, such as previously war-affected areas as documented by Goger and Ruwanpura (2014, 16). These differences were maintained by tactics of intimidation and control. After the authors witnessed a worker being publicly scolded in a factory, in a discussion with workers from the same factory that evening, we were told, "We are glad you saw it, so that you also know what is actually going on". The companies also clamp down hard on resistance, making other workers reluctant to come forward the next time that there is a violation, despite protective mechanisms being available in law. Workers from Hatton said, "There was a young man who made complaints and they got rid of (fired) him". These same workers also said, that

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[16]   This was observed in a separate visit to discuss working conditions with workers from the Katunayake EPZ.

when "the Labour Officers visit the factory, workers are told not to say anything. They (management) say that if we say anything against the factory, they won't get orders and they may have to close down. So we meet them and say everything is fine".

Worker mobilisation and trade unions - challenges of resistance

The up-country in Sri Lanka has the largest workforce in the island represented by trade unions and a resilient history of labour mobilisation, which has established these unions as a powerful political force, including participation in national politics. Union struggles for wages, work conditions, living conditions, benefits and entitlements continue, complicated by competing interests of politics and capital. Despite the fact that there is a strong legal framework to protect rights, there are limitations in practice, including strong efforts by employers to prevent the setting up of trade unions within factory settings. There is a constitutional guarantee for workers to form, join and engage in a trade union. However, there is a legal requirement under the Industrial Disputes Amendment Act No. 56 of 1999, that for collective bargaining recognition, a trade union needs to have membership of 40 per cent of the workforce in an enterprise. This is a difficulty faced by both unions and workers in their attempts to organise and be recognised as collective bargaining agents by employers. Another example is the prolonged, and expensive court processes in the instance of a violation of the Industrial Disputes Act No. 43 of 1950. These expenses and time away from paid work makes legal mechanisms economically unavailable for workers. In conversations with workers, these limitations on access to justice discourage them from filing action on violations.

In the four factories visited, and in conversations with workers from other garment factories, only one factory (in Kegalle) had workers who were organised (by the Ceylon Mercantile Industrial and General Workers Union). A worker from this factory, who was also a member of this union, spoke strongly of the importance of freedom of association and collective bargaining to fight for better conditions, and seemed more conscious of her rights and entitlements than other workers we met. As one worker from Hatton said, "Unions – people like them but are scared. We are even scared to be seen with them". There also appeared to be a lack of trust among workers, which is a challenge for organising, although there were no clear reasons that emerged through these interviews as to why this was so. Therefore, any struggle for wage increments, for instance, was undertaken on an individual basis rather than as a group or collective. This individualist rather than collective approach, however, meant that it was easier for management to control and subdue these struggles, and if the worker was replaceable, they would very likely be replaced.

Factory management also engaged in union busting and intimidation of workers who are trying to join a union, as has been documented in the EPZs in the Western province (Clean Clothes Campaign, Industrial Global Union and ITUC 2016). We came across two incidents of this in Kegalle and Kandy. In Kegalle, based on reports by workers, factory management monitored trade union leaders by installing CCTV cameras on the assembly line, intimidating workers, and finally suspending some workers from employment following a union struggle. The other was in Kandy, where workers' employment was terminated because they attended trade union meetings held by a union outside of the factory.

Garment factory workers in the estates therefore do not appear to be able to leverage the same historical advantages of asserting the right to organise and be recognised as plantation labourers have, for several possible reasons. The absence of workers of the same enterprise living in close proximity to each other, such as in the EPZs and even in estate work, makes it difficult to build trust and cultivate bonding between workers. In these factories, workers travel from various plantations and villages scattered among a wide radius. Companies often provide transportation to, and from, the factory. Hence, camaraderie among most garment industry workers in the hill country is often limited to the factory where they are during the day. There appeared to also be fewer ideas of collective solidarity among workers whom we spoke to, and they often seem to experience isolation in the work that they are engaged in, with a focus on completing the time-bound production task at hand. The main challenge hindering workers' freedom of association and collective bargaining in the garment industry was the fear workers have of being associated with or joining a union. This was compounded by the social and economic vulnerability of the workers who rely on factory employment to survive.

We did not come across instances of traditional plantation unions mobilising among workers in the factories we visited, although there are reports of this elsewhere with at least one relatively new plantation union. This union has specifically included in its mandate the oppression of women and domestic violence, seeing this as an obstacle to women's participation in politics. The workers in the factory in Kegalle with a union presence were mobilised by a trade union in the private sector, with the parent union registered in Colombo. Through the parent

union, the workers of this factory benefit from a wider network of solidarity and support. The factory in Kegalle that had union representation spoke of a "go-slow" action by predominantly female workers, after prolonged delays by factory management on salary increments. The go-slow action came to an end after intimidation of the workers by management and the termination of employment of some of the union members. However, at the time of the field investigation, they were continuing with the struggle, with a court case pending with the Labour Tribunal. Their continued resistance is strengthened by their linkages with a strong parent union and resulting networks of solidarity.

In our research, we found alternative arrangements for workers' participation and representation that included employees' councils, suggestion boxes, and direct communication with the management. The state and employers promote these alternative arrangements, such as employees' councils (EFC 2010; ITUC 2010, 3-4). In Kandy, a top official of the Pallekele BOI preferred employees' councils to trade unions, identifying it as a space where workers can discuss issues at the factory level and find solutions through mediation. The "suggestion box", where workers can place anonymous written complaints was the most commonly used mechanism we came across. Yet, in one factory the workers were reluctant to use this facility as there were two cameras observing the box, making the process not strictly anonymous in practice. Workers thus feared possible repercussions of making a complaint. While these alternative options do provide some room for workers to express grievances, they do not provide the space for freedom of association and collective bargaining, allowing management to control and restrict the functioning of these processes as well (ITUC 2010, 4).

Conclusion

This chapter argues that despite the benefits of alternative employment to estate work and relatively higher wages in some cases, some of the vulnerabilities and repressive structures workers are trying to avoid by moving from plantations to the garment industry are instead either reproduced or reinforced. This leaves them trapped within the existing vulnerabilities of labour in the hill country. We found significant evidence of consistent manipulation of worker entitlements and rights, in relation to benefits, working hours, language, and use of intimidation in order to further control workers and maximise factories' profitability. These working conditions contributed to further entrenching of unequal power structures.

Although protection mechanisms are available for workers to claim their rights, it is clear that there are limitations in their implementation. Even when legal remedies are available, workers are reluctant to proceed due to fear of losing their jobs, either because of real or imagined fears of factories being shut down and/or intimidation. It is important to note that these employment options are limited by current systems of control of workers in the plantations. For instance, private companies continue to have a degree of control over workers housing and migration overseas for work, and also have legal authority over provision of some local government functions (Bastian et. Al 2014; Pradeshiya Sabhas Act 1987).

Despite a context of unionising around worker rights in the plantations, albeit with mixed results, this does not appear to translate into protection for workers in hill country garment

factories. One way to strengthen the labour movement in the hill country would be to strengthen the collaboration between garment factory workers and estate workers, and the sharing of experiences, not just of exploitation, but also of resistance and worker mobilisation. There is also a value to linking these workers to wider working-class struggles, so they benefit from collaboration as well as shared policy reform and other agendas that are being fought for collectively. Some examples include struggles for minimum wages, for dignified working conditions, against the increased precariousness of employment such as short-term contract work, as well as larger right to land and housing struggles. There is scope for further study to gain a deeper understanding of the labour geography in this region and a more comprehensive understanding of the nexus between the garment industry and its location in plantation areas, including a gendered perspective of factors affecting this employment.

