The Legal Needs of The Rural Poor In Sri Lanka
PREFACE

The Law and Society Trust was set up in Colombo in June 1982 with a view to examining the relationship between law and the processes of social and economic transformation.

The Trust differs from other Institutions for legal research in that it attempts to promote an interdisciplinary approach to the problems posed by the complex legal culture of the developing societies of Asia. It aims at helping scholars and policy-makers to understand their own legal tradition and thereby the potential for creativity and innovation within that knowledge.

The objectives of the Law and Society Trust are (a) to initiate, promote and conduct research into the indigenous legal culture of Asia (b) to establish centres of advanced study, research and on all aspects of law and social change, and (c) to initiate studies in order to provide legal solutions appropriate to the problems and needs of contemporary Asian Society and thereby to disseminate legal knowledge within the legal profession and among members of the public.

The publication series of the Law and Society Trust is therefore an important aspect of the programme. The series involves the publication of monographs which would highlight sociological aspects of legal culture especially concentrating on the dynamics between tradition and modernity and the innovative potential for reform participation and human rights protection contained within such a framework.

The present monograph, Legal Needs of the Rural Poor in Sri Lanka revolves around the needs for legal resources amongst the rural poor based on their own perception of their material needs. It is hoped that an understanding of the legal needs of the rural poor and the adequacy and inadequacy of the existing rural institutions to meet their needs would help in the formulation of policy recommendations to overcome the prevailing legal differences and barriers that have a countervailing effect on the mobilization of these groups.
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INTRODUCTORY

This case study on the Rural Mobilisation and the Legal Needs of the Poor in Sri Lanka was undertaken for the International Center for Law in Development, New York. It consists of studies of four villages representing

(a) an agricultural community in the Low Country Wet Zone in the Matara District;

(b) an agricultural community in the Hill Country in the Kandy District;

(c) a fishing community on the South coast; and

(d) a plantation community in the Nuwara Eliya District.

A Consultative Committee consisting of:

Mr. Desmond Fernando, Attorney-at-Law,

Mr. N. Shanmugaratnam of the National Insitute of Management,

Prof. S. Tilakaratne of the Sri Jayawardenepura University,

Dr. N. Tiruchelvam of the Asian Council for Law in Development and

Mr. N. Tittawella, retired Supreme Court Judge,

met from time to time to advise and guide the field researchers who were Messrs. A. K. Basanayaka, W. Gamage and L. Shanthi
Kumar. They were graduates in Social Sciences of the University of Sri Lanka who had experience of field research for studies undertaken by the Marga Institute.

Mr. G. V. S. de Silva of the Social Scientists' Association was a Member of the Consultative Committee from its inception until his untimely death in November 1980. During his membership the Committee benefitted greatly from his wisdom and deep knowledge of the social problems of rural Sri Lanka.

Mr. Basanayaka undertook the study of Walgampaya in the Kandy District, Mr. Gamage studied Henegama, a rural community in the Low country, and the fishing community at Mirissa. Mr. Shanthi Kumar studied the plantation community. No set questionnaires were used for the research.

The Consultative Committee endeavoured to guide the researchers to identify the poorer sections of the community in their areas of study and ascertain the perception of the poor of the causes of their poverty. The participatory research that the consultative committee attempted to promote was new to the researchers. The field studies have largely produced a description of poverty in the communities studied rather than an analysis of the causes of the poverty and the structural changes necessary to eliminate such poverty.

Professor Tilakaratne, who was associated with the UNDP sponsored Rural Action Research Project, prepared the Note on the Mobilisation of the Rural Poor under the Change Agents' Programme which appears as Appendix T.

Mr. M. Rajendra acted as Co-ordinator of the study project.

Colombo,
November 1981.
CHAPTER I

A CONCEPTUAL FRAMEWORK

Introduction

The Central theme of this study revolves around the needs for legal resources amongst the rural poor based on their own perception of their material needs and the extent to which such perceived needs are met by the existing rural development institutions in Sri Lanka. The rural poor has been defined as follows: —1

“The rural poor is defined as that section of the rural population whose basic minimum needs for life existence with human dignity are unfulfilled. Such a condition of poverty is characterized by low incomes, widely associated with various forms of oppression under social structures through which dominant social groups are able to dictate the conditions of life of the dominated and to appropriate much of the product of the latter’s labour and often also the material assets the latter may initially possess.”

This definition treats poverty as a structural problem in a qualitative way. Rural poverty is the product of a certain dynamic inherent in the social structure which perpetuates poverty by its own process of reproduction. Means of eliminating poverty have therefore, of necessity, to be structural. Legal action is considered a means to alter social structures that repro-

1. Rahman, Anisur — A Methodology for Participatory Research with the Rural Poor, ILO 1978.
duce poverty. Such action could be effective only when it is the result of conscious agitation by the rural poor themselves.

In Sri Lanka the official poverty line has been fixed at a monthly family income of Rs.300/— during the last decade. At the present rate of inflation and after the withdrawal of certain food subsidies this figure would look too low. However, this study does not rely on a fixed quantitative datum to define poverty. It goes along with the structural definition of poverty cited above, with due consideration to income levels in quantitative terms.

Rural poverty in Sri Lanka has been a subject of several studies and considerable empirical data are now available to discuss poverty in quantitative terms. The general approach adopted by most of these studies has been to evaluate the results of various welfare and rural poor oriented development measures in terms of certain widely accepted indices such as life expectancy at birth, infant mortality rate, literacy etc. In recent times these criteria have been combined to form a composite index, generally referred to as the Physical Quality of Life Index (PQLI).

This study seeks to approach the problem of rural poverty from a different view-point. Its focus is on the need for legal resources amongst the rural poor in order to improve their bargaining power and social strength vis-a-vis the rural developmental agencies on the one hand and the wealthier groups on the other.

With regard to the persistence of conditions of poverty it would be relevant to focus attention on the likely results of a spatially uneven economic growth that has been unfolding during the past years. Economic growth by its very nature is uneven over time and geographical space. However, the
nature of the productive activities and the magnitude of growth which is sustained over a long period of time would determine its impact on the communities surrounding the centres of growth. A major positive impact of such a process on the rural poor would be the growing opportunities of employment and their integration into an economically active population with a regular income. However, in areas which are not endowed with material resources that attract investments or in areas far removed from the centres of growth with a lack of labour mobility, the pre-existing conditions would not only continue to prevail but also tend to become reinforced due to the negative effects of the growth process.

It is evident from several studies of the rural society and its economy in Sri Lanka that the statal and para-statal agencies which are supposed to grant assistance to the needy people to improve their incomes and living conditions have been practically monopolised by a relatively better off minority. 1 There are also in-built class biases in certain development legislations and organisations that effectively preclude the participation of the rural poor. More importantly, the rural poor as a whole suffer from the serious disability of ignorance of the detailed provisions of the laws that pertain to or impinge on their interests. It must be also noted that even the most well intended legislation with more or less clearly defined target groups has faced several obstacles in its implementation phase.

I. The following conclusion of a study on rural organisation conducted by the Agrarian Research and Training Institute (ARTI) is quite revealing:—

"New wealthy groupings were seen to emerge in village organizations. These groups deploy capital more effectively than others to maximize returns in agricultural operations. They also finance ancillary services..."
Reform oriented legislation aiming to uplift at least some sections of the poor agricultural population may face new legal problems when it has provisions that are at variance with already existing laws. Such legal contradictions create loopholes that can be exploited by the propertied groups which feel threatened or affected. In fact this did happen with the Paddy Lands Act of 1958, even where legal issues did not crop up there have been organisational problems resulting from the ‘top down’ nature of reform implementation.

Thus it would seem that a combination of several factors has worked against the interests of the rural poor who have not had sufficient opportunities to effectively articulate their own perceptions of the ongoing changes and their demands. This study assumes that the rural poor can become an active productive force in national development if they are mobilised on the basis of their own perceived needs. Such a mobilisation presupposes the creation of at least a minimum level of legal resources. By legal resources is meant the knowledge and skills which enable people themselves, working collectively, to understand law and use it effectively to perceive, articulate and advance or protect their interests. An understanding of the such as boutiques, food stores and purchasing centres. In their entrepreneurial activities they are supported by the polotico-bureaucratic organizations which have formed a symbiotic relationship with them. The new rich were found to exert influence on the performance of all the village level organizations by their relatively higher economic standing in the village.” — Role of Rural Organizations in Rural Development Part II — A National Survey of Sri Lanka 1950—75, ART11977p.70

legal needs of the rural poor and the adequacy and inadequacy of the existing rural institutions to meet their needs should enable us to formulate policy recommendations to overcome the prevailing legal deficiencies and barriers that have a counterveiling effect on the mobilisation of these people.

Methodology

This study is divided into three phases. The first phase involves the preparation of the first two chapters, dealing with the macro-situation. The locality studies constitute the second phase, while the third is directed to the finalisation of the draft and formulation of policy recommendations based on the findings of the field research. A consultative committee consisting of senior specialists in Political Economy, Law and Development Administration was formed to guide and oversee the implementation of the research project.

A brief note on the categorisation of the perceived material needs of the rural poor and our approach to identify the corresponding legal needs would be in place here. At the preliminary stages of the field studies, we sought to ascertain the legal needs of the rural poor as perceived by them. However, it was found that they were not able to articulate their legal needs in clear terms. In fact in most instances they had no idea at all of such needs. The rural poor do not at the moment possess the intellectual resources to conceptualise the problems of their material needs and their solutions in terms of new legislative reforms or enforcement of existing laws. It is not implied here that the poor people lack that capacity but that they lack the mobilisation and organisation to activate and liberate their thought process. In such a context a more realistic approach would be to first identify their material needs as perceived by them. The legal needs should be conceptually developed on the basis of their material needs thus identified. For analytical conve-
nience the material needs of the rural poor may be classified under the two broad categories of Economic and Social needs.

Under economic needs we would deal with issues that directly concern the economic life, i.e. the production activities of the people. These include the following for the agricultural communities: —

(i) **Land** — tenurial factors, size, quality and availability of land, landlessness, access to water for production;

(ii) **Credit and input supplies** — the present sources of credit and terms and conditions of borrowing, the availability of inputs like improved seeds, fertilizers and agrochemicals, the role of rural institutions and the poor;

(iii) **Marketing** — the present means of disposal and prices, private intermediaries and statal and para-statal organisations;

(iv) **Employment and wages** — the extent of dependence on wage labour, availability and regularity of employment, conditions of labour and wages, factors affecting mobility.

In the case of the fishing communities the focus would be on the ownership of the instruments of production and the role of middlemen and wage relations.

Under social needs the following aspects would be looked into: —

(i) **Housing conditions**;
The social needs generally pertain to public and personal amenities required for decent living.

The economic and social needs have to be analysed in relation to the existing power structures in the rural areas in the light of the definition of rural poverty adopted by this study.

After the ascertainment of the legal needs of the rural poor through an analysis of their material needs, we set out to examine the existing relevant laws and the need for any reforms or new legislation.

**Demarcating the Rural Society of Sri Lanka**

The rural society of Sri Lanka includes three major communities:

(a) the agricultural population broadly referred to as the peasantry;

(b) the fishing community; and

(c) the plantation workers.

For the purpose of this study these communities will be investigated into with particular reference to the broad definition of rural poverty given in the previous section. However, certain distinctions between them have to be borne in mind.
The agricultural and fishing communities may be analysed within a broad framework with regard to their internal class differentiation based on economic factors and to their participation in statal and para-statal institutions for rural development. However there are certain other important factors that need to be considered. Both these communities constitute two broad social groups with caste differences and they display an ethno-religious plurality.

The term 'peasantry' has tended to conceal its internal social and economic heterogeneity. In the traditional village a differentiation based on economic strength has become evident with a growing number of marginal farmers and part time and full time agrarian workers. Seasonality has a direct bearing on the employment pattern. People of lower and depressed castes in the villages are a source of wage labour. These groups are often landless and the bulk of them would invariably fall under the category of rural poor. However, the ongoing differentiation along class lines cuts across caste lines.

The fishing community in general displays many parallels with the agricultural communities with regard to internal differentiation and socio-economic relations. In both communities the poorer sections are highly dependent on certain richer groups including middlemen. The nature of the patron-client nexus is fundamentally the same.

The plantation workers are by and large a homogeneous community in terms of class and, to a very great extent, ethnicity. They differ in many respects from the other two communities as they have continued to be an inextricable part of an enclave that has existed for more than 150 years. This history and several other political factors have made them an isolated lot which has been denied adequate participation in national
level political and cultural activities. Their state of poverty and immobility have to be analysed in relation to the plantation system and the political changes that have affected them.

The Macro-Analysis

The second chapter of this study deals with the political economy of changes in the rural society of Sri Lanka with reference to the scope offered by past and present development policies of Sri Lanka for rural mobilisation and institutionalised participatory development. This includes a critical evaluation of the more important development-oriented legislations with regard to the objectives, provisions for participation and in-built class biases. The absence of an organised rural mass movement aiming for the betterment of the quality of life of the rural poor in Sri Lanka is placed in historical perspective. The 'top down' nature of legislating for rural transformation and the distortion of the roles of rural institutions are examined. The study analyses legal enactments pertaining to the rural sector from the Paddy Lands Act of 1958 to the present Agrarian Services Act (1979). The Paddy Lands Act and the agrarian reforms of 1970–77 period ostensibly sought to provide assistance to the needy sections of the peasantry through a participatory process of decision-making and development. However the legislations had their own contradictions and inconsistencies which worked against these explicitly stated objectives.

Most of these legal changes were not related to the plantation workers except the Land Reforms (phase 1 and 11) of 1972 and 1975 – more particularly the latter. Even these legislations had no provisions for the participation of the plantation workers in the envisaged changes. By virtue of their status as wage workers the plantation workers are unionised. However, the
role of plantation workers' "trade" unions has been constrained by the disfranchisement of the workers and the very nature of the plantation system.

The purpose of the macro-analysis is to serve as an introduction to the political economy of rural development legislation-making and as a back-drop to the locality studies.

The Locality Studies

There are four locality studies representing the three major rural communities of Sri Lanka, viz. the peasant, fishing and the plantation.
CHAPTER 11

RURAL DEVELOPMENT AND MOBILISATION IN SRI LANKA

Introduction

A mass movement with the aim of mobilising the rural poor for a sustained struggle for their rights in terms of land and water, abolition of various disabilities and participation in development decision-making is conspicuous by its absence in Sri Lanka. This warrants some explanation in a country which has a fairly long history of democratic traditions and trade union movements which have played a significant role in national politics.

