Gain the Ownership of Newly Built Estate Houses

By : M.Vamadevan and B.Skandakumar

LET US WORK FOR SOCIAL CHANGE

Institute of Social Development

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Study on housing rights of the plantation community and gain the ownership of houses

By : Mr. A.Vamadevan and B.Skandakumar

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Abbreviations

PHDT	: Plantation Human Development Trust
NUW	: National Union of Workers
TPA	: Tamil Progressive Alliance
UNFGG	: United National Front for Good Governance
UPFA	: United People's Freedom Alliance
SLSPC	: Sri Lanka State Plantation Corporation
JEDB	: Janatha Estate Development Board
LRC	: Land Reform Commission
RPCs	: Regional Plantation Companies
PHSWT	: Plantation Housing and Social Welfare Trust
SWP	: Social Welfare Programme
IRDP	: Integrated Rural Development Programme
EIDP	: Estate Infrastructure Development Programme
PDSP	: Plantation Development Support Programme
NHDA	: National Housing Development Authority
MNB	: Ministry of Nation Building
EID	: Estate Infrastructure Development
PDSP	: Plantation Development Support Programme
EWHCS	: Estate Workers Housing Cooperative Society
EPF	: Employees' Provident Fund
UNSR	: UN Special Rapporteur
DS	: Divisional Secretariat
NHDA	: National Housing Development Authority

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1.0 Introduction

Around 244,500 households comprising a total population of 966,700, live in Sri Lanka's plantation sector. Of the existing housing stock, around 160,000 (or 65 percent) were categorised in 2005 as obsolete and non-upgradable housing (generally being 'line-rooms' and temporary sheds); and that estimate was reaffirmed in 2015[1]. This type of housing is urgently in need of reconstruction for the humane and hygienic living conditions of their residents. In fact, the main demand of the plantation community today, is for adequate shelter and the rightto housing, land and property.

Sadly between 1980 and 2014, only 31,000 houses have been constructed on tea and rubber plantations. This is no more than 912 houses each year and nowhere near the number that is needed to replace housing that is not fit to live in. At the current rate of building new houses, it would take a further 175 years to ensure that the existing number of households (that is, excluding their natural increase) will benefit from the housing programme.

These houses on plantations have been financed in different ways: either by out-right grants, or through loans, or a combination of grants and loans, or through self-funding. Three thousand and nine hundred (3,900) households that received loans have repaid them in full, according to the Plantation Human Development Trust (PHDT).

The government formed after the 17 August 2015 general election has recognised the housing rights of the plantation community as an issue of priority. This political awareness has been signalled by the creation of a new ministerial portfolio at cabinet-levelon 'Hill Country New Villages, Infrastructure & Community Development'; and the appointment of the Hon. Palani Digambaram, leader of the National Union of Workers (NUW) and the Tamil Progressive Alliance (TPA), who is himself of plantation community origin, to this office. The functions of the ministry include inter alia "developing housing and infrastructure facilities for landless persons employed in government-owned and privately-owned plantations"[2].

In the lead-up to the presidential and parliamentary elections of 2015, both the United National Front for Good Governance (UNFGG) and the United Peoples Freedom Alliance (UPFA) pledged that if elected, every plantation community household will receive a house of its own. The policy of the new government (a coalition of the UNFGG and the UPFA) for every plantation household in need of housing is to construct an individual house of 550 square feet with two bedrooms, separate living and kitchen area, an attached toilet, and a veranda, and on seven perches of estate land.

It is in this context that the Institute of Social Development (ISD), Kandy brings the ongoing injustice of the denial of housing rights to the plantation community to the attention of all relevant stakeholders in government, industry, political parties, trade unions, non-governmentaland other civil society organisations. In the first instance,

1 *Ministry of Nation Building and Estate Infrastructure Development (2005), National Plan of Action for Social Development of the Plantation Community 2006 to 2015, Colombo, p. 27, and Ministry of Plantation Infrastructure Development (2015), Ten Year National Plan of Action for Social Development of the Plantation Community 2016-2025, Colombo, p. 48, respectively.*

2 *Government Gazette Extraordinary of the Democratic Socialist Republic of Sri Lanka, No. 1933/13, 21 September 2015, 52A.*

the **ISD urges that those 3,900 households – who have repaid in full the loans for construction or renovation of their homes – be granted its legal ownership and without further delay.**

This Briefing Paper is divided into five sections. Following the introduction, section 2 provides some historical background to the reasons for the housing crisis in the plantation sector. Section 3 is a brief overview of housing programmes since the privatisation of the plantations in the early 1990s, as well as earlier advocacy in this area by the Institute of Social Development. Section 4 presents and interprets the findings of a socio-economic survey on housing rights in the plantations, conducted by the ISD in 2015. The final section of the document summarises itsmain findings and makes a number of recommendations for enjoyment of the right to housing, land and property of the Plantation community.

2.0 Background

Plantation agriculture is characterisedby, among other features, a resident labour force. Theworkers and staff on the plantations are housed on-site. This practice was introduced to Sri Lanka by the British (coffee, tea and rubber)plantation owners in the mid to late 19th century; and has been continued by their indigenous successors in the 20th and into the present century.

Housing is free – it could not be anything else for workers whose wages have historically been lower than those labouring outside plantation agriculture, and who had no choice but to live where they were told in the course of their employment – but is also tied to their continued employment on the estate. Unless at least one member of the household is engaged in some form of work on the plantation, then the entire household risks being evicted and therefore homeless[3].

The type and quality of housing dependsupon the status of the individual in the plantation hierarchy. So, field workers are housed in barrack-type 'line' rooms; supervisory and clerical staff in cottage-type 'quarters'; and the managers in spacious 'bungalows'.

