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MACRO LEVEL UNDERSTANDING OF
SUMANGALI SCHEME AND ITS
IMPACT ON THE LIVES OF CAMP
COOLIE WORKERS AND THE
ECONOMIC SHARE OF THE CAMP
COOLIE WORKERS IN THE NATIONAL
AND INTERNATIONAL ECONOMY

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SUPPORTED BY ACTION AID TAMIL NADU

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1. Camp Coolie System in Textile Industry

- 1.1. History of Camp Coolie System at the global level
- 1.2. Evolution of Camp Coolie system in Tamil Nadu
- 1.3. Features of Sumangali Scheme
- 1.4. Research on Sumangali Scheme
- 1.5. Interventions of Different Agencies
- 1.6. Challenges in the elimination of scheme

1.1 HISTORY OF CAMP COOLIE SYSTEM AT THE GLOBAL LEVEL

The phenomenon of adolescent girls working in cotton textile industry as Camp Coolies has been a centuries old exploitative practice experienced throughout the world. The autobiography of Harriet Hanson Robinson, the wife of a newspaper editor, provided an account of her earlier life as a female factory worker (from when she was ten, 1834 to 1848) in the textile mills of Lowell, Massachusetts, England. She described the vulnerable status of young girls who worked in the mills for low wages, in poor dormitory facilities and the strike by young girls in 1836 for more wages. Girls who worked in the early days were of different ages. Some were not even ten years old; a few were in middle life, but the majority were between the ages of sixteen and twenty five. The working hours of all the girls extended from five in the morning until seven in the evening, with one half hour each, for breakfast and dinner. The above experiences of Ms. Harriet Hanson Robinson could be gathered through several other sources of information, which ultimately reflect the vulnerabilities of the adolescent girls and their struggles.

The *Handbook to Lowell*, explained the status of girls who worked in the mills of Lowell during the 19th century. The mill girls faced the threat of termination when they failed to comply with the handbook. Once they agreed to work for the Boston Manufacturing Company, they were required to follow the rules set by that company. Francis Cabot Lowell enticed the mill girls to accept the year long contract and many of them extended their contracts and they worked for Lowell for an average of four years. Each Lowell mill girl was offered space in one of the hundreds of boarding houses run by the Boston manufacturing company. Mill girls worked for 70 or more hours per week. When the economy took a downturn and the mills decided to reduce wages by 15%, the girls went on a strike in 1836. But it was not very successful and the girls returned to work for reduced wages. Again in 1845, mills girls organized themselves for a strike to reduce the work hours from 12 to 14

hours to 10 hours per day. Lowell Corporation then came forward to pass a law to reduce the working hours to 11 hours per day. The Lowell mill girls went a long way in reforming working conditions for women all over New England. Their actions and reactions paved the way for rights and dignity of female workers all over the United States.

Some of the experiences of children who worked in Carolina during the 19th and 20th centuries explain the work environment in textile mills:

- ¹Ila Hartsell Dodson was born in 1907 in South Carolina and began working in the Brandon Cotton Mill at the age of 14. Her mother, father, and all of her nine siblings worked for various cotton mills in North and South Carolina.
- James Pharis started working in the cotton mills in Eden, North Carolina from the age of 8. He worked 11 hours a day and earned 25 cents per day for several years. He met his wife, who also began working in the mill from the age of 8, at a square dance in the mill village sponsored by the mill owners. Pharis still remembers smashing his hand while working in the mill as a 9 or 10 year old, and having to wait hours for the mill doctors to help him.

At the global level, history shows different levels of exploitations in the cotton textiles by employing young children and adopting the Camp Coolie system. The global scenario of the functioning and labour practices in Cotton Textile Industries changed after the World War II. Several international treaties and conventions have been established to improve human rights, women rights, child rights and labour rights. The issues of child labour and the Camp Coolie system in Textile Industry are closely connected with the global economic situation and policies of the government. The establishment of the International Labour Organisation (ILO) in 1919, United Nations Commission on Human Rights (UNCHR) in 1946 and the United Nations Convention on Rights of Children (UNCRC) in 1989 paved the way for regularizing the labour practices in the international economy and raised the concerns of protecting human rights, women's rights, labour rights and child rights. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted in 1979 by the UN General Assembly, is often described as an international bill of rights for women. Even with these international conventions existing at the global level, girl children are still exploited in the state of Tamil Nadu in the name of the Sumangali scheme through the Camp Coolie system, for very low wages (less than minimum wages). Girl children working under the scheme do not enjoy labour rights as stipulated in the labour laws of UNCRC and CEDAW.

Let us analyze the origin of the scheme in Tamil Nadu, its features, breach of laws and efforts of various social institutions to enforce labour rights and child rights.

¹ *Children at work: Exposing child labour in the cotton mills of the Carolinas*, <http://www.learnnc.org/lp/pages/2711>

1.2. EVOLUTION OF CAMP COOLIE SYSTEM IN TAMIL NADU

1.2.1 CAMP COOLIE SYSTEM IN TEXTILE SECTOR OF TAMIL NADU

Two centuries ago, the practice of employing young children between the age of 14 and 18 has been replicated by the textile mills of Tamil Nadu for reasons and justifications that held well in 19th century. During the 19th century, girl children of farmers were the targets. At present, the criteria for the selection of the girls to work in mills, contract duration, boarding facilities that were provided to the girls in Lowell Mills were all clubbed together and the 'Sumangali Scheme – Marriage Assistance scheme' emerged in the Tamil Nadu cotton textile industry. In the 18th and 19th centuries, girls joined the mills to work and support their families and to educate their brothers. In the 21st century, poverty and unemployment in rural India, especially in Tamil Nadu force girls to join the Sumangali scheme –under the Camp Coolie system. This research study is an effort to analyze the situation of adolescent children and to link it with the impact on the Indian economy.

The exploitative Camp Coolie system in the name of Sumangali scheme or the Marriage Assistance Scheme has evolved by taking advantage of the socio, economic and cultural values framed by the society and family for girl children. The government of Tamil Nadu encourages education of girl children and in order to support them to complete grade 10, it provides different amounts of marriage assistance to girls based on their educational qualification. The significance of marriage in the life of a girl could be perceived in social, economic, cultural, political and commercial contexts in many different ways. The development intervention of the government and profit maximization objectives of the entrepreneurs focus on marriage assistance to girls by providing household utensils, appliances, cash rewards, gold ornaments or a lump sum of money. Gender discrimination and cultural taboos on girl children force the society to consider girl children as a burden on the family. Marriages incur several expenses including dowry. Even though it has been five decades since the Dowry Prohibition Act has been enacted to stop this gender discriminative practice, it is an age old practice, centuries old that still continues. Sumangali scheme or Thirumagal scheme i.e. Marriage Assistance Scheme for girl children was perceived to be an encouraging factor but, it has resulted in promoting the dowry system in poor rural communities and has penetrated into the lives of adolescent children as an epidemic.

Discussions with Mr. S. James Victor, Director of Serene Secular Social Service Society (SSSSS), and Dindigul revealed that the pre-Sumangali scheme scenario reflected on the influence of customs and cultures on the scheme. In 1980 taking advantage of the deeply rooted dowry system cotton mill employers provided the girls vessels, sarees and other household utensils after completion of work for a stipulated number of years as a motivational factor to allure girls into this employment. Dindigul district is the pioneer in introducing the Sumangali scheme in the whole of Tamil Nadu by adopting different strategies and making it popular. Slowly, the motivational factor took different forms and dimensions and the evolution of the Camp Coolie system was tailor made to ensure, uninterrupted production in the name of Sumangali scheme with 3 years of apprenticeship, food and accommodation by the mill, meager wages with a lump sum at the end of the

scheme. The industrialists have introduced the highly exploitative scheme in the name of women's empowerment.

1.2.2 POLICIES OF THE GOVERNMENT AND GOVERNMENT FUNCTIONARIES

Rural Indian society continues to have its own static gender discriminatory values in customs and cultural practices. Economic development of rural India has received dynamic inventions and innovations in technology and production processes with the introduction of free trade policies. Development of industries with high level subsidies from the government, globalization and liberalization of policies has forced Indian industries to reduce their costs of production for survival. The cotton textile industry is one such industry which has developed rapidly after the New Textile Policy was introduced in the 1990s. A boom in the industry increased the demand for cheap, hard working, voiceless and obedient labourers who under the command of their superiors were like slaves. The ideal choice was adolescent girls between 14 to 18 years of age, completely unnoticed and ignored by government policies, unprotected by Indian laws and most importantly considered a burden to parents.

Exploitation of adolescent girls by evolving an innovative scheme in an explicit manner clearly reflects the cleverness of the industrialists who manipulated the patriarchal, male chauvinistic, gender discriminatory customs. The irony behind the process is that several district administrations in Tamil Nadu have conducted employment camps at the Collector's campus to identify potential candidates for employment in the cotton textile industry. Videos of sophisticated air conditioned working environment, neatly furnished dining rooms and accommodation amenities, entertainment facilities were shown to attract the workers. Knowingly or unknowingly, the government officials have elected representatives, local administration, ward members, village level leaders who provide full support to industrialists for recruiting young girls in the scheme. Here is a detailed stakeholder analysis over their roles in enforcing child rights and labour rights as found in this research.

1.2.3 ORIGIN OF CAMP COOLIE SYSTEM IN TAMIL NADU

Mr. P.M. Kumar, General Secretary, Textile Workers Federation, CITU, explained the origin of Camp Coolie System in Tamil Nadu. In the 1990s, Camp Coolie system was first implemented in Dharmapuri district (after the bifurcation of the district, the mill is now in Krishnagiri district) with 800 young girls. Then it was replicated in Vedachendur of Dindigul, Erode, Thiruppur, Coimbatore and Madurai district in the name of Sumangali scheme or marriage assistance scheme. The Camp Coolie system is still in existence in Krishnagiri district. Introduction of Camp Coolie system has paved the way for evolution of the Sumangali scheme with its exploitative nature and violation of labour laws and child rights in a discreet manner.

1.3. FEATURES OF CAMP COOLIE SYSTEM UNDER SUMANGALI SCHEME

The Sumangali scheme was introduced by the cotton textile employers as a process of replacing permanent workers with adolescent girls who could be employed at a cheaper cost and it must be noted that it was introduced by them as a scheme for women's empowerment. The features of Sumangali scheme with respect to wages, working hours, leave facility, lump sum amount vary across the districts. On 22.6.2007, the Labour and Employment Department, ordered district level Monitoring Committees in the districts of Erode, Coimbatore, Dindigul, Madurai, Theni, Salem, Namakkal, Karur, Sivagangai, Ramanathapuram, Virudhunagar, Thirunelveli, Tuticorin, Dharmapuri, Krishnagiri, Trichy and Vellore. The Monitoring Committee constituted by the G.O. 137, comprised of the respective District Collectors as the chairpersons and the deputy commissioners of labour in the districts, the deputy chief inspectors of factories of the districts and the district revenue officers as their officers. The committees were assigned the task of identifying mills with young girls who worked as apprentices and were asked to examine their working conditions and provide plans of action for prevention of exploitation of these young girls. Some of the observations and recommendations of the district Monitoring Committee reports were given as annexure.

1. The observations of the district Monitoring Committees over the features and practices of Camp Coolie system in Madurai district, conducted by Ms. Selva Gomathi, Deputy Director, SOCO Trust, as one of the members of the committee are as follow:
 - All girls working in the mills entered into an agreement and some girls had signed in the agreement while for others, their parents had signed agreements. The most important point to note here is that the girls were not aware of the content in the agreement and doubt the same with respect to the knowledge of their parents too in this regard.
 - Unmarried Girl children between the ages of 15 - 16 were recruited by mills in Madurai district. No clear proof of evidence of the ages of the children was shown by the mills during the visit of the Monitoring Committee. Girls from the age of 12 were recruited by the mills as per research samples.
 - Girls were identified from the most marginalized communities in rural villages of Tamil Nadu through a network of brokers, who were paid Rs.500 to Rs.1000 for each girl child recruited under the Sumangali scheme.
 - Girls worked three shifts every day for 8 hours in each shift. But according to the Apprentices Act 1961, Sec 2(2), trainees should not be involved in work between 10 pm to 6 am. According to the Factories Act of 1948, sec 18, persons below 17 years should not be forced to work in the night shift. But, the mills have violated both the acts and continue to make adolescent girls work in the nights.
 - Girls were not aware of the term "overtime work". Girls, who were willing to continue would carry on with the second shift without additional wages. As per the Factories Act 1948, sec 59, double wages must be provided for overtime work: above 9 hours in a day or 48 hours in a week. The Mills have violated the Factories Act, sec 59. In

some mills, Rs.10/- was charged to be paid by the girls for food for overtime work. This is clearly against the law and reflects the level of exploitation.

- Girls working under Sumangali scheme have reported that they were provided a weekly holiday, national holidays and sick leave but wages were deducted for sick leave.
- In some mills of Madurai, girls have reported that they enjoyed Provident Fund facility, whereas it is not the same in other mills.
- The daily wages of the girls range from Rs.35 to Rs.70 per day, which increases by Rs.5 every 6 months. But the Minimum Wages Act, fixed Rs.110/- (G.O. 2D), No.61, of the Labour and Employment (J1) Department, on 7.11.2008) per day as minimum wages for apprentices in cotton textile mills, and Rs.157.30 as Variable Dearness Allowance (keeping the base index as 475/200 (1982=100), at Rs.26 paid per point per day) has been fixed by the Office of the Commissioner of Labour, Tamil Nadu. Each apprentice working in cotton spinning and textile mills is entitled to Rs.267.30 per day and Rs.8019 per month as wages. But, none of the mills in Tamil Nadu provide the minimum wages as stipulated by the Act. This is evident from all the district Monitoring Committee reports.
 - **The Supreme Court held in People's Union for Democratic Rights vs. Union of India {AIR 1982 SC 1473}, that "where a person provides labour or service to another for remuneration which is less than the minimum wage, the labour or service provided by him clearly falls within the scope and ambit of the words 'forced labour' under Article 23". It was also held therein that "the word 'force' must be construed to include not only physical or legal force but also force arising from the compulsion of economic circumstances which leaves no choice of alternatives to a person in want and compels him to provide labour or service even though the remuneration received for it is less than the minimum wage".**
- Lump sums of Rs.30,000/- to 35,000/- was promised at the end of the contract period, as part of the Sumangali scheme. If the girls worked for only a year, they were to be provided Rs.10,000/-. But during the visit of the Monitoring Committee, the mills showed no documents that reflected disbursement of the lump sum to scheme workers who had completed their one year contracts.
- As per the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to workmen) Act 1981, sec 3, any labourer who works for above 480 days in two years, should be provided permanent work in the mills. But in Madurai district, the scheme girls who have completed three years of scheme continue to work in the same mill as daily wage earners for Rs.70 to Rs.100 per day.

- Girls working in the mills do not enjoy freedom of movement. There were many restrictions they had to follow. They were allowed to go home just once or twice a year. Parents were allowed to visit their daughters once a month. In some mills, girls were taken to excursions to nearby places just once a year. Apart from the observation of the Monitoring Committee of Madurai, the Sumangali girls interviewed for the research have shared that some of them were allowed to go shopping once a week, accompanied by the hostel warden. In Namakkal district, the Sumangali girls were not allowed to speak to outsiders.
- It is a generally belief that children working under Camp Coolie system are subject to sexual harassment, verbal abuse, physical punishments etc. During the visit of district Monitoring Committees to the 17 districts, the apprentices working under the scheme did not share occurrences of sexual abuse or punishments. It was not spoken about during personal interviews with the ex-scheme girls from 5 districts of Tamil Nadu either. The girls were scared to reveal their experiences or that of others in the presence of their parents or in-laws. The society and culture do not encourage girls to talk about sex and even if a girl had the guts to come up with a complaint, she would be ridiculed or subject to harassment. It was reported that a scheme girl hanged herself in the hostel of Madurai Meenakshi spinning mill on 5.11.2005. Media gave publicity to the incident and it is still a mystery whether the police or labour departments enquired into the case and if the cause of the suicide was disclosed.
- The District Monitoring Committee of Madurai has stated that the mills have not followed the judgment in the Vishaka vs Rajasthan State government case. (1997/6 Sec 241), for protecting girls/women from sexual harassment in work places. The mills have not shared this very important information which aims to address issues of sexual harassment in the mill premises.
- The Camp Coolie workers are denied the right to form trade unions and the right to association with any other unions. As per the Monitoring Committee of Madurai, none of the scheme girls were part of any trade unions and they were not aware of their right to form a trade union or to become members of existing unions.
- The accommodation facilities provided to the Camp Coolie workers in mills were observed by the district Monitoring Committee of Madurai. As per their statement, the girls were provided with a cot, dormitory facility with asbestos roofing. Though they did not inspect the quality of food provided to the apprentices, it was revealed that most of the mills did not provide healthy food. They also failed to provide safe, hygienic and adequate facilities.
- According to the report of the committee, it was observed that there was discrimination between the wages of the permanent workers and young girls who work as Camp Coolies. Men who provided the same services were paid between Rs.150 to Rs.260 per day as opposed to the girls who were paid a meager amount of Rs.30 to Rs.70 as daily wages. It is against the Equal Remuneration Act, of 1976 which enforces equal remuneration to men and women.

- Interview with the ex-Sumangali workers revealed that they started work after dropping out of school when in grade 5 (between 11-12 years of age). In Madurai district, no proof of age of the apprentices was produced to the Monitoring Committee.

This is the status and condition of young girls of the Camp Coolie system under the Sumangali scheme as it was reported by the district Monitoring Committee and by the researcher. The basic characteristic features of the scheme and the treatment of the girls remain similar in all the 17 districts of Tamil Nadu with slight deviations based on the socio, economic status, cultural diversity and the caste of the employer and girls.

1.3.1. VOLUME OF THE SUMANGALI SCHEME

According to the Department of Labour Welfare Department, about 38,000 young girls work under the Sumangali scheme in various cotton mills of Tamil Nadu. But, Labour Unions and Non-governmental Organizations' statistics reveal that 400,000 young women work under the scheme 'Sumangali Thittam'.²

According to the information of Confederation of Indian Textile Industry (CITI), the estimated number of spindles and workers in Tamil Nadu, as of January 2014 are as follows:

Nature of mill	No. of mills			Installed capacity			Workers
	Spinning	Composite	Total	Spindles	Rotors	Looms	
Cotton man-made textile mills (Non SSI)	918	44	962	18563189	174487	4390	225258
Small scale spinning mills	1002	-	1002	4240184	132956	-	40375
Total	1920	44	1964	22803373	307443	4390	265633

The estimated number of workers in the spinning mills could be derived from data on the installed capacity of the spindles. But the number of workers may vary from factory to factory, and machine to machine. Lack of bargaining power has led to employment of more workers than the installed capacity.