During the colonial period, up to perhaps the middle of the 19th century, there were sporadic peasant revolts of varying scales. The most important of these was the revolt of 1848 in which considerable numbers of peasants participated under the leadership of men from their own ranks. Views vary as regards the historical significance of this struggle and the extent of influence it had over subsequent British policies in the island. A comprehensive history of peasant revolts during the colonial period is yet to be written. However, it would seem that these revolts lacked in organisational and political perspectives. They were more of a spontaneous and often localised nature and were doomed to failure.

The whole span of the present century is devoid of any organised and sustained peasant struggles. Several hypotheses may be advanced to explain this. One widely held view is that in Sri Lanka there has not been an extreme polarisation between landed groups and the broad rural masses. Extreme concentration of land in feudal holdings owned by a few, and highly oppressive
and exploitative tenurial and working conditions have been considered the general objective conditions that predicate the formation of militant rural movements. Another view is that radical political movements which engaged themselves actively in urban trade union struggles failed to pay sufficient attention to the problems of poor peasants and fishermen and mobilise them for organised action. The former view places emphasis on the non-existence of certain objective conditions that usually serve the development of militant mass movements while the latter points to the lack of the organisational, subjective factors. There may be some truth in both views but certain other factors also need to be considered. The urban and the plantation workers could be organised into trade unions as there was an employee-employer contractual relationship based on the sale of the labour power of the former to the latter. In the countryside the situation is different. The differentiation of the peasantry along class lines has been an extremely slow process. Further, the conditions of under-development have engendered the persistence of archaic pre-capitalist relations. Differentiation is associated with a marginalisation of considerable sections of the peasantry along a scale of varying levels of economic degradation over time and space. Any organisation of the rural people would have to first grasp this dynamic in concrete economic, political and cultural terms in order to identify the potential beneficiaries and mobilise them into action.

The insurrection of 1971 was rural based but had hardly any participation of the peasantry. The Janatha Vimukthi Peramuna (JVP) which was responsible for the insurrection mobilised one particular section of the rural population, the unemployed and under-employed youths who were largely of lower middle class origin. The JVP did not have an agrarian programme. It was a youth movement with a romantic, petty bourgeois ideology which attracted the educated youth who felt frustrated because they were denied a place in keeping
with the aspirations and values which they acquired partly as a result of their education. These values were themselves products of the existing social order. While the insurrectionists challenged the existing order, they sought to achieve a system in which they could realise the very same values. The felt, but unarticulated needs of the poor and middle peasants could not have drawn the attention of such a romanticist youth movement. Further, the JVP explicitly alienated itself from the plantation workers whom it described as agents of ‘Indian expansionism’ and counter-revolution.

Third world experience under diverse conditions clearly shows that an external stimulus is needed to conscientise and mobilise the rural people into action. It could be further seen that such an external stimulus should become internalised and develop into a propelling mechanism that makes the movement a self-sustaining phenomenon. It is evident that in Sri Lanka no political party has hitherto made a concerted effort in this direction. It must be also added that the welfare measures adopted by post-independence governments served to cushion the blows of marginalisation, thereby containing the rural poor within certain social-psychological bounds. This had a negative effect on any kind of political radicalisation.

Before proceeding further, a note on certain recent attempts by non-governmental organisations to initiate rural development at the ‘grass root level’ would be in place. The most significant movement in this regard is the Sarvodaya.

Sarvodaya is a ‘grass root level’ movement with strong traditional ideological underpinnings. It seeks to reconstruct a society in perfect harmony with dignity and satisfaction to all, patterned in a manner that is said to have existed in the pre-colonial times. Its cadres work at the village level by organising farmers and youths into projects involving cultivation
and handicrafts. They also offer training programmes to youths based on this ideology. It has been noted by the movement that the ancient village was a self-contained unit with an irrigated agriculture integrated with the crafts. The ideological leadership was said to be with the village Buddhist Temple and the Monks. But this is very different from saying that is was a society free of conflict and exploitation. The essence of the social and economic structure of the pre-colonial village was the class differentiations based on the exploitation of the surplus in varied forms — labour rents, grain tax, produce rents etc. The Sarvodaya approach has always avoided conflicts and worked on the fringes without mobilising the people and taking them to the centre of the arena of social conflict and assisting them to seek the resolution of such conflicts in their own favour. It does not show interest in mobilising the rural poor to exercise even the limited scope of participation offered by certain items of legislation. Such a form of activity would offer the rural poor some elementary education on the relevant enactments and show them the way to maximise the benefits that they would obtain through their endeavours for a proper enforcement of such legislation.

A recent attempt at mobilisation of the rural poor has been initiated under the ‘change agents’ programme sponsored by the UNDP. The approach is based on ‘catalytic intervention’ by dedicated change agents who mobilise the rural producers with the object of self reliant development. A distinguishing character of this approach is that it seeks to totally wrest control of the economic surplus of the small producers from the middlemen and money-lenders to the rural producers’ organisation which establishes direct links with the final purchasers of the produce. This programme was started in late 1978 in some selected areas. It is still a small scale programme. However, the results seem remarkable. A detailed account of this project is given in Appendix I of this report.
The Electoral Process and Rural Participation

Sri Lanka enjoys adult universal franchise from 1931. At independence in 1948 the country inherited an export-oriented plantation economy and a political system based on parliamentary democracy. Rural people's participation in the electoral process and parliamentary party politics during election times is exceptionally high in Sri Lanka by any standards. For a long time parliamentary politics was conducted within a framework designed after the Westminster model by the Britishers themselves. However, on several occasions ruling parties have sought to modify the parliamentary system and re-shape the electoral process to suit their own interests. One of the first acts of interference with the electoral process by an elected government was the disfranchisement of several lakhs of plantation workers of Indian origin. The practice of modification of the system after gaining power took a major turn in 1972 when a new constitution was introduced declaring Sri Lanka a "Socialist Democratic Republic" by the Sri Lanka Freedom Party (SLFP), the Lanka Sama Samaja Party (LSSP) and the Communist Party (CP) united front government. But the most drastic changes in the electoral process and on the role of the parliament itself came more recently after the victory of the present United National Party (UNP) government. The 1972 constitution was replaced by another new constitution. A presidential system has been introduced whereby an elected president would become the chief executive. Election to the parliament is based on a system of proportional representation.

Universal franchise and the parliamentary system have always been a major factor in determining the political manifests of parties that sought power through the electoral process. As an overwhelming majority of the voting population is rural, all political parties face a compelling need to offer promises of improvement of the socio-economic conditions of the
countryside. Thus, various welfare measures like free health service, education and food subsidies came into effect. There has been a steady growth in public spending on land development, peasant resettlement and irrigation facilities.

The major beneficiaries, however, of electoral party politics are not the rural poor. At the local level uneven power structures have got reinforced to the detriment of the poorer sections. Reforms and new institutions ostensibly promoting participation have largely benefitted emerging elitist groups. Parliamentary politics have also divided the rural poor vertically along party lines.

Political elites at the local level perpetuate asymmetrical, dependency relationships through varied forms of the patron-client nexus. The rural poor, in the absence of bottom-up movements to educate them politically and elevate their level of consciousness with regard to the causes of oppression, exploitation and inequalities, often cast their votes against their own interests.

Sri Lanka's experience suggests that parliamentary politics works against sustained bottom-up rural mobilisation. The people are disorganised and divided along party lines at the same time. Parliamentary parties do not believe in sustained organisational work to promote the interests of the rural poor. Their political campaigns reach the rural areas only during election times. Organisational work is essentially one of getting supporters together for voting purposes. Such organisational work centres on the patron-client relations. Another negative consequence of it is that it promotes long lasting destructive factional rivalries. In this regard it is worth recalling that in neighbouring India, political groups have organised rural mass movements fighting for the abolition of feudal vestiges and better avenues of employment and income within a parliamentary framework.
Political parties in Sri Lanka have not created such organised mass movements.

Rural Development Policies and Legislation; Scope for Mobilisation and Participation

Of the three subsectors identified under Sri Lanka, the rural sector, peasant agriculture has received a growing attention from all post-independence governments. Land development and settlement, and irrigation have continuously received very high priority in terms of public investments. Apart from such direct investments a considerable portion of the state investment on communications, roads, health services, schools etc. had also been directed towards the rural areas, mainly to the peasantry and to a lesser extent to the fishing areas. The plantation sector has been undergoing a process of neglect and even disinvestment by private owners in anticipation of nationalisation for a long time. The conditions of living of the plantation workers have not shown any significant change despite wage increased in recent times.

The peasant society, as pointed out in the previous chapter, may be divided into two broad sub-communities — one confined to the traditional villages and the other resettled in the dry zone colonisation schemes and under the village expansion schemes of the wet zone. The fishing communities inhabit the coastal belt. The generalisation that these two subsectors consist of small scale producers conceals their internal heterogeneities. The post-independence efforts of modernisation have interacted with the pre-existing conditions of ownership and control over the productive resources and led to a new type of stratification with a thin layer of rich producers and a powerful intermediary group of transport agents, traders and money-lenders. The bulk of the producers constitute a broad middle stratum, a
majority of which face a gravitation into marginal producers.

In the peasant sector the middle stratum shows a continuous process of differentiation. There are some who generate a marketable excess but cannot embark on reinvestment on an extended scale. This group constitutes the upper layer of a broad stratum consisting of middle and marginal farmers with a growing number gravitating downwards. Although all of them use hired labour, most do not generate a marketable excess and hence resort to ‘distress sale’. The more marginalised are a type of unfree labourers on their own plots as they have lost operational control over their lands to money-lenders and rich farmers. In this broad stratum are found many-owner cultivators and part-time wage workers. As regards their inputs they are all victims of an imperfect factor market. The price of credit, tractor hire and the prices of chemicals vary widely depending on the source.

The agricultural wage labourers are employed on a casual basis and seasonally. The labour market is highly segmented due to imperfect mobility; there are migrant workers who move to the resettlement schemes during peak demands. The agrarian workers lack the social cohesion of a class. They are a category of individualised, isolated labour. Wages show variation within a region and within season depending on demand-supply interactions, and the type of operation. Even those agrarian workers who are completely landless are not totally unfettered from their pre-capitalist psychology and values. On the contrary many of them have a growing desire to own a piece of paddy land.
Some Basic Statistics of the Peasant Sector

According to a 1977 survey there are 1,305,364 paddy cultivators in all, cultivating a total of 1,570,799 acres. The different categories of cultivators according to land tenure and size of holdings are given in Tables I and II below.

Table I — Cultivators by Land Tenure:

<table>
<thead>
<tr>
<th>Type of Cultivator</th>
<th>Number</th>
<th>%</th>
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<tbody>
<tr>
<td>Ande Cultivators</td>
<td>368,511</td>
<td>28.2</td>
</tr>
<tr>
<td>(share croppers)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Owner Cultivators</td>
<td>840,838</td>
<td>66.44</td>
</tr>
<tr>
<td>Owner-cum-Ande</td>
<td>82,694</td>
<td>6.4</td>
</tr>
<tr>
<td>Landowners using only hired labour for cultivation</td>
<td>13,021</td>
<td>1.0</td>
</tr>
<tr>
<td>Total</td>
<td>1,305,364</td>
<td>100.0</td>
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Table II — Cultivators by Size of Holdings:

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<thead>
<tr>
<th>Size</th>
<th>Class</th>
<th>Acres</th>
<th>No.of Cultivators</th>
<th>Per cent</th>
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<tr>
<td>1/2</td>
<td></td>
<td>1/2</td>
<td>450,929</td>
<td>35.0</td>
</tr>
<tr>
<td>1/2</td>
<td>below</td>
<td>1</td>
<td>376,342</td>
<td>29.0</td>
</tr>
<tr>
<td>1</td>
<td>below</td>
<td>2</td>
<td>230,253</td>
<td>18.0</td>
</tr>
<tr>
<td>2</td>
<td>below</td>
<td>5</td>
<td>198,534</td>
<td>15.0</td>
</tr>
<tr>
<td>5</td>
<td>below</td>
<td>10</td>
<td>41,684</td>
<td>03.0</td>
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<tr>
<td>10 acres and above</td>
<td></td>
<td>7,622</td>
<td>01.0</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td>1,305,364</td>
<td>100.0</td>
</tr>
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</table>

Legal Reforms and Problems of Mobilisation of the Peasantry

After 1956, several reforms were introduced through parliamentary means ostensibly aiming at the improvement of the social and economic security of the rural poor. Of all the legally instituted reforms the following are considered relevant for the purposes of this study and their impact will be critically examined in this chapter:

1. The Paddy Lands Act of 1958;
2. The Land Reform Law (Phases I & II) of 1972 and 1975;

Paddy Lands Act of 1958 (PLA)

The PLA was the first serious attempt at tenancy reforms aiming at providing security and safeguards to tenants and agricultural workers. The antecedents of this Act and the problems it faced in enforcement are a clear indication of how dominant class interests can whittle down the contents of a bill and subvert its effective implementation. The PLA was introduced by the Mahajana Eksath Peramuna (MEP) government in which several political parties and groups participated. The leading partner of this government was the SLFP led by the late Mr. Bandaranaike. The Minister Mr. Philip Gunawardene who spearheaded and introduced the PLA was the leader of the Viplavakari Lanka Sama Samaja Party (VLSSP) which was a smaller partner in the government. Within the SLFP the traditional landed groups and the emerging rural elites were quite powerfully represented. This explains the resistance that came from the ranks...
of the government itself to the original draft of the Paddy Lands Bill.

The principal objectives of the Act as it was finally presented, after several rounds of modification under the pressure of the landed groups were:

(a) to provide permanent and heritable rights of tenancy with retrospective effect from April 1956.

(b) to limit the rent payable by tenant cultivators to the landlord. The maximum limit was fixed at a quarter of the share of the produce, or an amount fixed by the Commissioner of Agrarian Services which should not exceed 15 bushels. Only the lesser of these two amounts was to be paid.

(c) to cater to the managerial and organisational needs of the paddy cultivators by setting up cultivation committees at the village level. The cultivation committee was to be elected by the cultivators.