The 'line-rooms' which are occupied by the majority of the plantation labour force who are engaged in production, is of three varieties. There are single barracks i.e. rooms with a veranda in front; double barracks i.e. back-to-back rooms with a veranda in front; and single lines i.e. rooms with a veranda in front and at the rear. Each line could have 10 to 12 rooms[4]. In general, the 'line room' had a floor area of 10 feet by 12 feet (some were smaller) and a veranda of 5 feet by 5 feet or 145 square feet in total. Originally, the floor was made of mud, the walls of stone or cement blocks, and the roof of corrugated iron sheets. There was one small window at most, opening onto the front veranda.

Tiny in size, and with poor ventilation and no natural light; these dwellings were dark,

3 Section 2 of the Estate Quarters (Special Provisions) Act, No. 2 of 1971, prohibits the eviction of an estate worker and "his (sic) dependants" notwithstanding termination of service by the employer, until a court order has been made to that effect. This legislation had the effect of increasing the security of tenure of the plantation worker in estate housing.

4 Orde-Browne, Granville St. J. (1943), Labour Conditions in Ceylon, Mauritius and Malaya, His Majesty's Stationery Office: London, p. 18.

dank, smoke-filled and unsanitary[5]. The kerosene lamp was the only source of light. As the household could have eight members spanning more than one generation sharing the same cramped space, the line room was overcrowded too.Open drains ran parallel to the line-rooms creating a stench and carrying disease. Common latrines were introduced late, and are often unusable through lack of maintenance, forcing residents to resort to open urination and defecation. Water had to be collected and carried for long distances and in hilly terrain, usually by women and children, fromany available source (stream, waterfall or well); and only much later was piped to a common stand-tap in the vicinity of the line.

Throughout the 20th century, initially from the Government of India and later from local political and trade union organisations, there was pressure on state authorities to address the housing crisis in the plantations, among other abysmal social conditions. Consequently, the Estate Labour (Indian) Ordinance of 1889 (as amended by Act No. 15 of 1941) stipulated in section 12 (1) that each married couple should be provided by the employer with a room of their own and not be made to share a room with anyone other than a child of either the labourer or her/his spouse. However, this legislative provision as with so many others for the welfare of plantation labour, was at best imperfectly observed, if not ignored.

Regulations[6] were introduced in 1950 to prohibit the construction of 'back-to-back' line-rooms and to promote new housing in the form of cottages for workers. These dwellings are to consist of an open or enclosed front veranda; a living room; a kitchen; and a back veranda. Under the regulationsthe vicinity of the cottages should be kept clean of refuse and excreta, as must the drains. While the construction of double-barracks-type lines was discontinued, there was next to no progress for decades, in replacing the existing stock with adequate housing[7]. The small number of cottage-type accommodation that was constructed were occupied by non-field workers, usually clerical and minor administrative staff.

There was much expectation among trade unions and others that the social welfare of plantation workers would improve following the nationalisation of the plantations in the early 1970s. Two state entities, the Sri Lanka State Plantation Corporation (SLSPC) and the Janatha Estate Development Board (JEDB) became the managers of the tea and rubber plantations that had previously been under private ownership. Although there was greater interest by state authorities in comparison to the former owners, to the social conditions and welfare of the plantation community, only minor work such as repairs and white-washing of external walls was conducted on estate housing by the Social Development Divisions of the SLSPC and JEDB.

5 Hollup, Oddvar (1994), *Bonded Labour: Caste and Cultural Identity Among Tamil Plantation Workers in Sri Lanka*, Charles Subasinghe & Sons: Colombo, pp. 53 and 55.

6 *Government Gazette No. 10168 of 1950 (date unspecified), cited in Chandrabose, A. S. and P. P. Sivapragasam (2011), Red Colour of Tea: Central Issues that Impact the Tea Plantation Community in Sri Lanka, Human Development Organisation: Kandy, pp. 21-22. Under the provisions of section 12 of the Diseases Among Labourers Ordinance, No. 10 of 1912, the Director of Health Services with the approval of the Minister of Health may make rules for "the sanitation of labourers lines with a view to the prevention of the spread of diseases", including the location, manner of, construction of and materials to be used in construction of lines; provision and construction of latrines; drainage of lines and surrounding areas including bathing places; and provision of water supply.*

7 *Rote, Ron (1986), A Taste of Bitterness: The Political Economy of Tea Plantations in Sri Lanka, Free University Press: Amsterdam, p. 87.*

From 1992 onwards, the privatisation process of the state-owned plantations commenced under the United National Party government of Ranasinghe Premadasa and was completed under the Peoples' Alliance government of Chandrika Bandaranaike Kumaratunga. The government clustered 450 estates, to be managed by 23 privately operated Regional Plantation Companies (RPCs) on a leasehold basis (of 50 years). The ownership of the land remained with the state, or more precisely the Land Reform Commission (LRC) created for this purpose in the nationalisation of large landholdings including plantations in the early 1970s.

The social welfare functions of the state corporations, including estate housing, were assigned to a new tripartite agency – with representation from employers, government, and trade unions (on a ratio of 5:4:2 respectively)– calledthe Plantation Housing and Social Welfare Trust (PHSWT), established in 1992 and operational from 1993. Its head office is near Colombo and its seven regional offices are in Badulla, Galle, Hatton, Kandy, Kegalle, Nuwara Eliya and Ratnapura.

In 2002, this agency was renamed as the Plantation Human Development Trust (PHDT). It has taken the lead role in the housing programmes on the plantations.There is criticism of the PHSWT/PHDT in relation to its performance in fulfilling its mandate[8].The charges made against it are that it is bureaucratic; distant from workers; unable or unwilling to confront the plantation management; and that it has guzzled the funds received from donors to maintain itself, instead of serving the urgent needs of the plantation community.

