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The story of courageous individuals, betrayals and defections

For a successful struggle, you need a united community, perseverance and heroic individuals. The Sungai Rinchang struggle lacked a united strong community and it lacked militant perseverance but it had a heroic kind of leader called Ramalingam Thirumalai.

The story of Sg. Rinchang estate located between Semenyih and Beranang, can be an inspiring story and can be a frustrating one. Inspiring because it took 15 years to resolve a housing issues of ex-plantation workers defeating a Big Corporate giant with connections. Frustrating because of the internal splits and lackluster periods which at times were long and agonizing.

The estate at one point had 105 workers or 61 families. Upon facing evictions, 39 families stood firm and resisted eviction and finally when the victory celebration was done today (21 March 2010), what is left is ten workers from eight families. What do you say about those who abandoned the struggle earlier? Do you call them betrayers and opportunist? Or do we call those who stayed back and fought till the end as stubborn? This will be the debates that will follow and will be rationalized depending at which juncture one person left the struggle.

Sg. Rinchang estate was a small estate if size does matter but it had many interesting and colourful characters among the people. It had one person called "mandoor" who dressed well and spoke well, it had one person called Mamunirasan who always picked up things late but

was good, it had Nadarajah who is known for his good command in Tamil and his radical slogans which always ended about spilling blood, it had Ramayee, who took positions where no man would dare speak out, it had Wong, a calm Chinese man who was always there and always available, it had Ayamah who struggled till the end and it had Ramalingam, the guy who runs up and down doing all sort of things.

There were other characters, children of these leaders and others. Today many have left and a few have stayed back to conclude the struggle. Some left because they cannot take the heat of the struggle. Some left because they thought that we are not heading anywhere, some left because they actually do have houses outside while some left because of personal and internal conflicts. There maybe many reason to leave but the normal reason to stay back is that, we have no where to go.

As for their adversary, the company who gave employment and now giving eviction notices. The company did not belong to any rich plantation giants such as Guthrie, Sime Darby, Taiko Plantation or Golden Hope. It was owned by Heah Seok Yeong Realty Sdn Bhd (HSYR) and was not a member of MAPA(Malayan Agricultural Producers Association). I still remembered that prior to the eviction struggle; we successfully made the company pay arrears money similar to MAPA estates when the Company refused to do so. It was a victory we all enjoyed at CDC and the workers gave three of us a gold rings as gratitude. All of us did not want to own the rings and passed it to CDC to be kept as a deposit to be used in future struggle if the needs arise.

HSYR though a small company who, workers said was bought from white people. They still do talk about white managers running the estates yet there is not much information about this. Though the estate was small in size but nevertheless the work conditions, the exploitation of

workers, the unfair daily rated wage system and bad housing conditions were consistent with other plantation estates.

In fact, the houses of workers in this estate were located in three nearby areas. One area is separated from the rest by the old truck KL-Seremban road which passes through whereby the other two remaining locations are divided by a small valley in between. The workers homes are designed and separated in three locations as it would make it easier for the bosses to divide and rule. This fact did indeed play a significant role in creating divisions between the workers at a later stage of the eviction struggle.

After more than 60 years, on November 21, 1994, workers were given notice to vacate as Heah Seok Yeong Realty Sdn Bhd (HSYR) have sold the estate with the workers to Agenda Istimewa which was owned by Nam Fatt Corporation Berhad. We were told by the Kajang Police Special Branch that one of the Prime Minister's sons has a stake in this project and this made our struggle at that point uphill as the general opinion of the police was that we have to give vacant position to the land owners. But then again, the police were also quite wary about our presence as they have seen how we brought victory in Braemar estate which also falls under the same Kajang police district.

The first part of the struggle was indeed against the National Union of Plantation Workers (NUPW). NUPW initially demanded a house or land, RM 300 ex-gratia payment from HSYR. The problem with NUPW then was it refused to hold meetings with the workers first, prior to meeting the bosses. This made the workers frustrated as well as suspicious.

On 27 December 1994, the company in a meeting with NUPW agreed with the RM 300 ex-gratia but refused housing. Later in another meeting, they offered the workers a land lot which can be purchased for RM 14,000 at a TNB reserve land. They requested the workers to pay in cash but the land titles will only be obtained one year later. Meanwhile the HSYR arrogantly told the workers to stay in long houses until the workers can find a new home. The company was desperate to remove the workers from the current estate quarters.

The local workers of Sg Rinching was unhappy with this deal and asked for houses to be built and that they will not move out until these houses are built. The workers were not happy with the way the NUPW were doing the negotiation and on 15 January 1995, they formed a Committee and started direct negotiation with the company. We (CDC) were with the workers at this point and we understood the frustrations. NUPW felt that this was a good offer and was not really all out to fight it out.