While narrating the labour situation in Cotton textile industries in Tamil Nadu, Mr. P.M. Kumar, **General Secretary, Textile Workers Federation**, Confederation of Indian Trade Unions (CITU), Tamil Nadu, said that nearly 5 % of the girls working in textile mills are below the age of 14, 10% are between 14 – 18 years of age, 15% are above 18 years of age, and 70% are adults and 2% are migrant workers from other states.

But the real volume of the issue could not be calculated by any agency due to data manipulation by the employers, corruption at different levels and the insignificant role played by law enforcement agencies.

² *Pudhiya Parvai*, fortnightly magazine, (February, 2011).

1.4 RESEARCHES ON SUMANGALI SCHEME

Several research studies have been conducted to understand the status of children working in the cotton spinning and textile industry under the name of Sumangali scheme or marriage scheme, following the Camp Coolie system.

- **“A Rapid Assessment Study of Marriage Assistance Scheme in Textile Sector in Tamil Nadu”** was jointly conducted by the CITU and the International Labour Organisation (ILO) in May 2007. In this study, 203 cotton mill workers from Erode, Dindigul, Namakkal and Coimbatore were interviewed. The study analyzed the socio economic status of the workers, the working conditions, awareness level of the workers over conditions of employment. It was found that the scheme was a violation of labour rights and a bonded labour system that needs to be abolished.
- **‘Captured by cotton’** – SOMO and India Committee of Netherlands (ICN) released a report in May 2011 after conducting a study of the different forms of violations of child rights and labour rights in the Sumangali scheme. The report has studied the vertically integrated garment production in the supply chain. SOMO – ICN have made efforts to sensitize the brands and retailers sourcing cotton and textiles to follow the Code of Conduct and to regulate labour practices.
- **‘Maid in India’** - *Young Dalit Women Continue to Suffer Exploitative Conditions in India’s Garment Industry*, **published in April 2012**, by SOMO and ICN as a follow up report of ‘Captured by Cotton’ was released in May 2011. This report aims to provide relevant stakeholders – manufacturers, buying companies, trade unions, local and international civil society organisations, governments and others – with food for thought to enable and spur further action.
- **Advocacy study on the impact of Sumangali scheme on adolescent girls from rural areas of southern Tamil Nadu**, conducted by Vaan Muhil, supported by KFB, Austria narrated various forms of violations faced by young girls under human rights, labour and child rights perspectives. It has also quoted the legal framework and judgments as a reference.
- A study conducted by **Arunthathiyar Human Rights Forum (AHRF)**, has come out with the exploitative situation of the girls, especially ones employed in the Arunthathiyar employed mills and textiles. They have brought out the vulnerability of Dalit and Arunthathiyar children.

1.5. INTERVENTIONS OF DIFFERENT AGENCIES

Campaign Against Sumangali Scheme (CASS) has organized a state level conference titled, ‘The Contemporary faces of Bonded Labourers at Justice V.R. Krishna Iyer Community Hall, Madurai on 28 May 2010, with the participation of members from Tiruppur People’s Forum, National Federation of women, New Delhi, Centre for Education and Communication, New Delhi, General Secretary for Textile Workers Federation, CITU, High court advocates along with the former chairperson of Tamil Nadu Women Commission.

Sumangali Scheme is nearly two decades old. All the stakeholders became very active from the middle of the last decade. Employers involved in all sorts of violations of human rights, child rights and women rights and trade unions have raised their voices in unison for minimum wages and the abolition of the scheme. NGOs strengthened their campaigns against the scheme with full capacity and several networks of organizations have been initiated to bring out the human rights violations through media. Below are the legal interventions carried out by different stakeholders regarding the Sumangali scheme.

LEGAL INTERVENTIONS SO FAR

- In February 2006, the State Textile Workers Federation made a representation through the Centre of Indian Trade Unions (CITU), to the Government of Tamil Nadu alleging that the Textile Mills in Tamil Nadu were indulging in an exploitative practice of engaging adolescent girls under a scheme known as *Thirumagal Thirumana Thittam* and that the same amounted in fact, to forced labour. Thereafter, CITU filed a writ petition in W.P.No.5453 of 2006 on the file of the Madurai Bench of this court seeking a direction to the Government to consider their representation. But the writ petition was dismissed by a judgment dated 7-7-2006 {2007 (2) LLJ 640} by the Division Bench, holding that a roving enquiry cannot be ordered into the matter since the grievance of the Union could be redressed by the concerned labour authorities.
- A preliminary notification was issued by the Government of Tamil Nadu in G.O.Ms.No.67, Labour and Employment Department, dated 8.8.2006, for inclusion, in Part-I of the Schedule to the Minimum Wages Act, 1948, of the employment in "Textile Mills"
- Objections and suggestions were invited to the preliminary notification and after considering them, the preliminary notification was confirmed without any modification, by G.O.Ms.No.1, Labour and Employment (J2) Department, dated 3.1.2007.
- The Chief Inspector of Factories sent a report dated 14-2-2007 to the Government, stating that a Camp Coolie system was prevalent in Textile Mills under the name, *Thirumagal Thirumana Thittam* and that young girls above the age of 15 were engaged under the system for 3 years as apprentices and that their appointments were legalized by the Certification of the Standing Orders.
- Accepting the recommendations of the Chief Inspector of Factories, the Government issued G.O.Ms.No.62, Labour and Employment department, dated 30-3-2007, appointing District Monitoring Committees in the districts of Erode, Coimbatore and Dindigul.
- Mr. Mahaboob Batcha, Director of SOCO Trust, sent a complaint/intimation to the National Human Rights Commission on the employment of young girls as bonded labourers. The Human Rights Commission took the complaint on file and issued a notice dated 10.4.2007 to the Government of Tamil Nadu, directing them to look into the matter and to submit a factual report within 4 weeks.

- The Government issued G.O.Ms.No.137, Labour and Employment Department, dated 22.6.2007, ordering the constitution of District Monitoring Committees in the Districts of Erode, Coimbatore, Dindigul, Madurai, Theni, Salem, Namakkal, Karur, Sivaganga, Ramanathapuram, Virudhunagar, Tirunelveli, Tuticorin, Dharmapuri, Krishnagiri, Trichy and Vellore.
- At that time, a trade union filed a public interest writ petition in W.P.No. 21868 of 2007, challenging the validity of the first Government Order G.O.Ms.No.62, Labour and Employment department, dated 30-3-2007 and seeking help from the government to abolish the Camp Coolie system. On 28-6-2007, the First Bench of this court took the writ petition on file and directed the Government to file a counter and also to place on record the reports of the Monitoring Committees.
- Second public interest litigation was filed by 2 other Trade Unions in W.P.No.27362 of 2007, challenging the second Government Order in G.O.Ms.No.137, Labour and Employment Department, dated 22.6.2007, also seeking a direction to abolish the Camp Coolie System.
- At this stage, the Tamil Nadu Spinning Mills Association, which was impeded suo motto by the First Bench in the above PIL (W.P.No.27362 of 2007), came up with a writ petition in W.P.No.9182 of 2007, challenging the final notification issued under G.O.Ms.No.1, dated 3.1.2007, by which Textile Mills were included in Part-I of the Schedule to the Minimum Wages Act, 1948.
- The Government issued a draft notification in G.O. (2D) No.26, Labour and Employment (J1) Department, dated 16.5.2008, proposing to fix the minimum rate of wages payable to the apprentices engaged in the employment in Textile Mills at Rs.110/- per day, apart from Variable Dearness Allowance (VDA) specified in the Explanation to the notification.
- The Southern India Mills Association, the South India Small Spinners Association, The Tamil Nadu Spinning Mills Association, Employers' Federation of South India and about 302 mills as well as some Trade Unions, sent objections and suggestions to the draft notification.
- The government passed a final notification dated 07.11.2008 and confirmed minimum wages as Rs.110/- and +23 paise per point per day as Variable Dearness Allowance (VDA) per day calculated every year on 1st April, over and above 475/2000 points.
- All the writ petitions failed and were dismissed with no order as to costs. Consequently, all the miscellaneous petitions were also dismissed.
- Tamil Nadu Spinning Mills Association filed a writ petition in the High court of Judicature at Madras challenge in the G.O. (2D) No.26, Labour and Employment (J1) Department, dated 16.5.2008, on minimum wages. This petition was dismissed by the Honorable High court Judge Venkatraman, on 30.04.2009.
- Chennai High Court Judgment by Chief Justice Mr. H. L. Gokhale and Justice D. Murugesan, delivered their judgment on 11.12.2009, saying that there was no

reason to interfere with the impugned judgment, fixing of minimum wages at Rs.110/- per day for the apprentice by the impugned notification dated 7 November 2008 was quite timely and fully justified. All the appeals were therefore dismissed.

Tamil Nadu State Women Commission organized a state level public hearing on October 6, 2009, at Pollution Control Board Conference Hall, Anna Salai, Guindy, Chennai – 600 032 from 10.00 am to 04.00 pm. Hon'ble Justice K. Sampath Kumaran, Chairman, Appellate Authority, Tamil Nadu Pollution Control Board, Hon'ble Justice A.K. Rajan, Former Judge, High Court of Madras, Dr. R.M. Ramathal, Chairperson of Tamil Nadu State Commission for Women, Dr. Qudsia Gandhi, I.A.S., Member of Tamil Nadu State Commission for Women, Ms. K. Shanthakumari, Senior Advocate, High Court of Madras, Dr. Cynthia Alexander, Gynecologist, Chennai were the jury for the Public Hearing. 35 victims of Sumangali scheme from Tamil Nadu participated in the Public hearing and shared their experiences during their employment under Sumangali scheme. The judgement of the Jury for the Public Hearing was as follows:

JUDGEMENT OF PUBLIC HEARING ORGANISED BY STATE WOMEN COMMISSION

- The Panel of Juries felt that the *Sumangali Thittam* was nothing but bonded and forced labour ; hence recommended that the Government of Tamil Nadu abolish the Scheme.
- Girls below 18 years of age who are engaged in *Sumangali Thittam* should be released immediately after paying those Minimum Wages + Dearness Allowance for the number of days they worked for.
- School Certificates should be considered as the documentary evidence for the proof of age.
- Government should ban child labour in all other sectors up to the age of 18, since UN Convention on the Rights of the Child, Juvenile Justice Act, 2000 (amended in 2005 & 2006), Immoral Traffic (Prevention) Amendment Act, 2006 and the I.L.O Convention No.182 of 1999 all define a Child as a person under the age of 18 years; and ensure free, compulsory, qualitative, equitable education for all children up to 18 years.
- Girls above 18 years who are engaged in Sumangali Thittam should be appointed as Confirmed Employees; working hours, wages, medical benefits, etc. should comply with the Factory Act.
- The Labour Department should provide the *Action Taken Report* in accordance with the G.O.Ms.No.137, Labour and Employment Department, dated 22.6.2007, which ordered the constitution of District Monitoring Committees in the Districts of Erode, Coimbatore, Dindigul, Madurai, Theni, Salem, Namakkal, Karur, Sivaganga, Ramanathapuram, Virudhunagar, Tirunelveli, Tuticorin, Dharmapuri, Krishnagiri, Trichy and Vellore.
- All the Labour Department Officers and the Representatives of Mills (Advocates, Human Resource Managers, etc.) appeared in the Public Hearing on 6th October were

men; The Labour Department and the factories should appoint women to manage and inspect the industries which largely employ women.

- The Labour Department should constitute Sumangali Thittam Grievance Redressal Committees in Erode, Coimbatore, Dindigul, Madurai, Theni, Salem, Namakkal, Karur, Sivaganga, Ramanathapuram, Virudhunagar, Tirunelveli, Tuticorin, Dharmapuri, Krishnagiri, Trichy, Vellore and all other Districts that are prone to be source or destination for Sumangali Thittam to hear complaints from the victims and to redress them with Minimum Wages, Dearness Allowance and compensation in cases of child labour, accidents, rights violations, etc.
- Women Commission will also organize Women's Rights Training to the Labour Officers and the factory owners in these Districts on the basis of Public Private Partnership.

International Brands and traders sourcing cotton textiles from Tamil Nadu have also analyzed the issues around the supply chain in different mills and have prompted some changes in the Employers' associations as follows:

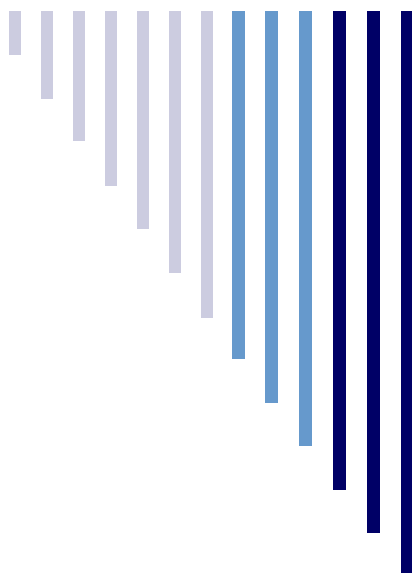
- South India Mills Association (SIMA) Coimbatore, introduced recruitment guidelines and code of discipline for women employment in textile industry.
- Tamil Nadu Spinning Mills Association (TASMA), Dindigul introduced a code of conduct for hostels.
- Tiruppur Stakeholders Forum (TSF) came up with guidance for migrant women workers in hostel and the recruitment process – Spinning / garmenting factories.

Recruitment of young girls for Sumangali scheme under Camp Coolie system continues in Tamil Nadu for various reasons.

1.6. CHALLENGES IN THE ELIMINATION OF THE SCHEME

- The stakeholder of protection of child rights and labour rights involved people from the household level to international brands. They were diverse in nature; the intentions with respect to expectations from the young girls were totally different. The scheme could be eliminated only if all the stakeholders consider the fundamental rights of the adolescent girls.
- The government departments and establishments of central and state government for labour, follow different norms and jurisdiction for their functioning. The geographical division of circle offices in different districts of Tamil Nadu and regional offices of ESI and EPF are not uniform. There is no link between the different circle offices of Inspector of Factories and regional offices of ESI and EPF. Hence, there is no mechanism or structure established to verify the social security measures enjoyed by all employees and apprentices.

- Even-though the employer's associations have come out with code of conduct, there are several small and medium industries which are not part of any association and function independently.
- Hoarding of cotton by union ministers and cricket players affects the price of cotton for the domestic industries, which affect the cotton textile industries in India.
- Export policies of the government, fixation of Minimum Support Prize are made by the government with a view to improve their foreign exchange as their first priority. Survival of domestic industries become forcing the employers to go for cost cutting mechanism, forcing the workers for more production, and all sorts of exploitation.
- The root cause of the Sumangali scheme reflects poverty, ineffective rural development programmes, poor land reforms, unhelpful law enforcement agencies, and child rights institutions and unemployment. All the above issues are important matters for the state, general community and civil society to consider taking action.



2. Research Design

2.1. Rationale of the study

2.2. Title and objectives of the research

2.3. Research Methodology

2.4. Indicators of the research

2.5. Expected Outcome of the Research

2.6. Categories of stakeholders involved

2.7. Scope of the research

2.8. Limitations of the research

2.9. Difficulties faced by the researcher

2.1 RATIONALE FOR THE RESEARCH

India has one of the fastest growing youth populations in the world. The vast majority of adolescents, (children in the age group of 10-19) account for 22.8% of the population of India and girls below 19 years of age constitute one-fourth of India's fast growing population. The Indian government has ratified the United Nation's Convention on the Rights of Children in 1991, through which it has made a commitment to protect the rights of children towards their survival, development, protection and participation. As per Millennium Development Goals (MDG) – 5, India is expected to improve maternal health and has a set of targets to achieve the indicators by 2015. All these obligations emphasize an urgent need for the government to play a critical role to improve the status children, especially adolescent girl children.

On the other hand, according to the Confederation of Indian Textile Industry, "Indian Textile Industry contributes about 11 percent to industrial production, 14 per cent to the manufacturing sector, 4 percent to the GDP and 12 per cent to the country's total export earnings. It provides direct employment to over 35 million people, the second largest provider of employment after agriculture. Besides, another 54.85 million people are engaged in its allied activities." Unfortunately, it is disheartening to note that the cotton textile industry has replaced permanent workers and employed adolescent children as a means of reducing their cost of production to withstand and face competition in the industry. Adolescent girls between the ages of 10-18 employed in the textile industry – cotton spinning mills, composite mills, weaving industry, and garment making units – face several types of exploitation and health issues such as occupational diseases. Their reproductive systems get affected and more than 70% of the girls face menstrual problems,

abortions and infertility. Sadly, no reports from the Indian Government reflect the hard labour these young girls put into the industry for its progress and profit.

There are several other studies available on the issue of Sumangali scheme among adolescent girl children working in Cotton textile industries of Tamil Nadu. Most of the researches are focused on some specific objectives and the research is confined to the specific areas of study. For instance:

- Research conducted by the Dalit rights organizations focused on analyzing the scheme and its impact on Dalit children and socio economic cultural factors forcing Dalit children to work under the scheme.
- Some textile brands and international organizations looked at the issues of Sumangali scheme by analyzing the supply chains and reflected on the characteristics of the scheme based on the role played by international brands to regularize the employment of adolescent girls.

There is a pressing need for analyzing the root causes of the issue, historical perspective of evolution of the scheme, government policies that have paved the way for the emergence and existence of the scheme, structural and systemic issues in law enforcement agencies and the role of different stakeholders in protecting the rights of children. Hence, this research has been conducted to review the existing systems, laws and the functioning of law enforcement agencies in protecting the rights of adolescent girl children.

2.2 TITLE OF THE RESEARCH:

Macro level understanding of Sumangali Scheme and its impact on the lives of camp coolie workers and the economic share of the camp coolie workers in the national and international economy

2.2.1 OBJECTIVES OF THE RESEARCH:

- To analyze social, economic, cultural, political and other factors that force girl children to work under the Sumangali Scheme in Tamil Nadu.
- To trace the origin of Sumangali schemes, its various forms of violation of laws like breach of law governing citizenship rights, labour rights and violation of child rights against girl children workers under Sumangali scheme.
- To link the role of different stakeholders positively and negatively impacting the lives of girl children workers under Sumangali Scheme to their role in the national economy and global textile industry.