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ERRATUM

The following should have appeared as a footnote on page 137

This paper is based on a short study that was conducted over February and March 2016 by researchers Buddhima Padmasiri, Devaka Gunawardena and Zainab Ibrahim for the Red Flag Women's Union. The study served two objectives: to map the number and type of garment factories in the Uva, Central and Sabaragamuwa Provinces and to document workers' experiences at the intersection of the plantation and garment industries. In addition to secondary research, a total of 16 workers, 5 managers and 6 Government officials were interviewed. Site visits were conducted to 4 factories in Kandy and Hatton (Central Province), Kegalle (Sabaragamuwa Province) and Badulla (Uva Province). Workers from Badulla, unlike the other districts visited, were primarily from Sinhala villages and not from plantation areas.

Beyond the Plantations

7.

Life in *Pattanam* as *Āsai*: Estate Tamils' Aspiration of 'Home' in Colombo

Anton Piyarathne

Introduction

After living more than 150 years in the estates, the plantation community has not been adequately integrated to the mainstream Sri Lankan society, since they have been largely defined as "outsiders" (Philips 2001, 217). Amali Philips (2001) suggests that estate residents consider the estates as their "mother", because it is fertile, nurturing, and life giving. She describes how a Tamil estate dweller described an estate, similar to what I too have heard from others, as follows:

> A middle-aged man described, in rather poetic terms, "children without mothers", which was an obvious allusion to the predicament of the estate Tamils as people without space (motherland, social space). He went on to explain that the *thottam* (estate) had become their mother. He then surveyed the expanse of the hills, the tea bushes around him and the land that lies bare and unplanted (a sign of re-privatisation), and pondered ruefully about the future of their estate land (mother) to which they had become emotionally attached and their own fate as estate workers. Estate space and work are inextricably linked in the estate residents' perception of their own identity, particular among the older generation of the workers (Philips 2001, 221).

This chapter discusses how the members of the Plantation Tamil community leave their symbolic "mother" or old "home" to come to the city or new "home" which is a way of changing their pattern of residence, socio-economic background, identity, and lifestyle.

"Home" as a continuous struggle or achievement

Those who migrated to estates in Sri Lanka from South India developed their homes centred on the dwelling known as the "line room". Furthermore, this old barrack type of dwelling and the work involving rubber tapping and tea plucking shaped their social identity, especially the outsiders' stigmatised perception of them. This negative attitude of the outsiders is connected to the ways that the plantation community was established. The British planters developed predominantly Tamil settlements in otherwise Sinhala areas (De Silva 1986, 18).

The migrant or 'New' Tamils (Daniel 1992) started living in the settlements mostly located in the middle of the estates, far away from Sinhala areas. They had no contact either with the Sinhala villagers who lived around the estates; nor with the other or 'Old' Tamils who lived in the northern and eastern part of the country – even though the latter followed the Hindu religious tradition and spoke in Tamil as they did. Since then, Sinhalas and non-estate based Tamils have discriminated against them. Jaffna Tamils have labelled them as "*thottakkattan"* (plantation person), "*malaiyakkathan"* (hill-country person), "*vadakkathiyan*" (northerner), or "*kallathony*" (illicit boat-person). These recent migrants, identified as Estate Tamils, resented the use of such

terminology (Daniel 1992, 3 and Peebles 2006, 71). However, ancient texts, such as the *Mahavamsa*, reveal that those of South Indian origin who came to the country during the pre-colonial period were assimilated into the Sinhala castes such as Karāwa and Salāgama (Horowitz 1975, 117). This assimilation was not possible in the colonial period as European planters maintained the immigrant Tamil estate labourers in the hill country as a separate foreign community (Bandarage 1983, 309).

In contemporary times, many Estate Tamils want to move out from the estates, change their living pattern, and seek a new social identity, similar to what I termed as the "Estate Sinhalas" or Sinhala families who live on the estates (Piyarathne 2005). They felt that their social identity as Tamils in the estates is not respectable, unlike those of others in mainstream society. Some successfully moved from the estates to cities such as Colombo and Kandy, earned money, and their children received an education similar to that of their Sinhala neighbours. The desire to migrate is an outcome of push and pull factors. The contradiction or comparison between known "sufferings" in the estates and the search for "unknown" or imaginary greener pastures is the path of modernisation of estate communities that were established by British colonialists.

Those Estate Tamils who migrated to the cities have been constructing new "homes", which is not merely a building, or a matter of buying a physical structure called a "house". Rather, it was a way of creating an environment which included a new livelihood; greater freedom than the estate line rooms controlled by estate management; greater recognition in society; better acceptance by the Sri Lankan state; better future and prosperity of the children;

more security; and more space for opportunities. These "homes" also meant adjusting, adopting, and developing a tolerance to live in a multi-ethnic and multi-cultural neighbourhood. Moreover, this space is more prone to ethno-religious political manipulation. Their aspirations cannot be achieved overnight. It is a long struggle for anyone living in the city in general, and the plantation Tamil community in particular; considering their long heritage of unintegrated estate line room-based living since their settlement in Sri Lanka.

The "home" can be considered as (1) a place; (2) a space; (3) a feeling; (4) a practice; and/or (5) an idea of comfortable living in the world. Moreover, "home" is a space or a mentality in which people have great satisfaction, ownership or belongingness, empowered feeling, sense of control, relaxation and full contentment (see Mallett 2004). The construction of "home" is an outcome connected to people's continuous struggle to re-adjust to have a better match to the environment, which I term as "common grounds" construction (Piyarathne 2018). This is also connected to individuals' capacities, shaped by his/her creativity and survival strategies to negotiate ethnic boundaries.

I understand "home" construction as inhabitants' continuous and creative efforts to live and relate to each other in fields of common endeavour informed by embodied (conscious or unconscious) understandings of the social and material world. To put it slightly differently, "common grounds" involve shared dispositions and abilities to use cultural resources in distinctive, pragmatic, and creative ways that best match emerging situations and contingencies, while taking account of external forces or limits that threaten local, social living in its meeting of existential needs.

In the process of conceptualisation, I draw on Pierre Bourdieu's (1984) discussion of embodied dispositions that inform everyday practices and Michael Jackson (1996) on the existential and intersubjective lives of human beings.

Methodology and Theoretical Frame

I conducted research among 24 families settled in a low-income settlement, which I identify as De Mel Watta, and a middle-class housing scheme, identified as Crow Island. An equal number of families have been selected for the study from each location. Ethnographic data was collected from the selected families between August 2010 and January 2012 as a part of a research project explored on ethnic boundary negotiation. During this period, I was able to maintain a close relationship with the family members, which helped me to grasp their connections and disconnections with the neighbourhood, worldviews, aspirations, contentment, and dissatisfactions.

For the study, mainly a push and pull factor theory which was very dominant in the 1960s (Lewellen 2002, 131) was used to grasp the migration phenomenon among Plantation Tamils who now live in Colombo. The "push" factors are the forces that pressurise people to move away from a place, while "pull" factors are the causes that attract people to a place. I treat push and pull factors as the main theoretical framework in this paper as it incorporates modernisation and rationalist economic models, in which the concern is more focused on cost and benefits (Lewellen 2002, 132).

Current Social Lives of Estate Tamils in the City

This chapter draws on field research in two locations in Colombo. One is a middle-income settlement and the other a low-income shanty community. The low-income communities, such as discussed in this chapter, are identified as "watta community" by Tudor Silva (1991; 1994). My sample were Estate Tamils who live in both locations but have different lifestyles shaped by their class, tastes, expectations, and worldviews. Those who live in middle-class Crow Island are mostly engaged in various business (e.g., jewellery, electronic repair), government and private sector executive-level employees, or retirees. Whereas, in De Mel Watta, those in the sample are engaged in low-income earning activities such as drivers, shopkeepers, low-paid government and private sector employees, housewives, and low profit-making businesses. Generally, in both locations, they were living in ethno-religiously mixed communities and struggling to have a social life, i.e., taking part in social, cultural, economic, and political activities in an ethno-politically divided society.