The PLA’s main target group or the intended beneficiaries were the tenants and the agrarian workers. However, at the village level the power base of the SLFP rested on a ‘great alliance’ of a variety of groups; all of them having a strong common interest in land. This alliance consisted of the land-owning peasant, the school teacher, the indigenous physician, and the Buddhist priest. At higher levels of leadership the SLFP had elements from the big landed groups, the emerging local bourgeoisie and the nationalist intelligentsia. The power base of the SLFP at the village level formed the main oppressors and exploiters of the tenants and workers. The physician and school teacher were also small landowners while the top level Buddhist monk was de facto owner of the temple lands. Incidentally, monastic landlordism is still in existence in Sri Lanka.
Mobilisation of the tenants and workers under the PIA would have meant an open challenge to the local political base of the SLFP and its big landed groups. Thus, within the framework of MEP politics dominated by the SLFP, mobilisation of the share croppers and agricultural workers for the implementation of the PIA was bound to meet with very strong opposition. PIA's implementation faced a host of problems arising out of the resistance shown by landowners, the legal flaws of the PLA itself and numerous organisational issues that cropped up.

The landowners resorted to several means to sabotage the elections and formation of cultivation committees, which were the bottom level of organisation for implementation. Tenants were harassed and prevented from attending cultivation committee meetings. Many owners registered themselves as owner-cultivators and their tenants as labourers. The situation demonstrated the helplessness of the tenants who were more or less totally ignorant of the contents of this new legislation. Faced with an organised opposition the tenants had no local level organisation that educated them on the provisions of the law and mobilised them into action.

Another major difficulty was that the field officials of the Department of Agrarian Services — the central implementing agency — were themselves not fully aware of the law and lacked the aptitude and required training to perform their new task properly. Their task became more difficult when certain crucial provisions of the law were effectively challenged in the courts by landowners. Apart from certain internal inconsistencies the very nature of this legislation created contradictions with existing judicial structure which had been consolidated over a century. The legal difficulties of implementation led to several amendments of the law in 1961, 1964, 1966 and 1970.
Finally in 1973 the PIA was superseded by the Agricultural Lands Law which in turn was replaced by the Agrarian Services Act of 1979.

**Land Reforms**

After the PLA, for a long time until 1972, agrarian reforms did not have a place in government policies. The agrarian question gained importance in government circles in the aftermath of the unsuccessful insurrection of 1971. Although most of the insurrectionists were of rural origin, their movement did not offer an agrarian programme aimed at radical changes in the countryside; nor did it have poor and landless peasants in its ranks. Nevertheless, the agrarian question was implicit in the insurrection. 2 The government after putting down the insurrection, introduced the Land Reform Law in 1972.

The Land Reform Law of August 1972 imposed a ceiling of 50 acres on the private ownership of land. An adult citizen was entitled to own up to 50 acres, including a maximum of 25 acres of paddy land. The excess above this ceiling was taken over by the Land Reform Commission (LRC) which was specially created for the purpose by the state. In phase II of this Land Reform enacted in 1975, all estates belonging to local and foreign companies were nationalised. In both phases, the Law provided for the payment of compensation to the owners whose properties were taken over.

The total extent of land taken over by the state under both phases amounted to little less than a million acres (981,368). This was about 24 per cent of the total cultivated land in the

1. For a comprehensive treatment of these legal flaws and difficulties in the implementation of the PLA see Gold, Martin — Law and Social Change.

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country in 1975. However, not all the lands taken over were developed or cultivated. About 18 per cent was undeveloped jungle or abandoned land. The crop-wise distribution of the lands taken over as a percentage of the total under each crop is shown below.

Table III — Crop-wise Distribution and Land Taken Over:

<table>
<thead>
<tr>
<th>Crop</th>
<th>Total Area (Acres)</th>
<th>Per cent taken over under Phases I &amp; II</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tea</td>
<td>597,691</td>
<td>63.1</td>
</tr>
<tr>
<td>Rubber</td>
<td>562,494</td>
<td>31.5</td>
</tr>
<tr>
<td>Coconut</td>
<td>1,152,428</td>
<td>10.3</td>
</tr>
<tr>
<td>Paddy</td>
<td>1,439,874</td>
<td>1.3</td>
</tr>
</tbody>
</table>


It is evident from the above figures that Paddy Lands were practically unaffected by this reform. The Land Reform in both its phases were essentially an exercise in statisation of ownership of a major part of the Tea and a lesser part of the Rubber plantations. Coconut was affected to a negligible extent. This reform did not involve a restructuring of peasant agriculture; nor has it led to any fundamental changes in the condition of the plantation workers.

The land reform hardly touched the problem of landlessness. Only the marginal and undeveloped lands were available for redistribution as the other lands were under productive plantations with resident labour. About 15 per cent of the total extent taken over have been so far redistributed in small plots ranging from a fraction of an acre to less than two acres. This has not been adequately backed by financial support to develop these impoverished or undeveloped lands. Further the distribution of land in such small parcels has added to the already grave problem of uneconomic holdings. The recipients of these lands have not been able to improve their economic position. On the contrary many of them have in all probabilities become more indebted due to their increased need for working capital.

As far as the plantation workers are concerned, nationalisation did not have any significant impact on their working conditions until recently when their wages showed some increase due to certain governmental policies. But changes in industrial relations towards greater democracy and mobility are yet to take place. It would be relevant to note here that the land reform as a whole was a top down administrative exercise with a strong political bias.

The central implementing agency, viz. the LRC, became highly politicised when it began to set up certain experimental ventures like co-operative farms for youths and redistribution of a limited extent of land in small parcels. This politicisation was the result of demands from members of parliament of the ruling party that there must be 'people's participation'. In actual practice this demand for participation boiled down to the M.P. and a few of his close political supporters being accommodated. The redistribution programme was not of significant importance for reasons already stated. The experiments with co-operative youth farms were short-lived with a record of high drop-out rates and mismanagement.
The land reform, it can be concluded, was not intended to be a programme of restructuring agrarian relations by mobilising the peasantry. It was, as already pointed out, a nationalisation programme which did not require anything more than a legislative enactment and an agency to enforce it. People’s participation was precluded right from the inception by the very nature of the reform.

The Agricultural Productivity Law (1972) and The Agricultural Lands Law (1973)

The Land Reform Law was followed by two ‘complementary’ pieces of legislation. The Agricultural Productivity Law of 1972 (APL) sought to create among others an Agricultural Productivity Committee (APC) for each village council area. The Agricultural Lands Law (ALL) that followed replaced the PLA. Under the APL there was provision to set up agricultural tribunals with wide powers to deal with agrarian disputes over tenancy, ownership etc.

A significant feature of these two laws was the replacement of the elective principle of the PLA by a nominative one, whereby the APCs and cultivation committees were all appointed by the minister. A study pertaining to the functioning of these committees conducted in selected villages concluded that the nominative principle did not substantially improve the position of the tenants. In fact it helped to reinforce the political patron-client nexus. The same study also highlighted that within the APC the existing rural power structure was reproduced. This could not have offered any scope to use the APC as a means of mobilising the rural poor.

Henegama is situated inland but twelve miles away from Matara which is on the south-west coast of Sri Lanka. It lies on either side of the main Galle-Deniayya highway between the 19th and 20th mile posts and is flanked by the small towns of Imaduwa and Akuressa. Five hamlets form a cluster which is collectively called Henegama. Originally, there had been on either side of the highway a settlement known as Henegama. As its population increased it expanded into neighbouring state-owned land which was alienated to the people under the State’s Village Expansion scheme. The units of households in the five hamlets are:

(1) Henegama proper 300
(2) Paragahawatte 70
(3) Gurullamullahena (land had been distributed in 1936) 75
(4) Balapatha (has been in existence since 1958 under the new State Village Expansion scheme) 85
(5) Indigashena (land had been encroached upon by unauthorised persons; some have had their titles confirmed in 1965) 70

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There are 600 households with 611 family units. Two miles away from Henegama, the Matara-Deniyaya highway joins the Galle—Deniyaya highway. Public transport ply on both these roads. Not all the roads in the village are satisfactory. The original Henegama settlement and Paragahawatte, being on either side of the road, are easily accessible. The roads leading to the other three hamlets are of gravel and are not easily accessible by vehicles.

Amenities

In the village there is a sub-post office, a district co-operative society and a co-operative rural bank. Imaduwa Rural Hospital is five miles away whilst the Akuressa Rural Hospital is three miles away. A branch of the People’s Bank and the Agrarian Services Centre is at Akuressa where there is also a police Station. The school in the village provides primary education up to Grade 8. For the post primary education the students go to schools in Imaduwa or Akuressa.

The closest Central School which prepares students for the University Entrance is at Telijjawila, some six miles away.

Population

According to the Census of 1971, the population of Henegama was 2763, categorised as follows:

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Males</td>
<td>1373</td>
<td></td>
</tr>
<tr>
<td>Females</td>
<td>1360</td>
<td></td>
</tr>
</tbody>
</table>

2763
Age

Age over 18 1530
Age below 18 1203
2763

Caste Structure

Numerically the Goyigama caste predominates in Henegama. Seven other castes are represented. There are a few Tamil-speaking people. The caste structure is composed this;

Goyigama 69%
Hakuru 12%
Navandanna 9%

The balance 10 per cent consists of the Rada, Berava, Badahela, Salagama and Karava castes. There is no evidence that anyone in this village has suffered injustice on account of belonging to a low caste.

Land Use

Henegama's main material resource is agricultural land. The village occupies an area of 1,048 acres which with the following crop-wise distribution:

Paddy 30%
Tea 24%
Cinnamon 11%
Rubber 01%
Coconut 01%
Home Gardens 22%
Uncultivated 10%

Total 100%
Paddy, tea and cinnamon accounting for 65 per cent of the land area are the major crops cultivated in the village. The entirety of tea, cinnamon and rubber are produced for an external market. A part of the paddy and home garden produce is sold in the local market. The lands under the three major crops are owned by residents of Henegama as well as outsiders as shown below.

Table IV — Land Ownership under Three Major Crops:

<table>
<thead>
<tr>
<th>Crop</th>
<th>Percentage of land owned by villagers</th>
<th>Percentage of land owned by outsiders</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paddy</td>
<td>71</td>
<td>29</td>
</tr>
<tr>
<td>Tea</td>
<td>34</td>
<td>66</td>
</tr>
<tr>
<td>Cinnamon</td>
<td>84</td>
<td>16</td>
</tr>
</tbody>
</table>

Since land is the major means of production for the community of Henegama, its social relations and economic conditions are influenced by the pattern of ownership, tenancy relations, size of holding and efficiency of land utilisation for production. These aspects among others have a direct bearing on the reproduction of the conditions of poverty in the village.

**Land Tenure in Paddy Cultivation**

Paddy cultivation still remains the simple, though major production activity of the village in terms of the numbers of the people involved. The 318 acres of paddy land is fragmented into 847 parcels belonging to 312 persons. On the average each holding consists of 2.7 parcels. The average size of a holding is
about 1.02 acres which is lower than the national average. The picture turns more dismal when one looks at the size-wise distribution of paddy parcels, which is more or less typical of any traditional village in the wet zone.

<table>
<thead>
<tr>
<th>Size (acres)</th>
<th>Percentage of Parcels</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 1/4</td>
<td>... 61</td>
</tr>
<tr>
<td>1/4 — 1/2</td>
<td>... 12</td>
</tr>
<tr>
<td>1/2 — 1</td>
<td>... 17</td>
</tr>
<tr>
<td>above 1</td>
<td>... 10</td>
</tr>
</tbody>
</table>

There is a preponderance of unviable parcels and often the parcels that constitute a single holding are scattered far apart. This makes it extremely difficult to bring under cultivation all the parcels belonging to a cultivator at the same time. The uneconomic nature of such extreme fragmentation is further aggravated by joint ownership which has led to the traditional practices of rotational cultivation (Thattumaru and Kattimaru) by joint holders. Although this practice reduces the extent of fragmentation it is an inefficient practice as each co-owner tends to neglect the land by not adopting any long term improvement. As a result the productivity of land tends to decline in the long run.

Another significant aspect of the ownership pattern of paddy land is that 47 per cent of the holdings of more than one acre each are owned by non-Henegama people. Residents of the village owning paddy land are by and large owners of unviable units as shown by the Table below.
Table V — Ownership Pattern of Paddy Land

<table>
<thead>
<tr>
<th>Size</th>
<th>Percentage of land portions held by villagers</th>
<th>Percentage of land portions held by outsiders</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 1/4 acre each</td>
<td>98</td>
<td>02</td>
</tr>
<tr>
<td>Between 1/4 acre and 1/2 acre each</td>
<td>90</td>
<td>10</td>
</tr>
<tr>
<td>Between 1/2 acre and 1 acre each</td>
<td>76</td>
<td>24</td>
</tr>
<tr>
<td>Over 1 acre each</td>
<td>53</td>
<td>47</td>
</tr>
</tbody>
</table>

The extent of fragmentation of paddy holdings in this village is also indicative of the lack of sufficient permanent non-agricultural sources of employment which would have freed cultivators from their economically unviable holdings and offered them a steadier and better means of living.

Another important aspect of land tenure in paddy production at Henegama is that according to the official statistics more than a third of the holdings are share-cropped. In many instances the terms of share-cropping as stipulated by the Agrarian Services Act of 1979, i.e. one-fourth of the yield or fifteen bushels, whichever is greater, are violated. The share is sometimes in the region of fifty per cent but not always with the traditional assistance by way of seed paddy or animal draught power by the landowners.

The actual extent of share-cropping is greater than the figure shown by official records and tenancy relations are more complex than what they appear to be. Landowners circumvent the law with regard to the terms of tenancy by registering themselves as owner-cultivators and then resorting to informal share-cropping arrangements, which are very exploitative of the tenant.
Such tenants, who are deprived of any legal status and security are worse off than even hired workers as they have to bear the risks and uncertainties of cultivation and surrender an excessively high share of the produce to the landowner. The prevalence of such practices by which landowners effectively undermine the relevant law even today after more than two decades of continuous legal experimentation to grant greater security and more reasonable terms of tenancy to the share-cropper, should provoke the policy-makers to think beyond the traditional confines to law-making and enforcement. Now, even if the tenant who has fallen victim of a crafty landowner is made aware of the law, there are several factors that prevent him from seeking redress by recourse to legal action.

Firstly such tenants happen to be the poorest of the poor. It is the non-availability of any source of regular wage labour that drives them to accepting the exploitative and oppressive conditions of an illegal arrangement. Secondly, once he accepts such conditions, the traditional patron-client nexus begins to operate. Given his economic weakness and dependence on the landowner, legal action to establish himself as a regular tenant is out of the question. The local level institutions being a monopoly of the economically and socially stronger people do not offer any assistance to rescue this category of share-croppers.