2.3 RESEARCH METHODOLOGY:

Research on the macro level understanding of Sumangali Scheme and its impact on the lives of girl children employed under the scheme with their economic share at the national and international economy has been conducted in a participatory manner through primary

and secondary data analysis and collection of information from stakeholders through pre-determined questionnaires.

2.3.1 RESEARCH DESIGN

- EPISODIC INTERVIEWS**

Episodic interviews were conducted among girl children victims or parents of victims who have worked under Sumangali scheme. Pre-defined questionnaires were prepared to collect information from the girl children and/or their parents.

CRITERIA FOR SELECTION OF BENEFICIARIES:

Girls who worked under Sumangali scheme who had experienced any one or more of the following violations at work were interviewed:

- 1) Girls who were sexually abused, harassed at work place and let go off on false charges.
- 2) Girls who were physically injured or had permanent injuries while working and were not given any medical treatment.
- 3) Girls who suffered due to occupational disease – physical and psychological.
- 4) Girls who could not get the lump sum promised by the employer for various reasons.
- 5) Parents of girls who died of chronic illness or whose deaths were suspicious.

- KEY INFORMANT INTERVIEWS**

Key informant interviews were conducted among the following stakeholders:

- 1) Employers of mills employing girl children
- 2) Members of producers associations
- 3) Members of trade unions
- 4) State level political leaders
- 5) NGOs and networks involved in the campaign against Sumangali Scheme
- 6) Government officials at various capacities who are supposed to protect labourers and children

These interviews were conducted using a pre-defined questionnaire to understand their roles towards Sumangali scheme.

- FOCUS GROUP DISCUSSIONS**

Focus Group discussions were conducted at the village level among groups of 15 to 20 members who were parents of girl children who were recruited as workers or who were approached to work under the Sumangali scheme. Other focus groups consisted of elected PRI members (panchayat president/ward members/counselors/chairman), brokers when available.

- **REQUESTING INFORMATION THROUGH RTI**

Information was requested from Inspector of Factories, Regional offices of Employees Provident Fund (EPF) offices and Employees State Insurance (ESI) at the state level to provide details of women and girls employed in cotton textile mills in all districts of Tamil Nadu, status of minimum wages provided to the workers, number of cases filed and addressed by inspector of factories, workers of cotton textile mills covered in ESI and EPF.

- **GATHERING OF QUANTITATIVE DATA AND ANALYSIS**

Apart from primary data collection through methods mentioned above, secondary data to obtain the source of districts where girl children migrated from was also done. Quantitative information over the role of cotton textile industry and its contribution to the national and international economy has also been collected from reliable sources and a qualitative and quantitative analysis has been made.

- **DESK REVIEW AND REPORTING**

The final report is drafted by the Desk Review Office.

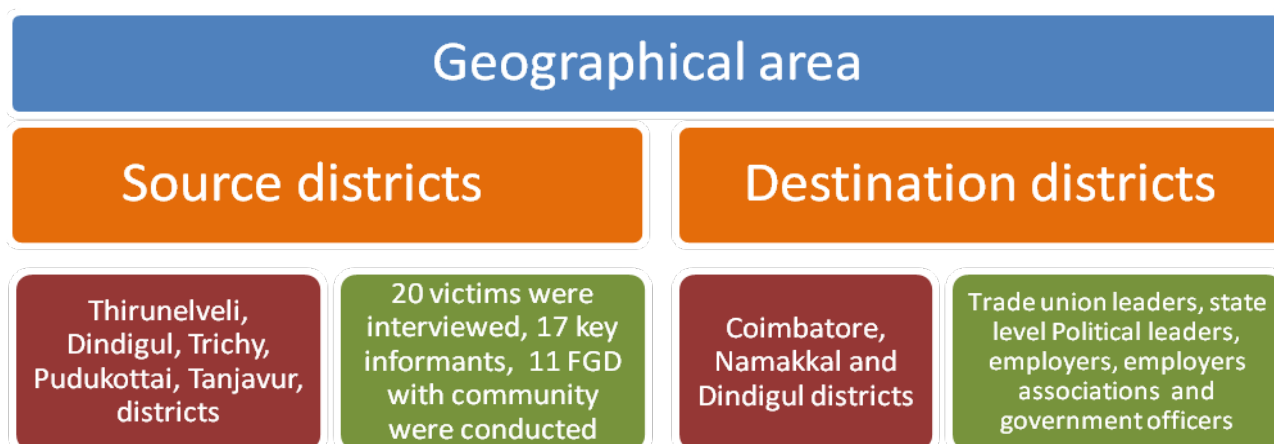
- **TRIANGULATION**

The draft report was presented to the experts and intellectuals for their expert guidance and fine tuning of the report, on 9/4/2014. Mr. P.M. Kumar, General Secretary, Textile Workers Federation, Ms. Selvi, Advocate, Chennai, Mr. Britto, Campaign Against Camp Coolie System, Mr. Murthy, Pasumai Trust, Thiruvallur, Mr. James Victor, SSSSS NGO, Dindigul, along with Ms. Gomathi Palani Kumar, Action Aid, Mrs. Selva Gomathi, SOCO Trust and Ms. M. Padmavathi, Researcher participated in the triangulation and obtained their feedback for fine tuning of the research report.

- **DEBRIEFING OF THE FINAL REPORT**

The final report was presented to a larger group of experts and findings and recommendations were highlighted while being presented to intellectuals and different stakeholders of the social cause.

2.3.2. GEOGRAPHICAL COVERAGE



2.4. INDICATORS OF THE RESEARCH

A. TO ANALYZE THE SOCIAL, ECONOMIC, CULTURAL, POLITICAL AND OTHER FACTORS THAT FORCE GIRL CHILDREN TO WORK UNDER SUMANGALI SCHEME IN TAMIL NADU.

I. HOUSEHOLD LEVEL (INTERNAL FACTORS)

1. Income and Wealth
2. Income Volatility
3. Debt
4. Family Size and Fertility
5. Family Structure and Migration: Feminization of poverty
6. Parental Perceptions, Attitudes and Aspirations

II. FACTORS EXTERNAL TO THE HOUSEHOLD (CONTEXTUAL FACTORS)

7. Schools - Access, Relevance, Quality, Cost
8. Production and Demand for Labour
9. Social, Economic and Contextual Factors

B. TO TRACE THE ORIGIN OF SUMANGALI SCHEMES, ITS VARIOUS FORMS TOWARDS BREACH OF LAW GOVERNING CITIZENSHIP RIGHTS, LABOUR RIGHTS AND VIOLATIONS OF CHILD RIGHTS AGAINST GIRL CHILD WORKERS UNDER SUMANGALI SCHEME.

III. EVOLUTION OF SUMANGALI SCHEME

10. Trade policies of the Government of India : liberalization and globalization
11. Labour market in Cotton textile Industry
12. Potential for Expansion of Cotton Industry in India

13. What if : No Sumangali Scheme

IV. FORMS OF SUMANGALI SCHEME

14. Age group of children
15. Compensation for work
16. Working Hours of Labour
17. Contract of employment – number of years, lump sum money

V. WORK PLACE CONDITIONS

18. Potential hazards for child workers
19. Impacts of work on child worker
20. Attitudes, aspirations, perception of employer on child workers
21. Violence on girl children : gender perspective
22. Violence on Girl children : Labour perspective

C. TO LINK THE ROLE OF DIFFERENT STAKEHOLDERS POSITIVELY AND NEGATIVELY IMPACTING THE LIVES OF GIRL CHILDREN WORKERS UNDER SUMANGALI SCHEME TO THEIR ROLE IN THE NATIONAL ECONOMY AND GLOBAL TEXTILE INDUSTRY.

VI. ROLE OF COTTON INDUSTRIAL ASSOCIATION IN SUMANGALI SCHEME

23. Role of Producers' associations
24. Role of exporters' association
25. Role of Employers

VII. ROLE OF CIVIL SOCIETY ORGANIZATIONS IN ABOLISHING THE SUMANGALI SCHEME

26. Role of Trade Unions : CITU, AITU, ATP, LPF, HMS, MLF, INTUC
27. Role of NGOs and Networks of NGOs

VIII. ROLE OF LAW ENFORCEMENT AGENCIES

28. Legislations: Children's Laws and Labour laws
29. Systemic issues in implementation of the laws: Mechanisms to monitor, address grievance
30. Structural issues in enforcing laws

2.5 EXPECTED OUTCOME OF THE RESEARCH

- Empirical evidence of the issues of girl children working under Sumangali scheme would be brought out as an advocacy tool for the abolition of the scheme.
- Macro level analysis of the cotton textile industries and context of engaging child labour would enable the policy makers to understand the impact of the policies in the lives of children.

- Need for strengthening of legislative system and its structure would be envisaged.

2.6 CATEGORIES OF STAKEHOLDERS INVOLVED

Category of the stakeholder	Methodology	Name of the district	No. of persons interviewed
Victims	Episodic interview	Thirunelveli, Dindigul, Tanjavur, Pudukottai, Trichy	20
Adolescent girls working / worked in scheme	Focus Group Discussion	Thirunelveli, Dindigul, Namakkal	32
Community members	Focus Group Discussion	Narasinganallur, Thirunelveli, Veppada, Namakkal, Pudukottai, Trichy	23
State level political leaders	Key informant interview	Dindigul – AITUC	1
Trade Union Leaders	Key informant interview	Thirunelveli, Dindigul, Coimbatore and Namakkal	9
Trade Union Members	Focus Group Discussion	Coimbatore, Namakkal	9
Employers, Associations, and ESI	Key Informant Interview	Dindigul and Coimbatore	4
NGO Leaders	Key Informant Interview	Thirunelveli and Dindigul	2
NGO staff	Focus Group Discussion	Vaanmuhil, Thirunelveli, Dindigul	10
Government officer	Key informant interview	Trichy	1
		Total	111

THE STUDY INVOLVED THE FOLLOWING CATEGORIES OF STAKEHOLDERS FROM DIFFERENT PARTS OF TAMIL NADU TO GET THE PRIMARY INFORMATION OVER THE EFFECTS OF SUMANGALI SCHEME ON GIRL CHILDREN.

Details of the interview are as follow:

S. No.	Name of the district	Status of Schemes girls interviewed									Non scheme	Girls Still working scheme and non-scheme
		Completed	Incomplete contract	Discontinued work	Reason	Total	Received money	Not received	Live with parents	Live in hostel	Daily wage earner	
1	Trichy	3	1		Yet to complete the scheme	4	3		5	1	1	5
2	Pudukottai	-	-	1	Fear of suspicious death	1	-	1		1	-	-
3	Dindigul	3	-	1	Mother expired	4	3	1	2	2	1	-
4	Tirunelveli	4	-	1	Accident - hair lost , psychologically affected	5	3	2	2	4	1	-
5	Tanjavur	1	1	1	yet to complete, small box ill	3	1	1		3		2
	Total	11	2	4		17	10	5	9	11	3	7

2.7 SCOPE OF THE RESEARCH

The research was confined to the status of Camp Coolie workers in cotton spinning mills only and did not analyze other textile sectors including Thiruppur. The research is mainly concerned with the study of existing systems to protect the rights of labour and children, position of different stakeholders through the review of existing documents, research reports and government reports on various development programmes. It is not a study of victims of Sumangali scheme and different types of violence faced by them. Hence, limited samples were collected from victims and other stakeholders and major efforts were taken on desk review and RTI.

2.8. LIMITATIONS OF THE STUDY

The study analyzed the position of stakeholders in Sumangali scheme and enforcing rights of adolescent children. The roles played by the various stakeholders were analyzed through interviews and focus group discussions. Since the range of stakeholders varies, all the stakeholders could not be involved in the research. The role played by some stakeholders was analyzed through existing reports and researches.

2.9. DIFFICULTIES FACED BY THE RESEARCHER

- The research focused on the girls who have completed the scheme in the spinning mills. Some of the women were married and it was difficult to have an open discussion with them in the presence of their families. Hence, some girls were contacted later through mobile communication to collect information.
- Parents of young girls prohibited them from speaking out the truth about their challenges and vulnerabilities in the Camp Coolie system and tried to convince the researchers that the facilities were in very good condition. They did so as they have other daughters currently working in the mills.
- Another challenging aspect was to meet the girls in the villages to talk about health problems. The girls are not willing to disclose any information due to the fear of having being labeled as “infertile” in their homes and communities.
- Parents of scheme girls who live with them do not allow them to speak about any of the problems due to fear of losing out on the scheme.
- Investigative Interviews with employers and employers’ associations were a high risk task for the researcher as there were many conflicting areas of interest from both sides.
- Several attempts were made to meet with the girls who had completed the scheme but in vain. The girls were working elsewhere or they were married and unwilling to discuss these matters or the parents were not allowing the girls to disclose any information that may threaten their other children’s lives.
- The Government officials did not want to disclose their identity and agreed for an informal interview only.

	3. Qualitative and Quantitative Analysis
	3.1.Objective 1
	3.1.1 Household level (internal factors)
	3.1.2 Factors external to household (contextual factors)
	3.2.Objective 2
	3.2.1. Evolution of Sumangali scheme
	3.2.2 Forms of Sumangali Scheme
	3.2.3 Work place conditions
	3.3.Objective
	3.4.Stakeholder Analysis
	3.3.1 Role of Cotton industrial association in Sumangali scheme
	3.3.2 Role of Civil Society Organisations in abolishing

This chapter analyzes the three objectives of the research under eight broad categories, with 30 indicators as explained in the research design. Sharing of the stakeholders through focus group discussions and key informant interviews, secondary data analysis constitutes the qualitative analysis of the research.

Consolidation of the responses given by various stakeholders against different indicators, and statistical data gathered through existing researches and government reports constitute the quantitative analysis of the reports.

Efforts were made to analyze different indicators of research with the support of qualitative and quantitative data using graphical representations, quotations, judgments, media clippings and functioning of the international organizations have been made to understand the role of different stakeholders.

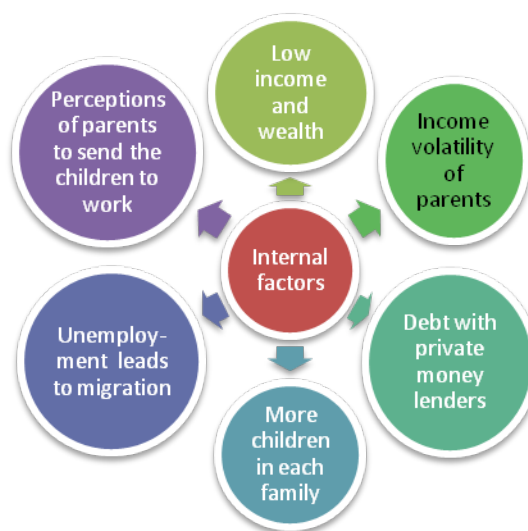
3.1. TO ANALYZE THE SOCIAL, ECONOMIC, CULTURAL, POLITICAL AND OTHER FACTORS THAT FORCE GIRL CHILDREN TO WORK UNDER THE SUMANGALI SCHEME IN TAMIL NADU.

3.1.1. HOUSEHOLD LEVEL (INTERNAL FACTORS)

Household and internal factors force girls to discontinue their education, leave their families and move to work in mills. This is depicted in the diagram to the right.

All factors have been the basic characteristics of rural Indian families.

Let's analyze the levels of contribution made by these factors in compelling the girls to work in exploitative schemes through available resources and verbatim of stakeholders being interviewed for the research.



1. LOW INCOME AND WEALTH

In households without enough money to meet the basic needs, children may be sent to work to earn extra income for survival. In addition, low income also implies inability to afford education for children.

Children working under Sumangali Scheme are brought from the most backward families with low income and wealth. Poor families which strive to feed their children, women headed families, alcoholic fathers who do not support the family; children of single and migrant parents are recruited in the cotton textile industry. The scheme was found as a suitable option for the parents, because girl children are provided three meals a day, accommodation within the mill's premises and supervision.

Ms. Muppithi, 19 years, Thirunelveli said that my monthly wages helped my family to feed themselves and helped their survival

"A Rapid Assessment Study of Marriage Assistance Scheme in Textile Sector in Tamil Nadu" conducted jointly by the CITU and the International Labour Organisation (ILO) in May 2007 shows that 47.7% of the adolescent girls working under the scheme come from families

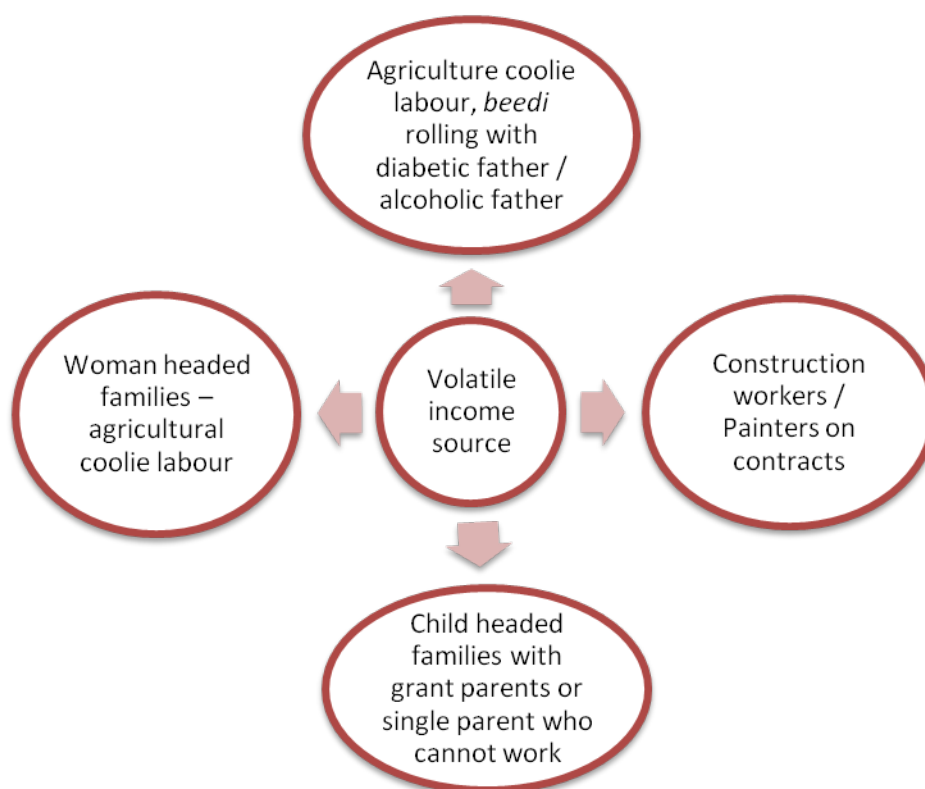
with incomes below Rs.2,000 a month, 36.4% of the girls are from income between Rs.2001 – 3000 per month. The study also noted that most of the girls are from agricultural households and needed additional income to sustain their families. The study revealed that 66% of the workers are landless agricultural labourers and 52.2% of the workers did not have any movable assets.