City life (*pattanam*) as an aspiration or Āsai

For most of the estate people whom I interviewed, the city is a "paradise", a place of "liberation" or "freedom" from the suppressive life in the estate, a space in which they can "thrive". This was well explained by Govindan, a 62-year-old businessman from the Watta community:

I had a dream (āsai) to come to the city (pattanam) even when I was schooling. During our school years, we were taken to the City of Colombo on annual picnics. Then I thought and

understood how different city life was than the more backward (ēla pradesha) estates. I was surprised by the beauty and luxurious life style. I was wondering, why are we staying in more backward, closed societies and why cannot I live in a city like Colombo? I desired to start a life here in Colombo. I understand that life in Colombo is a way of opening to the world. Both my mother and father were in the estate. When I was 13 years old my mother passed away and when I was working in Colombo, after about two years here, my father died. They all worked on the estate. Only I escaped from that culture. My mother and father came from India with their parents and all my siblings were born here. All of us lived on the estate.

The above situation is further elaborated by Anandan, a 60-year-old auditor from Crow Island. He came to the city in search of greener pastures.

My father is from Rakwana and my mother is from Pelmadulla. My father had worked in Rakwana estate. When my mother's parents passed away my father had come here to Mattakkuliya and rented a house in order to send us to a good school. After some time, we were able to find good jobs and build houses in Colombo.

In general, people in both locations, namely Crow Island and De Mel Watta, irrespective of their current socio-economic statuses, had similar aspirations when they came to the city.

Settling in Colombo

Most of the respondents interviewed have come from up-country plantation areas, although I met a significant number

of people from low-country plantations as well. According to the research findings, Estate Tamil families settling in Colombo showed a few different patterns. Crow Island settlers started their lives in rented houses or shanties at the beginning and eventually earned economic, social, cultural, and symbolic capital (Bourdieu 1984). In that sense it is a mark of upward social mobility. Those migrants who could not succeed in their education and employment due to various reasons continued in the shanty community. Also, some recent migrants who engaged in jobs such as drivers and labourers continue in the *watta*. Those who settled in Crow Island are able to have what they consider to be a more peaceful and respectable life unlike those who settled in De Mel Watta. This can be confirmed by the following illustration from Pragash, a thirty-five-year-old male respondent from De Mel Watta:

> I came to Colombo at the age of 10. I studied up to grade ten. My family had a lot of economic hardship. First I was working for a doctor in his pharmacy. I was helping to give him medicines from the various racks and other places at the pharmacy. He is a doctor from Jaffna. Both the husband and wife really helped me a lot in my life. They really looked after me as a child of their own. They helped me to get this job as a driver. They told me to obtain a driving license so that it will be helpful to find a job when I am no longer with them. They spent around Rs6,500 to get a driving licence for me. It was a lot of money then. They took me to the instructor, and gave their address when I filled up my application. Even now my driving licence has their home address in Horton Place. They worked in private hospitals such as Sulaiman Hospital etc. I was going with them and used to carry the doctor's briefcase and other stuff. When

they were going to hospitals I went with them and helped in other ways. I was with them for about six years until I was 16 years old. They were also very old. Then they told me to find a job elsewhere. Eventually I found a job in Janatha Garment Factory as a driver. Some of my friends supported me to find this job. I have been working in this factory for about 13 years. I got married after employment in this garment factory. I bought the house I now live in.

Broader context: Crow Island and De Mel Watta

Establishing a new "home" in the city of Colombo has been a way of negotiating Estate Tamils' social status connected with class and other social standings. In this section, I explain the social backgrounds of the two locations to grasp their residents' socio-economic status in the city.

Crow Island, established by evicting the slum community that was previously there, is a middle class multi-ethnic neighbourhood. The middle class status cannot be reduced only to the wealth of the people but is linked to the lifestyle afforded by level of income. This includes language, dress, occupations, consumption patterns, cultural practices, education level and mannerisms. They claim to wish to have a peaceful life without getting involved in personal disputes and are more concerned with sports and health, community work, relaxation, stress release, spiritual development, and holistic enjoyment of life. Furthermore, they tend to be more concerned with individuals' family-centric issues rather than about others' lives. They want to develop closer relations with people of the same class irrespective of their ethnic

identity. They often are living in houses surrounded by high walls with very formal connections with the neighbours, unlike how people interact in the rural communities. This community gathers through formal organisations such as the Beach Park Management Society (BPMS) or the Welfare Society and then develop very friendly relations that are continued by participating in major life-cycle events (e.g. birthdays, weddings, funerals etc.) of the ethnic "others" who are their friends and neighbours.

The strategies adopted by the multi-ethnic populace in De Mel Watta are more complex than in Crow Island. They associate with ethnic others as neighbours, friends, and kin-like friends. Unlike the middle-class dwellings enclosed by walls and gates in Crow Island, the dwellers in De Mel Watta have a more open life with their neighbours. They are all conscious of their stigmatised identity as a group of people from a marginalised community (*Watta* dwellers).[17] Significant bond-building is apparent among these people who live in very close proximity to each other. This community constitutes people who have resettled in this site from various places of Colombo as a result of diverse development interventions.

Predominantly, this is a settlement which constitutes a "cheated community" or "forgotten community". This is because in the 1990s, President Premadasa's government had made arrangements to settle them in temporary housing schemes until they would be given houses at the De Mel Watta housing complex. Ironically, these pledges given to them have been forgotten by subsequent governments Following the killing of President

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[17]   This identity is not perceived to be as degrading as being an estate resident. To be a *watta* resident is better than an estate resident, but of lower status compared with the

Premadasa by a suicide bomber in Armour Street in 1993 close to this settlement, De Mel Watta residents – "structural victims" to use Paul Farmer's (2004) term – turned the temporary houses into permanent structures. They had become victims of political culture that "takes people for a ride" with inconsistent policies, since subsequent governments totally discarded the promise to give permanent housing to the De Mel Watta community.

Owning a Property in the City: A way of negotiating inter- and intra-ethnic boundaries

When settling in De Mel Watta or Crow Island, most of the people whom I interviewed bought houses rather than building them. Those who bought houses eventually did renovations and additions to the existing buildings. They bought properties according to their level of income and other social factors. In this sense buying a house was a transaction between persons from their own ethno-religious class, caste, or other different groups. This also explains well the mobility of the people and their changing needs.

Pragash bought his current land in De Mel Watta from a Hindu Tamil family who wanted to move away from the urban *thottam* (in Tamil) or *Watta* (in Sinhala):

> I was searching for a house and I shared this with one of my Muslim friends in the Janatha Garment Factory. Then he found this house and informed me. The family who lived here earlier was also Tamil-Hindu and they wanted to move away from this thottam as they had attractive

middle-class housing schemes such as Crow Island.

daughters. They were always disturbed by the boys of this thottam. Therefore, they moved to a better place in the city. I bought this house from them. My mudalali, the owner of the garment factory who is a Muslim man, gave money to buy this house.

The story of Pragash highlights the way the property market operates in the city in general and in the *Watta* in particular. The way the physical structure, called a house, a property transferred from and among the members of the same ethno-religious groups or different ethno-religious groups, suggests changing socio-economic and cultural needs. In this context the Hindu-Tamil family who sold the house earned some money, allowing them to live in a "better" place than the *Watta* and Pragash, who is early on in his independent family and social life, found this place to be better than his previous one.

In another instance, Manikkam, a 41-year-old shopkeeper in De Mel Watta, shared a story of owning a house and establishing a home in the *Watta*, after the death of an old man. Virtually it was a situation where a family waits for the death of the owner to obtain the right of the property, as indicated below.

I am from Ratnapura while my wife is from Balangoda Estate. We live here as tenants. This house is owned by a 60-year-old unmarried Tamil man who works for the CMC (Colombo Municipal Council) and he is to retire soon. He has transferred the deed to us retaining all title and ownership in his property until he dies. He is an alcohol addict. He may die soon if he continues to drink alcohol at the current rate. After his death, we will own the house. We spent money to get electricity and water connections.