Meanwhile the company did not recognize the Committee formed by the majority of the workers and went on to sign an agreement with NUPW in February 1995. NUPW signed the agreement without the workers consent. They told the workers to accept the deal and they also went further in telling the workers they cannot handle housing issues as their mandate is only to handle work related issues. The company tried then very hard to evict the workers based on this agreement which they claim represented the workers' interest and used this agreement to the fullest to justify forced eviction.

The workers resisted strongly. So the first chapter of this struggle was the struggle with NUPW

which resulted in a break with the Union and the workers forming their own committee to fight for their destiny. The Company tried to bulldoze and evict the people to “rumah panjang” but this was unsuccessful. Workers stood firm. So the first part of the struggle went the workers way,

The second period was the most interesting period – the height of the struggle was the period between 1996 till 2000. On July 1st, 1996, the developer Agenda Istimewa started to cut down trees. Their strategy as always is to isolate the workers from the trees. This will create hardship as bare land will cause extreme heat and discomfort besides blowing dust into their homes. It will then force the workers out. (A strategy which worked in Bukit Tunggu Estate.)

In Sungai Rinchang, the vast experience obtained from other plantation struggles especially the Ladang Braemer episode helped the workers prepare for this eventuality.

The workers then declared war and fought the forced evictions. On 24 July 1996, they wrote their demands in plywood and carried their demand all over the estate accompanied by the traditional Indian “yurimi”. They erected their demands and put up their struggle in public. They also secured 100 meters around their homes to protect these areas from encroachment from the developer and his machines. It is now becoming a serious territorial war and real land dispute.

In the last 15 years, these 100 meters would have been encroached and violated by the developer a dozen times and at each time, the workers had to respond, reerected 100 meters warning notice boards and making police report etc. They had to chase the developer’s machine which may come in any direction.

In January 20, 1997, the workers finally got a break when their plight was becoming a nuisance and the State Government through its Exco Rajagopal then held a meeting with them. At this meeting, the company agreed to resolve the housing problems and even allocate land for the temple.

As the promises were not kept as well as went against the Selangor state government policy which stated that plantation workers housing problems must be resolved first before development project starts, so the workers held their first demonstration outside the estate at the Agenda Istimewa side office at Taman Midah, Jalan Cheras on 15 July 1998. The busy Jalan Cheras saw yet another protest. Not the issue of toll but forced evictions.

The workers managed to secure 100 meters around their houses and did not allow the developer to encroach into their land. There were many struggles and stories on how they manage to prevent the developer from entering near their homes as well as cut the rubber trees. Today as you pass by the old Semenyih-Beranang road, you will see one green patch. It will be eye soothing as well as much cooler. It is yet another testimony of this struggle which made this small patch of land under workers control.

On the propaganda front, the workers said that it would only cost 0.04 % for the developer to built them houses and it can be recovered by selling just two units of the bungalow. We were making a point that it is class struggle that we are dealing with.

The company went on to develop the area and on 4 December 1998 had a launch of their project which was to be launched by the Menteri Besar of Selangor then Tan Sri Abu Hassan. The developer's party was spoiled by the workers demonstration along the road and later at the venue of the launch. At the launch site, it was raining heavily and I remembered how we stood with the workers and their children in the heavy rain carrying placards. It would have made a good scene in any Tamil movie but this was really struggle with real rain. We were drenched but not drowned. The struggle got the sympathy as well as the boost. Some state authorities as well as the developer wanted to paint a picture how cruel we were by bringing our children out in the rain but their views did not hold on. It got swept away with the rain. The demonstration in rain put forward our seriousness in fighting on.

Another height of this period also was our demonstration at the Agenda Istimewa parent office – Nam Fatt at Klang. This was a period of intense struggle. Agenda Istimewa went on with their projects. This period will be remembered by the many action which brought the plight of the Sg. Rinchang workers in the open.

The third part of the struggle was between the period post 2000. This was the most tiring and difficult period. During this long period, the developer used various tactics such as buying up the leaders, making individual deals with workers, creating a sense of fear, using gangsters to warn the workers, using MIC influence to accept the offer etc. Some workers became tired. The struggle demands a lot of sacrifices and no short cuts were in the offering.

The company also now backed down its plan on rumah panjang but said that it will build low

cost flats. It agreed to give a compensation of RM 17,000 if the workers left the estate then. It said they can purchase the houses at a discounted price of RM 39,000 when the houses are built. It said those who do not accept the offer will not get anything later and they will go to court to evict the people.