Thus it is evident that low income and wealth are major factors push adolescent girls to work in mills under the Camp Coolie system.

2. INCOME VOLATILITY

Incomes in rural households are not only low but are extremely volatile and unpredictable due to many factors. This is predominantly visible in agricultural families as they are faced with 'shocks' such as poor rainfall, monsoon failure, bush fires, pests, etc. These factors directly affect crop output and thus their income. Unemployment and illnesses in the families are also possible sources of economic shocks to households.

Livelihood source of girl children working under the scheme is mainly agricultural coolie occupation. Monsoon failure, unproductive land, lack of irrigation facilities and ineffective rural livelihood programmes and poor land reforms lead to unemployment and underemployment of the rural population. Rural poverty is characterized by irregular income from agriculture labour, construction work, coolie at brick kiln, *beedi* rolling, and coir industry. Income volatility forces children to work for their food and to increase the income of the family.



All categories of volatile income sources of children and their vulnerability that were identified during interviews is debited in the above diagram.

3. DEBT

Income shortfalls due to the volatility described above could lead to incurring debts in households, especially from village money lenders or local merchants or craftsmen which eventually forces girls to start working in the cotton mills.

Among the children interviewed for this research, all have pointed out that they have taken loans from Self Help Groups and private money lenders. The interest rate for the loans ranges from 2% per month to 40% per month. 'Understanding adolescent poverty in Tamil Nadu', a study conducted by Little Trust, Madurai, supported by CRY, Tamil Nadu showed that the average loan of each family interviewed ranges between Rs.50,000 to Rs.4,00,000, for which they struggle to pay the interest at a high rate.

Due to volatility of income in the rural areas, people are forced to borrow money for their survival. Alcoholic fathers, single mother, families with many girl children were set as targets by the mills. It is disheartening to note that 100% of the (2436) respondents' families under study are in financial debt.

Outstanding Loan amount	< 10000	10001 - 50000	50001- 100000	100001 - 300000	Total
No. of respondent	1	5	8	6	20
% to total	5	25	40	30	100

Ms. S.Muppidadhi, Thirunelveli district, one of the interviewee said that she had joined the scheme to pay off the debt taken for her elder sister's marriage. Currently, her two younger sisters also work in the scheme. One of the mills,

cheated Ms. Muppidadhi and did not pay her any salary. She later worked with another mill which then paid her.

Mr.Manjula, Villager, Achampatti panchayat, Boothalur block, Tanjore shared his story. There was no source of livelihood options in the village and he had taken a loan of 2 lakhs for his eldest daughter's wedding. His daughters are working in the mill to pay off this loan.

'A Rapid Assessment Study of Marriage Assistance Scheme in Textile Sector in Tamil Nadu', a study conducted by ILO and CITU in May 2007, shows that debt was not the only reason for girls to join the Camp Coolie system and a major reason for villagers to seek private money lenders is that they are not considered credit worthy. According to the report, 52.7% of the workers have taken loans ranging from Rs.10,000 and Rs.5,00,000/-.

4. FAMILY SIZE AND FERTILITY

Raising children involves money and some families do not have enough to provide for their children and most children do not earn until they are older.³ In households with a fixed income, having more than one child simply means that they invest less in each child's education and future. This directly leads to less or no education for children. The '*Rapid Assessment Study of Marriage Assistance Scheme in Textile Sector in Tamil Nadu*' also reveals that 57.14% of the workers who have studied have four members in their families and 34.9% of the workers have five to seven members in the family.

The following table shows that 60% of the families of Camp Coolie workers have three or more children in their families. In some families with five daughters, all five are Camp Coolie workers.

No. of siblings	1	2	3	4	5	6	Total
No. of respondents	3	5	4	4	3	1	20
% to total participants	15	25	20	20	15	5	100

5. FAMILY STRUCTURE AND MIGRATION

Households with many members require division of responsibilities to meet their daily needs. The amount of labour by each family member depends on the number of children in each family. If there are fewer children, their work load will be more to meet the demands.

Among the 20 members interviewed, about 85% of the girls have migrated to work in the mills and 15% of the parents have migrated to other places for construction work. Migration is the only option of survival for poverty struck families.

Mrs. R. Vellaiyammal, Panchayat President, Narasinganallur, Thirunelveli district said 'people demand us to provide ensured employment at the village level, to stop sending their children to work in mills. Through NRGPA we could provide employment to 150 days only. Unemployment is the major cause of young girls employed in mills.'

Adult migration		Children migration	
No. of respondent	Nature of work	No. of respondent	Nature of work
3	Construction work	17	Mill work
15%		85%	

As per the same study of ILO with CITU, 50.7% of the workers are from their own district, 48.2% of the workers are migrants from other districts in Tamil Nadu, and 0.98% of the workers are from other states.

Grinding poverty, illiteracy of parents, lack of employment opportunities, lack of government initiatives to promote employment opportunities at the village level and lack of support from the government to strengthen agriculture, coupled with changing crop pattern,

³ Robert Jensen, *Development Of Indicators On Child Labour - Report to the International Program on the Elimination of Child Labour at the International Labour Organization*, (Cambridge, June 2000).

due to successive monsoon failure have been the driving forces for families to send their daughters to mills. It is evident that the families of the workers of Sumangali scheme have migrated from their own villages to nearby the mills surroundings.

6. PARENTAL PERCEPTIONS, ATTITUDE AND ASPIRATION

In India, the social pressure of accumulating sufficient *dowry* to ensure a good alliance is a big factor in parents' decisions while choosing their daughters' life partners and many parents are forced to get their daughters married to older men or as second wives when they do not have the resources to give as *dowry*.⁴ Girls are not safe in their home towns when parents are away working or young girls are lured into love by men who take advantage of them and elope from the villages at very young ages. Parents consider mill as a safe place for girls to live and work as mills provide protection to girls by restricting entry of outsiders. Bearing these in mind, three year contracts with good income, secure accommodation, adult supervision and limited engagement with the outside world is viewed as the best option by parents to keep their daughters safe until they get them married. Parents are highly ignorant of the issues faced by their children as young girls and as labourers.

S. No.	Motivational factor to join scheme work	No. of respondent	% to total
1	Lump sum assured at the end of the contract	18	90%
2	To improve the individual talents	1	5%
3	In 90s, it was a pride to go to mill work	1	5%
	Total	20	100%

The motivational factor to send girl children to mill is mainly the lump sum money assured at the end of the contract period. Parents are captivated towards getting the lump sum money for paying off old debt and/or to meet the expenses towards marriage of the girls. All the research studies have proved this fact. Among the 20 children interviewed, 90% of the candidates have responded that the lump sum is the motivation behind sending the

children to work.

"Parents won't force their children to toil and suffer for want of money. They firmly believe that mills provide a comparatively better environment compared to working in the heat as agricultural coolies or construction workers. Parents are unable to provide their children proper meals, whereas mills provide three meals a day", says Mr. Navaneetha Krishnana, 55 years, Thirunelveli, father of N. Kaliammal, scheme worker who is now dead.

4 F

hts Worldwide, Fair Labour Association.

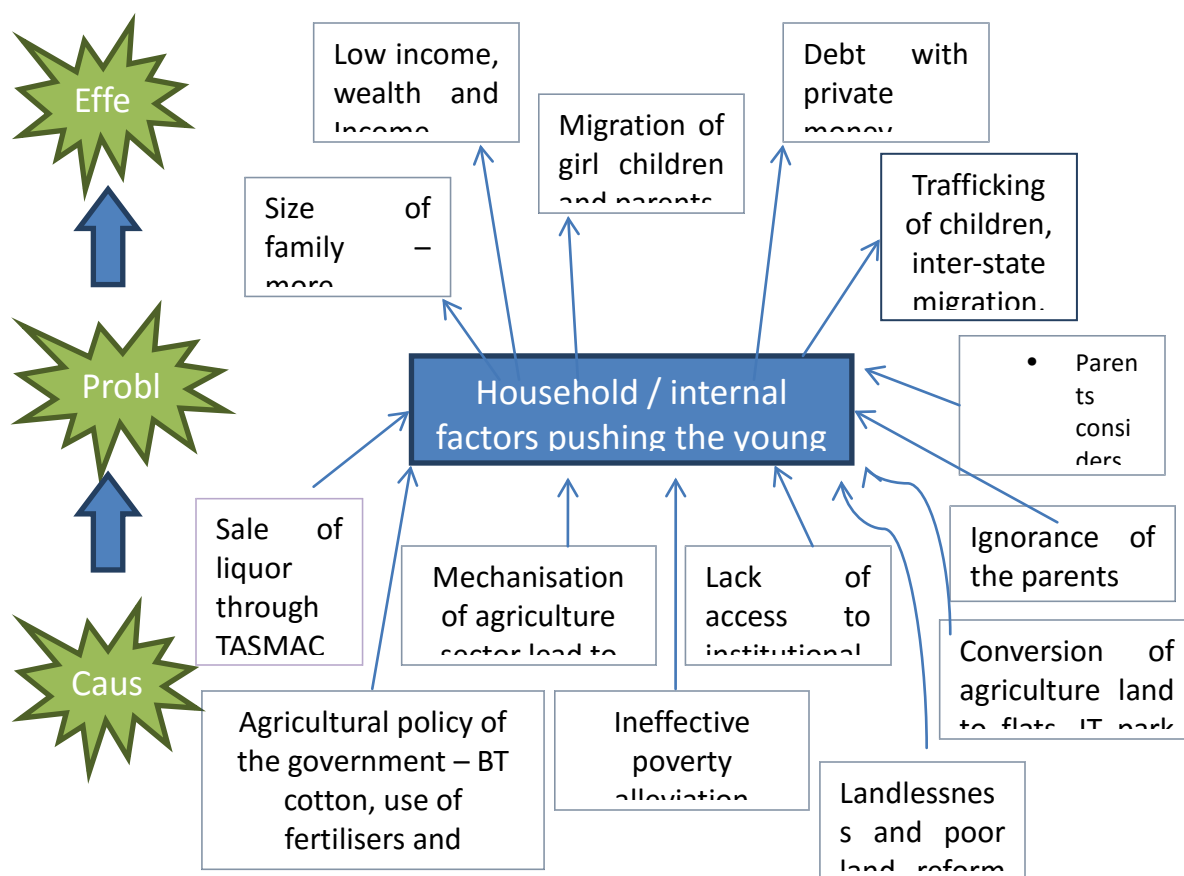
Dr. K. Selvaraju, Secretary General South India Mills Association (SIMA), pointed out that after completion of the scheme, the girls do not want to continue working and want to get married. But parents force their children to work for want of money. Hence mills do not want them to continue after the first three years as they want the girls to get married and live happily.

Note: In reality, several girls continue mill work after the scheme, but as daily labourers. Employers are not ready to recruit the skilled girls as permanent workers, and blame the parents.

While considering the narrations of different stakeholders, it is true that parents are eager to get the lump sum money assured at the end of the contract. One cannot say and assume that parents are ignorant of these facts as most often they are informed of the ill effects and they take chances, with the hope that their daughters won't be affected in any way.

An analysis of the internal/household factors pushing girls to work in the mills has been made through a cause and effect approach. Six indicators were analyzed as key factors for girls to be employed under the scheme. An in-depth analysis of the six indicators reveals that these factors are not the root cause of the issue but they are merely the effects.

The following diagram provides a clear understanding of the above mentioned analysis:



3.1.2. EXTERNAL FACTORS (CONTEXTUAL FACTORS)



Three indicators were considered as external factors to household that push girl children to work as Camp Coolies. Each factor has been analyzed with consolidated responses of the victims, community members and parents.

7. SCHOOLS – ACCESS, RELEVANCE, QUALITY AND COST

From the children's perspective, distance of school, lack of motivation to study, corporal punishments were de-motivating factors that pushed them to drop out of schools and find employment in mills. Out of 111 people interviewed, none of them mentioned the lack of facilities in schools as a reason to drop out. In reality, lack of proper educational facilities contributes to lack of motivation for the children to learn. Shame through failure is one of the major reasons for school drop outs.

S. No.	Status of school and causes of drop out	No. of respondents	
		Yes	No
	Access to Quality education		
	Good access to school with good quality education	16	4
	Reason for Drop out		
	Poverty	10	
	Higher classes not available in the school	9	
	Single mothers not able to educate their children	1	

Children find poverty as the major reason for not continuing their education. Compared to poverty, the issue of quality of education and facilities in school were not considered as major pushing factors for drop outs. On the other hand, drop outs were not taken seriously by the education department and other government departments. Thus, the issues of school drop out of girl children were not considered seriously and the education department has not found the Camp Coolie system as a threat for education of children and it is a failure on its part to have not retained children in school.

8. PRODUCTION AND DEMAND FOR LABOUR

Discussion with Mr. P.M. Kumar, **General Secretary, Textile Workers Federation**, and Confederation of Indian Trade Unions (CITU) provided an in-depth understanding of the production process in the cotton textiles sector in India. He spoke about the drastic change in the Indian economy in the 1980s when India included Agriculture and textile sectors into the GATT (General Agreement on Tariffs and Trade), which enabled export of agricultural and textile products to other countries. This paved way for India to become a leading supplier of yarn to other countries. Few spinning mills in England and Europe were closed after 1980s and they started weaving mills and imported yarn from countries with cheap material and labour. Technology made it even better for India to increase its production supply. The cotton textile industry became the second largest industry after agriculture in India by providing employment to nearly 38 million people. Rural families in the drought prone districts and delta districts who could not find employment in agricultural areas due to monsoon failure, mechanization in agricultural sector, unproductive nature of land, and conversion of agricultural land for commercial purpose moved to the textile

industry. Tamil Nadu has become a leading producer of yarn in India, by taking advantage of the cotton production and availability of cheap skilled labourers in the state. Quality of cotton in Tamil Nadu is considered much better than any other state in India. Industrialists brought in more labourers to increase their profits. In 1986, the permanent workers in the cotton textile industry were sent out of employment through Compulsory Retirement Scheme (CRS) in the name of Voluntary Retirement Scheme (VRS). Demand for casual and temporary labour from rural areas became the target of the cotton textile industry. The changes in production process and demand for temporary, cheap work force became the major cause for the evolution of Camp Coolie system and the Sumangali Scheme.

FACTORS CONTRIBUTING TO CHANGE IN THE LABOUR MARKET

- Suitable climate, policy of the government to promote industrial production, de-licensing of cotton industry has promoted development of more and more industry in Tamil Nadu.
- Government of Tamil Nadu model standing order which was amended in 1977 to extend the apprentice period from one year to three years, paved way for the origin of Sumangali Scheme in 1990s and increased the demand for young girls.
- High court judgment to engage women in night shift in the year 2000 brought many changes in the production process in cotton industry.
- Demand for more labour in cotton mills and continuous protest of trade union towards social security measures and living wages have resulted in compulsory VRS to permanent labourers who were working in the cotton mills and paved way for replacement of permanent labour by young girls below 15 to 18 years of age.
- “Employers consider girls children as obedient slaves”, says Mr. K.G.Jeganathan, Secretary, AITUC, Kovai Textile Union. Hence, the demand for girl children has increased in the cotton textile industry.
- Green Revolution’s high yield improvised seeds like BT Cotton ruined the productivity land and led to cotton farmers attempting suicide and now there is a need for importing cotton from other countries. Hence, the cotton mills management follows the technique of low production cost with high earnings and most of the cotton spinning and composite mills were splinted in to SSI and Non SSI UNITS. (Mr. G.Ramesh, State Vice President, AICCTU).
- Mr. Jayamani.S, AITUC, State Secretary, shared that until 1990, women and men workers enjoyed legal benefits. Casual labourers were converted to permanent workers once they complete 480 days of work. As Indian industries could not survive after liberalization, privatization and globalization, permanent workers were thrown out of employment due to Trade Union activities enforcing labour rights.

From these points of view, it is evident that the production process has changed a lot over last three decades and there is a change in the demand for labour towards casual workers and scheme based apprentices. These changes have highly influenced the demand of adolescent girls as apprentices and

have shown increase in the productivity of cotton spinning mills in Tamil Nadu by the hard work of the Camp Coolie labourers.

