

Sri Lanka: Batalagoda Rubber Estate Workers Fight for Basic Rights

Tuesday 12 September 2023, by [DISHARA Tharushi](#), [FERNANDO Ruki](#) (Date first published: 18 August 2023).

The Batalagoda private estate is situated in the Ibbagamuwa Divisional Secretariat of the Kurunegala district. Its entrance is about three kilometres from the Pangolla junction on the Dambulla-Kurunegala road and is easily accessible by private vehicles although public transport is limited. The Assistant Superintendent claimed that the estate is about 200 acres out of which rubber plantation is about 150 acres but when we visited the estate we observed large areas of abandoned jungles and that the rubber plantation was not well maintained. The estate is owned by ten people from two families who are based in Colombo. Deeds indicate the land is 281 acres but workers claim some parts of it have been sold, which may explain the Assistant Superintendent's claim of 200 acres.

About 35 Malaiyaha Tamil families are living in the estate although about only 18 people get work from the estate. They claim that they are about the fifth generation living in the estate, being descendants of the Malaiyaha Tamils brought by British to Sri Lanka 200 years ago. Despite the proximity to the main road, we were shocked by the living conditions of workers, which are inhumane, degrading and slave-like. The line rooms are dilapidated. About five to nine adults and children live in some line rooms, allowing no space for privacy and intimacy, with some family members being compelled to go out when others are changing clothes. None of the workers have individual addresses and all letters are sent to the estate. This has caused delays in receiving letters and may have led to loss of some important correspondence. There is also confusion when letters are received for people who have same or similar names.

Health and sanitation

There are only eight common toilets without running water and they are also in disrepair. Some toilets are very far from the line rooms, making them difficult to access in the night or during rain. There are no bathrooms and bathing has to be in open or partially covered temporary basic structures. Often there is inadequate water in the wells and men, women and children used to go to the nearby river for bathing. But as some parts of the estate with easy access to the river have been sold, they have to walk about five kilometres to bathe in the river.

There is no medical facility on the estate and they have to go to Pangolla or Rideegama hospitals, which are several kilometres away. The local health officers do not visit regularly and visits are only after several requests by workers. Some years ago the estate management locked the main gate to the estate at 6pm and this led to difficulties during health and other emergencies as well as curtailing freedom of movement. The community has fought against this and managed to get the gate opened at all times.

Education

There are about 40 school going children on the estate. They have to travel several kilometres to get

to the nearest school. Due to limited earnings of parents, the tendency is for children to drop out of school. Only one girl has sat for the Advanced Level examination. No one from the community has attended university.

The minimum improvements and developments to the living facilities and infrastructure has been made through community's own efforts and their own money. Even when workers try to do small extensions or improvements to their housing facilities such as an extra room or toilet, they are met with opposition from the estate management who insist on permission. The community's determination and courage has enabled them to proceed with some initiatives, both private and collective. A few years ago, the community embarked on a project to build a Hindu temple, which met with opposition from the management. But the community went ahead, contributing from their meagre earnings, raising funds from public and contributing their labour in the evening. Electricity was obtained by the community based on an agreement to pay the electricity board monthly and this was only settled this year. The local council has built a gravel road from the entrance towards the area where most of the line rooms are located. The land where the cemetery was located has been sold and this has prevented the community from paying respect to their dead ancestors.

Wages and EPF

The workers have started to get about Rs.1,000 payments for day's work only this year. But they don't get a paysheet and thus are not aware of details of the payment they get and deductions. Employers are legally bound to pay 20% of the monthly salary as Employers Provident Fund (EPF) and the EPF contribution indicates the monthly salary workers get. Half yearly EPF statements have been last received in 2019 and reveals that EPF contributions may have been irregular. Examination of 24 half yearly EPF statements of 18 workers between 2000 and 2019 discloses very low and irregular EPF contributions. One statement shows the EPF contribution for April 2019 was Rs.385, for May 2019 was Rs.770 and zero for June 2019. Another one shows Rs.1,155 contributions for the six months of January to June 2018 and zero contributions for the six months between July to December 2018. The highest EPF contribution observed was Rs.952 in 2007. A female owner who had retired after about 40 years' work had received only about Rs.200,000.

Attempts to get housing

On February 16, 2023, the Assistant Superintendent filed a complaint with the Gokarella police accusing six workers, including one woman, of cleaning parts of the estate. The workers in a statement to the police on February 20 accepted they had cleaned parts of the estate and explained that the terrible living conditions and non-response of the estate management to their long standing problems had compelled them to resort to this. Later, the owners of the estate filed a case in Kurunegala District court accusing the same workers of cleaning the estate without permission and harming cultivation. They requested the court to issue interim orders to stop the cleaning, harming of cultivation and erection of any buildings. But no such order has been issued and case is still continuing with the next date being September 5.

Community members have put up fences demarcating about 20 perches for each family in an unused area of the estate in front of the Hindu temple. The owners had refused to visit and meet the community for many years to discuss the problems it faced but had suddenly rushed to the estate on August 12 and said that the people would not be given work on the estate and would be evicted from their line rooms if they did not remove the fences within three days.

The Estate Quarters Special Provisions Act no. 2 of 1971 specifically provides that workers have the right to stay in living quarters and enjoy all facilities together with dependents even if employment is terminated until and unless there is a court order to evict them. This act also says that anyone found

guilty of preventing, depriving or interfering with this right could be imprisoned for up to six months.

The threats by the owners on August 12 coincided with the last day of the historic two week walk from Talaimannar to Matale by Malaiyaha Tamil community to assert their rights, 200 years after they were brought by the British to work in estates in slave-like conditions. The demands of those marching included right to land and housing, affirmative action on education, health and living wage and decent work with legal protections, all of which are relevant to the Batalagoda estate. Most of those involved in the walk were from tea estates but on August 11 workers from Batalagoda rubber estate participated in the walk.

August 12 was also the day the Minister of Estate Infrastructure, after a meeting with the president, made a public commitment for plantation communities to gain ownership of land they have lived on for generations, enhance education and ensure equitable government services. A few days earlier Tomoya Obokata, UN Special Rapporteur on Contemporary Forms of Slavery, who visited Sri Lanka in 2021, urged the government to ensure access to land, housing education and decent work for the Malaiyaha Tamil community.

The visit by media personnel on August 13 and Sinhala and Tamil media coverage led to some interest in this community struggle. The Secretary to the Minister of Estate Infrastructure called one of the journalists who visited and a community leader and said the minister would address their concerns. Activists from the area also visited the community this week.

This is an opportune time for the Batalagoda estate community to demand and struggle for land, housing and other facilities and resist and defy intimidation by the owners, management and others. The owners have stated to court that they would build new houses if space and facilities were inadequate but this has not been done for decades and it is unlikely they will do so in the future. The land fenced by workers who have lived for about five generations is only be about 2% of the estate land. As the court case continues, the community needs support from politicians, state officials, lawyers, media and concerned Sri Lankans to continue their struggles for rights and dignity, in court and outside.

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