3.0 Post-Privatisation Plantation Housing Programmes(1994-2014)

Following the privatisation of the plantationsand up the present (that is, between 1994 and 2014), around 25,000 houses have been built in the estate sector by various organisations and in seven districts (as enumerated in Table 1 below), according to information received from the Plantation Human Development Trust.

Table 3.1: Completed Housing Units by District, 1994 – 2014

District	Number of Completed Units	Percentage of Total Number of Completed Units
Hatton	4,973	19.88
Galle	4,152	16.60
Nuwara Eliya	4,002	16.04
Badulla	3,458	13.82
Kandy	3,352	13.40
Ratnapura	2,873	11.48
Kegalle	2,197	8.78
Total	**25,007**	**100**

Source: Plantation Human Development Trust, 2015

8 *de Fontgalland, S. Guy (2003), Social Development and Poverty in the Plantation in Sri Lanka, Leo Marga Ashram: Bandarawela, pp. 11-54.*

As shown in Table 1 above, around 35 percent of the houses are found in the Hatton and Nuwara Eliya districts, which have a high concentration of the plantation community. In other districts, their proportion in relation to the total number of plantation households ranges from between 9 percent to 16 percent. The distribution of new housing across the seven districts reflects the dispersal of the plantation community across high, mid and low country regions; even if it does not match their numerical proportion in those areas.

There could be compelling reasons to prioritise districts with a lesser number of plantation community households as compared to Nuwara Eliya, Badulla and Hatton, including the pitiful quality of line-roomsin low-country districts, even in comparison to the poor quality of others, owing to long-term lack of investment in housing and related infrastructure by some estate managers and owners. However, the perception is that low-country districts have been privileged in comparison with up-country areas because of the higher number of ethnic Sinhala workers in the Southern plantations. Therefore, the distribution of new housing is politicised and reflects the patronage culture where governing politicians seek to favour and reward their supporters or vote banks instead of acting fairly and on the basis of an objective rationale.

The construction of new housing on the plantations has been painfully slow and on a small scale; as well as fragmented by the range of agencies (local and foreign) that have financed the programme, and divergent perspectives on 'adequate shelter' for the plantation community.Consequently, there has been no uniformity in the floor space of the units, while costs have increased exponentially reflecting the spiralling cost of materials and labour over time. In all, there are 25,007 houses that have been built between 1994 and 2014. Table 2 below presents a breakdown of their construction by period, specific programme, floor area, cost, and mode of financing.

Table 3.2: Housing Programmes 1994-2014 (as at 24.01.2015)

Period	Programme	No. of Houses Completed	Floor area Sq. ft	Total amount	Mode of Financing Loan : Grant (%)	
1994-1997	Social Welfare Programme(SWP) II	3,900	400	40,000.00	75.00	25.00
1996	Integrated Rural Development Programme (IRDP)	1,351	400	29,000.00	51.72	48.28
1998-1999	Estate Infrastructure Development Programme (EIDP)	150	400	60,000.00	50.00	50.00
1998-2005	Plantation Development Support Programme (PDSP)	14,041	416	94,000.00	42.33	57.67
2001	National Housing Development Authority (NHDA)	735	630	275,000.00	72.73	27.27
2004				375,000.00	53.33	46.67
2008				440,000.00	45.45	54.55

2004-2008	Ministry of Nation Building& Estate Infrastructure Development (MNB&EID)	4,021	535	225,000.00	44.44	55.56
2009-2013	New Life Housing – Plantation Human Development Trust	356	550	440,000.00	45.45	54.55
		381	550	515,000.00	53.40	46.60
2009	Model Housing Scheme	47	760	1,700,000.00	--	100.00
2013-2014	World Vision (Ouvahkelle Estate, Nuwara Eliya district)	25	550	100,000.00	100.00	--
		25,007				

Source: Plantation Human Development Trust, 2015

The data above helps in analysing three critical issues in each housing programme: (i) the floor area of units; (ii) the cost of units; and (iii) the ratio of loans to grants for households.

3.1 Floor Area

Between 1994 and 1999, the floor area per housing unit has been around 400 square feet (sq. ft.); while the cost per unit hasranged between Rs29,000 and Rs60,000.However, under the Plantation Development Support Programme (PDSP) between 1998 and 2005, a large number of houses – around50 percent of the total number constructed between 1994 and 2014 – werebuilt with the greater floor area of 416 sq. ft.; and at a higher cost of Rs94,000 per unit.

During the period 2001-2008, 735 units were built on a floor area of 630 sq. ft.; and at a higher cost than before, ranging from Rs275,00 to Rs440,000.It should be noted that these dwellings are two-storied housing units. Some model houses were also constructed in 2009 at the significantly higher cost of Rs1.7 million; and with a floor area of 760 sq. ft. Also, the entire amount for construction was a grant.

However, between 2009 and 2013, the floor area of houses has reduced to 550 sq. ft.,while the allocation per unit has increased to Rs515,000. This particular programme is being continued by state authorities at present.

Even leaving aside the case of the model houses with their higher cost and larger floor area, over the 20 year period there had been a marked increase in terms of floor area and cost from 400 sq. ft. to 550 sq. ft. and from Rs 40,000 to Rs515,000 respectively.

There appears to be no national-level norm for the floor area of low-cost housing in Sri Lanka. The Urban Development Authority initially assessed the standard floor area for new low-cost housing for Colombo's urban poor at 400 sq. ft. per unit. However, following protests about the small size, the specification was increased in 2014 to 500 sq. ft. per unit. Meanwhile, the Indian Housing Project in the North and East of the country has fixed 550 sq. ft. as the minimum plinth area for each unit. The same standard is to be followed in the housing funded by the Government of India in plantation districts.