9. SOCIAL, ECONOMIC AND CONTEXTUAL FACTORS

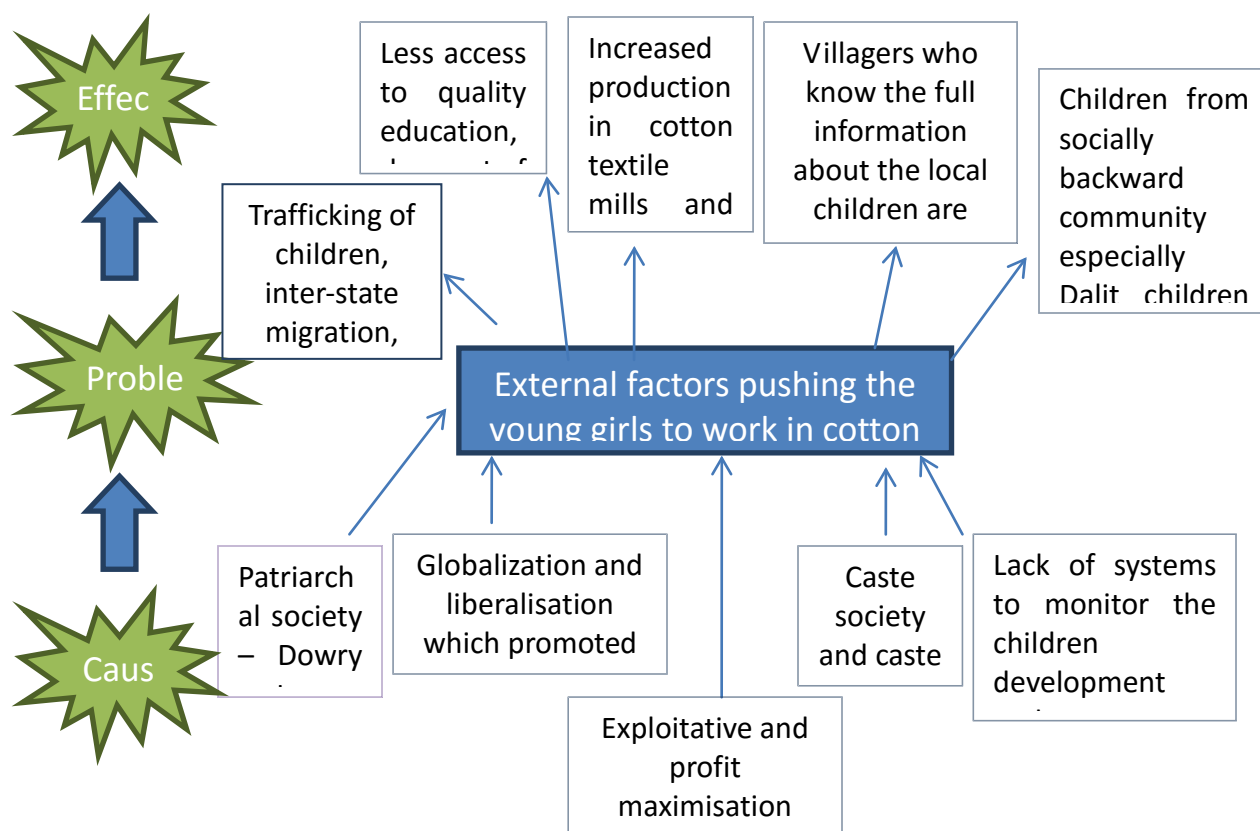
The society believes that marriage is a predestined event in the life of every woman. In a social milieu, marriages entail sizeable expenses in the Indian context, especially in the form of *dowry*, though it is prohibited by law. Parents from poor families struggle to earn and save enough to get their girls married off with reasonable gifts. These situations are exploited by the cotton textile industrialists and their agents. Parents are promised sizeable lump sum at the end of contract if they send their girls to the mills.

A variety of factors at the community level, national level and international levels also are likely to affect the status of children.

Cultural and societal attitudes of a community towards the children and work play a significant role in determining the status of children. Children are given little value or rights. In some cultures, work is considered to be a part of socialization into society for young children (especially boys), as in West Africa. In a context where child labour is not shunned but perhaps even valued, efforts such as building schools may not have a great impact on reducing child labour unless information and attitudes are addressed in serious ways. These issues also point out that the way to combat child labour will be both culture specific and must be culturally sensitive.

S. No.	Reasons for the girls to join the scheme	No. of respondents	% to total
1	Poverty Reduction	16	80
2	Disability/Illness of mother	1	5
3	Alcoholic father	3	15

Among the scheme girls interviewed, 80% of them have pointed out that they joined the scheme to reduce the poverty level of the family and 15% of them responded saying that the main reason for them to join the scheme was their alcoholic father. The society values and appreciates the role of girls below 18 years contributing to the family economically as a primary accountability to their parents. The cause and effect analysis of the external factors forcing the girls to work in cotton spinning mills is explained through the following diagram.



The above figure shows the root causes that force girls to join the Sumangali scheme and the manifestation of the problems are shown as the effect. Cause and effect analysis of the issues has enabled the civil society and government to shift the focus of intervention from addressing the effect to address the cause.

3.2. TO TRACE THE ORIGIN OF SUMANGALI SCHEMES, ITS VARIOUS FORMS TOWARDS BREACH OF LAW GOVERNING CITIZENSHIP RIGHTS, LABOUR RIGHTS AND VIOLATIONS OF CHILD RIGHTS AGAINST GIRL CHILD WORKERS UNDER SUMANGALI SCHEME.

3.2.1. EVOLUTION OF CAMP COOLIE SYSTEM AT THE GLOBAL LEVEL

The evolution of the Camp Coolie system at the global level has already discussed in the beginning of the book and this section proceeds with analysis of the Camp Coolie system in India.

10. TRADE POLICIES OF GOVERNMENT OF INDIA: LIBERALIZATION AND GLOBALIZATION

TEXTILE POLICY OF 1985

The evolution of textile policy in India intended to make the industry more efficient and competitive. In the textile policy of 1985, greater emphasis was given to modernization through upgrade of technology by ensuring the availability of adequate funds under soft loan scheme of IDBI (Industrial Development Bank of India). The policy removed unnecessary controls and regulations on the existing units and closure of unviable mills (Roy Chowdhury, 1995).

While the textile policy of 1985 made some efforts to make the plants more efficient, the policies skipped off from significant structural changes like elimination of licenses that would have made the industry more competitive. Further, there were no changes in the restrictive labour laws and reservation of markets for small-scale firms which were the key barriers to the capacity expansion to benefit from the economies of scale.

ECONOMIC REFORMS OF 1991

Economic Reforms of 1991 in India brought some changes in the industrial policies which sought to deregulate industries and expose firms to international competition. It represented both challenge and opportunity to the protected manufacturing sector.

The process of liberalization opened-up textile sector to potential entrants. Besides eliminating the system of licensing, the textile sector was removed from the list of reservation for small scale industries.⁵ The process of globalization has opened up

⁵ *Restructuring of production and labour under Sumangali scheme, A study of cotton textile industry in India*, International Labour Organization, (2011, New Delhi).

developing countries to global production networks, which have now come to play a key role in world trade. The transnational corporations that control these networks account for two-thirds of world trade today. The widespread use of international outsourcing in the global production networks enables global producers to shed their non-core activities and focus on high value-added activities such as design, branding and marketing. Developing countries compete with each other for outsourcing production and producers are put under tremendous pressure to meet the cost, quality and delivery requirements of their clients while handling fluctuations in orders. They are likely to restructure production and employ different methods of hiring in such circumstances.

Globalization of production represents a new organization of production processes, accompanied by technological advances and neo liberal ideology. Emanating from these changes, labour relations are being altered, in particular by feminization of labour. Women's labour constitutes a foundation of the international competitiveness in most Asian countries. The forces of economic globalization expose women in Asia to diverse mechanisms of exploitation in complex ways. There is no single pattern but rather an array of complex ways in which gender hierarchy, national capital, foreign capital, and the state negotiate and adapt to globalization.

The expansion of trade, capital flows, and technological advances have resulted in dire consequences for women; feminization of labour has encouraged more women to ease off their traditional roles as mothers and homemakers and to venture into a different world. Gender discrimination, violence, sweatshops and sexual harassment are some of the adverse results of the global effects of feminization of labour.

As the global economy expands, multinational companies are looking everywhere to recruit women both in the developing and the developed world because men would not take the jobs unless they are desperate. From the multinational perspective, women are a more desirable labour force as women have historically worked for lower wages and are more organized. Therefore, women are expected to work for low wages with no job security and no autonomy.

With mechanization on one hand and free import of farm and dairy products on the other, women are losing jobs and respect. Unorganized workers, particularly women workers are among the worst affected by the economic reforms. Around 96 percent of working women toil in the unorganized sector and a large number of them are in the rural areas. 84 percent women workers in the rural areas are either agricultural workers or work in small farms. Due to economic reforms, the percentage of women workforce in agriculture has been declining. Although migration of labour has existed prior to globalization, it has been given a fillip after the onset of globalization. Globalization has led to the feminization of migrant labour.

Even though the law enacted in 1976 claims that the bonded labour system has been completely eradicated in India, in the southern state of Tamil Nadu, girls and young women

are recruited and employed on a large scale to work in the cotton mills and composite industry, under the promise of a decent wage and comfortable accommodations.

The cotton textile industry is rightly described as a Swadeshi industry because it was developed with indigenous entrepreneurship and capital and in the pre-independence era, the Swadeshi movement stimulated demand for Indian textile in the country.

With the growing awareness in the industry, its strengths and weakness, the need for exploiting the opportunities and averting threats, the government has initiated many policy measures as follow.

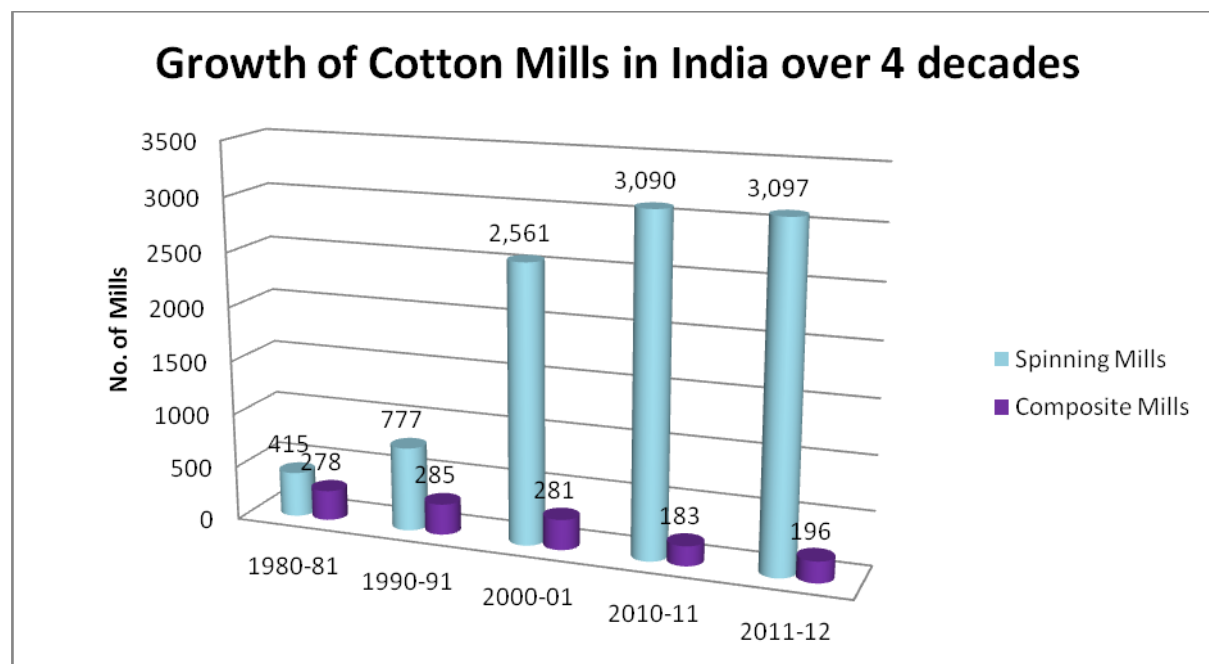
NATIONAL TEXTILE POLICY 2000

Faced with new challenges and opportunities in a changing global trade environment, the government of India (GOI) unveiled its National Textile Policy 2000 (NTP 2000) on November 2, 2000. The NTP 2000 aimed to improve the competitiveness of the Indian textile industry in order to attain \$50 billion per year in textile and apparel exports by 2010. The National Textile Policy 2000 opened the country's apparel sector to large firms and allowed up to 100 percent Foreign Direct Investment (FDI) without any export obligation. This has paved way for expansion of more industries in Tamil Nadu.

According to the Strategic Plan (2011-2016) of the Ministry Of Textiles, February 2011, India is the second highest producer of cotton after China contributing 21.5% of world production. The capacity of the Indian cotton mills has increased over the past decades. The status of growth in the capacity of different types of units is as follows:

Item	Unit	1980-81	1990-91	2000-01	2010-11	2011-12
Spinning Mill	No.	415	777	2,561	3,090	3,097
Composite	No.	278	285	281	183	196
Total	No.	693	1,062	2,842	3,273	3,293
Spindles installed at the year-end	Million	21.2	26.7	37.9	47.6	48.3
Rotors installed at the year end	000	5.0	66.9	454.0	749.0	771.0
Looms installed at the year end	000	207.9	177.8	130.9	52.0	52.0
Workers on roll	000	1,179	1,108	998	841	858

Source: Textile Commissioner Office, Mumbai



Thus the cotton textile Industry has expanded nearly five times during the past four decades solely because of the policies of the Indian government in the last three decades.

Let us analyse the effect of the expansion on the labour market in the following indicator.

11. LABOUR MARKET IN COTTON TEXTILE INDUSTRY

The competition in global market led to flexibility and feminization of labour in the textile industry of Tamil Nadu since 1985. These textile factories have often targeted young, mostly unmarried, women and girls. Coimbatore textile mills saw a large number of women joining the mills in the last twenty years and female employment in the mills now stand around 85-90%. The government policies and the impact of globalization, liberalization, privatization due to antique machinery resulted in thousands of workers losing their employment. In some areas, old machineries were replaced by modern machinery. The workers in the rehabilitated, modernized mills were sent home under the voluntarily retirement scheme (VRS). Adolescent girls were appointed in their place. The number of permanent workers decreased dramatically in the cotton industry. Owners were encouraged to appoint apprentice as temporary worker to avoid trade union and unionization. The owners of the textile units prefer to employ young adolescent girls not only because of their nimble fingers but also because they are less bothersome and more importantly, vulnerable. The Sumangali scheme provided an opportunity to employ young women who had no employment in their own villages.

Mr. P. Dhanasekaran, District General Secretary, AITUC, Namakkal district said in an interview that mill managements are not interested in keeping permanent labourers in the mills as it increases their labour cost. Their main aim is to reduce labour cost and increase their profits. There is no social security and livelihood security for men casual workers. Hence, men have moved from mill work to other employment. The demand for young girls to work in mills shot high. Labour unions have struggled a lot to ensure labour rights

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through various judgments and none of the labour rights were ensured for the girls working in mills.

The Hindu - National – Tamil Nadu

ERODE, October 16, 2013

47 young labourers rescued from spinning mill in Erode

Forty-seven young labourers, including 24 from Chhattisgarh and 12 from Assam, most of them girls, were rescued from bondage in P.V. Spinning Mill at Vinnapalli village near Sathyamangalam in Erode district by a team of officials on Monday night. The remaining 11 workers are all girls belonging to various parts of Tamil Nadu.

A local agent had enticed the youngsters to take up job at the mill promising a monthly remuneration of Rs. 6,000 and good working environment. But, they were overworked and had to live in pitiable conditions.

The issue came to light when two girls of the Chhattisgarh group recently escaped from bondage and lodged a complaint with the district administration of Narayanpur in their home State. The Chhattisgarh delegation called on the Erode Collector and apprised him of the situation on Monday. Subsequently, the local rescue team visited the spinning mill and set free the youngsters from bondage.

- Press news over the migrant workers employed as bonded labourer in mills.

Even though there is tremendous growth in the textile sector, it has not increased the employment of labourers, rather reduced the employment as it is evident from the following diagram.



Source: Textile Commissioner Office, Mumbai.



Source: Textile Commissioner Office, Mumbai

The trends above have been mentioned in the industrial dispute claim statement as follows:

In comparison to increase in the number of mills between 1985 and 2002, the rate of increase in the number of workers has not improved at the same level. The proportional increase in the work force is a small percentage not in keeping with the manifold increase of industries. This is so because, the managements while increasing the work-load have at the same time reduced the work-force through voluntary retirement schemes and non-filling of vacancies. Thus while every other operational cost has gone up, wage cost alone has come down. Not only the management has resorted to unfair labour practice of low engagements of permanent workers, they employ apprentices / temporaries / trainees

and casuals to save on wage – cost and their economic obligations under the labour laws. In fact, there is a very pernicious practice of Camp Coolies that has started in a big scale and is spreading like a scourge.⁶

EMERGENCE OF CHILD LABOUR IN THE TEXTILE SECTOR

'Wages, Working Hours and Child Labour in India', a study of textile industry in Tiruppur, Bangalore and Haryana, by Level Works Limited in January 2009 expressed that examining child labour in India was like blind men touching parts of an elephant to describe the animal. There are so many sides to the issue that each side can lead to a different point of view about solutions. The challenge is to evaluate the positive and negative aspects of child labour.

Estimates of the number of child workers are large. UNICEF estimates that 12% of India's population, age group of 5 to 14 work as domestic helpers or as labourers for meager income.⁷ The government of India estimates that 12.66 million children work in India, based upon 2001 census data⁸. Statistics from other sources are much higher. The US State Department reports that NGOs estimate up to 60 million child workers.⁹ The Global March Against Child Labour cites unofficial sources claiming 25-30 million child workers.¹⁰ Other sources go higher, as high as 77 million to more than 100 million.

The majority of child labour is hidden in agriculture on small farms; hence, these workers are invisible to the media, urban residents, and even to public authorities. This invisibility is heightened by the fact that approximately 40% of births are never registered with the state.¹¹ The Indian government calculates that 85% of child workers as working on family farms¹² while the manufacturing sector employs less than 1% of child workers.¹³ The US Department of Labour suggests that child workers are divided between 73.3% in agriculture and 12.4% in manufacturing.¹⁴ The manufacturing workers are easier to track by virtue of being located in urban settings. The Indian government's census numbers provide a conservative starting point for measuring the size of the child labour work force in the three regions of this study.

Number of children working, 2001 (from census data 1971 to 2001)¹⁵

- Haryana 253,491 (includes Gurgaon and Faridabad)
- Karnataka 822,615 (includes Bangalore)
- Tamil Nadu 418,801 (includes Tiruppur)

⁶ Industrial Dispute 1/2002, claim statement of 18 trade unions, Para NO.9, for Standardization of categories of workmen and scales of pay / wages.

⁷ www.unicef.org/infobycountry/india_statistics.html.

⁸ <http://labour.nic.in/cwl/ChildLabour.htm>

⁹ *Country Reports on Human Rights Practices*, US Department of State, (2007).

¹⁰ www.globalmarch.org/images/india-report.pdf, www.level-works.com

¹¹ www.unicef.org/india/child_protection_1629.htm, www.prlog.org/10090330-children-voices-as-changeagents-

¹² www.indianembassy.org/policy/Child_Labour/childlabour.htm

¹³ www.indianembassy.org/policy/Child_Labour/childlabour.htm

¹⁴ www.dol.gov/ilab/media/reports/tda/tda2006/India.pdf

¹⁵ <http://labour.nic.in/cwl/Census1971to2001.pdf>

The studies prove that child labour exists in Tamil Nadu and evidently in the cotton textile mills. Children below age of 14 and 18 years of age are recruited to work in the mills through a network of brokers who know the exact status of vulnerability of the children from rural areas and not the volume of work and its difficulties encountered by the children. Case study of Shyam, a broker is proof for such a network of people involved in the recruitment of the girls to Sumangali scheme. The children under the study have clearly reflected that most of the time, very small children were locked inside the go downs when the mill expects visitors. Moreover, there is no clear proof of age for the girls who are working in the mills; only a medical fitness certificate is obtained from a medical officer. Hence, there is no solid proof to refute the fact that there is no child labour inside the cotton spinning and textile mills. The issue of age of the children is further analyzed later on in the book.