**Highland—Ownership**

Tea constitutes the major crop on highland. The total extent under this crop in the village is 248 acres. Of this 30 per cent are owned by the state, 39 per cent by two individuals and the balance by 16 others. All private owners are not residents of Henegama.

There are about 115 acres under cinnamon, 85 per cent of which are owned by residents of the village. Cinnamon is also
a home garden crop. The home gardens of the Balapatha and Indigashena hamlets of Henegama show a predominance of cinnamon. Coconut and other tree crops like jak, coffee and papaw and other crops like betel and pepper are also grown in home gardens.

The Labour Force and Employment Opportunities

There is a labour force of 1401 persons between the ages of 20–55 of which 702 are women and 699 are men. The employment rate of men and women is shown below.

Table VI – Distribution of Employment:

<table>
<thead>
<tr>
<th>Sex</th>
<th>Employed per cent</th>
<th>Unemployed per cent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Men</td>
<td>72</td>
<td>28</td>
</tr>
<tr>
<td>Women</td>
<td>21</td>
<td>79</td>
</tr>
</tbody>
</table>

This table shows that the employment rate among women is very low. In order to understand this table correctly it is first necessary to look at how the workforce is engaged in several types of employment.

According to the table below, most are employed as labourers. Eighty per cent of the employed women and fifty per cent of the employed men work as unskilled labourers. These jobs are generated largely by the factories and tea holdings, and paddy production which requires hired labour during certain times of the season.
Ten per cent of the men and eight per cent of the women employed work in the government sector as clerks, teachers and in various other capacities. Table VII shows the participation of men and women in various categories of employment.

Table VII — The Employment Categories of Persons between the ages of 20–55 years;

<table>
<thead>
<tr>
<th>Sex</th>
<th>Nature of Employment</th>
<th>Male</th>
<th>Female</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Unskilled</td>
<td>56</td>
<td>80</td>
</tr>
<tr>
<td></td>
<td>Skilled</td>
<td>10</td>
<td>—</td>
</tr>
<tr>
<td></td>
<td>Government Service</td>
<td>10</td>
<td>8</td>
</tr>
<tr>
<td></td>
<td>Government Teachers</td>
<td>7</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>Paddy Cultivators</td>
<td>11</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Others</td>
<td>6</td>
<td>7</td>
</tr>
</tbody>
</table>

The agricultural labour demanded by paddy cultivation is included in the category of unskilled labour. A significant feature which emerges from Table VII is that the jobs generated in the area of paddy cultivation are very few. This indicates that the ownership of a large number of paddy fields which are small in area is concentrated in the hands of a few. Many paddy lands of non-resident owners are cultivated by share-croppers, some of whom are also cultivators of their own plots. We have already referred to the informal share-cropping arrangement which works to the detriment of the share-cropper.

An important problem substantiated by this data is that the labourers do not have regular employment. The land which is used for tea plantation is limited to 114 acres. Usually tea plucking is done five times per month. Though there are two small tea factories in the village only one of them is currently functioning. There are 8 Indian Tamil families who have regular employment in the factory and on the tea estate. The
average labour required by the factory is limited to 50 labour units per day. Other labourers are employed only on a casual basis as and when additional hands are required.

Samidale Estate which belonged to the State was recently reverted to private ownership. After the change of ownership many labourers have been discontinued.

Under these conditions a large number of families cannot hope for regular incomes; and under-employment is certainly evident. The villagers of Balapātha are mostly engaged in un-authorised felling and sale of timber from state forests. Most often this timber is confiscated by rangers and police officers. Even where the villagers succeed they do not get a good price for their timber.

Education

The village has a primary school where education is possible until the tenth grade. Since secondary education is only available in the towns of Imaduwa or Akuressa, most poor families have to be content with the education opportunities offered in the village.

In most households the parents have had little or no education. Economic factors and the inadequacy of transportation facilities work against the educational development of the children of the poor. Gurrulamullahena has a small primary school but to proceed beyond the 5th grade the children of this area have to travel one and a half miles of very difficult terrain. Due to these factors the education of a large number of children tends to be discontinued at an early age.
Table VIII — The Level of Education among Households (as a percentage).

<table>
<thead>
<tr>
<th>Illiterate</th>
<th>Grades 1-4</th>
<th>Grades 5-8</th>
<th>Grades 9-12</th>
<th>Professional/University Technical</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>17</td>
<td>35</td>
<td>34</td>
<td>13</td>
</tr>
</tbody>
</table>

According to the above table only 14 per cent have completed their primary education. Seventeen per cent of the rest are illiterate, 35 per cent have been educated up to the 4th grade and 34 per cent have had an education between the 5th and 9th grade. This low level of education among the majority of villagers has a profound effect on all socio-economic aspects of the village.

Table IX — The Educational Level of Family Members between the ages of 5—20 years (as a percentage):

<table>
<thead>
<tr>
<th>Age:</th>
<th>5 - 10</th>
<th>11</th>
<th>15</th>
<th>16</th>
<th>20</th>
</tr>
</thead>
<tbody>
<tr>
<td>M</td>
<td>M</td>
<td>M</td>
<td>M</td>
<td>M</td>
<td>M</td>
</tr>
<tr>
<td>F</td>
<td>F</td>
<td>F</td>
<td>F</td>
<td>F</td>
<td>F</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Illiterate</th>
<th>Grades 1-4</th>
<th>Grades 5-8</th>
<th>Grades 9-12</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>14</td>
<td>73</td>
<td>4</td>
</tr>
<tr>
<td>Grades 5-8</td>
<td>82</td>
<td>73</td>
<td>24</td>
</tr>
<tr>
<td></td>
<td>4</td>
<td>6</td>
<td>60</td>
</tr>
<tr>
<td>Grades 9-12</td>
<td></td>
<td>4</td>
<td>12</td>
</tr>
</tbody>
</table>

From this table it is evident that 14 per cent of the males and 21 per cent of the females who belong to the age group of 5—10 years do not go to school. Of those who attend school between the ages of 11 and 15 years, 30 per cent females and 24 per cent
males leave school before they reach the 5th grade while 53 per cent of the males and 43 per cent of the females between the ages of 16–20 years leave school before the 8th grade.

**Inadequacies of Supportive Institutions**

The major shortcoming is in the area of agricultural credit. At present the only institutional source of credit is the banking system and a majority of the farmers are not credit-worthy. In the past when co-operatives offered credit, many had obtained it and defaulted in repayment thereby disqualifying themselves for any further credit. Given the uneconomic nature of the paddy parcels and the impossibility of any expansion of the size of a cultivated unit, the operators of micro-holdings cannot hope to achieve a reasonable level of economic well-being even if credit facilities are offered by institutional sources. However, in the absence of such sources cultivators become dependent on private money-lenders who charge very high rates of interest ranging from 10—20 per cent per mensem., i.e. 120—240 per cent per annum. Now, this is a major cause of impoverishment of the poor cultivator; his biggest factor of cost being the interest on loans from private sources. Further, the farmers are dependent on these same sources to obtain credit for consumption purposes.

The Agricultural Service Centres and the Co-operatives are major suppliers of inputs like fertilisers and agro-chemicals. Our survey revealed that these institutions at Henegama are not being managed properly to serve the needs of the farmers.

As regards crop insurance, many farmers have still not been brought into the scheme due to the indifference of the insurance officials. Another discouraging factor is the delay in payment of compensation to eligible farmers. Many far-
mers feel that the officials are not fair enough in the estimation of damages.

The present state of the Agricultural Extension Service is also unsatisfactory. The extension workers are not actively engaged in disseminating new technical knowledge to the farmers. Low crop yields in the village is a consequence.

An Assessment of the Magnitude of Poverty at Henegama

From the foregoing sections it is evident that the Henegama village as a whole is underdeveloped. According to our survey several factors seem to have a more or less combined and cumulative effect on a large section of the people, keeping them in a perpetual state of poverty. These factors include landlessness, economically unviable holdings, unreasonable terms of share-cropping which violate the Agrarian Services Act, and unemployment. The poverty groups include the village agrarian workers, estate workers, share-croppers and those who possess fragmented parcels of paddy holdings.

There is some disparity as regards wages between regular and casual estate workers. Further, in this sector female workers are employed at low wages for longer hours. The estate management does not observe labour regulations as far as the casual workers are concerned as these regulations are interpreted to be applicable only to the regular employees. As a result the casual workers from the village do not enjoy such benefits as provident fund and maternity leave. The conditions of employment of casual workers at present are such that they are unable to agitate for benefits which are extended to the regular workers.

More than 75 per cent of the jobs on the estates are reserved for women by the management. This is obviously due
to the lower wages payable to female labour and its decility which enables the management to extend the working hours without any compensation. Such violations of existing labour regulations have not been questioned so far. At present the casual estate workers of Henegama do not have any organisation through which they could struggle for improved terms and conditions of work.

We have already highlighted the status of share-croppers and their legal predicament.

Against the background of the analysis presented so far it would be useful to look at the income levels of the villagers. The data have been collected taking into consideration all quantifiable components of income. The figures given below have been computed by adding the following sources of income:

(i) wages from employment;

(ii) income from all production activities;

(iii) the cash value of food stamps and other assistance by the state

Table X — Percentage Distribution of Income among Households

<table>
<thead>
<tr>
<th>Monthly Income Range (Rupees)</th>
<th>Percentage of Henegama Households</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 300</td>
<td>37</td>
</tr>
<tr>
<td>301 – 500</td>
<td>44</td>
</tr>
<tr>
<td>501 – 800</td>
<td>13</td>
</tr>
<tr>
<td>More than 800</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>109</td>
</tr>
</tbody>
</table>
Households were individually interviewed and the veracity of their information was cross-checked by other means. According to these figures about 80 per cent of the households obtain a monthly income of less than Rs.500. They must be considered poor by any standard. The top 6 per cent receiving more than Rs.800/- can be considered the well-to-do stratum of the village.

The bottom 37 per cent of the families are in unauthorised occupation of land in the Indigashena and Halapatha hamlets of Henegama. They were all originally ‘complete’ families. The lands occupied by them do not have much potential for productive activities. They all live in temporary clay huts without basic amenities. They constitute a major source of casual workers employed on estates in paddy cultivation and other activities.

If we were to specify the economic needs of the poor of Henegama, they are mainly, agricultural land or more regular employment; better institutional facilities for credit and input supplies and more efficient extension services. The social needs are of a basic nature. The education, health and transport facilities that exist could be considerably improved. The housing conditions of the bottom 37 per cent would require immediate amelioration.

Organisation for the Poor

Political parties have attempted to organise the people of this village for electoral purposes. These efforts were of a temporary nature and there was no articulation of the material and legal needs of the poor at any time. Even trade union activities have been highly electoral and politically oriented. The poor of this village, as already mentioned, do not have an organisation of their own and have had no experience of mobilisation.
LOCALITY STUDY II

WALGAMPAYA

Location and Historical Background

Walgampaya is a traditional Kandyan village situated in the Kandy District, nine miles from the town of Kandy along the Alakolanga-Pottepitiya road. It is in the wet zone with an annual rainfall of about 130 inches.

Popular belief associates this village with King Walagambahu (1st Century B.C.). He had attempted to re-establish a unified political set up in the island and aroused the enmity of the powerful chieftains. He was compelled by circumstances to get about incognito for several years. One of the places where he lay in hiding was said to be Walgampaya. After assuming supreme powers he showed his gratitude to all those who had helped him. The Sangha and the laity of Walgampaya who were among his beneficiaries continued to remember him long afterwards. The Walagamba Raja Maha Vihare and the Abhayagiri Pirivena were established at Walgampaya in memory of King Walagambahu and were centres of Buddhist culture. The Temple buildings were renovated in the 13th century by King Parakrama Bahu II who endowed the Vihare and Pirivena with about 130 acres of highland and paddy land.

People of different castes came to reside in the land around the temple and look after the needs of the monks. Persons permitted to take up residence in the land were expected to perform Rajakariya duties devolving on them by virtue of their caste membership. The cultivation of crops was mainly in the hands of the Goyigama residents whilst the lower castes attended to the other work such as laundry, jaggery-making, cutting grass, making pots and pans etc. In this manner Walgampaya developed into a well-knit community of rural folk belonging to different castes and each contributing in its own way to the economic welfare of the region concerned. Many of them were engaged in cultivating temple lands and supplying the temple authorities and the resident Sangha with most of their material needs.
In 1870 the Service Tenures Ordinance was enacted. It was an ordinance to define the services due to the temples by the persons enjoying the lands belonging to them and to provide for the commutation of these services. Commissioners were appointed to inquire and report on these matters. They were required to compile a register of these temple lands and enumerate the various services that had to be performed with respect to these lands. They were also empowered after due inquiry to order that the services shall stand commuted for annual money payment. This was in the nature of an annual rent attached to the land in lieu of the services to the temple. Many persons who were on temple lands took advantage of these provisions to commute the traditional services by the payment of a fixed annual rent. Gradually by this process the feudalistic temple-based rajakariya services have decreased to a great extent.

Table XI – Population Statistics

<table>
<thead>
<tr>
<th>Age</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 – 1</td>
<td>19</td>
<td>25</td>
<td>44</td>
<td>4.27</td>
</tr>
<tr>
<td>2 – 4</td>
<td>30</td>
<td>27</td>
<td>57</td>
<td>5.54</td>
</tr>
<tr>
<td>5 – 10</td>
<td>105</td>
<td>65</td>
<td>170</td>
<td>16.52</td>
</tr>
<tr>
<td>11 – 15</td>
<td>57</td>
<td>39</td>
<td>166</td>
<td>11.27</td>
</tr>
<tr>
<td>16 – 20</td>
<td>39</td>
<td>57</td>
<td>96</td>
<td>9.32</td>
</tr>
<tr>
<td>21 – 30</td>
<td>88</td>
<td>100</td>
<td>188</td>
<td>18.27</td>
</tr>
<tr>
<td>31 – 57</td>
<td>159</td>
<td>122</td>
<td>281</td>
<td>27.30</td>
</tr>
<tr>
<td>56 – 70</td>
<td>39</td>
<td>28</td>
<td>67</td>
<td>6.51</td>
</tr>
<tr>
<td>Over 70</td>
<td>5</td>
<td>.5</td>
<td>10</td>
<td>1.00</td>
</tr>
<tr>
<td>Total</td>
<td>541</td>
<td>488</td>
<td>1,029</td>
<td>100.00</td>
</tr>
</tbody>
</table>


The total population of the village is 1,029. There are 187 households in Walgampaya.
Amenities

There is a sub-Post Office, a Co-operative Society and a recently established Rural Bank. The Buthpitiya Rural Hospital is about a mile away. The Kadugannawa Hospital is about two miles from Walgampaya. It is about nine miles to the Base Hospital at Kandy. There are private medical practitioners in the adjoining village of Danture. Common wells supply the water for drinking, bathing and washing purposes. The village is not served with electricity. The main educational centre for the village is the Maha Vidyalaya at Danture. Two minor roads and a major road provide access to the village.