3.2 Mode of Financing

Under the current housing programme, the amount allocated for each unit is Rs515,000. This total comprises a grant of Rs240,000(or 45 percent of the total) and a loan element of Rs275,000(or 55 percent of the total). The loan component is subject to an interest rate of 7.5 percent, to be repaid over 15 years, through deduction at source from the plantation worker's monthly wages.

The loan is not given directly to the beneficiaries but channelled through the Regional Plantation Company, following an agreement between the householder and estate management. The houses are built by the contractor selected by the respective Estate Workers Housing Cooperative Society (EWHCS).The source of the entire cost (grant plus loan) is the relevant government line ministry[9] based on allocations for this purpose in the annual national budget. The implementation agency of the line ministry in this programme is the Plantation Human Development Trust (PHDT).

It should be underlined that since the privatisation of the plantations in the early 1990s, the funds for all the housing programmes have been either from foreign donors and lenders (such as the Dutch and Norwegian bilateral agencies; Asian Development Bank; Canadian International Development Agency; Japan Bank for International Cooperation; Japan International Cooperation Agency), and from the Government of Sri Lanka.

Also, plantation community residents have mobilised their own resources, through earnings from foreign employment or savings from off-estate work and the Employees' Provident Fund (EPF), as well as loans from the Estate Worker Housing Cooperative Society (EWHCS)[10]. The EWHCS was created as a vehicle in which to vest 'co-ownership' of the new plantation housing and the land it occupies or is allotted; instead of granting individual title to the resident plantation household.

No financial contribution is made by the Regional Plantation Companies (RPCs), who manage the estates, employthe workers residing there, and reap the profits of production. However, some RPCs have financed the re-reroofing of line-rooms, and improvements to water and sanitation facilities.

According to the RPCs, their contribution to the housing programme is in the nature of authorising and identifying the estate land[11]to be utilised for the new housing (of

9 *Variously since 1997, the Ministry of Estate Infrastructure; the Ministry of National Building and Estate Infrastructure Development; the Ministry of Economic Development; the Ministry of Plantation Infrastructure Development. This has negatively impacted the various housing programmes, see Vamadevan, M., "Sri Lankan estate sector deprived of budgetary allocations", Sunday Times (Colombo), 20 February 2011, http://www.sundaytimes.lk/110220/BusinessTimes/bt20.html*

10 *Estate Worker Housing Cooperative Societies (EWHCS) were introduced from 1993 onwards and are registered with the Department of Cooperatives. In addition to provision of housing loans, it engages in micro-finance schemes, and operates small businesses on the estate such as a grocery store and communication centre. The Plantation Human Development Trust has framed the by-laws of the EWHCS and oversees their establishment on estates. Plantation workers are members of the Society, participate in its meetings, elect and contest for membership of its committee. The Plantation community that is resident on the estates but not working in estate production are excluded from membership. The Estate Manager or Superintendent is the ex-officio President of the EWHCS. It is reported that key positions are dominated by the plantation management and that decision-making is dominated by the Estate Superintendent, see Kumarasiri, Sisira and L. D. Wijekoon (2001), 'Development of Estate Workers Housing Cooperative Societies' in Kamphuis, H. E. B. and B. Sivaram (eds.),* Human Perspectives in the Plantation Sector, *Programme Support Group,: Battaramulla, p. 113.*

11 *"Fifty estate families get new homes",* Daily News *(Colombo), 27 March 2012, http://archives.dailynews.*

5to 7 perches per unit of which 2 perches is utilised for the dwelling); andin facilitating the disbursement and recovery of the loans to beneficiary households. There is also cooperation from the estate management in the transport of construction materials within the plantation: that is, to and between building sites.

The disbursement procedure of the total amount of Rs515,000 is as follows: the first instalment of Rs80,000 (15.5 percent) is advanced for construction of the foundation; the second tranche of Rs235,000 (45.6 percent) is allocated for building up to the roof-level; the third instalment of Rs155,000 (30.0 percent) is for plastering, wiring, and installation of doors and windows; the final tranche of Rs45,000 is for the finishing touches. The normal period of construction is one year.

The repayment method of the loan component is through deductions at source from the wages of the estate workers. If there are monies due at the time of retirement, these sums are deducted from the retirement benefits (and only savings) of the workers such as the Employees' Provident Fundor their gratuity benefit.

Over time, there has been progress in improving the quality of some of the plantation housing stock, even in the absence of new housing stock. The size of dwellings has increased through occupant-driven renovations to the front and back, there has been re-roofing and cementing of floors, electricity is now supplied to many lines, latrines have been constructed, and access to potable water has improved. Nevertheless, the quality of most existing housing on the plantations is well below international standards; deficient even in comparison to urban and rural communities in Sri Lanka (as illustrated in Table 3.3 below); and does not match the aspirations[12] of plantation community residents, who want to lead dignified lives.

Table 3.3: Comparison of Housing across Sectors

INDICATOR	URBAN	RURAL	ESTATE	NATIONAL
Single House	87.8	96.7	29.0	92.3
Twin House/Line Room/Row House	3.5	0.8	67.8	4.1
No Rooms	2.0	1.6	6.5	1.9
One (1) Room	18.6	17.5	45.2	18.9
100-<250 sq. ft.	7.8	10.7	33.0	11.1
250-<500 sq. ft.	36.7	16.4	16.2	17.2
Permanent Roof	95.5	91.5	32.3	89.6

Source: Department of Census and Statistics (2015), Household Income and Expenditure Survey, Final Report 2012/13,Colombo, pp. 99-102

As the official data in Table 3.3 above clearly illustrates, estate households fare worst on the indicators of adequate shelter above in comparison to the urban, and even rural, sectors. The plantation community household is more likely to live in a line-room; more likely to have one or even no rooms in their dwelling; more likely to occupy a floor area

lk/2012/03/27/bus42.asp; "Modern housing units for estate workers"; Daily FT (Colombo), 26 August 2014, http://www.ft.lk/article/342782/Modern-housing-units-for-estate-workers-; Hayleys.com, "'A Home for Every Plantation Worker' programme", http://www.hayleys.com/info/135?oid=82.