The company then planned legal action and this was the biggest blow. This worked and scores of people started to leave in small groups and individual. Worst still there were also many internal conflicts which hasten this people taking the offer given and leaving.

The most deplorable thing this group did which was quite fatal to the struggle was they got the Developer to sign an additional agreement in which it is stated that even if they leave the estate and the other workers get a better offer later, those who left earlier will be given the same benefits as those who left later. This was the trump card as it created opportunist and parasites that now happily leave the estate as they have an agreement binding that they will receive the fruits of those who dared to struggle on. They can now leave happily without going through the pain and facing the confrontation of eviction. This period was won by the Company.

The fourth and final period is the period of post 2002. The number of workers who remained to soldier on the struggle has become small with dwindling numbers. Yet they did defend the estate with Ramalingam playing the part of the supreme leader, shouldering the immense task in front of him. The task was getting difficult by the day as the numbers of workers are becoming less and a lot of this burden was left in the shoulders of Ramalingam and his family who was the only leader left from the earlier batches of people who claimed to be leaders.

On September 2002, the company went to court to evict the remaining workers. That was yet another victory for the company, yet another scores of workers took the offer and left. The case was later withdrawn because of some technical problems and the company started their second legal action in 2005.

In September 2004, things became really difficult as Agenda Istimewa had to move into the 100 meters to complete one phase of their development. The workers who stayed 10 meters from this development wanted to leave and it will be difficult for other workers who stayed far away to stop the developer. Gangsters were used and the struggle had to be compromised for now. It is called one step backwards and hoping 2 steps forward.

Using various maneuvers, we managed to force the developer into the negotiation table. The critical meeting held at the developer's lawyer office was held and on the 21 September 2004, we agreed to relax the 100 meters at one portion and allowed the developer to carry out work there. As a return, we negotiated low cost housing either in ground floor or 1st. floor.

It can be seen here that the workers had to compromise their demand for a low cost terrace house as no terrace low cost houses are being built there. Besides that, the workers did not have the numbers to force them to built terrace houses. On the other hand, the company now was more prepared to actually offer low cost housing. They made an offer of RM 38,000 per house and compensation of RM 17,000.

On 26th. August 2005, the company once again went to Shah Alam High court. The workers were then represented by Manogar, and activist with the Concerned Citizen Group (currently MP for Teluk Intan). But the case did not really take off pending negotiation. Further action by the workers with the State Assembly brought down the price of houses to RM RM 35,000.

In January 2008, the struggle was concluding when the workers were shown the houses offered to them. The workers inspected the houses and was very pleased. The houses were fully tiled, three rooms and had separate bathroom and toilet. All the people were offered houses at the ground floor and 1st. floor as per one of the conditions of the settlement. The remaining ten were happy and delighted.

On 24 January 2008, another historical moment when the ten people converged at the Agenda Istimewa site office at Kesuma Lakes. But this time, they were not there to hold another demonstration or protest. They came joyfully to sign the Sales and Purchase Agreement which will enable them to become owners of a low cost house which they obtained it for half price as they were all given compensation of RM 17,000 each. With the signing of the S &P, the workers would soon be signing another settlement agreement and then move to their new houses.

Next came the other problem of obtaining bank loans and moving out. By end of 2009, most of the ten workers had moved out. Ramalingam and a few remained as there were some outstanding matters. These outstanding matters are now resolved and the last batch of workers will vacate by the end of march 2010.

The victory celebration at Ladang Sungai Rinchang today was a modest event. Workers and activist from surrounding estates came. Dr. Nasir, Selvam, Sivarajan and other CDC comrades were there to celebrate. For CDC and PSM, it is yet another souvenir in their closet.

I went back relieved that another struggle has ended. I had mixed feelings because if we had the numbers, and if we had more Ramalingams, if there were no splits in our ranks, we would have obtained a free house.

But the heavy rain came down once again, with thunder and lightning deafening our ears and lighting the skies. The rays of lightning split through the dark clouds. It was the same rain and thunder we experienced during other victory celebration in Braemar and Brooklands. Perhaps it is a message that we didn't do that bad.

On the final analysis, Nam Fatt Corporation, a giant developer who has offices in Hong Kong and Sudan and developer of Luxury project Kesuma Lakes and Scientific Commercial township had to finally surrender to ten frail looking men and women who had nothing left to fight and everything to fight for. The world will continue to hear such stories when the weak defeat the powerful. The story will inspire the future generations as no struggle is possible without sacrifice and a fight.

Fight we shall and win we will.

S.Arutchelvan
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