Caste Structure and Leadership

Walgampaya is a multi-caste village composed of 45 per cent Goyigama, 20 per cent Bathgama, 10 per cent Nekathi, 10 per cent Badahela castes. The remaining 15 per cent are made up of the Panna, Rada and Wahumpura castes.

In this village power has been traditionally in the hands of the leading families of the Goyigama aristocracy. Membership of the Goyigama caste combined with land ownership and political influence has made these families socially powerful. From 1947 members of the Goyigama caste supported the then ruling United National Party. With the spread of democratic ideas members of the lower castes began to feel that social and political power should not be a monopoly of the Goyigamas and that they themselves should share in such power. When the Sri Lanka Freedom Party was formed in the early 1950s to contest for power with the U.N.P., members of the lower castes generally supported the new S.L.F.P. Some Bathgama and Nekathi families engaged in trade and became comparatively wealthy. Two such families provided leadership to the low caste groups and promised support to the S.L.F.P. When the S.L.F.P. as the leading member of the united front government attained power, these two families were accepted as the social and political leaders of the village because they had access to political power locally and at the national level. They were able to nominate the office-bearers of all government-sponsored organisations such as co-operatives, rural development societies, cultivation committees etc. in the village. When the United
National Party recaptured power in 1977 the local power and prestige returned to the Goyigama group. The leading low caste families lost their control over local institutions but they continue to provide leadership and patronage to their caste members in the village. Thus, the political support of the two leading political parties in the village being on a caste basis, caste continues to be a strong social influence in the community.

Some voluntary organisations are on caste basis. There are two Young Farmers' Clubs. Each is active when the political party they support is in power. The four factors of caste, land ownership, economic strength and political influence are the basis of the power structure of this community. But conservatism appears to sway the minds of those who are at the top of the power structure at any given time. Upper caste leaders as well as the lower caste leaders are averse to any major social changes. When young farmers of both groups proposed collective farming on fragmented paddy holdings in the village the leadership of both factions discouraged such experimentation.

Land Tenure

The village is about 254 acres in extent. Of this the highland consists of about 193 acres. The highlands have mixed crops. The chief commercial crops are cloves, pepper, coffee, tea, vegetables and fruits. Other food crops for daily use are also grown. The ownership of the highland in small blocks is limited to the village poor while there are several among them who own no highland at all. The paddy lands in the village are generally owned by the more affluent members of the community.
On a consideration of the pattern of change of highland ownership during the period 1975—1980 it will be seen that there is a marked decrease in the number of smallholders. Fragmentation of land appears to have reached its peak by 1975. Thereafter the trend has been reversed into a pattern of consolidation. A majority of the smallholders in the community belonged to the lower income category of Rs. 200/- or less per month. Being heavily in debt, many of these poor smallholders were compelled to sell their plots to redeem their debts. A few of them managed to take advantage of this situation. They invested in these lands and thereby entered the ranks of the larger landowners. But the majority of the smallholders became alienated from their lands.

These smallholders despite their landlessness which also made them powerless, did not emigrate. Instead they moved into the houses of their relatives. As a result we find that today two to three low income families live in the same house.

### Table XII — Change in Highland Ownership

<table>
<thead>
<tr>
<th>Size (Acres)</th>
<th>Number of Owners 1975</th>
<th>Number of Owners 1980</th>
<th>Percentage Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 1/4</td>
<td>144</td>
<td>45</td>
<td>- 69</td>
</tr>
<tr>
<td>1/4 — 1/2</td>
<td>102</td>
<td>105</td>
<td>+ 3</td>
</tr>
<tr>
<td>1/2 — 1</td>
<td>54</td>
<td>95</td>
<td>+ 76</td>
</tr>
<tr>
<td>1 — 1 1/2</td>
<td>13</td>
<td>48</td>
<td>+ 269</td>
</tr>
<tr>
<td>2 — 2 1/2</td>
<td>—</td>
<td>9</td>
<td>—</td>
</tr>
<tr>
<td>2 1/2 — 3</td>
<td>1</td>
<td>2</td>
<td>+ 100</td>
</tr>
<tr>
<td>3 — 3 1/2</td>
<td>2</td>
<td>1</td>
<td>- 30</td>
</tr>
<tr>
<td>3 1/2 — 4</td>
<td>3</td>
<td>2</td>
<td>- 33 1/3</td>
</tr>
<tr>
<td>Over 4</td>
<td>1</td>
<td>2</td>
<td>+ 100</td>
</tr>
</tbody>
</table>

Total: 333 | 312 |    |

Table XIII — Change in Paddy Land Ownership

<table>
<thead>
<tr>
<th>Size (Acres)</th>
<th>Number of Owners 1975</th>
<th>Number of Owners 1981</th>
<th>Percentage Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 1/4</td>
<td>53</td>
<td>35</td>
<td>- 34</td>
</tr>
<tr>
<td>1/4 — 1/2</td>
<td>42</td>
<td>29</td>
<td>- 31</td>
</tr>
<tr>
<td>1/2 — 1</td>
<td>23</td>
<td>38</td>
<td>+ 65</td>
</tr>
<tr>
<td>1 — 1 1/2</td>
<td>8</td>
<td>12</td>
<td>+ 50</td>
</tr>
<tr>
<td>1 1/2 — 2</td>
<td>1</td>
<td>2</td>
<td>+ 100</td>
</tr>
<tr>
<td>Over 2</td>
<td>2</td>
<td>6</td>
<td>+ 300</td>
</tr>
<tr>
<td>Total</td>
<td>129</td>
<td>122</td>
<td></td>
</tr>
</tbody>
</table>

Due to the fragmentation of the land, by 1975 there were a large number of small farm-holders in contrast to the small number of large farm-holders. By 1981 the trend has reversed. The number of smallholders has decreased considerably whilst more farmers owned larger farms. The extent of paddy land is about 61 acres, i.e. about a quarter of the total cultivable area. Paddy cultivation is the most important agricultural activity and the average yield is about forty bushels per acre. Most of the economic smallholdings in paddy are operated by the owners themselves and they need very little outside labour even at the peak of the busy season.

Agricultural extension workers are active in the village. Cultivators use pureline seed, fertiliser, and transplant their fields. But the impact of the extension workers on the poorer sections of the people is minimised for the reason that the poor own hardly any highland or paddy land.

Distribution of Land under the Village Expansion Scheme

In 1972, in fulfilment of a promise made during the election campaign of 1970, 32 acres of land from a neighbouring estate
were acquired and distributed among 103 landless families under the Village Expansion Scheme. Twenty three families were given half-acre blocks each and eighty families received blocks of quarter-acre each. The distribution of this land has not benefitted the village. It was an entirely unplanned scheme.

No arrangements were made to assist the allottees to cultivate the lands and to build houses on them. The land itself was infertile and unproductive. The failure to provide assistance to these landless families to develop their lands resulted in the allottees felling whatever large trees that were in the lands and selling the timber, and some are believed to have disposed of their allotments contrary to the terms on which the lands were given to them.

Table XIV — Labour Force and Employment Opportunities

<table>
<thead>
<tr>
<th>Occupation</th>
<th>Number</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Owner-Cultivators</td>
<td>47</td>
<td>18</td>
</tr>
<tr>
<td>Ande-Cultivators</td>
<td>7</td>
<td>3</td>
</tr>
<tr>
<td>Agricultural and General Services</td>
<td>108</td>
<td>40.4</td>
</tr>
<tr>
<td>Teachers</td>
<td>11</td>
<td>4</td>
</tr>
<tr>
<td>Clerks</td>
<td>17</td>
<td>6</td>
</tr>
<tr>
<td>Traders</td>
<td>10</td>
<td>4</td>
</tr>
<tr>
<td>Mechanics</td>
<td>2</td>
<td>0.7</td>
</tr>
<tr>
<td>Carpenters</td>
<td>7</td>
<td>2</td>
</tr>
<tr>
<td>Masons</td>
<td>1</td>
<td>0.3</td>
</tr>
<tr>
<td>Minor Employees</td>
<td>16</td>
<td>6</td>
</tr>
<tr>
<td>Professionals</td>
<td>2</td>
<td>0.7</td>
</tr>
<tr>
<td>Drivers</td>
<td>8</td>
<td>3</td>
</tr>
<tr>
<td>Ayurveda Doctors</td>
<td>1</td>
<td>0.3</td>
</tr>
<tr>
<td>Textile-Weavers</td>
<td>4</td>
<td>2</td>
</tr>
<tr>
<td>Trainees</td>
<td>15</td>
<td>6</td>
</tr>
<tr>
<td>Overseers</td>
<td>10</td>
<td>4</td>
</tr>
<tr>
<td>Total</td>
<td>266</td>
<td>100</td>
</tr>
</tbody>
</table>

There is a labour force of 565 persons between the ages of 15 and 55. Of these 286 are women and 279 are men. Out of the total of 565 persons 267 are employed. The majority of the unemployed in Walgampaya are women. Of the 267 employed persons 108 are casual labourers. The opportunities for casual labour in the village are decreasing. As a result of the sharp increase in their daily wages, village landowners can no longer afford to hire them. The unskilled labourers have to seek employment on the estates in the neighbourhood or on construction sites close to the village. The estates are now run at a low tempo and require casual labour only for about three or four days in a week. Meanwhile, the poor of the village have almost lost the patron-client relationship with the influential families whilst the contractual labour market can offer them little. They are not able to migrate out of the village for want of skills and education. Some of the educated members from the better-off families have done so.

Table XV — Skilled Labourers

<table>
<thead>
<tr>
<th>Trade</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mechanics</td>
<td>.7</td>
</tr>
<tr>
<td>Masons</td>
<td>.3</td>
</tr>
<tr>
<td>Carpenters</td>
<td>2</td>
</tr>
<tr>
<td>Textile-Weavers</td>
<td>2</td>
</tr>
</tbody>
</table>

The number of skilled workers in the community is small and they readily find employment in the neighbouring townships. There is a shortage of skilled labour in the village. Some steps are being taken to train the unemployed in the skills in short supply.

Education

The closest educational institute for Walgampaya is the Maha Vidyalaya at Danture. In 1969 it was raised to the status of a Maha Vidyalaya. There are classes from Grade I to G.C.E (Advanced Level). A survey indicates that the majority of those who have had a school education have studied only up to Grade 8. The literacy rate of the community is high.
Inadequacies of Supportive Institutions

Most of the poor families in this community face the problem of indebtedness. The only Government-based credit source for these people is the Rural Bank which was started very recently. The usual formalities have to be gone through and this may sometimes be cumbersome and long drawn out. A readily available source of credit is the Village Mudalali with his high interest rates. Many below the poverty line however find it almost impossible to obtain any credit facilities either from the Bank or from elsewhere. When loans have been obtained sometimes at exorbitant rates, the consequent impoverishment has sometimes led the poor small landowners to sell their lands. Thus, for instance, there were about 144 small landowners (owning under quarter-acre) in 1975, but by 1980 the number had decreased to 45 mainly because they had sold their landholdings.

The Co-operative Society plays a major role in the community. The recipients of food stamps make their purchases from the co-operative. It also supplies fertiliser and agrochemicals.

The co-operative society does not appear to play any role in the purchase of the produce of the highlands such as cloves, pepper, coffee and green leaf. In spite of the recent boom in the price of spices, producers in the village do not appear to have derived the full benefits. Middlemen give consumption credit and buy the crops at prices well below the market value.

An Assessment of Poverty at Walgampaya

Poverty is a severe problem in the community. Out of 187 households, 136 households earn incomes below Rs. 300/- per month. Of these 136 families, 105 families earn below Rs. 200/- per month. This section of the community faces the problem of severe poverty. Limited landownership, landlessness, economically unviable holdings and unemployment are the main contributory causes of the poverty of this group. Ninety five per cent of this category work as casual labourers either in the surrounding tea estates or in the village bazaar.
Organisation of the Poor

There is no organisation of the poor either within or outside the poverty group to enhance their position. Their economic conditions make it impossible to mobilise themselves for any constructive purpose. The question of legal needs does not arise. Their state of poverty is such that they have first to raise themselves from their lowly economic status before looking out for any legal aid etc., to serve their needs.

The poorer families of this community are aware of the pressing need to improve their conditions. They look to the Government to take the necessary steps to improve their lot. They seek land and employment.

LOCALITY STUDY III

MIRISSA

Location

Mirissa South is situated about eight miles away from Matara on the South-West coast of Sri Lanka. It lies on the Northern side of the Colombo—Hambantota highway between the 92nd and 93rd mile posts and is flanked by the Weligama Town.

Amenities

Public transport plying between Matara and Colombo go past Mirissa. The railway station is at Weligama. There is a District Co-operative Society, a Village Council office, a Rural Hospital and a Sub-Post Office in the village. The Matara Hospital is eight miles away. A branch of the People's Bank to serve the fisheries sector and the Fisheries Inspector's office are at Weligama where there is also a Central School. The fisheries harbour at Mirissa has an ice plant, storage facilities and a repairs shop. Fishing gear and equipment are sold at the Fisheries Corporation outlet at Weligama.
Population

Six hundred families reside in the hamlet in approximately 550 house units. The land area is limited and comprises of an area less than one square mile, the residential area being only 110 acres.

The total population according to the 1971 Census was 2,665 consisting of 1,278 males, 1,397 females, the population over 18 years of age being 1,515 and under 18 years of age being 1,153. By the middle of 1980 the population was 3,110. Of this 1,534 were males and 1,576 females. A comparatively large population is residing in a geographically limited space and there is no land available for village expansion. There are two hillocks privately owned but not available for purposes of expanding the village. On one, is the country residence of the President and the other has been purchased for a tourist hotel. Some years ago a hillock in Mirissa North was acquired by the Government and distributed among the landless fisher-folk. It is largely unoccupied as the fishermen need land close to the seashore and they have shown no inclination to level the hillock and build houses.