12 *Gunetilleke, Neranjana; Sanjana Kuruppu; and Susrutha Goonasekera (2008), The Estate Workers' Dilemma: Tensions and Changes in the Tea and Rubber Plantations in Sri Lanka, Centre for Poverty Analysis: Colombo, pp. 41-43.*

of 250 sq. ft. and under; and more likely to have a temporary (or 'semi-permanent') rather than permanent roof, as compared to urban and rural households.

3.3 ISD's Interventions

In association with other civil society organisations, including trades unions, the Institute of Social Development, Kandy has been advocating for the Right to Housing of the Plantation community since 2002 and up to the present.

The activities that ha ve been undertaken include: organising consultations to build consensus among concerned organisations and individuals working with the Plantation community; preparing and advocating common lobbying positions to donor agencies (e.g. Asian Development Bank); parliamentarians, public officials, and cabinet ministers; staging public activities such as a picketing campaign to raise awareness on the issue; requesting representation on behalf of civil society organisations in government committees on housing; inviting the former UN Special Rapporteur on adequate housing to Sri Lanka in 2003; and advocating on plantation housing in the Non-Governmental Organisations (NGOs) shadow report on implementation of the UN Covenant on Economic, Social and Cultural Rights in 2010[13]; amongst others.

A number of concerns have been raised in the course of these initiatives[14].

There is a glaring lack of transparency and consultative process with the Plantation community, by donors and the government, in the design and implementation of housing programmes. The beneficiaries are kept in the dark, with limited understanding on the financing of housing programmes; their total contribution (including interest payments on the capital borrowed); and are expected to be grateful for the housing unit they receive, regardless of its specifications, location, and specific needs.This is how the two-storey 'flat' housing was foisted upon some Plantation community households, by simply adding an upper floor to the existing line-rooms, without consideration of its inadequacies and neglect of attention to upgrading the surrounding settlement.

It is strongly objected that under certain housing programmes, plantation workers had to borrow drawing on their Employees' Provident Fund (EPF) account balance; which meant that they were levied interest on use of their own savings. Trade unionists insist that it is improper to use the EPF benefits as a bond or security for the loan. It is advocated instead that the housing loan should be interest-free where it is financed from the EPF; and that the appropriate collateral is the title to the house which should be vested in the beneficiary.

Housing loans should be flexible depending upon the income and housing needs of the specific household, rather than a one-size fits all policy, which assumes that the standard

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13 Skanthakumar, B. (ed.) (2011), Status of Economic, Social and Cultural Rights in Sri Lanka, Law & Society Trust and Movement for National Land and Agricultural Reforms: Colombo, pp. 40-41.

14 This section draws on the Report of the Workshop on Plantation Housing Rights, hosted by the Institute of Social Development on 07 September 2002; and the Memorandum submitted to the Resident Director of Asian Development Bank, Colombo by civil organisations representing the Trade Unions and NGOs of Plantation Sector on the proposed Plantation Development Project, 03 March 2003 (both on file with the Institute of Social Development, Kandy).

quantum and fixed period of repayment is the right package for every household. The male members of the household in employment should also be expected to contribute to the housing loan including by drawing on their EPF balances.

To safeguard the entitlements and security from homelessness of women, it is important that their co-ownership with their husband be recognised. This is particularly justified, because it is often the case that the deductions and/or payments for the housing loan are from the wages of the woman worker, as she is more likely to be in regular employment on the plantation rather than her husband.

The longstanding demand of plantation community civil society organisations has been the allocation of at least 10 perches of land for housing and a vegetable garden to each household. Also, it is mistaken to assign housing units on the basis of existing households, as more than one family may be living together in the existing household. Therefore, housing needs and supply should factor the number of families in the plantations: each of whom should be housed individually to overcome rather than simply shift the problem of overcrowding, lack of privacy; and the tensions and conflicts that are associated.

The housing programmes should be under the direction of relevant national state agencies, ensuring that the plantation community is not treated less favourably than beneficiaries of other ethnicities and in other sectors. There should not be involvement by the estate management in these schemes.

Further, the new housing should also recognise and meet the need of plantation community residents who are not currently or even recently working on the estate, and not be restricted to workers on the plantations only. This is a step towards breaking the link between place of work and home. It also respects the historical attachmentof the current residents to the plantation, regardless of their employment, and is a step towards the transformation of the housing settlements into new villages, separate and apart from the areas of plantation production.

Following the UN Special Rapporteur (UNSR) on Adequate Housing Miloon Kothari's visit to Sri Lanka, in which he participated in a workshop on housing rights for plantation workers organised by the Institute of Social Development in August 2003, he wrote to the Government of Sri Lanka highlighting three areas of concern[15]. The UNSR observed that the implementation of housing programmes was split across two government ministries raising the question whether a "common policy on adequate housing" was in place for coordination and consistency.

While welcoming the discontinuance of the flat line-housing programme on the ground that it does not fulfil "the basic criteria for adequate housing", Mr. Kothari drew attention to the fact that such housing does not "provide the privacy and space necessary to fulfil women's rights to adequate housing". The third and final issue identified is the affordability of the housing schemes that were in progress, which he feared "would place an undue financial burden on the concerned workers and their families".