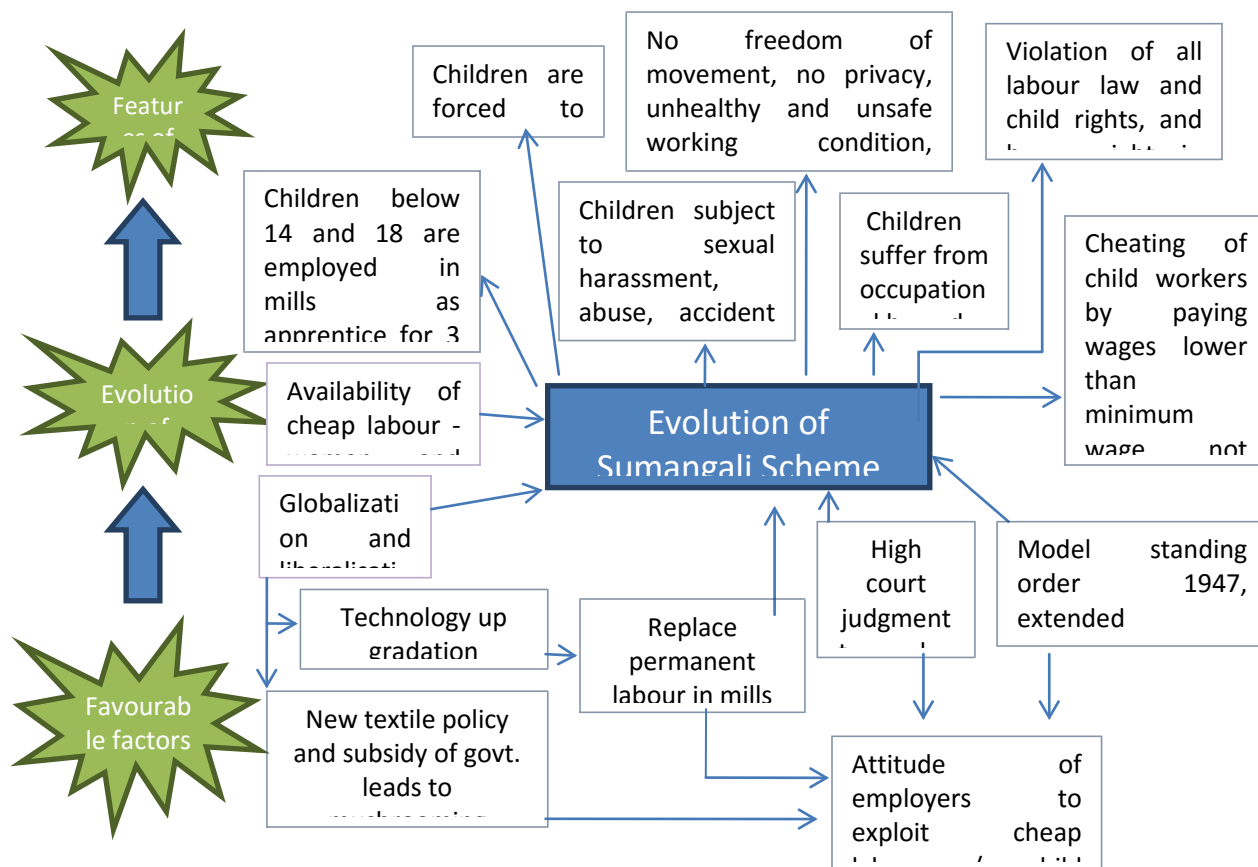
ENTRY OF SUMANGALI SCHEME IN TAMIL NADU

Sumangali scheme which is being touted as the panacea for helping girls to get married is nothing but the worst form of bonded labour system in India. These girls who are subjected to maximum exploitation remain mute because of poverty, their family's ignorance and the endearing words of the management. The mills adopted the "Sumangali" scheme, a work camp arrangement whereby young female workers are housed in restricted access sites in poor conditions. They are not allowed to commute freely and are paid low wages, from which housing and food costs are deducted. They join with the promise of a large pay out called

Case study of Shyam – A Broker in the Sumangali Scheme

Shyam is 30 years old, married with two sons. He is from the village of Pudu in Theni district of Tamil Nadu, approximately 220 Kilometers from Tirupur. Shyam supplements his income from the factory by working part-time as a labour. He is part of a network of 15 other brokers, each connected by their factory jobs and personal relationships as close friends or co-workers. Shyam's network has supplied garments sector factories in Tirupur with approximately 2000 Sumangali girls in the past four years. Shyam stated that he has brought in 100 girls in the past year alone for spinning and knitting mills. For each girl he supplies, Shyam is paid INR 2500 by a factory, INR 1000 of which is earmarked to pay bribes to religious and political leaders in the village. According to Shyam, the bribes are necessary for the safety of the girls in order to avoid religious and political problems when they are away at the mills.

the lump sum (for their *dowry*) at the end of two or three years; however, such pay outs may be empty promises resulting in the workers getting nothing. Under the Sumangali scheme, the girls' parents, usually poor and from the lower castes, are persuaded by brokers to sign up their daughter(s). Different mills manage the Sumangali scheme differently. Involvement of brokers from different walks of life from the local areas is a great factor which has led to the scheme to become a huge success.



Labour markets in cotton spinning and textile mills are recruiting cheap, obedient, hardworking labourers which are evidently adolescent girls from the most deprived and vulnerable communities in rural India, especially from Tamil Nadu. To ensure uninterrupted production with the support of the young girls, Camp Coolie system was introduced. Lump sum has been fixed to attract the rural mass with a cultural touch of naming the scheme as Sumangali Scheme, and to evade from the bonded labour act, lump sum was promised at the end of the contract period.

12. POTENTIAL FOR EXPANSION OF COTTON INDUSTRY IN INDIA

While analyzing the evolution of Sumangali scheme and Camp Coolie system, it is important to analyze the potential for



expansion of cotton industry in India through SWOT analysis.¹⁶

SWOT ANALYSIS

STRENGTHS

1. Strong and diverse raw-material base including cotton, jute, silk, wool, man-made fibers and other specialty fibers.
2. High competency in cotton textiles:
 - Second largest producer of cotton in the world.
 - Production of raw cotton has increased from 140 lakh bales in 2000-01 to 295 lakh bales in 2009-10.
 - Cotton consumption has increased from 173 lakh bales in 2000-01 to 250 lakh bales during 2009-10.
 - Substantial surplus available for exports.
3. Second largest producer of man-made fiber, largest producer of jute and handloom cloth and second largest producer of silk.
4. Strong presence in the entire textile value chain from raw material to finished goods.
5. Globally competitive spinning industry, average cotton spinning cost is lower than all countries including China.
6. Availability of adequate skilled man-power at a competitive rate even though the labour advantage is gradually diminishing.
7. Unique strength in traditional handlooms and handicrafts.
8. Diverse design-base.
9. Presence of extensive institutional support base in the form of Central and State Government offices, Textile Research Associations, Textile Industry Associations, Textiles and Fashion Technology Training Institutions, Export Promotion Councils etc.
10. Highly supportive government policy regime.
11. Very strong entrepreneurial base.

WEAKNESSES

1. Technological backwardness especially in weaving, processing and garmenting segments.
 - Under-developed domestic textile machinery manufacturing industry, necessitating import of modern and second-hand machinery at a large scale.

¹⁶ Strategic Plan 2011-2016, Ministry Of Textiles, (February 2011).

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- Existence of huge skill deficit in the work force.
- Low share in global exports despite being the largest producer.
- India has scale disadvantages vis-à-vis competing countries

2. Highly fragmented weaving, processing and garmenting segments.

- Cloth production dominated by decentralized power loom sector which uses obsolete technology.
- Low productivity of the handloom sector which employs 43.32 lakh handloom weavers on 27.83 lakh handloom household units contributing only about 11% of total cloth production.
- Very low technology in weaving. India has only 2% shuttle-less looms as against the world average of 16%. India's competitors China, Pakistan and Indonesia have 15%, 9% and 9% respectively of shuttle-less looms.
- Inflexibility in labour laws because of which manufacturing units are not able to execute large seasonal orders.
- Non-compliant practices by industry

OPPORTUNITIES

1. Promising domestic market due to high growth in GDP and per capita income. Favorable demographic structure with high income proposition of working population.
2. Phasing of the quota regime and consequent improvement in market access. Most developed countries will see continued decline of their Textile and Garment industry. This will create fresh opportunity for exports of developing countries including India. Further, in the next 10 years, China's Textile and Garment export growth rate is projected to slow down because of rising costs and increasing domestic demand. The export space that is likely to be ceded by China is open to other Asian countries including India.
3. Supportive policy regime and generous incentives for investment and modernization.
4. Huge untapped potential for the development of technical textiles.
5. Rising wages and cost of living in countries closely competing with India in the international market in the textiles and clothing sector provides a vast opportunity for India to capitalize.
6. High spending on infrastructure and socially inclusive programmes by the government.

THREATS

1. High cost of raw materials and decline in the purchasing power of people due to high inflation.

2. Slow pace of development of infrastructure, availability of power etc.
3. High cost of meeting strict environmental standards.
4. Unfavorable exchange rate situation.
5. Increased competition from competing countries through exchange rate manipulation, hidden subsidies;
6. Preferential tariff regimes for close competitors in certain major markets.
7. Continuation of recessive trends for an extended period will cast its shadow on textiles industry.

The textile and garment industry is one of the most important in the global markets as well as in India according to the study, 'Restructuring of production and labour under globalization' conducted by ILO. Global trade in textiles and garments has grown rapidly in recent years, from US\$212 billion in 1990 to \$396 billion in 2003, and is expected to reach \$600 billion in 2010, implying an increase of almost three times in two decades. The industry typifies the development of global production chains in the world economy. In this industry, these networks are controlled by transnational corporations, which are traders and retailers and which set terms for others in the production networks. The European Union and the United States together account for 70–80 per cent of the world textile trade and 73 per cent of the world clothing trade. The transnational corporations from these two regions enjoy a powerful position in the world economy. They distribute the entire gamut of activities – from design to raw materials to final products and distribution – across different developing countries, depending on their comparative advantages.

India ranks seventh among world exporters, with a 3.8 per cent share in total exports of textiles and garments (6.5 per cent share in value terms). Textiles and garments are also a leading industry in India, producing more than 18 per cent of its total industrial production and accounting for 20 per cent of the total export earnings. The industry employs 38 million persons directly, and ranks second in employment generation after agriculture.

Thus, India has high potential for expansion in the cotton spinning and textile industrial sector and holds a prominent position/share at the international level. The potential for expansion of the sector, labour market position and trade policies of government has ensured employment opportunities for nearly 38 million people in India. Unemployed and most vulnerable people striving to combat poverty, find this sector a reliable source of employment for their daughters.

13. WHAT IF: NO SUMANGALI SCHEME

The household factors and external factors have pushed girls to work and to join the Sumangali scheme. Since the only uninterrupted employment option before them was cotton spinning and textile mill, they made use of the opportunity to work in the mill. Even if there is no Sumangali scheme, children in the rural areas facing similar conditions would be working in the mill as daily wage earners. In areas like Thirunelveli, children would be

involved in *beedi* rolling which is the next level of employment option available to them. Children in Tanjore would find employment in domestic work, needle factory and all other intensive employment options available to them. In general, children below 14 and 18 years of age work in the construction sector, power looms, hand looms and other labour intensive sectors.

Moreover, it was also revealed that some of the Children from Trichy and Tanjore have moved to the state of Andhra Pradesh to work in fish processing unit, which is another form of Camp Coolie system. In Tuticorin district also, the Camp Coolie system is prevailing in fish processing unit. At present, the Camp Coolie system has been replicated in the fish processing unit, engineering industries in Tamil Nadu and neighbouring states also. Several girls have migrated from Tamil Nadu to Andhra Pradesh according to the FDG.

This indicator has been analyzed to prove whether eliminating the scheme would provide a solution or if elimination of Camp Coolie system is required to change the focus towards addressing the root causes of internal and external factors to protect adolescent girls. There is a need for all the stakeholders to come together and fight for addressing this issue from its root cause.

3.2.2. FORMS OF SUMANGALI SCHEME

14. AGE GROUP OF CHILDREN

Girls under the age of 14 are recruited to work in the mills. An academic estimate says that 10 to 20 per cent of Sumangali workers are child labourers, aged between 11 and 14. Almost all the children interviewed during the research said that often young girls would be locked inside the store rooms when inspectors visit the mill. According to an incident shared by Ms. Shanthakumari, Advocate, High Court Chennai, during State level conference on Sumangali scheme, Challenges and way forward, held from 4th - 5th May, 2011 at Chennai, a child of 12 years, working in an industry was kept in a box during inspection and it resulted in the death of the child. There are several such stories of death of children, which have been buried in a box of secrets.

Age of respondent at the time of joining Sumangali scheme							
Age	12	13	14	15	16	17	18
No.	2	4	6	5			3
% to total	10	20	30	25	0	0	15

“Children aged about 10 or 11 were working with us in our mill, and we felt very sad on seeing them working in the mill at that tender age. If an officer came for inspection, the management would immediately keep all these children below 14 years in a separate room.” - Pothum Ponnu, Mangulam, Mana Madurai.¹⁷ “If the management had come to know in advance, that some officers were about to visit their mill, they would immediately send those children below 14 years back home and ask them to return after sometime”. - I. Thenmozhi, Vempathur

Thus, it is evident that children below the age of 14 have been recruited under the scheme, which could not be verified through any authentic proof. Because the children who joined the scheme as apprentices haven't provided any proof of age such as school transfer certificates or birth certificates. The mills get a medical fitness certificate from their own medical officer and keep it as a proof of age. It has been observed that the recruitment pattern of mills during the last two years have changed and they recruit children above 14 years only. Hence, we can conclude that children between 12 and 18 years were recruited during the last three to four decades under Sumangali scheme and the trend has changed slightly after 2012 and the mills are recruiting girls above 14 years only as Camp Coolie workers.

15. COMPENSATION FOR WORK

¹⁷ Vaan Muhil, 'Report On Advocacy Study On The Impact Of Sumangali Scheme On The Adolescent Girls From Rural Areas Of Southern Tamil Nadu', Tirunelveli.

Mr. P.M. Kumar, General Secretary, Textile Workers Federation, CITU, shared that in 1956, the cotton textile mills of Coimbatore, workers got equal wages irrespective of gender. After three months, the workers were made permanent. Till 1986, the traditional wage pattern was followed in the cotton textile sector. He added that Rs. 12,000/- was provided as monthly wages for the semi-skilled permanent workers and upto Rs.20,000/- was provided to the highly skilled permanent workers. But this compensation is not provided to the apprentices who are doing the same type of work. If the salary of the unskilled workers for three years is calculated it comes to (Rs.12000 x 36 months) Rs.4,32,000/- for 8 hours of work, these girls are provided Rs.2000 to Rs.3000 for 36 months which comes to (Rs.2000 x 36 months) Rs.72,000 as monthly salary and Rs.30,000 as lump sum at the end of contract. Compared to the salary of the semi-skilled permanent workers, the wages provided to the apprentices are not even $\frac{1}{4}^{\text{th}}$ the wage.

The following citations would enable us to understand the real situation through authentic source of information.

In Tamil Nadu, in 2005, more than 1600 Textile mills were functioning (G.O. No.18, Labour and Employment Department, Dated 9.2.2005). The workmen in these mills were getting wages based on the wage settlement with the management's order and court orders. It was observed that during the past few years, a majority of the textile mills managed to cut off permanent workmen and in their places, appointed new workmen with a daily wage of Rs.40/- to Rs.50/- per day. In the textile mills where no trade unions function without observing the Labour Welfare Laws, the workers were given wages from Rs.10/- to Rs.30/- per day, whereas the workers covered under the settlement and courts orders were given a wage of Rs.180/- per day. In view of the above circumstances, the government considered it necessary to include the employment in the Textile Mills to Schedule –I to the Minimum Wages Act, 1948, (Central Act XI of 1948).

Followed by this, G.O. (2D) NO.26, Labour and Employment (J1) was passed on 16 May, 2008 for the fixation of Minimum Wages for category of apprentices in Employment in Textile mills. The order was that the "Governor of Tamil Nadu hereby fixes the minimum rates of wages payable to the apprentices engaged in the Employment in Textile Mills, including Composite mills, Spinning mills, Weaving mills, Open ended Mills like Blow Room, Carding, Drawing, fly frames, spinning, winding, doubling, reeling, packing, Warping carried out singly or together in the State of Tamil Nadu as Rs.110/- (Rupees One hundred and ten only) per day". In addition to the basic wage, Dearness Allowance is linked to the average of Chennai City Consumer Price Index for the year 2000 (i.e. 475 points with base 1982 = 100) and for every rise of one point over and above 475 points, an increase of 23 paise (Twenty Three paise) shall be paid as dearness allowance per day.

As against the government orders, the practice followed by the spinning mills are violation of labour laws and government orders with reference to wages provided to apprentices are as follows:

- The daily wage of Camp Coolie workers ranges from Rs. 20 to 100 per day. Re.1 is the given increment if a girl works for 6 months continuously without any leave. The scheme will be closed only if 6 times of such increment has been provided to the labour. Report submitted by the district Monitoring Committee of Dindigul also agrees that Rs.2 to Rs.4 per half year were given as increment to the children.¹⁸
- Rs.30,000 to Rs.65,000 is promised to be paid at the end of the scheme. Generally the lump sum is not paid to the girls for various exploitative reasons by the employers. Wrong allegations on workers, forced overtime and pressure to withdraw the work are done in a tactical way to send off the children without finishing the contract.
- There is no special payment for overtime work.
- As per the interview with the scheme girls, it is observed that the wages of scheme workers and non-scheme workers till 2000 was less than Rs.50 per day. It has gradually increased to Rs.100 – 180 by 2010 onwards. It is still not equal to the minimum wages stipulated in 2008.
- ILO study reveals that 85.22% of the workers are provided daily wages less than Rs.60. 83.74% of the workers have responded that they were not provided double wage overtime work.¹⁹
- Report submitted by district Monitoring Committee of Dindigul stated that bonus is paid as ex-gratia; such a payment is not on the basis of any percentage but only on the basis of their service period. Hence such payment varies from a minimum of Rs.400 to Rs.1200/-.