Caste Structure

The majority of the villagers belong to the Karava caste. They constitute 96.8 per cent of the population. 2.67 per cent are Durava and .5 per cent are Goyigama. The Karava caste predominates in all branches of the fishing industry.

Land-Ownership

Family units which possess no land whatsoever amount to as much as 33 per cent. A feature not generally seen in agricultural villages but found in Mirissa, is that there are landless family units earning high incomes. 35 per cent of these families earn over Rs. 600/- per mensem. Taking Mirissa as a whole, neither is landlessness nor land-ownership an index of the incidence of poverty.
Employment

Mirissa depends almost entirely on fishing. Nearly 63 per cent of the residents derive their income either directly or indirectly from the fishing industry. Of those who have obtained employment outside the fishing industry, 17 per cent have found work in the commercial sector and 15 per cent in the public sector. Entrepreneurs from Mirissa had been in the practice of setting up trading establishments in the up-country plantation areas, thus providing employment for many youths from Mirissa. This trend is now disappearing.

In the thirty years after Independence, besides the general social welfare programmes of free education, free health services and the food subsidy, successive Governments have adopted sectoral programmes of development which were aimed at providing employment opportunities and raising the levels of the low income groups. There was such a programme for fisheries development. It aimed at increasing the productivity of the low income traditional fishing community by introducing modern techniques of fishing and modernising the operations. The programme included the issue of small mechanical vessels to fishermen who did not own boats, the mechanisation of traditional fishing craft, the supply of modern fishing gear and a development of the fishing infra-structure such as anchorages, harbours, storage facilities, repair shops and ice plants. Mirissa greatly benefitted from the adoption of this new policy. Until the 1950s the fishing industry in this area was the traditional beach seine method and was dominated by the owners of large nets. Mechanisation, modern technology and modern gear were introduced during a period of foreign exchange scarcity and import controls. As such, Government was able to make mechanised craft, out-board engines and gear available to small fishermen through the Co-operative movement.

There was much criticism of the Government policy of the introduction of new changes through the co-operative movement which was already corrupt under the guise of politics. There was considerable default in the repayment of loans channelled to small fishermen through the co-operative societies. But, at the end of two decades, a substantial change in the social structure
of the village had taken place. Where once large "madel" owners who operated beach seine fishing were able to dominate the largely poor fishing community, today many small fishermen operate boats of their own and earn a comparatively good livelihood.

The relationship between boat-owners and their crew is cordial. It is often a kinship group. After the deductions of the cost of bait and fuel the cash earned from each outing is distributed on a 50-50 basis between the owners of the boat and gear and the crewmen.

The fish auction at Mirissa is an open one. The catch is assessed by an auctioneer at a high figure and, if there are no takers at that point, the value is lowered in instalments until there is a bid. Thus boat-owners as well as the crewmen know precisely what the catch fetched thereby eliminating the disputes regarding the division of the price.

Since the modernisation of the fishing industry, the income levels of Mirissa residents are generally satisfactory. Only 21 per cent of the families, according to a recent survey, earn less than Rs. 300/- per mensem; 41 per cent earn between Rs. 300/- and Rs. 600/- while 22 per cent earn between Rs. 600/- and a Rs. 1,000/- and 16 per cent more than a 1,000/- rupees. In contrast with the families of agricultural villages, Mirissa families have enviable incomes.

Implementation of Government Policy

The comparative prosperity of the fishing community at Mirissa is the direct result of Government policy. Mechanised boats, out-board motors and gear were subsidised from the inception and continue to be so subsidised. There were complaints that in the selection of persons to receive the subsidised goods and services, there is a high degree of political patronage in the Co-operative system through which these goods and services were distributed. In the twenty years since the inception of the policy however, there have been five changes of Government. Such political changes have perhaps ensured
that all deserving persons have had some share of the goods and services, except the very poor who lacked political clout under any government.

Requisites

Much of the inputs such as out-board motors, fishing gear, nylon nets etc. had to be imported. At no stage was the foreign exchange released sufficient to meet the full demand. Political patronage and possibly some corruption played a role in the distribution of limited supplies. New skills were required to operate and repair mechanised craft and out-board motors. The personnel trained were insufficient to meet the needs, and often fishing boats and out-board motors were not in operation for long periods due to lack of repairs and for want of spares. Credit obtainable for the purchase of craft and equipment and for operating costs was limited. Increasing fuel prices also made operating costs high. Many who received boats and equipment through the co-operative movement defaulted in repayment and continue to suffer as a result of being declared uncredit-worthy. Yet they cannot resort to the banking system which has now expanded to cover the rural areas and fishing centres. Institutions such as the Co-operatives and the Fisheries Development Corporation had deficiencies of Management.

The removal of controls and the free availability of supplies such as nets, motors etc. after 1977 have produced a dramatic change in the economic circumstances of the Mirissa fishing community. Inflation has led to high prices and all sectors of the fishing industry are in a state of prosperity. A free economy may have resulted in large-scale operators from outside attempting to cash in on the boom. It is understood that by custom, fishing rights in Mirissa bay are exclusively the privilege of the traditional residents of that area. Intrusion by outsiders would thus be resisted, and old "madel" owners have launched into enterprises on a national scale and are no longer interested in local fishing.

The fishing community, in spite of its prosperity, has its grumblings. There is a feeling that the ice plant should operate to capacity; that the Fisheries Corporation should supply gear at controlled prices and not allow scarcities to develop resulting in
the private sector charging high prices. The banking system could operate less formally, as its involved procedures drive many to seek temporary cash accommodation at extraordinary rates from private money-lenders.

When the question was raised as to why those in the fishing industry had not organised themselves to agitate in order to ensure that Government Institutions functioned as efficiently as they are intended to function for the benefit of the clients, the practising fishermen's answer is: "Ours is a strenuous life. We spend many hours at sea and in the few hours on shore we sleep and enjoy our brief leisure."

The Residual Poor

In spite of the general prosperity of those who are engaged in the fishing industry there is a residual poor in Mirissa who have monthly incomes which are below Rs. 300/-. They are:

(i) the aged group who have worked as fishing labourers, using traditional equipment such as "madel", oru etc.;
(ii) the groups of workers who are engaged in lime production;
(iii) the unskilled labourers; and
(iv) the groups in self-employment such as coir-making, lace-making etc.

The three groups other than group (i) belong to castes which do not take to fishing as a vocation. Coir-making is a supporting industry for the manufacture and repair of the large nets. It may be possibly absorbed into the production of coir for export. There is no organisation in existence to improve the conditions of this poor group.
A. Introduction

Plantation agriculture came to be established on a commercial scale in Sri Lanka with the introduction of coffee about the 1820s. Capital, land and labour became the three major components of the plantation mode of production. The plantations required a highly productive resident labour supply. Slaves had once provided such labour. After the abolition of slavery the indentured labour system which had many features of slavery came into existence.

When the coffee plantations which depended mainly on seasonal workers declined in Sri Lanka in the 1860s they were replaced by tea plantations which needed a permanent labour force. The proximity of the Indian sub-continent and the availability of rural masses whose position had deteriorated to the extent of being willing to sell their labour on the terms and conditions stipulated by British planters led to the mass migration of people of Tamil Nadu to the plantations of Sri Lanka. These indentured migrant labourers were ethnically, religiously and culturally alien to the indigenous Sinhalese. Thus separated from the immediate environment they became an isolated enclave in the plantations.

Tea grew at all elevations but predominantly at the higher elevations which was called the up-country. Labour of Indian origin comprised of more than 85 per cent of the work-force on the tea estates. They are concentrated in the four administrative districts of Nuwara Eliya, Kandy, Badulla and Ratnapura. Nuwara Eliya district is considered to be the centre of the up-country plantations. Tea is the major economic resource of this district which covers over 474 square miles. There are approximately 161,215 acres of tea in the district. Almost 65 per cent of the people in the district depend on the tea plantations for their livelihood.
Ratnagiri Division

Ratnagiri Division of Palmerston Estate is in the Nuwara Eliya district. Ratnagiri Division could be considered a separate estate. It is situated at an elevation between 4,000 and 5,000 feet. It is 265 acres in extent of which 260 have been cultivated in tea. On the remaining 5 acres are located the manager's bungalow, the office, the factory, staff quarters and the line settlements of the workers. Ninety five per cent of the population of the estate live in the labour lines. These lines are in three major clusters. All the people in the clusters are people of Indian origin who work on the estate.

Ratnagiri was cultivated in tea in the late 1960s by a private company. The pioneer workers were brought from the vicinity of Thuraiyoor in South India by a head kangani who was in charge of a neighbouring estate. It continued under private ownership until it was nationalised under the Land Reform Laws of 1972 and 1975. It is now managed by the State Plantations Corporation. According to the terms of the Sirima-Shastri Pact, the repatriation of persons of Indian origin who did not secure or seek Ceylon citizenship began in 1970 and so far nearly 45 per cent of the workers at Ratnagiri have been repatriated to India.

Infra-structure of the Estate

A tarred road which connects the estate to the main public road from Talawakelle to Nuwara Eliya is the centre of a network of the road system of the estate. It provides access to the bungalow, the office and factory and facilitates supervision and transportation. Apart from the factory there are storehouses, sheds, a dispensary and a school. Staff quarters are scattered. The manager's bungalow and office are situated at the highest elevation at the centre. The lines are in three clusters and are surrounded by small plots of home gardens. Electricity is available to the factory, bungalow, office and some of the staff quarters.
Management System

The management is divided into three major operations. The office is responsible for administration. Production is in the field and manufacture is in the factory. The manager exercises overall supervision. There are senior and junior staff in each area to overlook persons from labour grades called kanganies who directly supervise the labour. After the nationalisation of the estate a new category called trainees has been appointed to all three sections. They are political nominees and do not appear to contribute much to the management.

Besides direct management of the production and manufacture of tea the manager is also in charge of food distribution, medical care and the maintenance of law and order among those resident on the property pencing the intervention of the state authority when necessary.

Demographic Structure

The manager and supervisory staff are transferable and not permanently resident on the estate. The workers who are permanently resident constitute 92.5 per cent of the population. All are of Indian origin.

Population and Occupation (1980)

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Workers</td>
<td>550</td>
</tr>
<tr>
<td>Staff and Manager</td>
<td>42</td>
</tr>
<tr>
<td></td>
<td>592</td>
</tr>
</tbody>
</table>

Sex of Resident Labour

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>263</td>
</tr>
<tr>
<td>Female</td>
<td>287</td>
</tr>
<tr>
<td></td>
<td>550</td>
</tr>
</tbody>
</table>
Marital Status (1980)

- Married: 258
- Unmarried: 260
- Separated: 2
- Remarried: 8
- Divorced: -
- Widow and Widower: 22

Caste Composition (1980)

- Parayar: 155
- Pallar: 113
- Sakkiliyar: 157
- Kowndar: 50
- Muthurajah: 48
- Reddy: 16
- Vannar: 11

Religion (1980)

- Roman Catholic: 149
- Hindus: 401

Categories of Workers and Type of Work (1980)

<table>
<thead>
<tr>
<th>Male</th>
<th>Female</th>
</tr>
</thead>
<tbody>
<tr>
<td>Plucking</td>
<td>144</td>
</tr>
<tr>
<td>Sundry</td>
<td>137</td>
</tr>
<tr>
<td>Factory</td>
<td>-</td>
</tr>
<tr>
<td>Watchers</td>
<td>4</td>
</tr>
<tr>
<td>Special Workers</td>
<td>4</td>
</tr>
<tr>
<td>Line Sweepers</td>
<td>4</td>
</tr>
<tr>
<td>Orderly</td>
<td>1</td>
</tr>
<tr>
<td>Creche Servant</td>
<td>1</td>
</tr>
</tbody>
</table>
B. Definition and Identification of Poverty

The entire labour force depends on daily wages as the major source of income. There are 100 families on the estate. In the identification and definition of poverty many aspects of life other than the per capita or monthly income of a household need to be considered. The average per capita monthly income for the year 1980 was Rs. 102.9 and the average total income per worker per month was 251.6. The average size of the household at Ratnagiri was 6.1 in 1980 with an average of 2.4 workers per household. Each household had an average of 3.6 dependants while each worker had 1.5 dependants. There is great disparity between the monthly total income of the family and the take-home pay. The take-home pay is calculated after deduction of the debts for food-stuffs and other recoveries and advances.

The distribution of food by the management is not comparable to the services of the co-operative societies to ordinary citizens in this respect. The estate management has to purchase food-stuffs from local dealers in the bazaar and sell them in turn to the labour at prices covering transportation charges etc. The only advantage to the labour is that it can be purchased on credit. Prices naturally are more than the normal market price. Workers frequently complain of the quality and weight of the items purchased from the management.

There is no co-operative society on the estate; nor has the labour access to such societies outside. Goods other than those supplied by the management are purchased in small quantities from petty traders whose prices are often twice the normal prices at bazaar centres.

The estate is expected to provide medical facilities to the labour. The quality of such services is so poor that labour often resort to private practitioners. They have no access to government medical institutions without a letter from the management. Inability to obtain goods at controlled prices and the necessity to resort to private medical practitioners result in the majority
of households in the estate being indebted to money-lenders, paying interest rates of 20 to 30 rupees for a 100 rupees per month. Rural credit facilities which are becoming widely available are not at present made available to plantation workers.

Apart from these economic disadvantages, poverty of the worker is shown by the high rates of infant and maternal mortality, the low life expectancy, malnutrition, high rate of illiteracy, poor standards of education, housing and the lack of recreational facilities, as compared with the normal rural population of Sri Lanka. Taking all these factors into consideration, it could be said that approximately 60 to 70 per cent of the households on the estate are in the poverty group.

C. Laws Relating to Labour
Terms and Conditions of Employment

From the time indentured labour came to Sri Lanka there was legislation enacted to define the terms and conditions of their employment in Sri Lanka. This was the consequence of Indian public opinion showing concern about the conditions of life of Indian labour abroad and the British Government of India exerting pressure on the British Government of Sri Lanka. The Contract of Hire and Service Ordinance of 1865 and the Estate Labour (Indian) Ordinance of 1889 were two such enactments. These laws, modified from time to time, have not been rescinded but do not appear to be in regular observance. The Estate Labour (Indian Ordinance lays down:

"Where the employer was or was not able to provide work the workman must be paid if he was able and willing to work and he actually demanded work. The employer, however, is not bound to provide for any workman more than six days work in the week."