15 Communication from Mr. Miloon Kothari, Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, to Mr. Prasad Kariyawasam, Permanent Representative of the Democratic Socialist Republic of Sri Lanka to the United Nations at Geneva, (Ref: SRAH), 09 December 2003 (on file with the Institute of Social Development, Kandy).

It is unfortunately the case that in the matter of housing for the Plantation community, what has happened is that headline-grabbing promises are made by politicians; and showy ceremonies are held to inaugurate large-scale housing programmes, but finally only a modest number of houses are ever built. The chronic failure to honour the public commitments made are unreported in the mass media; not scrutinised by parliament; and not subject to any legal remedy or grievance mechanism. Therefore, there is no accountability for the hopes and expectations of the Plantation community that are raised, only to be dashed.

4.0 ISD Survey on Households having Repaid their Loans

In mid-2015, the Institute of Social Development (ISD), Kandy conducted a study on the status of the right to property of those plantation community households that have fully repaid their loans[16]. Although as noted earlier a total of 31,000 new houses have been built in the plantations since 1980, the PHDT only has details for 25,007 houses constructed since 1994 following privatisation. Of the number for which data is available, there are 3,900 households who have obtained housing loans and also repaid these fully as of January 2015. It is this group of plantation households that is the subject of the research.

Table 4.1 below lists the number and distribution of those beneficiaries who have received housing loans and repaid them in full as of January 2015. It will be seen that 25 percent of the total number is in the Nuwara Eliya district (Nuwara Eliya and Hattton divisions); 24 percent in the Kandy district; and the balance ranging between 8 and 16 percent in other districts.

Table 4.1: Distribution and Number of Beneficiaries who have paid their loan in full by PHDT Region (as of January 2015)

PHDT Region / District	No. of Beneficiaries	Percentage
Kandy	930	23.84
Nuwara Eliya	697	17.7
Galle	642	16.14
Kegalle	528	13.5
Ratnapura	485	12.4
Badulla	317	8.1
Hatton	301	7.7
Total	3,900	100

Source: Plantation Human Development Trust, 2015

One hundred and twenty-three (123) heads of household on 29 estates in 14 Divisional Secretariat (DS) divisions in the districts of Nuwara Eliya, Badulla and Kandy comprised the sample. The sample was selected based on identification of the target group by the estate management, as facilitated by the PHDT.In order for the sample to be

16 Vamadevan, M. (2015), *Socio-Economic Survey on Housing Rights of the Plantation Community*, Institute of Social Development: Kandy (unpublished).

representative of the distribution of the beneficiaries, more (38 percent) were selected from NuwaraEliya and Kandy PHDT regions (corresponding to administrative districts); followed by Badulla (13.8 percent) and Hatton (9.7 percent). By province, the Central Province accounts for 86 percent and the Uva province for 14 percent of the total sample. One limitation of the sample is that it could not cover plantation households in the Sabaragamuwa and Southern provinces.

The enumerators visited the selected households and filled the structured questionnaire. These households were on remote estates requiring much time for travel which limited the sample size.The questionnaire sought information on the following questions: identity of the original recipient of the loan or beneficiary; identity of the current occupant of the house; the amount borrowed and in which year; the amount repaid and over what period; the mode of repayment; the year of final repayment; the size of the house and surrounding land of each household; the existence of survey maps; and proof of ownership. This information in full is available in the report of the survey, and only selected aspects are highlighted in this advocacy paper.

The research revealed that not one among these households has received the deed of ownership for their home. This finding indicates that there are 3,900 plantation community households – who in spite of having repaid their housing loans in full – are denied the right of ownership of their own home. These households, no different to others within the plantations, are in continuing insecurity of occupation. They will be rendered homeless if their houses are seized by the plantation companies or state agencies.

Other significant findings from the sample survey are as follows:

Owner-Occupier: 99 percent of the heads of household are themselves the original recipient of the housing loan: only 1 respondent (in Kandy district) is currently living in a house constructed with a loan obtained by the previous occupant. This rebuts the assertion made by some parties that plantation community households are disinterested in occupying the new houses; and prefer to rent or 'sell' them to others. This is clearly not borne out by the evidence.

Head of Household: Of the heads of household, around 83 percent are males and the balance of 17 percent are females.In general, the headof household is assumed by the relevant stakeholders, including the plantation community, to be a male. Women are conferred the role and status of head of household only when the husband is absent through death or residence outside the estate. According to a recent government survey[17], 22.7 percent of all plantation households are women-headed, which is marginally less than in the urban and rural sectors.

Benefactor/Source of Loan: There was some confusion in the responses. 91 percent identified the estate management as the benefactor; while the remainder believed the source to be banks. In fact, the source of the funds is always foreign donors and/or the Government of Sri Lanka. However, as the funds are channelled through the estate management, the misperception arises that the intermediary institution is also the benefactor. The mechanics of the financing of the housing programme is not clear

17 *Department of Census and Statistics (2015), Household Income and Expenditure Survey, Final Report 2012/13, Colombo, Table A 2, p. 74.*

to the plantation community; and there is poor transparency on the part of estate management that seeks credit and goodwill for resources that originate from donors.

Contractor: Over 62 percent of the houses were reported as having been built by the occupant; and 38 percent of the houses by contractors. As observed earlier, current and recent housing programmes are undertaken by contractors selected by the Estate Workers Housing Cooperative Societies. However, the sample is skewed by the fact that the majority of those householders who had repaid their loans, participated in the earliest housing programme which was self-help based and where the occupant was responsible for the construction. The housing construction was supposed to also provide employment to the Plantation community and impart new skills in masonry, carpentry, electrical wiring and plumbing. However, this dimension has now been forgotten. The contractors and their labourers are from outside the Plantations.