Description of year and wages per day	No. of children under different wage category per day		
	< 50	= Rs.51 – 100	Rs.101 – Rs.200
Scheme workers			
Till 2000	1		
2001 – 2005	2	2	
2006 – 2009	2	5	
2010 - 2013			6
Non Scheme workers			
Till 2000	1		
2001 – 2005			
2006 – 2009			
2010 - 2013			1
Total	6	7	7

Let us discuss the violation of Labour laws under indicator 22, which explains in detail the violation of Minimum Wages Act, Payment of Bonus Act and+ Equal Remuneration Act which

18 'Captured by Cotton: Exploited Dalit girls produce garments in India for European and US markets' (May, 2011),

19 'A Rapid Assessment Study of Marriage Assistance Scheme in Textile Sector in Tamil Nadu' conducted jointly by the CITU and the International Labour Organisation (ILO), (2007)

enforces minimum wages with variable dearness allowance and other economic benefits to the apprentices.

16. WORKING HOURS OF LABOUR

“The long working hours made us weak and exhausted. I felt very tired and disturbed because of my supervisors scolding me for carelessness in my work. I also suffered from headache and leg pain. I didn’t like working in the mills but I had to complete the scheme to get the promised lump sum.” Said by Ms. A.Pappathi, Theethampatti, Dindigul. She worked in four mills around Dindigul. She said that after 8 hours of work she would have to do the next shift the same day with just one hour of rest in between two shifts. Poor food and unhygienic environment made her feel sick and she was also affected by Chikungunya. She couldn’t work and had no energy to care for herself. She was not provided lump sum as she

Status of working hours for scheme workers

- ▶ *One shift accounted for 8 hours. But all the children interviewed for the study and all other researches indicate that children were forced to work overtime regularly. Hence, girls were forced to work for 12 hours at a stretch.*
- ▶ *Most of the time, girls were forced to work two shifts continuously with one hour break in between the shifts.*
- ▶ *There was no break for the girls during working hours. They were given a 5 minute break every 3 to 4 hours to go to the rest room.*
- ▶ *15 to 20 minutes were provided for lunch.*
- ▶ *Mostly the monthly wages were given to the parents and who are not aware of the exact salary due, deductions for food and accommodation and advances.*
- ▶ *Girls in turn did not know the number of days and hours calculated by the employers.*

did not complete the stipulated years as per their norms.

S.No.	Description	No. of respondent
1	Eight hours and compulsory regular overtime	17
2	Eight hours and compulsory occasional overtime	3

91.62% of the workers studied by ILO and CITU responded that they were forced to do night shifts. 77.33% of the workers responded that they were provided a half hour break between their working hours. 5.41% of the workers responded that they were not provided any break during their employment in the mill.

District Monitoring Committee Report of Madurai district stated that adolescent girls were forced to work two shifts continuously for 16 hours without any additional wages. This forced labour should be abolished. It is against the Factories Act, 1948 and Apprentices Act, 1961.²⁰

In the textile industry in Tamil Nadu, almost all the mills have now introduced three shifts. The Camp Coolie workers work all 7 days a week, with no weekly holiday but with a change of shift. In some mills, apprentices were forced to work two shifts with one hour interval in between, and they reduced their cost of administrative overheads in production.

The above references and narrations of the scheme girls prove that under Camp Coolie system and Sumangali scheme, children are forced to work for 12 hours. For the last two years, there has been some change in the hours of work but the scheme continues with all its features staying constant or with slight changes to suit the local requirements.

17. CONTRACT OF EMPLOYMENT – NO. OF YEARS, LUMP SUM MONEY

The contract of employment is a written document executed between the employer and the parents. The terms of contract vary over a period of time. Up to the last decade, Rs.25,000 lump sum for 3 years of contract was provided uniformly by all mills in different parts of Tamil Nadu. But the scenario has changed as different terms and conditions are adopted by different industries. A brief of the contract of employment of the girls interviewed for the research is as follows:

Till 2000			2001 – 2005			2006 – 2009			2010 - 2013		
Lump sum	No. of girls	Year	Lump sum	No. of girls	year	Lump sum	No. of girls	Year	Lump sum	No. of girls	Year
25000	1	3	25000	1	3	25000	1	3	45000	2	3
			32000	1	3	30000	3	3	50000	1	3
			45000	1	3	50000	1	3.5	55000	1	3.5
						55000	2	4.5	60000	2	3.5
						65000	1	4.5	65000	1	4

But the parents or guardians who sign the contract are unaware of the content in the contract and they are not given a copy of the contract. District Monitoring Committee of Madurai has reported that the adolescent girls who have entered into contract were not aware of the content of the contract either. District Monitoring Committee report of Madurai district questioned the practice of fixing three years as period of apprenticeship without any scientific reasons.

The District Monitoring Committee Report of Dindigul explains that the contract period of the apprentices is extended more than three years. During interrogation with the children, it

²⁰ Industrial Dispute 1/2002, claim statement of 18 trade unions, Paragraph 32, 'Standardisation of categories of workmen and scales of pay / wages'.

was revealed that the apprentices were on long leave due to continuous sickness or family circumstances and elongation of the period is only to complete the requisite number of working days as agreed by both the parties for the scheme. Generally a three year scheme fixes 912 days.

As per the versions of the District Monitoring Committee Report, no documents were shown by the cotton spinning mills of Madurai district, for the provision of earned leave, weekly holiday, national holiday, medical holiday or bonus given to apprentices as narrated by the employers.

3.2.3. WORK PLACE CONDITION

18. POTENTIAL HAZARDS FOR CHILD WORKERS

Due to the strains of excessive overwork, headaches, stomach aches, sleeplessness and fatigue are common among the girls working in the mills. Accidents happen frequently. Workers lack training and instructions to work carefully with the machinery. The mills have bad ventilation systems and heat and humidity add to a very uncomfortable working environment.

This scheme itself is a forgery. There is no security for girl children. I have lost my daughter and the scheme will ruin the girls as it affect the fertility of girls. It threatens the future generations also - by Mr. Navaneetha Krishnana, 55 years, Thirunelveli, father of N. Kalammal who died as a scheme worker

The doffer cylinder work and blow room are very dangerous operations as it could permanently injure one's fingers. The carding section work is equally dangerous and the workers' fingers can be cut off in case of small mistakes. Children who work in these sections do not have enough strength to manage the force of these machines. So there is a huge risk of fatal accidents in these operations.

S. Muppudathi, Thirunelveli says, "There is no safety in the mill. Only one cap was provided when I joined the mill and I had to pay for my own cap in the following months. No mask, apron, gloves or any other safety tools were provided. We were also not given any warnings about the dangers in our occupation".

Ms. R. Jaya, Dindigul says "The management does not inform the workers when the speed of the machine is increased. We could not manage the speed and work quickly. It is one of the causes for accidents leading to loss of body parts or lives."

Dr. Banumathi, Medical officer, ESI, Coimbatore said that continuous employment in mills created problems in the functioning of lungs. She noted that 12 hours of continuous work was bad for girls and that they should be provided with compulsory rest during menstruation to avoid their uterus becoming very weak. She also mentioned that girls could experience abdominal problems due to poor diet.

S.No.	Status of protection and safety as perceived and experienced by girls	No. of respondent
	Sharing on Safety	
1	Easy work but we need to do it very carefully	3
2	I don't think that the mill is a safe place to work for girl children	16
3	I was provided full protection inside the mill	1
	Total	20
	Potential hazards	
1	Hands get burnt often	20
2	Witnessed frequent accidents in the mill – hands cut, legs injured, hair pulled by machine, <i>sarees</i> pulled by machine, suspicious death inside mill etc	20
3	My hair was pulled inside the machine and I had a severe accident	1
4	My nervous system got affected and I get seizures (fits) often	1
5	Three fingers in my right hand were cut in the machine	1

RULES TO BE FOLLOWED BY THE CHILDREN INSIDE THE MILL:

- Children should not wear glass bangles.
- Children should not wear *sarees* or *salwar kameez*.
- Children should not use *Bindhi* and turmeric powder on skin.
- Children should keep their hair tied.

The above rules show the real picture of hazards in the occupation as per the experience of the girls who have worked and continue to work in the mill. Frequent accidents have been reported by all the girls interviewed, which indicate that cotton spinning mill is not a safe place to work for the girls children below 18 years.

A special article, 'Absenteeism in the Cotton Textile Industry in Bombay' by the Joint Secretary to the Government of India, Ministry of Labour, New Delhi, published in the Indian Labour Journal, Vol.22, No 3, March 1981 issue says that, "absenteeism is caused due to sickness and accidents of a very high order in the textile industry".²¹ In fact, the report comments that the sites of accidents in textile industry in particular was alarming

²¹ Industrial Dispute 1/2002, claim statement of 18 trade unions, Paragraphs.30 - 31, Standardisation of categories of workmen and scales of pay / wages.

and that the industry accounted for nearly 40% of the total industrial accidents in the country. And the frequency rate which was estimated on the basis of one lakh man days worked and the rate of accidents per 1000 workers employed was the highest among major groups of industry.

There are also studies conducted by International Labour Organization on the effect of new technology and the study concludes that it was not a blessing to the working conditions of workers. The study found that workers working with new technology are blighted with a number of adverse side effects. Most of them felt isolated from other workers and the stress of new responsibilities were adding up. Further, the monotony of the job resulted in frustration. All this goes to show that mere modernization of machines does not improve the working conditions of textile workers.

The study conducted by the Ministry of Labour and the ILO clearly shows that the conditions of work in cotton spinning and textile mills pose threats of frequent accidents, psychological distress and so on for adult workers and proves that working conditions are not suitable for young girls below 14 and 18 years of age. And yet, cotton spinning mills are not considered a hazardous industry for children to work.

19. IMPACTS OF WORK ON CHILDREN

Interview with the girls who have completed the scheme has revealed many health and psychological issues faced by the ex Camp Coolie workers. The verbatim statements of the girls are as follows:

- R. Jaya, Manur union, Thirunelveli says, "I experience stomach ache, head ache, loss of appetite; I was unable to lift heavy objects; I experienced irregular periods after working in the mill. In reality, I have been spending more on medical expenses than what I have earned from the mill".
- K. Jeeva, Vadamadurai, Dindigul says, "I got married, but I could not have a child. I had irregular periods during my employment in the mill. I now have a cyst in my uterus. Now, men do not want to marry women who worked in the mill".
- M. Jeeva, Saravana spinning mill, Vedachendur, Dindigul said that there were no women supervisors or wardens and that sometimes the male supervisors used very vulgar language.
- A. Muthumani, Thirunelveli said that girl children struggle a lot in the hands of the employers and physical and oral abuse are common in the mills.
- Health of the women, hope of getting married, and hope of survival were important issues to be considered when a child was working.

"I have lost my life. ", says A. Muthumari, 19 years, Thirunelveli, who worked in a mill for 4 years and become sick, had fits (seizures) often and struggled for survival.

The following table shows the details of ailments and diseases encountered by the girls interviewed.

S. No.	Occupational disease	No. of respondent	% to total respondent
1	Stomach ache	15	75
2	Fever and head ache	9	45
3	Utererian problems - Irregular menstruation, Abortions – infertility, stillbirth, weak uterus	8	40
4	Respiratory problems	3	15
5	Lack of appetite	2	10
6	Leg pain	2	10
7	Ulcer	2	10
8	Nervous problem - seizures (fits)	1	5
9	Lungs problems	1	5
10	Death	1	5

The District Monitoring Committee Report of Dindigul states that the apprentices who are engaged for a period of 3 years are kept in the same status without any promotion. This demoralizes the skillful and dedicated apprentices in their services. This was also voiced by some of the apprentices during their personal interview.

Night shifts interfered with the happiness and peace of many families. It also affected the biological clock of women with serious consequences on her physical and mental well-being. It is evident that the employment of adolescent girls as Camp Coolies under Sumangali scheme has not resulted in happy marriages as promised and perceived by the employers and parents.

20. ATTITUDES, ASPIRATIONS, PERCEPTION OF EMPLOYER ON CHILD WORKERS

South India Mills Association, represented by Mr. K. Selvaraj, Secretary General, justified the need for recruiting young girls and the benefits offered by the employers.²² This justification clearly explains the attitude and objectives of the employers.

Paragraph 4 of the industrial dispute 1/2002 says 'Engagement of young women for training to impart knowledge, information and on the job training, away from the family was considered as substitute against employment of men as work force from the locality pulled by family pressures and other attendant negative factors. As it is an in house

²² Special Original Jurisdiction, High court of Madras, M.P.No.13 of 2008 in W.P.No.27362 of 2007

employment, it ensures optimum attendance. It helps in easy compliance of Section 66 of the Factories Act. It insulates them from family problems and provides an opportunity to socialize with likeminded women in a friendly environment. Since these women are recruited from villages, they lack experience or work knowledge and therefore, they have to be necessarily and taken only as apprentices or trainees for which there is a provision either in Certified Standing Orders (only in Tamil Nadu) or in the Model Standing Orders framed by the Government of Tamil Nadu.'

According to Mr. P.M. Kumar, General Secretary, Textile Workers Federation, CITU, Justice E. Padmanabhan has provided 25 point guidelines in his judgment dated 8.12.2000, quashing Section 66(1)(b) of the Factories Act 1948 (2001 (II) LLJ Page 843) that has to be fulfilled by the employers while engaging the girls to work in night shift. None of the cotton spinning mills in Tamil Nadu has tried to fulfill at least one condition as per the judgment. The 25 point guidelines have been added in the report as Annexure 2.

Paragraph 5 says, "... the success of the system will be evident from the fact that not a single women apprentice or her parents made any written complaint to any Government Machinery or Official or by way of an affidavit before this Hon'ble court complaining that they were given a raw deal or they were subjected to exploitation or oppression either in the place of employment or outside during the period of apprenticeship." It is equally interesting to note that not a single woman has made a complaint saying that she opted for continuance in employment at the end of the training period, but was denied of the same and was compelled to receive the ex-gratia.

Even if their arguments are true, none of the cotton spinning mills have come forward to provide justification for the issues of the Sumangali scheme workers during the public hearing held on 6.10.2009 at Chennai, organized by Tamil Nadu State Women Commission. None of the mills have taken action to provide permanent employment to scheme girls above 18 years of age. Different human rights violations sprout every day and the voiceless rural poor girls could not withstand the pressures of the employers and fight for justice.

Some of the verbatim of the attitude and perceptions of the employer as narrated by different stakeholders are as follows:

- ▶ "Some owners were not willing to us home even at the end of the contract period", Ms. Muppidathi, ex-Camp Coolie worker, Thirunelveli.
- ▶ "Children's lives were not respected by the employers", Mr. Navaneetha Krishnan, 55 years, Thirunelveli, father of scheme worker N. Kaliammal, who is now dead.
- ▶ "Spinning skills are apt for women as they do it properly" Mr. Venkatachalam, TASMA, Dindigul.

Mr. Venkatachalam, TASMA, Dindigul said that photographs of the girls were taken at the time of joining the mill and at the end of completing the scheme. The children were provided four to five meals a day. According to him, like goats are well-fed for slaughter, so

are children well-fed in order to work well. He said that the mills take all efforts to improve the productivity of the girls and provide all the required facilities for the girls.

During the focus group discussion with the adolescent girls at Thirunelveli, it was revealed that the employers would insist that the mill was at a loss and forced the girls to work harder. The girls would wish that they shut down the mills if it were really at a loss.

The employers wish to prove to the girls that they made the right choice of working in the mills, in order to encourage a peaceful working atmosphere and productivity. None of the employers are willing to take responsibility for the vulnerability of the girls and the inhuman treatment which has pushed many girls to end their lives. Even after 2009, there are no remarkable changes in the attitudes of the employers, towards improving working conditions, increasing wages of apprentices as per minimum wages or benefits to be provided as per labour laws. The extent of ruthless attitudes and violation of labour laws are explained through the indicator 21 and 22 of this section.

21. VIOLENCE ON GIRL CHILDREN: GENDER PERSPECTIVE

Socialization of the girl child in India has followed a set pattern where girls are trapped and molded by deeply rooted cultures of patriarchy and hierarchy.²³ Women are a population at risk due to their limited access to resources and opportunities and their systematic exclusion from the position of decision making. What is more important is that the process of exclusion tends to start at the very grass root level which is the family.

Nature of violence	No. of respondents	% to total respondent
Verbal abuse	18	90
Physical / sexual abuse	3	15
Wrong allegations	2	10
Psychological violence	3	15
Life threat	3	15
Punishments	12	60

Although many workers revealed instances of sexual harassment during interviews, they never talk about it otherwise due to fear of shame and stigma and the biggest fear of all being, rejection by prospective men for marriage.²⁴ While reported cases of rape in India have been on the rise, the conviction rate—less than 27 percent—has dipped over the last decade, and victims who go to the police have been known to be raped by them as well. Supervisors have offered Ms Lakshmi vacations in

return for sex, and when she had declined the offer, she was denied lunch breaks henceforth.

Verbal abuse was very common along with sexual harassment, punishments for taking leave or for not accepting overtime. Mr. Ayyappan, NGO leader, Nagapattinam reported that girls were given medicines for prolonging their menstruation cycle. This was done to improve

²³ 'Case study of backward districts of poverty dominated district- report', Planning commission.

²⁴ "I Tried to See Where My T-Shirt Was Made, and the Factory Sent Thugs After me", <http://www.motherjones.com/politics/2013/11/india-garment-factories-sumangali>

their productivity in the mill. This is the highest level of gender based violence faced by the girl children unknowingly.

Mr. P.M. Kumar, General Secretary, Textile workers Federation, CITU, shared that violence especially sexual violence takes place in 20% of the mills. Employers are not the only ones responsible for this and girls subject to such harassment never come forward to disclose the truth and even if they voice it out, the police will not consider the case.

During the public hearing organized by the Tamil Nadu State Women Commission, the following girls have reported sexual violence in the mills:

- Ms. Banumathi (Name has been changed) from Theni worked in Pothiraj mill, Theni. And has faced sexual harassment by the co-workers, managers, supervisors whereby girls are touched without consent, pinched and harassed.
- Ms. Kalpana (name has been changed) from Virudhunagar district, who worked in Premier Textiles Pvt Ltd, Nachiarpatty has reported to have faced sexual harassment at the work place; she had worked in the mill for one year six months but she had quit in between, complaining of bad food. She had to return very soon due to family pressure. There were attempts of sexual harassment in the mill and hostel. But the company did not take any action in both the cases and the issue was taken up by various movements.