Shifting social identities from *Thōtta Thamil* to *Colombo Tamil*

In general, residents in both Crow Island and De Mel Watta were proud to be Colombo Tamils. In this sense, the migration from the estate to Colombo is as a way of moving from one intra-ethnic identity to another. The older generation of the families tend to emphasise their attachment to the estate, while the younger generation do not do so and firmly believe that they are "Colombo Tamil". Priya, who is 40 years old, said:

I have been living in Colombo throughout my whole life. I studied in a Muslim school called Al Hidaya Muslim Maha Vidyalaya and all my friends are here in Colombo. I also have been socialising in Colombo throughout my life though my dad and mom have connections to the estates through their parents (my grandparents) who were in the estate line rooms. I now introduce myself to everyone as a Colombo Tamil. This is the only identity I can relate to more confidently.

The above situation has been a common trend in both locations. This situation was also well explained by Kumar from Crow Island. He married a high-caste Hindu-Tamil woman of Jaffna Tamil origin. Now they have been living as "Colombo Tamils". Kumar perceived this identity to be of higher social status with better recognition in society. He highlighted the existence of different intra-ethnic divisions such as "Colombo Tamils", "Jaffna Tamils" and "Estate Tamils".

City as a space to negotiate stigmatised identities

The Estate Tamil families who migrated to Colombo also changed their stigmatised social identities. For example, some so-called "low-castes" such as *Dhobi*, changed their religion as a way of reconstructing their social lives. One *Dhobi* (washermen) estate family in De Mel Watta converted to Islam, signalling a religious, caste, and ethnic change. In fact, he wanted only to change his religion, as his caste is connected to his Hindu religious background. First, when his entire family became Christians, the stigmatised caste identity did not change, and it did not give him the expected caste liberation or wider acceptance. The other religious conversion, Hinduism to Islam, has no option rather than accepting the total package of a change of religion, ethnicity, and name. The father is now identified as Farook nānā (60 years) while the son (20 years) and mother (55 years) also altered their Tamil Hindu names after their conversion.

The differences that shape these "ways of living" are locally understood as including religious worship, food habits, clothes, and male-female interaction. Those who live according to Islam are easily discernible. They change their names, pray five times a day, the father and son wear skull caps when they attend the mosque, and the wife wears an *abhaya* and/or covers her head when she goes out of the home. Those who become Muslim change both their religion and their ethnicity. For this formerly Hindu Tamil family, the change of religion has connected and confirmed their relationship with the Muslims in the area and improved their social capital. As the wife suggested "*awangha vittu kudukka māttānga*" ([Muslims] never disappoint us when

we are in need), "*ethāwathu nadanthāl padayē waruwānga*" ("if anything untoward happens, they will come to our help").

I would like to include one more case among the many to substantiate the above argument and to highlight the complexities connected to the conversion. Lechchami and Murugan, a husband and wife, were the acknowledged *dhobi* household in Neboda Estate, a low-country rubber estate. Both of them tolerated the ways that other families in the estate maintained a distant relationship with them, by way of not partaking in their meals; not inviting them for important life-cycle events; and only obtaining their services for doing their laundry. They had three daughters and one son. The elder daughter and the youngest daughter went to Kuwait to work as domestic servants. On their return they persuaded their remaining family members, including their husbands and mother, to change their religion. Parallel to the conversion, they moved permanently to Panadura, leaving their estate home in Neboda.

Life in troubled periods: 1983 riots and national security issues

The daily life of Tamils in general became chaotic and stressful during and after the 1980s due to the escalation of war between the Sri Lankan government forces and the Liberation Tigers of Tamil Eelam (LTTE). None of the interviewed estate Tamil families had suffered loss of life during the July 1983 riots that sparked the beginning of the war, but all have experienced temporary displacement. They obtained support from their multi-ethnic neighbours to face these crises. Especially those who lived in shanty communities felt safe during the crisis, as the respective

communities protected their Tamil neighbours. The more noteworthy point I found is that estate people view the city as a safe place. Kumar explained this well. When they were living Up-country, Kumar said, they left Sri Lanka to Coimbatore in India, fearing for their lives. However, life in the South Indian state of Tamil Nadu was not what they expected and frustrated them due to various ill-treatment based on their caste status and being non-Indian, which led locals to view them as strangers, job stealers or a threat. Eventually, they left India and came back to Sri Lanka to start life in Mattakkuliya. Then he found his wife from among the "Colombo Tamils" in Crow Island and came to reside there later.

During my fieldwork, the 'Colombo Tamils' had to register with the local police stations, while police officials and other security personnel did house-to-house checks for unregistered occupants. They could not have visitors lodging with them, without registering them before-hand at the police station. The people living in the *Watta* faced a lot of challenges during the latter part of President Mahinda Rajapaksa's rule, since his government had massive plans to resettle them in the outskirts, like Avissawella, far away from their current home. The then government used security officials to remove shanties. This situation affected the *Watta* community to a worse degree than the middle-class Crow Islanders.

Constructing a liveable space in multi-ethnic society

Though Estate Tamils have been living in an ethnically homogenous community with limited connection with ethnic "others", the people in both locations in Colombo are living in a

multi-ethnic society. This background allows them to deal with ethnic "others" in various contexts in their everyday lives. It is not only where they live, but also, beyond their homes, where they work with "ethnic others". In this way, attending funerals, weddings, or "coming–of-age" (puberty) ceremonies are some common activities. The construction of liveable space has not always been peaceful but it accommodates everyday quarrels and fights. Some families have friends or relatives who are ethnic others, while other families do not.

In general, *Watta* dwellers living in a specific, low-class, marginalised community amid ethno-political tension, make homes, constructing liveable spaces with a sense of satisfaction and control. They maintain "give-and-take" and fictive kin types of relationships that facilitate the existential needs of this multi-ethnic community. Under this "give-and-take" relationship they share food and various household items with selected families in the neighbourhood.

Some *Watta* residents consider neighbours as brothers and call them as *aiya*, in Sinhala (S), *anna* in Tamil (T) or *nānā* for Muslims (M), which indicates some fictive kinship connections. The final connection is considering female neighbours as sisters (elders or younger) and calling them *akka*/*acca* (S/T). In addition, they also use "uncle-aunty" type of relationships. The younger children/people call elderly neighbours as *mama* (S and T = uncle) or "*nenda*" (S = aunty) and *mami* or *aththai* (T = aunty) and most of the time they use the English words "uncle" or "aunty" to refer to their non-related neighbours. These types of interactions seem to create bonds among families.

They also make use of some other categories such as 'good' (S = *honda*; T = *nalla*) and 'bad' (S = *Naraka*; T = *ketta*) in order to negotiate ethnic and religious differences quite successfully and forging alliances. In this way they transform ethnic conflict into a user-friendly concept, a categorisation based on unique, individual, and family-based criteria. They maintain more informal relationships, vastly different to the formalities and manners evinced by the Crow Islanders. The socio-economic and political pressures propel them into sharing as a lifestyle and coping strategy. This heterogeneous community struggles to achieve everyday 'social living'. It has no time, concern or motivation for embracing conflicting ethno-politics that has no particular meaning for them. In brief, although I have used the ethnic terms Sinhala, Tamil, and Muslim in this discussion, *Watta* dwellers do not always view each other through ethnic lenses but as a brother/sister/uncle/aunty/good/bad person or family, in which ethnic and religious boundaries could be softened in everyday interactions.

I find that Bourdieu's analysis of class consciousness and cultural and social capital (1984; 1991) helps explain home construction in Crow Island. Estate Tamil residents there work to transgress possible ethnic borders by constructing homes among a specific segment of members of ethno-politically conflicting groups, uniting them as a middle-class. Crow Islanders have created a pattern of social exchange distinct from those of the poorer classes. Education and modernity connect with features such as "means of income", "common houses", "usage of English", "modern equipment", and "non-dependability" in a bid to make ethnic borders less important amidst the macro-polarisation that prevails in Sri Lanka today.