Construction Period: Over 85 percent of the houses had been built within the estimated one year period. Only one percent took less than 12 months; while more than 13 percent took longer than a year.

Area of Land and House: Around 77 percent of units are on 7 perches of land; while 18.6 percent are on less than 7 perches; and 4 percent have more than 7 perches.It is evident that there has been no uniformity as far as the extent of estate land released for plantation households is concerned. Around 93 percent, or the overwhelming majority of the sample, is housing constructed on floor space of under 550 square feet. This may be explained by the timing of the construction of the houses in the early to mid-1990s, when the specified floor area was only 400 sq. ft. As observed earlier, current government policy is to provide 7 perches of land to each plantation household; and to construct houses with a floor space of 550 sq.ft.

Table 4.2: Extent of Land and House

	Extent of Land (UnitinPerches)				Extent of House (Unit in Sq. ft.)		
District	<7	7	>7	Total	<550	>550	Total
Hatton	0	12	0	12	12	0	12
NuwaraEliya	12	35	0	47	47	0	47
Badulla	0	15	2	17	11	6	17
Kandy	11	33	3	47	44	3	47
Total (No.)	23	95	5	123	114	9	123
Total (%)	**18.60**	**77.23**	**4.06**	**100.00**	**92.68**	**7.3**	**100.00**

Number of Rooms/Internal Specifications: 44 percent of the houses have three bedrooms; 34 percent have two bedrooms; and only 24 percent have one bedroom. Ninety-Eight (98) percent of the houses had one living area and two (2) percent had two living areas. All but one house (or 99 percent) had a kitchen area. At the initial stages, the standard internal specification was a house with three rooms: one bedroom, one living room and one kitchen.

Table 4.3: Number and Type of Rooms

District	Bedroom			Total	Kitchen		Total	Living Room		Total
	1	2	3		1	2		1	2	
Nuwara Eliya	0	8	39	47	47	0	47	47	0	47
Kandy	21	19	7	47	46	1	47	44	3	47
Badulla	6	9	2	17	17	0	17	17	0	17
Hatton	0	6	6	12	12	0	12	12	0	12
Total	**27**	**42**	**54**	**123**	**122**	**1**	**123**	**120**	**3**	**123**
Percentage (%)	**22**	**34**	**44**	**100**	**99**	**1**	**100**	**98**	**2**	**100**

Sanitation: Around 99 percent (all except one) of all houses had access to a toilet. During construction of the house, the beneficiary is expected to identify a site for location of the toilet. Where none is found, then the toilet is not constructed.

Table 4.4: Availability of Toilets

District	Toilets Availability		Total
	Yes	No	
Hatton	12	0	12
NuwaraEliya	46	1	47
Badulla	17	0	17
Kandy	47	0	47
Total	122	1	123
Percentage (%)	**99.1**	**0.9**	**100**

Loan Repayment: Over 99.1% of loan instalments of the loans were deducted from thesalary of a household member. One person repaid by other means, which was unspecified but most likely from the Employees' Provident Fund (EPF) benefit.

Table 4.5: Method of Repayment

District	Deduction from Salary	Other	Total
NuwaraEliya	47	0	47
Kandy	46	1	47
Badulla	17	0	17
Hatton	12	0	12
Total	122	1	123
Percentage (%)	**99.1**	**0.9**	**100**

Monthly Repayment: The amount that has been repaid each month ranged between Rs200 and Rs2,700. Over 73 percent of repayments was in the lowest range of between Rs200 to Rs700, which is also indicative of the low incomes of the beneficiaries. Sixteen (16) percent made monthly payments of between Rs701 and Rs1,200. Under two (2) percent made payments of between Rs1,201 and Rs1,700 and over two (2) percent of between Rs1,701 and Rs2,200. Around 6.5 percent could afford to make the highest monthly repayments of between Rs2,201 and Rs2,700.

Table 4.6: Monthly Instalment

District	Rs. 200-700	Rs. 701-1200	Rs. 1201-1700	Rs. 1701-2200	Rs. 2201 -2700	Total
NuwaraEliya	36	5	2	1	3	47
Kandy	40	4	0	0	3	47
Badulla	11	6	0	0	0	17
Hatton	3	5	0	2	2	12
Total	90	20	2	3	8	123
Percentage (%)	73.17	16.26	1.62	2.43	6.50	100

Duration of Loan Repayment: Almost 54 percent have taken between 10 and 15 years to repay their housing loan; almost 35 percent have taken up to 10 years; and over 11 percent took more than 15 years for the repayment. The amount that was repaid varied among the sample, depending on the specific housing programme and the quantum of the loan component, which also explains the duration taken to complete the repayments.

Table 4.7: Duration of Repayment

District	<10 Years	10-15 Years	>15 Years	Total
NuwaraEliya	20	25	2	47
Kandy	10	31	6	47
Badulla	8	3	6	17
Hatton	5	7	0	12
Total	**43**	**66**	**14**	**123**
Percentage (%)	**34.95**	**53.65**	**11.38**	**100**

Year of Final Repayment: Loan repayments began in 1996 and continued until 2015. By the end of 2013, 66 percent of the sample had repaid their housing loan. The year of final repayment likely corresponds to the end of the maturity period of the loan.

Table 4.8: Year of Final Repayment

District	1996	1999	2000	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	Total
NuwaraEliya	0	0	1	0	2	0	1	2	3	2	16	15	5	47
Kandy	3	1	2	0	3	3	4	7	0	1	8	10	5	47
Badulla	0	0	0	0	3	0	0	1	2	5	1	0	5	17
Hatton	0	0	0	1	2	1	2	3	1	0	0	2	0	12
Total	3	1	3	1	10	4	7	13	6	8	25	27	15	123
Percentage (%)	2	1	2	1	8	3	6	11	5	7	20	22	12	100

Ownership of Land and House: None of the households had a deed of ownership. Four of the households believed that the letter of agreement between the beneficiary and the estate management at time of contracting of loan is a 'bankable' document. However, no bank would accept such a document as proof of ownership of the house. Some respondents reported that the estate management had made verbal assurances of the forthcoming issue of a deed. However, it is unclear with what authority such promises were made; nor what legality can be attached to any document that purports to be the deed of ownership of the house and land.