This requirement to provide six days' work is not in observance anywhere in Sri Lanka. According to the 1980 figures the average number of working days provided at Ratnapur was 19 per month. The worker was thus deprived of 6 or 7 days' work and wages every month which he was legally entitled to claim.
The wage structure at present is biased against women. The minimum wages as prescribed by the Wages Board are as follows:

<table>
<thead>
<tr>
<th></th>
<th>Men</th>
<th>Women</th>
<th>Children</th>
</tr>
</thead>
<tbody>
<tr>
<td>Basic Wage</td>
<td>2.51</td>
<td>2.32</td>
<td>2.07</td>
</tr>
<tr>
<td>Special Allowance</td>
<td>3.52</td>
<td>2.44</td>
<td>2.37</td>
</tr>
<tr>
<td>P.W.S.A.</td>
<td>.18</td>
<td>.12</td>
<td>.12</td>
</tr>
<tr>
<td>P.W.S.A. (10% as at 1975)</td>
<td>.50</td>
<td>.38</td>
<td>.34</td>
</tr>
<tr>
<td>Budgetary Allowance (20% of Rs. 50 per month)</td>
<td>1.34</td>
<td>1.05</td>
<td>.98</td>
</tr>
<tr>
<td>Budgetary Allowance (6% as at 1976)</td>
<td>.48</td>
<td>.38</td>
<td>.35</td>
</tr>
<tr>
<td>Budgetary Allowance—December 1977 (25% at Rs. 50)</td>
<td>2.13</td>
<td>1.67</td>
<td>1.56</td>
</tr>
<tr>
<td>Supplementary Allowance—September 1979 (Rs. 55 per month or Rs. 2.50 per day)</td>
<td>2.50</td>
<td>2.50</td>
<td>2.50</td>
</tr>
<tr>
<td></td>
<td>13.16</td>
<td>10.86</td>
<td>10.29</td>
</tr>
</tbody>
</table>

It should be noted that—

(i) the basic wages fixed in the 1960s have not been revised but extra allowances have been prescribed from time to time;

(ii) the basic wage of a woman was 92 per cent of a man’s wage. With additional allowances a woman’s gross wage today is 82 per cent of a man’s wage;

(iii) pluckers on estates are not paid over-time but are being paid extra for additional leaf they pluck over and above the task prescribed for a normal daily wage.

The daily task changes according to seasonal factors. The amount paid for additional poundage, it is alleged, remains at 10 cents a pound in spite of substantial increase in the daily rates of wages.
Housing

Housing on the estates is considered to be a part of the income of the worker as no rent is charged. There has been little change in the housing conditions on estates in the last hundred years. At Ratnagiri there have been two types, viz.

(a) barrack type lines — back to back;
(b) barrack type lines — single.

Recently a cottage type has been approved to replace these lines. But progress in construction has been slow.

Out of 126 units, 110 are barrack type with a floor space of 180 square feet per household. The average number of persons per unit was 4.8 in 1980. Though new cottage type units have been built on foreign aid for the workers, many of them have been given to minor staff to avoid the need to build new staff quarters. The new cottage unit has a floor space of 340 square feet but in some instances single units have been allocated for use by two families, which is contrary to the provisions of the Estate Labour (Indian) Ordinance which prescribes that a single residential unit should not be allocated to more than one family.

The poor housing affects the quality of life of the labour. Some of the lines have no separate kitchen and the verandah is used for cooking. A single room has to serve for sleeping, living, entertainment and all other purposes. Children attending school use the same room for study.

Health and Sanitation

The Medical Wants Ordinance was enacted by Government in 1912 to enable the levy of export duty on plantation crops to provide satisfactory health facilities for workers on plantations. It casts obligations on government to establish necessary hospitals and dispensaries and to arrange for the regular inspection of estate labour and housing premises to ensure the maintenance of satisfactory standards. It casts responsibilities on the superintendent of the estate to maintain the standards prescribed by the medical authorities. At one stage it was reputed that strict observance of the provisions of this law ensured satisfactory
medical services and facilities for those who worked on plantations. This law, however, is no longer being observed strictly. According to the records at Ratnagiri the estate has not been inspected for a very long time. The law entitles the superintendent to receive a free supply of certain prescribed drugs and to have a supply of other prescribed drugs at cost. For free drugs a government grant of 50 cents per head of labour was fixed in 1929 but it has not been revised in spite of inflation. Labour was entitled to treatment at the government institutions on payment of a minimum prescribed fee. These hospital charges have however been revised to cover increasing costs. As a consequence the estate management is reluctant to send labour to the government institutions as the bills from such institutions increase the cost of production. At Ratnagiri, the labourers believe that they are sent to government hospitals only when they are in the last stages of illness and, since many have died in government hospitals, there is general reluctance to seek treatment in such hospitals. Though Sri Lanka enjoys an international reputation for her free health service, workers on the estates do not appear to share this free service.

Education

According to the law of the land there is compulsory education up to the age of 14 and the estates have to provide the educational facilities for their resident labour. At Ratnagiri there was a school with one teacher to provide education for some 97 children. Education was up to Grade 5, with a table, a chair and a blackboard and 5 sets of desks and benches—each set to represent a class. One school-master taught all classes.

Students on the School Roll in 1979

<table>
<thead>
<tr>
<th>Grade</th>
<th>Boys</th>
<th>Girls</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>16</td>
<td>9</td>
<td>25</td>
</tr>
<tr>
<td>2</td>
<td>18</td>
<td>16</td>
<td>34</td>
</tr>
<tr>
<td>3</td>
<td>8</td>
<td>17</td>
<td>25</td>
</tr>
<tr>
<td>4</td>
<td>9</td>
<td>2</td>
<td>11</td>
</tr>
<tr>
<td>5</td>
<td>-</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>51</td>
<td>46</td>
<td>97</td>
</tr>
</tbody>
</table>
Attendance was irregular and it was noticeable that girls after Grade 3 stayed at home to attend to domestic work and to look after the younger children. In 1979 the Ratnagiri teacher resigned and the students were assigned to the school at Palmerston which already had 88 children on its roll. The Palmerston school has no chairs, tables or desks. Teacher and students sit on the floor. As the school is 2½ miles away from some of the lines at Ratnagiri, attendance at the school sometimes dropped from 7 to 10 children a day during the rainy season. Since nationalisation of the estate it is noticeable that there is a distinct drop in the standard of education. Education now does not appear to be the responsibility of the management or the national Education Department.

D. Legal Needs and Social Awareness

Awareness among Workers of the Laws

Heads of ten households were interviewed to ascertain their awareness of the terms and conditions on which they are employed in the estate. There was no awareness at all that there were laws and regulations prescribing minimum standards for housing and sanitation. All considered that a good employer would maintain satisfactory sanitation and employ sweepers to ensure that the lines are regularly swept. Only seven considered that it was the duty of the management to provide facilities for education but were vague about what facilities they were entitled to seek. None was aware of the law prescribing a minimum floor space for each child. There was no general awareness of the provisions of the Medical Wants Ordinance but the majority think that the management is responsible to provide transport when a person is seriously ill, to be taken to hospital. As many of the original Indian citizens have acquired Ceylon citizenship they are unaware of the welfare services that the Government provides for its citizens and there has been no concerted effort to secure those services. Many have identity cards, but to deal with government institutions they seek letters from the estate management and even pay small fees to peons to change a money order.
Role of the Management in implementing Laws

At Ratnagiri the management has taken no steps to educate the labour about the laws that affect their conditions of employment. Beneficial laws such as maternity benefits, workmen’s compensation, are implemented to give labour the impression that they are gracious concessions from the management. Laws that come under the purview of the Labour Department are however known to the trade unions and are strictly implemented.

The Role of the Trade Unions

Discussions with two trade union leaders of the leading trade unions of plantation workers in the estate show that they are aware of their responsibilities mainly relating to working norms and conditions. They also show interest in arrangements regarding the allocation of line units, the provision of sweepers and the distribution of food-stuffs by the management. The two leaders have not received any training or guidance from their parent unions with regard to the legal rights of labour and the rights of those who are citizens. They appear to acquire knowledge about their rights and responsibilities from their day-to-day dealings with the management. A survey of labour disputes and strikes over a period of three years from 1978 to 80 shows that 60 per cent of them are in regard to problems arising from working conditions in the fields, as to the working task etc.; 20 per cent are in regard to behaviour of the management—mainly of the manager and the field staff; 12 per cent are in regard to the distribution of food-stuffs and the payment of advances and 8 per cent relate to the maintenance of lines and water facilities. Lack of adequate educational, medical and housing facilities was not the occasion for any industrial dispute.

The trade unions on the estate are local branches of national unions of plantation workers with island-wide membership. Some of them are well organised and engage professional staff, including lawyers, for their work. At the national level the officials are aware of the laws that relate to the conditions of employment of Indian labour and the special provisions relating
to medical wants, housing and education. They have however felt it impolitic to raise these issues since the disfranchisement or residents of Indian origin and the enactment of laws relating to the registration of Indians and Pakistanis. The right of workers of Indian origin to live and work in the country was under challenge and the unions which largely represented these workers have devoted their attention to the larger issues of citizenship, registration and repatriation, in an atmosphere of growing hostility to their continued existence and periodic outbreaks of communal violence. After the nationalisation of the estates the raising of the issue of implementation of laws which had been enacted originally for the immigrant labour as a trade dispute with the implication of trade union action, may have led to direct confrontation with the authorities. Hence the feeling that it would be impolitic to raise such issues until decisions on citizenship and the right to stay are settled. The national leadership of plantation workers are aware of the abject conditions in which their members work. They have the legal resources to raise these issues but appear not to do so consciously in view of the continuing tensions.
CHAPTER IV
CONCLUSIONS AND RECOMMENDATIONS

In the conceptual framework it was assumed that rural poverty is the product of a social structure which perpetuates itself by its own process of reproduction. It was also accepted that means to eliminate poverty must necessarily be structural. Legal action can become a means to alter social structure if it is the result of conscious mobilisation and agitation.

The case studies show definitively the existence of poverty in the peasant and plantation communities. The study of a fishing village reveals the presence of poverty only on a much limited scale confined to a few. However, we would not venture to generalise on the basis of this case alone that poverty has been largely reduced within the fishing community. At best, it is an indication of one pattern of social change within that community. It is by no means universal to the entire community. It is most likely that similar patterns prevail in certain peasant areas too. The case studies conducted have captured some aspects of certain social patterns that are unfolding in rural Sri Lanka.

The evidence available on conditions of the peasant villages is indicative of the presence of a process of marginalisation which continuously relegates sections of the people to pauperism. The most prominent characters of the marginalised groups are (a) lack of agricultural land in economically viable units (landlessness or near landlessness) (b) lack of regular employment for a major part of the year. They are mostly casual agrarian workers who do not have permanent source employment. When employed their wages have a seasonal determination. The villages covered in this study have not come under the positive impact of the three lead projects currently underway in Sri Lanka (viz., Accelerated Mahaweli, Free Trade Zone and Urban Development). The remoteness of these villages from centres of intense development activities and the immobility of their poorer inhabitants have only served to further reinforce the conditions of poverty.

Over time their conditions have deteriorated without signs of their integration into a regular and economically active labour force. Their solution lies either in resettlement as farmers with
adequate land or employment as free wage workers on a regular basis. The existence of such areas of growing pauperism calls for policies of economic upliftment specifically meant for them.

The major political parties have not shown any interest in organising the poor or offering them a programme of upliftment from their present state. The poor people’s support to political parties has only left them more disillusioned. The existing rural institutions have failed to offer any possibilities of mobilisation of these people. Personal interviews have revealed that there is an awareness of the conditions of the poor among the youths. However, a hard core of youths devoted to “catalytic intervention” has not emerged.

The plantation workers exist under conditions which are quite different from those of the peasants. They have the appearance of a regular work-force because they are resident on the estates. They are really daily paid workers. They are not totally free industrial workers. They are bound by rules and conventions that do not permit free mobility. The conditions of their poverty are reproduced within and by the plantation system which depends on labour intensive methods of production.

The estate labour ordinance which requires the employer to provide 6 days of work per week to the worker is not observed. While the non-observance of this is a violation that contributes to low income of the workers the economics of production raises a serious issue. The existence of an estate as a commercial venture depends on keeping costs lower than price. Unproductive employment can lead to increased costs and diseconomies. This dilemma has serious economic consequences for the entire plantation sector today. This is an instance where a law alone cannot help to improve the conditions of the workers. The Government in conjunction with management must devise ways and means of increasing productive employment. Another serious problem is the discrimination against female plantation workers in wages. This needs legal remedy without delay. The disabilities suffered by plantation workers due to the consequences of disfranchisement and ethnic conflicts which have been highlighted in the locality study require serious consideration.
This study revealed that these were two processes which tended to inhibit the emergence of a legal consciousness amongst the most deprived members of the communities that have been the subject of the study. The first relates to the social welfare policies which had tended to create structures of dependency between the distributive networks and the recipients of these policies. The second related to the nature of the political process which placed increasing emphasis on the Member of Parliament as the instrument through which the benefits of development (such as access to employment, land, credit etc.) were disbursed within a community. The post 1977 economic policies of the present government, and the new Constitution are likely to significantly change the operation of the forces. As far as social welfare is concerned, there has been a significant dismantling of the welfare package, with the removal of the rice subsidy and its replacement with a food stamp scheme. In addition there has been a reduction of consumer subsidies on sugar, flour and petroleum products.

Similarly, the new Constitution would bring into effect a system of proportional representation which would become operative at the next Parliamentary Elections. The new representational system has already been introduced at the local government and development councils elections. The implications of these changes are that the Member of Parliament no longer becomes a direct actor in the electoral process, and his constituency would become an entire district and not a mere electorate. This change would probably result in qualitative transformation in the patron-client linkages which develop within an electorate for the distribution of resources, rewards and benefits. These changes could thus produce greater space for the growth of participatory organisations and mobilisation of legal needs. Although the experience of recent years is not encouraging, there is scope for cautious optimism with regard to the future. But if this opportunity is to be grasped, we would need to institute important changes in the delivery of legal services for the poor. It is also important to bear in mind the undesirable possibility of the increased operation of political middlemen under the new system as it has widened the distance between the rural poor and the Members of Parliament. In the absence of new institutions to create direct channels of
The Legal Aid scheme in Sri Lanka has a history of diverse management. The scheme was initiated by the legal profession and subsequently came under the direct control by the Law Society. However, during the early seventies Legal Aid was taken over by the State and operated under the political direction of Justice Ministry officials. Lack of resources and the non-involvement of the profession eroded the effectiveness of the scheme. The legal profession responded by launching a parallel scheme. However, today the scheme has been legitimated by the Legal Aid Law. The law has, however, been criticised for creating a legal aid bureaucracy which would consume most of the pittance that has been extended to them for financing their activities.