These contexts in which ethnicity takes place, as Wallman (1988) indicates, assure comfortable relationships for people from all sides of ethnic boundaries (see Jenkins 1988). Members of an ethnically varied group, united through common tastes, formed the Beach Park Management Society (BPMS). It was initially organised to improve the health and relaxation facilities for members of the community. Now it develops social and cultural capital further. In total, the Crow Islanders showcase a tale or survival of common grounds within the middle-class habitus irrespective of the continuation of exploitation of the ethnic sphere by political entrepreneurs.

In the process of constructing home or maintaining it, I also have noted that people who live in De Mel Watta in particular, adopt a superficially tough but internally soft approach, which reminded me of the theory of front-stage and back-stage introduced by Erving Goffman. Manikkam lived for a while in the roughest section of the *Watta*, where drug sellers, thugs, and people who engage in criminal activities live, and he showed very tough characteristics outwardly, such as not smiling, talking loudly, and acting like a rude person. As I spoke with him though, I understood that he is a gentle and friendly person.

As most *Watta* residents explained, they behave as tough and hot-tempered people as a way of dealing with unexpected threats and troubles, as it has been the way that their neighbours behave. This is different from the manner in which people in the estates behave. They most often break into a smile, even with unknown people, but that has changed here for Manikkam and his family members. They knew with whom they should develop connections and break off relations. This toughening of attitude is shaped by

both previous experiences of quarrels as well as to prevent or as a precaution to avoid quarrels, conflicts, and fights when living among "bad people" (T = *ketta akkhal*).

On the other hand, people in Crow Island are always concerned about their status and they would greet people saying "good morning", "good afternoon", "good night", "hello", or "hi", in English. This was a way of marking their class boundaries for outsiders and also a way of establishing more formalised connections. The Crow Islanders, who mostly engaged in government or private sector white collar jobs or had their own businesses, liked such connections which shaped their community life or home in Crow Island. In the *Watta* community, there were no such formalised greetings, but people would smile and ask "Where are you going?" or "What are you doing?", which actually meant that they were asking if one was doing well.

Inter- and intra-ethnic marriages: the negotiation of traditions

The study data reveals that Estate Tamils who migrated to the city had found spouses, forming both the intra- and inter-ethnic families. In Crow Island, I found two families where Estate Tamils had married into Colombo Sinhala families. Nagalingam, a 65-year-old accountant, came to Colombo from Yatiyantota (in Kegalle district), temporarily stayed in a boarding house owned by a Sinhala family in Boralesgamuwa, and became friendly with one of their daughters, which resulted in their marriage. They now have two sons and one daughter. The elder son married a Jaffna Tamil nutritionist, and the second son is engaged to a Jaffna Tamil dentist. In the second case, Gunarathnam, a 60-year-old accounts

clerk was working for a Sinhala furniture shop owner and became involved with a Sinhala businessman's daughter. They too live on Crow Island. In other cases, Estate Tamils married members from the Jaffna Tamil community and the "Colombo Tamil" community.

Children's education: a foundation for a new "home" within the globalised world

The children of these families study in Colombo schools and also attend tuition classes in Colombo. Though most of them studied in Tamil-medium schools, they also encountered a more English-oriented culture. In addition, a significant number of families from the sample sent their children to English-medium schools. This is a way of concretisation of their identity firmly as "Colombo Tamils" and getting used to the "Colombo lifestyle". The children from De Mel Watta mostly attend government schools in Kotahena, Wellawatta, and Bambalapitiya (e.g., Ramanathan Hindu College). They use either public bus services or private transport, such as school vans or three-wheelers. As an example, Manikkam sends his daughter to Bambalapitiya Hindu College in a school van. The parents seem to be extra careful of their children's safety, and fearful of association with drug addicts or bad friends, unlike how they were on the estates. They said that the estate was much safer than the city, as they knew everyone, but the city has more chances of their children falling into various traps like getting addicted to bad practices such as drugs, or becoming a criminal.

Most parents in Crow Island aspire to give their children foreign exposure and foreign education. Kumar's son studies in a school in Tamil Nadu. Kumar visits his son who stays with his relatives in Tamil Nadu. Nagalingam, the accountant, has given his

son an education in Australia, where the latter is now settled. On the whole the above discussion shows that the parents of migrant estate families have higher aspirations for their children. They aspire to give the highest possible education for their children, which will be helpful for them to climb up in the social ladder as doctors, engineers, and accountants not only locally but also in other countries, especially western countries. Parents who wish to give English-medium education aspire to send their children to a foreign country, mainly to a European country where they build their dream "homes" confirming earlier anthropological theories which suggested movements from less developed regions to more developed regions (Lewellen 2002: 132).

Estate Tamils' Colombo "home" as an entry point

Most of the estate Tamils who live in these locations serve as agents to introduce their relatives and friends or their family members from the estates to the city. The estate family members mostly come to Colombo to find jobs, for educational purposes; to attend government offices, to go to the airport, to obtain passports, or official business. The people in the estates do not know the roads in Colombo and are very much scared of "city people" whom they often view as cunning and tending to cheat and exploit strangers to the city. They therefore often seek the help of their relatives or friends who have been living in Colombo for long periods.

I observed this in Govindan's house. He worked as a driver in an NGO engaged in promoting or improving the knowledge of politicians at local government and provincial council levels. Govindan came to Colombo from an estate in Matale and relatives or friends from this estate were always around at his house.

Govindan's school-level education in Sinhala and his experience in Colombo was an asset for the estate visitors to get their work done from the various government and private places. In turn, Govindan was able to receive some gifts, in the form of money, or other items from the visitors.

Conclusion

The paper discusses the process of "home" construction of the Estate Tamils in the city of Colombo based on ethnographic data gathering in two research locations, namely Crow Island and De Mel Watta, for more than two years since 2010. The post-independence and post economic liberalisation policies introduced after 1977 facilitated their out-migration from the estates. In addition, the social welfare and education policies, media development, relaxation of in-country migration, and social and political empowerment of the estate communities, also have directly or indirectly influenced out-migration to and home construction in the city.

The construction of "home" in the city in a way is the equilibrium between push and pull factors. As highlighted, the two settings suggest upward mobility of the estate people in the city. In the middle-class location they were much advanced and some are planning to even construct "homes" in European countries. In another way, this discussion on constructing home or a space to live a social life in a manner which makes people satisfied, is a negotiation of politicised ethnic barriers through existential needs which can be understood by everyone and responded to accordingly.

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8.

Post-War Political Aspirations and Mobilisation of Hill Country Tamils in the North-East

P. Muthulingam

Introduction

This chapter casts light on the emerging aspirations of Hill Country Tamils in the North and the East of Sri Lanka. It is based on oral stories, testimonies and focus group discussions conducted among the Hill Country Tamil community living in Batticaloa, Kilinochchi, Trincomalee, and Vavuniya. Following the change of government in 2015, the Kandy-based Institute of Social Development (ISD) began to identify people's perceptions on transitional justice and reconciliation by conducting focus group discussions with the community and civil society of the North and the East. Eighty oral histories were recorded by trained enumerators through ten community discussions.

Based on these discussions, I have drawn the conclusion that the issues of the community who identified themselves as "Indian Tamils" or *Malaiyaha Thamilar* are different from those of "Sri Lankan Tamils", and that they are excluded from inclusion as "Sri Lankan Tamils". This is a preliminary study on this community—and it opens up further avenues to explore the issues and the aspirations of Hill Country Tamils in the North and the East from different aspects—with the main argument that this group has evolved into a distinct Tamil community in Sri Lanka.

Historical Background

The ancestors of the present generation of "Indian Tamils", currently called *Malaiyaha Thamilar* ("Hill Country Tamils") migrated during the colonial period to toil in the coffee and later tea, rubber and coconut plantations. This migration commenced in 1824 and came to an end in 1941. The labour force formed an extremely vulnerable group, drawn from the poorest and the lowest castes in the Tamil speaking districts of Madras Presidency in neighbouring South India (Jayawardena and Kurian 2015).