Conclusion

The right to adequate housing is a directive principle of state policy as declared under Article 27(2) of the Constitution of the Democratic Socialist Republic of Sri Lanka. This right is claimed by the plantation community, who are no longer stateless and disenfranchised as before. Almost 68 percent of households in the plantations live in line-rooms. This type of housing is inadequate and inhumane and is blamed for many of the social problems faced by the plantation community which have contributed to their insecurity and marginalisation. The survey of housing rights in the plantation sector in Sri Lanka conducted by the Institute of Social Development, Kandy has a number of important findings:

- Over 99 percent of the heads of households in occupation of newly constructed homes are the original recipient of the housing loan. This underscores that the transfer of new homes to non-beneficiaries is rare.

- Around 83 percent of the heads of household are men. The small number of women headed households is a manifestation of male bias in society and is common to all communities in Sri Lanka.

- Financial provision for housing programmes in the plantations was made through the national budget, though the source of the funds were foreign agencies in some cases, but were channelled to the beneficiaries through the estate management. The implementing agencies of the programmes were always state institutions such as the National Housing Development Authority (NHDA) and the Plantation Human Development Trust (PHDT).

- Over 66 percent of the houses have been built by the owners themselves. Only 38 percent were constructed by contractors. This is because the first phase of the plantation housing programme was based on self-help; and it is this group that predominate in the survey sample. Subsequently, the mode of construction has become contractor-driven.

- Around 85 percent of the houses were constructed in the estimated one-year period.

- Around77 percent of the houses have been built on an extent of 7 perches of land; while 93 percent of the houses have a floor area of under 550 square feet. According to current government policy, all new houses on the plantations should be built on 7 perches of land; with a floor area of 550 square feet; and have a separate bedroom, a living room, a kitchen and a toilet.

- Around 44 percent of the houses that were surveyed have three bedrooms and 34 percent have two bedrooms, with only 22 percent having only one bedroom. Further, 99 percent have a kitchen area; 93 percent have a living room area; and 99 percent have a toilet.

- Around 99 percent of beneficiaries repaid their housing loan through deduction of the capital plus interest from the wages received from the plantation. This also corroborates the fact that most of the loans were channelled through the estate management.

- There is a wide variation in the loan amount that is repaid. The wage deduction ranges from Rs200 to Rs2,700 per month. This can also be indicative of variations in the amount that was loaned to the beneficiaries over time, depending on the specific housing programme, and individual circumstances.

- More than 54 percent of the householders had repaid their loan in full within 10 to 15 years; while around 35 percent were able to do so in less than 10 years. The loans could have been contracted for longer or shorter periods depending upon the amount borrowed. Fifty-four (54) percent of the loans analysed in the survey were only repaid in full after 2013.

- The ownership of the houses occupied by the households has yet to be vested with them. Despite having repaid their loans in full, none of the households have the deed of title to their home.

- The repayments of the loans is made to the estate management. However, the funding source is the government Treasury. There is confusion as to how these funds are monitored by state authorities, and lack of clarity as to their recovery by the government for re-investment in further housing programmes.

It is long overdue to provide every plantation household with an individual house of its own; and legal title to that property including the surrounding land. Tens of thousands of households have contracted loans and/or raised their own resources in order to construct housing. Of this number, some 3,900 have already repaid their loans in full. As a start, the government authorities should issue this group among the plantation community with legally valid deeds of ownership to their homes, and without further delay.

Recommendations

- *The proposed beneficiaries should be fully informed of the housing programme; its funding sources; the rate of interest; the calculation of the repayments; the duration of repayment; options where monthly repayments cannot be made (for instance due to lack of days of work offered by the employer/illness and medical emergencies which reduce income and consume savings), etc.*

- *There should be uniformity in the allocation of land and the specifications (floor space area) of plantation housing programmes. Those households with less than seven perches of land and homes of under 550 sq. ft. should not feel aggrieved and discriminated against.*

- *A survey plan for each new plantation housing unit should be prepared and deposited with the Land Registry to confirm the extent of land and dimensions of the house.*

- *The issuing of deeds of ownership, which is apparently the responsibility of the Land Reform Commission, should be expedited with Cabinet approval.*

- *The legal title to the property should recognise co-ownership in order to safeguard the rights of women.*

- *The Plantation Human Development Trust, as the main implementation agency of the housing programme, should be restructured such that it is more transparent and accountable to the Plantation community; and more responsive to their needs.*

- *The new housing should be built on the 'cluster village' concept, where one hundred or fewer houses are constructed with common health, education and community services including access roads, children's playground, sports field, community centre etc. within the same estate division that the household has lived for generations and in proximity to the place of work and known environment.*

- *The newly established Ministry of Hill Country New Villages and Community Infrastructure Development, should investigate whether the monies repaid by plantation workers through the estate management have been remitted to the relevant line ministry and institute a transparent procedure for monitoring these funds and their public purpose.*

Vision

"Sustaining the community with prosperity, dignity and sovereignty."

Mission

"Strengthen the plantation community towards sustainable social changes based on democracy, equity, social justice, freedom and peaceful coexistence."

Strategic Goals

"The dignified plantation community enjoy ensured rights as equal citizens
The empowered plantation community defend and demand the rights with co-existence."

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