Our analysis reveals that the Government Legal Aid Scheme is constrained by several structural factors. Firstly, it is primarily directed towards legal representations of claims by individuals in disputes which are inter-personal in nature. The scheme does not have the capacity to direct itself towards the representation of group or class interests.

Secondly, even within the sphere of inter-personal disputes it is limited to the formal judicial arena. It is not integrated into the processes of non-formal conflict resolution at the grassroots level, and accordingly does not adequately draw on processes which have the force of social control in indigenous society. Neither does the scheme characteristically extend to the provision of assistance to indigent cultivators who may seek to challenge illegal evictions by landowners before Agricultural Tribunals. The scheme similarly has not sought to aggregate individual claims into collective demands for formative and institutional change in social welfare programmes.

Thirdly, the modes of advocacy were normally limited to the preparation of legal pleadings and oral representation in the Courts of original and appellate jurisdiction. Rarely have professional services taken the form of structuring of—
(a) small scale business transactions, or
(b) counselling on the legal prerequisites to the establishment of a credit co-operative organisation, or
(c) a tenants association.

Similarly, group advocacy could take the form of drafting model legislation and administrative regulations which could enhance access of the under-privileged to social and economic benefits. There are multiple arenas in which the advocacy of group interests can find creative and effective expression. This potential has not been fully realised.

Fourthly, the existing scheme has proved to be reactive, i.e. it responds passively to the problems of those who may accidentally reach its office. A legal aid survey revealed that 87 per cent of the respondents were unaware of the existence of the scheme and several of those who sought assistance could not get past the screening procedures. The scheme needs to reach out to those who are ignorant and those who lack the means or the courage to seek out legal assistance. The scheme should be pro-active in that it would be decentralised and physically located in urban slums, fishing villages and agricultural communities. The volunteers should acquire familiarity with the basic needs and grievances of the poor and seek to translate them into legal demands.

Fifthly, the quality of the legal services is often uneven. The personnel engaged in the performance of professional tasks are often inexperienced or poorly motivated in view of the low remuneration and lack of professional kudos. There are some instances where professional negligence may have contributed to the dismissal of claims by accident victims. Besides the formal interactions between legal aid lawyer and clients tend to reinforce the dependence of beneficiaries on the paternalistic delivery systems. It is a framework which discourages frank and open discussion of problems and the identification of underlying grievances. The social and cultural barriers to the access of under-privileged to legal administrative processes are internalised within the government legal aid office.
Our proposal is, therefore, directed towards the elaboration of a new model of legal assistance to the poor. The elements of this model include—

(a) the emphasis on collective demands and group interests;

(b) the establishment of clinics which are pro-active in that they actively seek out the grievance of poverty groups and advocate their interests;

(c) the expansion of the arenas of group advocacy to include administrative, legislative and other spheres of policy articulation and implementation;

(d) multiplication of the types of assistance to include counselling, the structuring of transactions, and the formation of associations;

(e) the organisations of the delivery system to include participatory involvement of potential beneficiaries. Such participation to take the form of management of legal aid scheme, dissemination of information about social welfare schemes and redistributive legislation and an encouragement of self-help.
APPENDIX I

Mobilisation of the Rural Poor under the Change Agents’ Programme

The Change Agents’ Programme (which was a UNDP sponsored Rural Action Research Project implemented in Sri Lanka during September 1978—October 1980) has attempted to mobilise the rural poor for self-reliant and participatory development actions in several villages in Sri Lanka. This programme attempted to evolve a methodology for catalytic intervention in the rural sector, that is a methodology of mobilising the rural poor for self-reliant development actions. The more significant among such actions (initiated under this project) have resulted in the emergence of small producer organisations through which the rural producers have succeeded in capturing the economic surplus hitherto appropriated by middlemen, money-lenders-cum-traders. Substantial increases in producer incomes have resulted from such organised collective efforts which have enabled the producers to realise a higher standard of living as well as making possible a process of capital accumulation among these communities. Two case studies are presented below.

(i) Mobilisation of Betel Producers:

Matikotamulla is a village situated in the Minuwangoda electorate (about 35 miles from Colombo). The village has some 160 families and a total population of about 850. Betel is grown extensively in the village as a home garden crop as well as an inter-crop in coconut lands. Practically all poor families are cultivators of betel and for most families betel is the most important source of regular cash income (betel is harvested and marketed weekly). Producers take the harvested crop to the weekly market (fair) situated in a nearby town and sell to a group of private traders. The weekly prices are determined by the group of traders acting in collusion; and numerous manipulative tactics are used by traders to beat down the prices to the lowest possible level. Instances were not uncommon when the producers had to throw away the supplies (being a perishable commodity) for want of a demand in the weekly market. The
weekly prices varied substantially from below Rs. 5 per 1,000 leaves to a maximum of about Rs. 15—20. The average price for a year was around Rs. 10. The village traders sold the betel to bigger (wholesale) traders who in turn sold to export organisations (all state-owned). These export organisations pay prices in the range Rs. 30—40 per 1,000 leaves to their suppliers, and these prices are stable throughout the year.

A four-member team of development workers (under the Change Agents' Programme) visited this village in September 1978, and having established contacts with the villagers, settled down in the village. The team carried out an investigation into the socio-economic life of the village by direct observations, visiting households, and informal discussions with the people. The team began to discuss with small groups of producers, problems and issues in the betel industry; as a result of these discussions two groups emerged (a men’s group and a women’s group) who volunteered to collect more information on the production and marketing aspects of the industry as a basis for further discussion. While one group visited the producer households and collected information on area cultivated, weekly supplies, prices, and producer incomes, the other group visited the weekly markets in the nearby towns, studied the operations of traders, the marketing channels, and pricing methods. The team held a number of informal meetings with small groups of producers to discuss and analyse the findings of these investigations. In these discussions, calculations were made on the extent of the income losses that producers suffered under the prevailing marketing system. It became obvious that producers could double or more than double their existing incomes if producer exploitation could be eliminated. A process of awareness build-up on the reality of the betel industry was set in motion.

In January 1979, a group of producers initiated the first move; a meeting of the producers was summoned to discuss further the problems of the betel industry and to explore what actions they could initiate to change the marketing system. About thirty producers attended this meeting. Possibilities and difficulties of breaking away from the private traders formed the theme of the discussion at the meeting. A Betel Producer
Association was formed and a committee was appointed to explore and work out a new marketing arrangement. The committee initiated discussions with export organisations on the possibility of making direct sales to these organisations; initial efforts were however not successful. The export organisations were not willing to obtain supplies from a new informal organisation which had no legal standing; in any case, they preferred to get the supplies from private traders. After several attempts, however, the Association succeeded in getting one export organisation to give it a trial. In March 1979, a marketing centre was set up in the village and the first sale was made to the export organisation. A price improvement of nearly 100 per cent was realised by the producers. The new price ranged from Rs. 25—30 as against Rs. 10—15 realised from private traders. A number of developments followed:

- The membership of the Association increased from 35 in March 1979 to about 200 at the end of 1980. Producers from a number of neighbouring villages had joined the Association.

- Betel production in the village expanded by about 30 per cent. Number of new producers (some of them youth) entered the betel industry.

- In January 1980, a common savings fund was started to which all producers contributed a specified portion of their weekly income from betel. The fund rose to a level of nearly Rs. 30,000 by mid-1980.

- Collective action was expanded to other activities such as input procurement, marketing of other village produce such as arecanut and turmeric.

- The Association succeeded in building up a reputation as an important supplier of quality betel, and as its sales volume expanded, it enhanced its bargaining power vis-a-vis the export organisation, and obtained better terms of sale.

The Association had to contend with a number of obstacles on its way, both by private traders and officials of the export organisation (who had links with private traders); these were overcome by adopting counter-strategies and other suitable
actions in continuous consultation with the membership. The Association with a membership of over 200 producers and a sizeable collective fund, has become an effective force to reckon with.

With the passage of time, participation issue came to the fore; members began to discuss ways and means of increasing the participation of the producers in the running of the organisation as a collective enterprise. As the Association grew in size (embracing over 200 producers) the effective management of the organisation fell into the hands of a committee of office-bearers. This system gave little opportunity for the ordinary members to participate in the affairs of the organisation. In this situation, some groups broke away from the organisation and formed their own small group organisations where the marketing and handling operations were undertaken by all members on a rotation basis. By mid-1981, the Betel Association had broken up into five smaller organisations, each undertaking its own marketing work and operating as autonomous units.

(ii) Mobilisation of Coir Yarn Producers:

Kamburugamuwa is a village in the Southern coastal belt of Sri Lanka, located between the two cities, Weligama and Matara. Of the 270 families in this village (population about 1,500), about 220 families are engaged in coir yarn production and for many families, this is the main source of family income. Coir yarn making is associated with poverty; it occupied the lowest stratum of the hierarchy of occupations. The traditional production and marketing system for coir yarn is to obtain the raw material (retted husks) from the traders on credit and to market the processed product (yarn) to the same trader. The traders in the village had a virtual monopoly of both raw material supplies and final product marketing. This system enabled the traders to appropriate the entire economic surplus in the industry keeping the producer in perpetual poverty. Poverty compelled the producers to borrow from the traders which meant a further commitment to sell the produce to the money-lender-cum-trader. Malpractices in weighing, and downgrading of quality were further sources of producer exploitation. Three family members (coir yarn is produced by three member teams) working
for a full day could earn no more than about Rs. 4—6 (this is Rs. 1.50 to Rs. 2 per head).

A team of Development Workers (under the Change Agents' Programme) visited this village in June 1979, established contacts with the coir yarn producers, and began discussing the problems and issues in the industry with small groups of producers. As a result of these discussions, a group of about seven producers became interested in exploring alternative methods of producing and marketing yarn in order to break their dependency on the village traders. At first, this group explored the possibility of developing its own raw material supply sources with a view to making itself independent of the traders in regard to raw material procurement. But this proved to be a too ambitious plan, for these producers had neither the capital nor the lands (to open husk pits) for this purpose. It was then decided to build up a small capital fund through a savings effort. But no producer could save in cash as their incomes were very low. It was then decided to save in kind, that is to set apart a few pieces of yarn out of each day's production as a saving. It was decided that all members would save the same grade of yarn to facilitate collective marketing of the savings stock.

Having built up the first savings stock, the group set out in search of markets (outside the village) and succeeded in disposing the stock to an outside trader at a price of about 25 per cent more than that paid by the village trader. Encouraged by this success, the group used the entire sale proceeds to purchase raw material (not from the traders but from a new source) and produced a bigger stock for marketing under the new scheme. At this point, however, the group had to face a series of obstacles on their way initiated by the village traders. The traders had not only refused to sell any raw material to the members of this group but had also influenced the traders in the neighbouring villages not to make any purchases of yarn from this producer group. By this time, however, a further group of about 10 producers had joined hands with the first group in the search for new marketing outlets.
Having realised the futility of looking for markets in the neighbouring villages (where the village traders have an influence), it was decided to look for market outlets in bigger cities such as Galle or Colombo. Having collected information on important coir yarn buying firms in these cities, a group of producers set out to meet these buyers carrying samples of produce with them. This mission proved a success; one buyer agreed to make regular purchases at Rs. 5 per kilo, that is over 40 per cent more than the price paid by the village trader. This was an important breakthrough which enabled this producer group break-away completely from the village traders. The scheme now began to attract more and more new members into the group and it became necessary to explore further market outlets. The group succeeded in negotiating with an export firm (the biggest exporter of coir yarn) to make direct sales at Rs. 6.60 per kilo and later at Rs. 7.00 per kilo. This represented a price improvement of 100 per cent over the price paid by the village trader. Following this breakthrough, a collective marketing organisation was set up in the village and the membership in the organisation rose from 31 in March 1980 to 140 in June and 214 by December. By the end of the year (1980) practically all coir yarn producing families in the village had become members of the organisation. Moreover, the process had spread into several neighbouring villages and similar collective marketing organisations had emerged in six more villages.

The impact of this development action on the village society is briefly set out below:

— Producer prices have doubled resulting in a substantial improvement in family incomes.

— Higher prices created an incentive for increasing the production. Practically all producers have raised their production and improved the quality of the yarn they produce.

— Coir yarn manufacture has acquired a measure of respectability and improved social status in view of the enhanced income prospects.
A portion of the enhanced incomes is saved and a collective fund has been created. Members could obtain loans from this fund to purchase raw material for coir yarn making.

Participation of the people in grading, sorting, weighing, bundling, transporting, accounting and other aspects of marketing work is an education process for the producers.

Traders still enjoy a virtual monopoly over raw material supplies, but the Producer Organisation has enhanced its bargaining power vis-a-vis the traders in the procurement of raw material supplies. In one instance when the traders attempted to increase the prices of the raw material, the Producer Organisation stopped purchases from the village traders and obtained supplies from an outside source. This action compelled the traders to bring down the prices to original levels.

Producers have evolved their own organisational forms for participation in the marketing effort. The primary unit of organisation is a small group of about 15—20 families and there are ten such groups in the village. A central committee consisting of representatives from each group links together the ten groups. All members undertake the marketing, handling work on a rotation basis; there is no hierarchy of officials doing this work. All primary groups hold meetings weekly and the ten groups meet in general session once a month.

Future plans of the organisation (currently under discussion) include three activities: (a) to improve the technology of the coir yarn industry (b) to gain control over raw material supplies and (c) to create an organisation in the village to supply consumer goods at fair prices.
Under the UNDP sponsored Rural Action Research Project, efforts have also been made to mobilise and organise other rural producers such as tea and rubber smallholders, milk producers, and rural artisans in selected villages. The UNDP sponsored project came to end in October 1980. Since then, mobilisation of the rural poor using the methodology evolved under the UNDP project is being continued by two organisations, one governmental and other non-governmental. They are: (a) The Change Agents' Programme implemented by the Ministry of Rural Development and (b) a non-governmental body, Participatory Institute for Development Alternatives (PIDA) set up by a group of persons involved in the original UNDP project. While the Change Agents' Programme of the Ministry of Rural Development is continuing in the rural locations where work was started under the UNDP project, PIDA is engaged in the organisation of small farmers, artisans, coir yarn producers, and fishermen in five new village clusters in the Western, Southern and North Central Provinces of the country.