Initially the Tamil labourers worked in the coffee and tea plantations, and later, with the emergence of townships, a section were employed as sanitary and other low-status jobs in town councils and municipalities. Simultaneously, a small section of Tamils and North Indian traders, who voluntarily migrated, settled down as traders in the townships. In 1931, when the British introduced universal franchise to then Ceylon, it was extended to "Indian Tamils" amidst the opposition of Sinhala political leaders. By 1936, the number of Indian voters had risen to 145,000, electing two Indian representatives to the State Council (Jayawardena and Kurian 2015). The position of "Indian Tamils" was further strengthened with the introduction of the Soulbury Constitution in 1947. The Soulbury Constitution paved the way to elect seven "Indian Tamil" members to the parliament in 1947. However, the political representation of the community did not last long. Sri Lanka gained independence in 1948 and the post-independence government brought the Citizenship Acts in the same year, depriving the "Indian Tamils" of their citizenship rights. The post-independence government immediately followed up with several Acts which deprived "Indian Tamils" of all rights they enjoyed as

citizens. The most notable among them were, the Citizenship Act of 1948, the Indian and Pakistani Resident (Citizenship) Act of 1949 and the Parliamentary Elections (Amendment) Act of 1949 which deprived the great majority of the "Indian Tamil" residents of Sri Lanka of their citizenship rights and franchise (De Silva 1981). The disenfranchisement disappointed the community which had intended to settle in the country as permanent residents or citizens. Those who had property and close links with their country of origin left soon after the Citizenship Acts were passed. However, the vast majority decided to remain in Sri Lanka.

Migration to the North and the East

Push factors

The post-independence political environment further aggravated the condition of the Hill Country Tamils. In the 1956 general election campaign, the newly formed Sri Lanka Freedom Party (SLFP) under the leadership of S. W. R. D. Bandaranaike, launched propaganda campaigns against this community, raising a false alarm of a threat to Sinhalas from "Indian Tamils", the majority of whom were poor plantation workers (Jayawardena and Kurian 2015). The new SLFP government introduced the Official Language ('Sinhala Only') Act in 1956, which pushed the minority Tamil community to campaign against it.

While the Federal Party of North-Eastern origin Tamils headed the campaign against the 'Sinhala Only' Act, the Minister of Transport Maithripala Senanayake introduced the Sinhala *Sri* number plates to motor vehicles in the latter part of 1957.

The Federal Party countered this action with an anti-Sinhala *Sri* campaign. In the North, Tamil youths introduced Tamil *Sri* instead of Sinhala *Sri*.

As the anti-*Sri* campaign gained momentum in the North and the East, Hill Country Tamils were drawn into it. In some places like Talawakelle, Tamil youth defaced Sinhala street names with black tar. In Bogawantalawa, a few youths gathered at the entrance of an estate and stopped all passing vehicles with Sinhala *Sri* number plates and painted tar over the *Sri*. The police arrested the youth and locked them up. Estate workers gathered in thousands opposite the Bogawantalawa police station, demanding their release. Police opened fire, killing a worker named Ayyavu Francis. The enraged estate workers attacked Sinhala-owned shops and buildings and even assaulted some Sinhala passers-by. After local Sinhalas retaliated, Tamils then barricaded the roads with huge stones, and using trees which they felled, they obstructed the police (Sabaratnam 1990).

Following this incident, an ethnic riot occurred in 1958 where a Sinhala mob attacked some Hill Country Tamils. This created fear among the Hill Country Tamils living close to Sinhala villages. The ethnic riots forced a section of the plantation workers, mainly from Galle, Kalutara, Moneragala, Badulla and Nuwara Eliya districts, to migrate to the North-East with their families. Most of these migrants settled in the Vanni and Pullumalai area of Batticaloa district. Some bought lands and settled; and some lived on lands owned by the local Sri Lankan Tamils.

In the face of continued campaigns against Indian Tamils by Sinhala political parties, the Ceylon *Dravidar Munnetra Kazhagam* (CDMK), a social reform movement which had become

popular among the Indian Tamil community during the sixties, campaigned for their citizenship. In 1963, the CDMK organized a procession and a conference at the Bandarawela town hall demanding citizenship for stateless Indian Tamils. The CDMK had invited the Federal Party leaders to address the gathering. A Sinhala mob under the leadership of K. M. P. Rajaratne attacked the workers who were in the procession, and then the workers retaliated. This culminated in ethnic riots in Bandarawela town and created a fear among the plantation workers of the district about their future. As a result, a considerable number of worker families in Bandarawela and Badulla migrated to the Eastern Province and settled down as agricultural labourers.

The 1963 ethnic riot was debated in the parliament. In the following year of 1964, Sri Lankan Prime Minister Sirimavo Bandaranaike left for India, and signed a pact with Indian Prime Minister Lal Bahadur Shastri, to resolve the problem of the stateless "Indian Tamil" community in Sri Lanka. India agreed to grant citizenship to 525,000 persons and Sri Lanka agreed to do the same for 300,000 persons. However, when the "Sirima-Shastri Pact" came to be implemented, 600,000 persons had applied for Sri Lankan citizenship and only 400,000 applied for Indian citizenship (Jayasinghe 2002). This left a considerable number as stateless individuals.

In the 1970s another mass exodus from the Hill Country took place due to the country's political situation. In the 1970s, a left coalition government came to power under Sirimavo Bandaranaike. The new government introduced the Land Reform Act in 1972, which nationalised the plantations, ostensibly to address the landlessness problem of Sinhala villagers. Following

nationalisation, Sinhala villagers who lived close to the tea and rubber estates entered the estates, and chased out the resident Tamil workers. Furthermore, rising food prices which persisted from 1973 to 1975 adversely affected estate workers and some even starved to death. These incidents also pushed estate workers to move to the North and the East, seeking a better life. The ethnic riots of 1977, 1981 and 1983, further compelled estate workers to take refuge in the areas historically inhabited by Sri Lankan Tamils.

Pull factors

While the escalating Sinhala racism and ethnic riots compelled estate workers to think in terms of leaving for safer areas, a newly resurgent Tamil nationalism—following the 1977 riots, opened its arms to embrace the estate workers, calling on them to settle in the North and the East.

A Northern NGO named *Gandhiyam* headed by Dr. Rajasundaram and S. A. David organised large farms in the Vanni district and called plantation workers to come and settle there. At the same time, a number of left-inclined movements which came into existence in the North at this time, namely the People's Liberation Organisation of Tamil Eelam (PLOTE), Eelam People's Revolutionary Liberation Front (EPRLF), and Eelam Revolutionary Organisation of Students (EROS) included the problems of Hill Country Tamils in their political agendas and also recruited the Hill Country youth into their movements. This became another pull factor for the migration, in which the youth who joined the movement inspired other Hill Country Tamils to migrate to the North and the East.

Settlements

During the period from 1958 to 1960, Hill Country Tamil internal migrants began resettling in the North by clearing lands close to the A9 Vavuniya-Kilinochchi road, while some settled in the private lands owned by local Tamils. Those who migrated to the Eastern Province settled on both sides of the Badulla-Chenkaladi road. These settlements in Kilinochchi, Mullaitivu, Mannar, Trincomalee, and Batticaloa were named as *purams* and *nagars*. Examples include Vipulanathapuram in Eravur pattu, Batticloa disctrict, Kumarapuram in Muttur, Trincomalee district, Thondamannagar and Ramanathapuram in Karachchi, Kilinochchi district, and Manikapuram in Puthukudiyiruppu, Mullaitivu district.

This naming pattern seems to have had a significant influence in framing a distinctive identity for Hill Country Tamils who settled shortly after ethic riots and structured violence. These names were given by locally influential persons in the areas where they had substantial control over land. Subsequently, landowners used newly settled people as their subordinates to get agricultural and other work done. This naming also provides a different perception to native Tamils in the area in terms of caste, identity, and social background. More importantly, this naming pattern remains a significant factor for various forms of exclusion such as exclusions in social development, access to governance structures, land ownership, and other welfare rights.

North-Eastern Tamil armed organisations, principally the Peoples Liberation Organisation of Tamil Eelam (PLOTE), Eelam People's Revolutionary Liberation Front (EPRLF) and the Tamil

Eelam Liberation Organisation (TELO) focused their attention towards increasing the Tamil population in the Northern part of Sri Lanka, to counteract state-sponsored Sinhala colonisation of those areas, by creating settlements of Hill Country Tamils in border areas of the Vanni district. PLOTE, EPRLF and TELO created a few settlements close to Vavuniya town. These settlements were named as *Kudiyiruppu*. Meanwhile, the *Gandhiyam* non-governmental organisation created larger farms and human settlements. These settlements located in the border areas named as Kent farm and Dollar farm were in Nedunkerni, Netuvagai, Neriyakulam, Kappachi, Musalkutti, and Thetkkuilupaikulam (Poompurgar).

Most of the Hill Country Tamils who were settled by the militant groups subsequently sold their lands and left for other areas. This was caused by several factors: firstly, the lands were closer to the main road and the land value was rising, therefore, locals were keen to purchase the land. Secondly, due to extreme poverty and hunger, the settlers were pushed to sell their lands. Thirdly, the geographical location of the land itself caused security issues which created a sense of fear among these people and eventually pushed them to sell the lands. Later, they also found lands in interior areas for their settlements. Other Hill Country Tamils who migrated to the North were asked by locals to settle in the barren land on the upper side of lakes and dams. These settlers were unable to engage in cultivation due to the lack of water. As a result, they became agricultural labourers working on the lands of local Tamils.

Post-war scenario

Initially attracted by Tamil nationalism, the call from the left-inclined EPRLF, PLOTE, and EROS, led some Hill Country youth to join their organisations. Later, TELO also recruited Hill Country Tamil youth. After the Liberation Tigers of Tamil Eelam (LTTE) gained hegemony and momentum among the militant groups through killing the leaders and cadre of their rivals in the latter part of the 1980s, the Hill Country youth who were with those organisations were forcefully conscripted into the LTTE (which demanded that each family give one or more of their children to the "movement" as it called itself). As told to the author in an interview, "Kutti Mama" (alias Rajendran) of Pannangkandy, father of an LTTE suicide cadre (or "black tiger"), nearly 12 thousand Hill Country Tamil youth participated in the war under the LTTE leadership.

In contrast, some children of the Hill Country Tamil families were able to continue their education and found employment in the North as government servants, such as teachers, clerks, *grama niladharis*, and Development Officers. Soon after the war ended, the government initiated some infrastructure development projects, such as road construction, livelihood schemes for the poor, and small-scale water supply schemes. However, these programmes did not reach the *Purams*. Most of the development projects were limited to the old (native) Tamil villages. This discrimination created dissent among the educated youth and politically motivated and concerned community members of the Hill Country Tamils resettled in the North.

The following cases were derived from two different provinces and districts and they clearly indicate a simple message; that is, they have been excluded both by public officials and people's representatives in all development projects in the name of their identity and place of residence.

I was born in Matale and came to Kilinochchi in 1977 and settled down by clearing the virgin forest along with others. Later the settlement was named as Malaiyala Puram. Like the natives, our children also participated in the war, and we suffered a lot like others. There are so many *Maaveerar* families [LTTE combatants who lost their lives in the war] in our village. Every family contributed to the struggle by sending one family member. Soon after the war ended the government introduced some development projects to rebuild the destroyed villages. However, all those projects were implemented in the old villages where the local people lived. Our villages which were named as *Purams*, were excluded. Whenever we question government officers, they say you all are "*Vandan Varaththan*" (newcomers) and we give priority to the old villages, we will give priority to the *Ooran* (Natives). Even the employment opportunities were given to the local Tamils. Sometimes they say, you all are *Indiakaran* (Indians) or *Malaiyahaththan* (Hill Country origin) - Mr. Thangarasa of Malaiyala Puram, Kilinochchi.

Most of the government officers sideline our issues. They give priority to the old villages while the *Purams* are totally ignored. If government projects come, they are diverted to the old villages and not to the *Purams*. We have submitted a number of requests to the Divisional Secretariat relating

to drinking water, roads, and water for cultivation. But none of our requests has been attended to, the reason we have been told is that we are *Malayahaththan* - Mr. Thirunavukkarasu of Vavuniya.

Our village has been totally neglected. We settled down in this area after the 1983 riots. We had property in Nuwara Eliya which we lost during the ethnic violence. We came here to live with the Tamil people, but the officers treat us like aliens. Whatever [development] projects come, the officers use to give them to the old villages. There is no drinking water facility and pipe-borne water has been given to others - Ms. Maheswary of Marappalam, Batticaloa.

I came to Unnichchai after the 1983 riots. We cleared the jungle and started *chena* cultivation. Later, other estate families also came and settled down here. When the war ended, the local MPs implemented some development projects close to our areas but none was extended to our village. Very recently, they have laid pipelines to provide water. But they have stopped work at the point where it reaches our village. We live adjoining the Unnichchai tank but the water is supplied to far away towns and villages, and not to us. When we approach the MPs and other respective officers, they do not respond to our requests favourably - Mr. John of Unnichchai, Batticaloa.

This further indicates a form of dual discrimination where they had already been discriminated by the successive governments when they were in the Southern part of the country, and later by those they regarded as fellow Tamils with whom they have

been living for years in the Northern part of the island. Though they have four decades of history in the region and participated in the Tamil armed struggle, they are apparently left out in post-war rehabilitation and development. One could argue this to be institutional and social discrimination.

Emerging political patterns: general and local government election

Due to the considerable literacy rate among the Hill Country Tamil community in the Vavuniya district compared to other areas in the North and East, Hill Country Tamils in Vavuniya were more organised and outspoken than those elsewhere. In the 2010 general election, some of their leaders united to demand political representation from the Tamil National Alliance (TNA) for their constituency. The TNA leadership offered a candidature to represent the Hill Country Tamils of the Vavuniya district, taking into consideration the large number of votes of the Hill Country Tamil community, but the candidate Mr. Sellathurai did not win the election.

Following the 2010 general election, the local government election was held in 2011. The Hill Country Tamils formed an independent group and voiced their demands to the TNA. Considering the emerging organised representation and their numbers, the TNA and other northern Tamil parties decided to give candidacy to Hill Country Tamils. In Kilinochchi, the main TNA constituent, the *Ilankai Tamil Arasu Kadchi* (ITAK), had given candidature to the Hill Country Tamils who are numerically dominant in the Karachchi *Pradeshiya Sabha* (PS) area. At the

same time, the Eelam People's Democratic Party (EPDP) also nominated Hill Country Tamil candidates. On behalf of the ITAK, four were elected, and on behalf of the EPDP, one person was elected as a PS member.

In Vavuniya, five candidates were elected to the *Pradeshiya Sabha*. One member each was elected from three smaller constituents of the TNA, namely EPRLF, PLOTE, and TELO; while on behalf of the UNP one candidate was elected, and another candidate was elected on behalf of the United People's Freedom Alliance (UPFA) for the Vavuniya South Tamil *Pradeshiya Sabha*. Unlike in the plantation areas, the Hill Country Tamils political support base is relatively fragile in the North and they form a majority only in certain electorates where they were forced to align with TNA's constituent partners to run for election. Furthermore, they had also to seek tickets from different parties in addition to the TNA, as there was apparent resistance among party leaders to provide more than one nomination to this community, due to their identity and social background. As these parties were in a position to increase their vote base, they granted Tamils of Hill Country origin an opportunity to contest in electorates where that community was numerically significant. However, the emergent representation in the *Pradeshiya Sabhas* encouraged the community to demand their quota and right to representation in other political institutions such as the provincial councils.

Later in the 2013 Provincial Council election, a group of people under the leadership of Mr. M. P. Nadarasa, who is an Education Officer in Vavuniya district, approached the TNA leadership and demanded nomination for the Northern Provincial

Council. The EPRLF and TELO nominated one individual each from that community under the TNA banner. Mr. Nadarasa who was fielded by the EPRLF, obtained 10,800 votes but lost by 1,000 votes. His supporters asked him to demand a "bonus seat", one of the additional seats allocated to the leading parties on the basis of the total number of votes received. Mr. Nadarasa accompanied by a group of supporters met with EPRLF leader Mr. Suresh Premachandran to request a bonus seat, considering the vote bank of the Hill Country Tamils, who are a distinct Tamil community. The EPRLF leadership declined the demand. Later, the same group met the leadership of the TNA with the same request. The TNA leadership positively responded and agreed to grant a one-year term to ensure representation of the Hill Country Tamils in the Council.

Thus in 2015, Mr. M. P. Nadarasa became the first Hill Country Tamil to gain membership of the Northern Provincial Council. In his maiden speech, he stated:

"To obtain this Provincial Council, 50,000 combatants have laid down their lives and somewhere around 125,000 civilians have died. At the same time, we were linked to Tamil Nadu through the umbilical cord and also to some of the people who died. The Hill Country Tamils joined many struggles in many ways and sacrificed their children to the struggle. Although we are united in the northern zone as Tamils, I should state that various problems have arisen from time to time affecting the Tamils who have settled here from the Hill Country, as well as directly from

India. I conclude stating that everything should be done to integrate all Indian-origin Tamil people living here into our society without consideration of religion or race. Thank you for giving me the opportunity" (Hansard 2015).

While serving as Provincial Council Member Mr. Nadarasa requested the TNA leadership to extend his tenure but this was turned down. This incident further strengthened suspicion and a feeling of antagonism among the Hill Country Tamils about the credibility of the Northern Tamil leadership *vis-à-vis* their community. As I have argued elsewhere in this chapter, Hill Country Tamils have had a long history of experiencing various forms of discrimination and exclusion in the sphere of land rights, occupations, settlements, agriculture, access to public services, and social development by native Tamils, culminating in denial of democratic and political rights of this people to represent their own community in various political institutions. This has had a detrimental effect on the trust that people had in native Tamils and the fraternity they experienced.

Thus, long-standing discrimination and various forms of exclusions in the name of identity, e.g. Indian Origin Tamils or Hill Country Tamils, led this community to create a widespread discourse on reconfiguring their identity so as to enjoy rights on par with native Tamils. This community was compelled to re-think its identity. This was reflected in the Consultation Task Force on Reconciliation Mechanisms (CTF) meetings held in 2016 in different parts of the North and the East. People from Vavuniya, Kilinochchi, and Batticaloa voiced their grievances collectively at the CTF meetings as *Malayaika Tamilar*.

This consciousness was further strengthened by the 2016 country visit of the UN Special Rapporteur on minority issues, Ms. Rita Izsák-Ndiaye. A group of people met the Special Rapporteur, under the leadership of M. P. Nadarasa, representing the districts of Kilinochchi, Mullaitivu and Vavuniya, and raised the issue of their exclusion from North-Eastern Tamil society. The meeting with the UN expert gave a boost to this group to form a forum called the North-East *Malayaika Makkal* Forum in March 2017. Following their consolidation, the group submitted a memorandum on the issues and demands of Hill Country Tamils, to the Chief Minister of the Northern Province. This memorandum covered the fundamental issues that affect this community together with challenges that they encounter from locals.

Conclusion

The identity crisis among the Hill Country Tamil migrants in the North and the East is a result of political and social exclusion. The people who migrated to the North and the East believed that they would be accepted by local Tamils without discrimination. However, although this group of people speak the same language and practice the same religion and culture, the local "Sri Lankan Tamils" would not allow Hill Country Tamils to have territorial rights. It does not mean that Hill Country Tamils are unable to mingle with natives. There are a few examples where the former has got married to the latter and have been maintaining a close relationship over the years on various matters including business, agriculture, and community work, and so forth.

The section of the Hill Country Tamils who were repatriated to South India under the Sirima-Shastri Pact during the 1970 to

1984 period also struggled to assimilate into the Tamil community in India. Although the Hill Country Tamils have close links with Tamil Nadu people in relation to language, religion, and culture, the locals in South India identified the repatriates as "*Ceylon Karan*" ("Ceylonese") or "*Kandikaran*" ("Kandyans").

The educated strata that migrated to Tamil Nadu soon after the 1983 ethnic riots recognised this identity crisis and initiated action to claim the identity of *Malaiyaha Thamilar* (Hill Country Tamil). R. Sivalingam, a radical leader who migrated soon after the communal violence to Tamil Nadu, created a movement called *Malaiyaha Maru Valvu Mandram* (Hill Country Rehabilitation Centre) and established *Malaiyaha Thamilar* identity movements by mobilising repatriates in the cities of Kotagiri and Udhagamandalam. The plight of the Hill Country Tamils who resettled in Tamil Nadu even after nearly three decades, shows that habitation for a long period in a country or a territory alone does not qualify one to be accepted as an equal and integral part of the local community to all intents and purposes. While the children born in India of repatriates from Sri Lanka identify themselves as Indian and mingle with the local community, their settlements are still called "Ceylon Colony".

This experience is true of the Hill Country Tamils who migrated to the North and the East as well. The empirical evidence shows that though there are some cases of inter-marriages, business and agricultural activities between Hill Country Tamils and locals, still a larger segment of this community, remains unintegrated and unaccepted as equals by the locals owing to their identity and social background. I could observe this pattern in villages where the Hill Country Tamils form a majority and when

comparing the socio-economic status of both communities. Caste, profession, social status, family background, place of residence, and dialect and some social and religious practices continue to remain barriers in integrating this community with locals or in locals accepting this community as equals.

Although the Hill Country Tamils speak the Tamil language and practice the same culture, they also differ from the Tamils of the North and the East. Their dialects are different. Cultural practices too can differ. The current generation of Hill Country origin Tamils in the North and East can mingle with the native youth of the North and East and even identify with Eelam Tamil. However, based on field studies of the contemporary community, this new generation too may continue to be identified by others as Hill Country Tamils (*Malaiyaha Thamilar)*. This is likely to be determined by the emerging socio-political environment in which the North-East *Malaiyaha Tamilar* forum could play an important part.

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Up-country Tamils: Charting a New Future in Sri Lanka

Daniel Bass and B. Skanthakumar

Since their ancestors' arrival on the island in the nineteenth century, Up-country Tamils have lived at the margins of Sri Lankan society and politics, while being an integral part of the country's import-export economy. This book focuses on the ways in which Up-country Tamils continue to be marginalised, how far they have entered the mainstream, and the difficulties that they have faced along the way. The present moment provides an opportune time for considering the role of the Up-country Tamils, and the interactions between majority and minority, and between margin and mainstream in contemporary Sri Lanka. For ten years after the end of the war in May 2009, most political and academic debate and discussion about ethnic reconciliation have centred on a simplistic Sinhala-Tamil binary, ignoring other ethnic groups and the multiplicity of Tamil identities on the island.

The end of the war brought some relief concerning the most pressing issues the country faced in the past three decades in ending the brutal violence that caused the deaths, debilitation and displacement of thousands of Sri Lankans. Yet, it has not resolved many issues relating to majority-minority relations and power sharing in the post-colonial Sri Lankan state. Despite numerous political proclamations and a major change in government, limited progress has been made in regard to post-war ethnic reconciliation in the country.

This book addresses the many problems that Up-country Tamils face in contemporary Sri Lanka, politically, economically and socially, as well as the historical origins and structural determinants of their current predicament. The individual chapter authors pay particular attention to the changes that have taken place for Up-country Tamils since 2009, and their implications for the future of the community. After the April 2019 Easter attacks, reconciliation seems like an ever more distant dream. Yet, the analyses in this book, focused on Up-country Tamils' precarious position in twenty-first century Sri Lanka, are still salient as Sri Lankans come to terms with a new social and political reality.