These are some of the proven examples of the sexual abuse. During the interview with the girls working in Dindigul district, the girls were not willing to disclose any incidents of sexual abuse. One girl from Vaiyampatti was frustrated to talk about it as she felt it was of no use disclosing anything.

The responses of the girls who work in the mill reflects the frustration of the girls over the system, society and their inability to raise their voice against the harassment. Poverty forces them to continue working in spite of their hardships. They are voiceless and do not disclose the facts even with their own peers and life partners. This vulnerable state is taken advantage of by men in the mills.

22. VIOLENCE AGAINST GIRL CHILDREN: LABOUR PERSPECTIVE

It has been the normal practice in the mills to keep underage children in a separate room or even in toilets or bathrooms, when labour officers visit for inspection. Many women workers remarked that the Inspector of Factories does not take any stringent action, even if they witness this kind of practice in the mill. With the protection under the Tamil Nadu Industrial Employment (Standing orders) Rule 1947, the textile mills have a kind of autonomy to employ more girls in the name of “apprentices”, if the mill owners get certificates from the Joint Commission of Labour. These legal provisions have been largely flouted by the mills and they engage more women workers as apprentices under the scheme. The factory inspectors who are supposed to check these violations have no hesitation in this regard, as they consider these women workers as contract labourers under apprenticeship, to support the mill owners and to legally justify the recruitment of apprentices under the Contract Labour (Regulation and Abolition) Act. The mills are designed to engage more casual labourers and apprentices for all production work and by doing so, the mills shrink the

responsibilities for providing the essential services/obligations such as Employees State Insurance (ESI), Provident Fund (P.F) and Bonus.

District Monitoring Committee Report of Madurai district has stated that even though adolescent girls have been recruited as apprentices; most of the production is contributed by the apprentices and as per the Factories Act of 1948, they should be considered as labourers and not apprentices. But, these apprentices are denied all the benefits of labour laws. Moreover, the scheme girls are employed as casual workers for Rs.70 to Rs.100 per day after the completion of the scheme period. They are not made into permanent workers even completion of their apprenticeship. This again is a violation of Factories Act of 1948.

VIOLATION OF CITIZENSHIP RIGHTS UNDER SUMANGALI SCHEME

S. No.	Fundamental Right	Violation of the right to girls in Sumangali scheme
1	Right to Equality, including equality of law, prohibition of discrimination on grounds of religion, race, caste, gender or place of birth and equality of opportunity in matters of employment, abolition of untouchability and abolition of titles.	The scheme is focused only on adolescent girls from Tamil Nadu and adolescent boys from other states to work as Camp Coolies. Adolescent girls from socially and economically backward communities are given priority.
2	Right to Freedom – speech, expression, assembly, association or union.	There is no provision for freedom of speech and expression, freedom to form trade unions or associate themselves with other unions.
3	Right against exploitation, prohibiting all forms of forced labour, child labour and human trafficking	Camp Coolie workers are exploited in various forms: exploitation through compulsory overtime, forced labour, trafficking of human resources for employing in mills. In some villages children are sent to mill work by the brokers/agents by lying to the parents that the children are sent to hostels for school education.
4.	Right to freedom of religion	-
5.	Cultural and educational rights	Children lack the right to education as they enter into the factory between the ages of 10 – 18.
6.	Right to constitutional remedies for enforcement of fundamental rights	There is no constitutional protection available for the children between the ages 14 – 18. Due to contradiction between different laws enacted to protect children, there are very few chances for the children to get a remedy to enforce fundamental rights.
7.	Right to elementary education	Several research studies have proved that children who have not completed the primary education are sent to employment as apprenticeship under the scheme.

VIOLATION OF LABOUR RIGHTS UNDER SUMANGALI SCHEME

According to the advocacy study on, '*The impact of Sumangali scheme on the Adolescent girls from rural areas of Southern Tamil Nadu*', Vaanmuhil, Thirunelveli, a number of labour legislations have been in force, but the provisions under these laws have been blatantly violated in cotton spinning and textile mills that engage girls under the scheme. These violations should be highlighted against the established labour rights standards in India, through the following domestic laws:

- The Bonded Labour System (Abolition) Act, 1976
- The Apprentices Act, 1961
- The Child Labour (Regulation and Prohibition) Act, 1986
- The Children (Pledging of Labour) Act, 1933
- The Equal Remuneration Act, 1976
- The Factories Act, 1948
- The Industrial Dispute Act, 1947
- The Minimum Wages Act, 1948
- The Payment of Bonus Act, 1965
- The Weekly Holidays Act, 1942
- The Contract Labour (Regulation and Abolition) Act
- The Employees State Insurance Act, 1948
- The Workman's Compensation Act, 1923
- The Fatal Accident Act, 1955
- The Personal Injuries (Emergency) Provisions Act, 1962
- The Personal Injuries (Compensation and Insurance) Act, 1963
- The Juvenile Justice Act, 2000 (amended in 2005 and 2006)
- The SC/ST (Prevention of Atrocities) Act, 1989 and Rules 1995
- TN Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981
- The Tamil Nadu Industrial Establishments (National and Festival Holidays) Act, 1958

INTERNATIONAL LAWS:

International conventions and treaties that deal with the rights of female workers include Universal Declaration of Human Rights (UDHR), International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR), Convention on the Elimination of Discrimination Against Women (CEDAW), International Convention on the Elimination of All Forms of Racial Discrimination, Convention on the Rights of the Child (1989), Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), Convention on the Protection of All Migrant Workers and Members of Their Families (ICRMW). They offer protections and guarantees to the women, migrants and workers. India is a party to ICCPR, ICESCR, CEDAW, ICERD, and CRC.²⁵ India has signed but not ratified CAT as yet. India also hasn't signed or ratified the ICRMW.

²⁵ Rehman Azhar, "*Trapped in Textile*", The New Jurist, (February, 2013).

There are numerous ILO instruments that deal with female textile workers. India has ratified the following conventions:

- Forced labour Convention, 1930 [No.29]
- Equal Remuneration Convention, 1951 [No.100]
- Abolition of Forced Labour Convention, 1957 [No.105]
- Discrimination (Employment and Occupation) Convention, 1958 [No.111]

This clearly indicates the commitment of the state in protecting the rights of labour. To the contrary, the practice of Sumangali scheme in cotton spinning and textile industry is a clear violation of acts enacted by the government. Some of the deliberate labour rights violations are tabulated here:

COMPARATIVE ANALYSIS OF THE FEATURES OF THE SCHEME WITH THE BREACH OF LAW

S. No.	Features of Sumangali Scheme	Breach of Labour laws
1.	Entering into contract/ agreement for the employment of children below 14 years. The contract is signed by the broker or parents.	<p>Any agreement with persons below 15 years is considered to be illegal, as per the Children (Pledging or Labour) Act and the Contract Act. Children (pledging or labour) Act, 1933 declares any agreement by a parent or guardian to pledge the labour of a child below 15 years of age for payment or benefit other than reasonable wages, to be illegal and void.</p> <p>Section 10 of 'Contract Act (1872)' also declares that any contract with a child below the age of 18 years is null and void.</p> <p>According to Section 11 of Indian Contract Act, 1872, employing children below 18 is basically against the fundamentals of general contract Act.</p>
2.	Apprenticeship of children in cotton textile mills	According to the constitution of Article 23 , no child below the age of 14 must be employed to work in any factory or mine or any hazardous employment
3.	Official ages of children working under Sumangali scheme as Apprenticeship are 14 to 18. Unofficially, it is reported that children	<p>The legal definition of a child is not uniform in various Acts enacted to protect the rights of children. The preamble of National Policy for Children, 2013, says a child is any person below the age of 18 years, and it reaffirms that every child is unique and a</p>

S. No.	Features of Sumangali Scheme	Breach of Labour laws
	between 10 – 18 years are employed.	<p>supremely important national asset.</p> <ul style="list-style-type: none"> • As per the Indian Majority Act, 1875, the age of majority is 18 years for girls and 21 years for boys • Right to Education Act, 2009, compulsory and free education should be provided to children up to 14 years. • The Mines Act, 1952, defines the age to work in hazardous work is 18 years • The following Act defines the age of the child and prohibits employment of children below 14 years <ul style="list-style-type: none"> ○ Merchant shipping Act, 1958, ○ Motor Transport Workers Act, 1961, ○ Bidi and Cigar Workers Act, 1966 ○ The Plantation Labour Act, 1951 ○ The Factories Act, 1948 • The following Act defines the age of the child and prohibits employment of children below 16 years <ul style="list-style-type: none"> ○ The Tamil Nadu Catering Establishments Act, 1958 ○ The Tamil Nadu Handloom Workers (Conditions of Employment and Miscellaneous Provisions) Act, 1981 ○ The Tamil Nadu Manual Workers (Regulations of Employment and conditions of work) Act 1982.
4.	No freedom of movement and expression	Article 21, of Indian constitution provides right to life and personal liberty and due process of law. As per the article 21, there is no age limit for deprivation of liberty. All citizens have protection to life and personal liberty
5.	Working hours of children in mills are 8 hours with 4 hours compulsory overtime or two continuous shifts. There are incidences where children were forced to work three shifts in a row.	No worker shall be required or allowed to work in an employment for more than nine hours in any day and forty-eight hours in any week; - Rule 24, The Minimum Wage (Tamil Nadu) Rules, 1953. The number of hours which shall constitute a normal working day shall be (a) in the cases of an adult, 9 hours; (b) in the case of a child, 4 ½ hours; and (c) in the case of an adolescent employed in any plantation, 6 ¼ hours.
6.	No weekly holiday; shift changes per week	Section 57, The Factories Act, 1948. Where a worker in a factory works on a shift which

S. No.	Features of Sumangali Scheme	Breach of Labour laws
		<p>extends beyond midnight:</p> <p>a) for the purposes of section 52 and 53, a holiday for a whole day shall mean in his case a period of twenty-four consecutive hours beginning when his shift ends;</p> <p>b) The following day for him shall be deemed to be the period of twenty-four hours beginning when such shift ends, and the hours he has worked after midnight shall be counted in the previous day.</p>
7.	<p>No casual or medical leave: if the worker takes a day off, Rs.500 is deducted as fine or she has to work for one extra month in addition to the contracted period to get the scheme money.</p>	<p>As per Rule 13, of The Apprentices Rules, 1991</p> <p>(i) Casual leave shall be admissible for a maximum period of twelve days in a year.</p> <p>(ii) Any holiday intervening during the period of casual leave shall not be counted for the purpose of the limit of twelve days.</p> <p>(iii) Casual leave not utilized during any year shall stand lapsed at the end of the year.</p> <p>Apprentice act, section 15 explained about Leave and Holidays as follows</p> <ul style="list-style-type: none"> • Casual leave for the maximum period of 12 days in a year. • Medical leave for the maximum period of 15 days and the accumulated leave up to 40 days in a year. • Extraordinary leave up to a maximum period of 10 days in a year. • For every 20 days of work, one day leave with wage should be provided.
8	<p>Wages given to the scheme workers – less than the minimum wages.</p>	<p>More than a decade of struggle of Trade Unions, minimum wage for cotton mill workers has been fixed as follows :</p> <p>Tamil Nadu Spinning Mills Vs The State of Tamil Nadu on 30th April, 2009, the court gave the final judgement, which was published in the Government Gazette and it advised ‘the Governor of Tamil Nadu hereby fixes the minimum rate of wages payable to the apprentices engaged in the Employment in Textile Mills including Composite Mills, spinning mills, weaving mills, open ended mills ... in the state of</p>

S. No.	Features of Sumangali Scheme	Breach of Labour laws
		Tamil Nadu, as Rs.110 per day. In addition to the minimum rate of wages fixed above, the apprentices shall be paid dearness allowance.
9.	Compensation for injury , accident inside the mill	WORKMEN'S COMPENSATION ACT, 1923, is applicable to all over India. Section 4 explains about the compensation amount: <ul style="list-style-type: none"> • Where death of a workman results from the injury; • An amount equal to fifty per cent of the monthly wages of the deceased workman multiplied by the relevant factor on an amount of eighty thousand rupees, whichever is more.; • Where permanent total disability results from the injury; • An amount equal to sixty per cent of the monthly wages of the injured workman multiplied by the relevant factor or an amount of ninety thousand rupees, whichever is more.

The practice of Camp Coolie system/Sumangali scheme is continuing for over three decades in Tamil Nadu, with all sorts of labour law violations. The employers are well versed with the controversies and loop holes in the legal and judicial system and they take advantage of the scheme. Some of the controversies are as follows:

VIOLATION OF CHILD RIGHTS UNDER SUMANGALI SCHEME

Government of India's resolution on National Policy for children 2013 affirms that all children have the right to grow in a family environment, in an atmosphere of happiness, love and understanding. At this juncture, it is important to know who is considered as a child. The Convention on the Right of Children, which India has ratified, defines children as a person below the age of 18. The principle of policy envisages rights of children towards survival, education and development, protection and participation of children. The Resolution passed on the National Policy for Children 2013 recognizes in its preamble that **a child is any person below the age of eighteen years**. However, in India there is no single definition of a child. Legislations enacted to enforce child rights define children differently and this is the greatest challenge in enforcing child rights in India. Children between the ages of 14-18 are at risk, by way of employment in hazardous industries, in which they lack the right to protection, development and participation. Incidences of children between the ages of 10-18 being employed in cotton spinning and textile industries in Tamil Nadu challenges the provisions of different legislations and national policies for protecting the children in India.

Policies for children and adolescents in India are guided by the role of the State as articulated in the Constitution of India (COI) that provides for right to life, education, health,

nutrition, food, development and protection from exploitation.²⁶ But, under the Camp Coolie system, the girls below the ages of 14 and 18 are employed as apprentices. The status of children working under the scheme clearly reflects that the right to life, education, health, nutrition, food, development and protection of the children are at risk. The issue of child labour has also been seen under the Camp Coolie system.

Let us analyze the socio economic status of child labour through, 'Children in India, a Statistical appraisal', by the Ministry of statistics and Programme Implementation, Government of India:

Child labour is the practice of engaging children in economic activity, on part-time or full-time basis. More children forced to work, lesser the need for adults to work. By bringing down adult wages and depriving children of education, child labour results in poverty passing down from generation to generation. According to the International Labour Organisation (ILO), "Born to parents who themselves were uneducated child workers, many child worker are forced to continue a tradition that leaves them chained to a life of poverty" (ILO, United States Policies to Address Child labour globally, 2010). That is why child labour is a very complicated development issue, affecting human society all over the world.

Although India has the largest number of child labourers under the age 14 in the world, child labour problem is not unique to India; in many countries across the world, children are forced to work with disastrous consequences. Children, under the age of 14 are often forced to work for as much as 18 hours a day. The Child Labour (Prohibition & Regulation) Act 1986 aims to prohibit the entry of children into hazardous occupations and to regulate the services of children in non-hazardous occupations but still a significant portion of children in the country are engaged in such activities especially in cotton spinning and textile mills.

The census found an increase in the number of child labourers from 11.28 million in 1991 to 12.66 million in 2001. In addition, nearly 85 per cent of child labourers in India are hard-to-reach, invisible and excluded, as they work largely in the unorganized sectors, both rural and urban, within the family or in household-based units. One in every 7 children in the lowest and second lowest wealth index category is working. About 12.1% children from households headed by Hindus are engaged in work, while the corresponding figure for Muslim and Christian are 10.8% and 7.4% respectively. 16.6% children from households headed by a member of a scheduled tribe are engaged in work while the corresponding figures for Scheduled Caste and Other Backward Class 11.6% and 12.2% respectively.²⁷

Education is essential to prepare adolescent girls for healthy, safe and productive transitions to adulthood. However, adolescent girls in much of the developing world are underserved by the education sector – too many are not in school, or are not receiving quality, relevant education in a safe and supportive environment.²⁸ Children working under the Sumangali

²⁶ NCPCR, 'Status of children in 14 to 18 years: Review of policies, programmes and legislatures' (2012-13).

²⁷ NFHS 3, (2005-06)

²⁸ Anne Warner, Anju Malhotra, Allison McGonagle, 'Girls' Education, Empowerment and Transitions To Adulthood: The Case For A Shared Agenda. International Center For Research On Women', (2012) <http://www.icrw.org/publications/girls-education-empowerment-and-transitions-adulthood>

scheme are deprived of education from grade 8 onwards. There is lot of evidence from the existing researches that children discontinued from grade 5 and joined Sumangali scheme.

Over 400 million people in India constitute the total workforce in the country, out of which adolescents (14-18 years) constitute close to 32 million.²⁹ Of the 32 million employed as main workers, adolescents constitute over 20 million, and of the 90 million workers employed as marginal workers, adolescents are over 11 million of the total approximately. Hence, while the total number of children in the 14-18 age group is 100.2 million (Census 2001), approximately 32 million of these children are employed in the workforce.

Adolescent girls working in cotton spinning and textile industry constitute a portion of the child labour in Tamil Nadu. They face many problems as child labourers and are deprived of child rights and labour rights. At the mill premises, adolescent girls face the following issues:

- Forced labour
- No bargaining strengths
- No right to form union
- No freedom of expression
- No freedom of movement
- Discontinued education
- Sexual harassment
- Employment in hazardous environment
- Face occupational hazard
- Long working hours with excessive work load
- Receive wages less than minimum wage
- Verbal abuse

Thus the Camp Coolie workers below 18 years of age are deprived of the child rights namely; right to development, right to protection and right to participation. They are exposed to lot of threats that are challenge the National Policy of Children 2013.

Apart from violation of child rights, Camp Coolie workers being part of labour force, are deprived of all the social security benefits entrusted by different labour laws for the work force.

²⁹ NCPDR, *Status of children in 14 to 18 years : Review of policies, programmes and legislatures*, (2012-13).

3.3. TO LINK THE ROLE OF DIFFERENT STAKEHOLDERS POSITIVELY AND NEGATIVELY IMPACTING THE LIVES OF GIRL CHILDREN WORKERS UNDER SUMANGALI SCHEME OVER THEIR ROLE NATIONAL ECONOMY AND GLOBAL TEXTILE INDUSTRY.

3.3.1. ROLE OF COTTON INDUSTRIAL ASSOCIATION IN SUMANGALI SCHEME

23. ROLE OF PRODUCERS ASSOCIATIONS

Cotton Spinning and Textile mills of Tamil Nadu are part of different producers associations namely South India Mill's Associations (SIMA), Tamil Nadu Spinning Mills Association (TASMA) and

Mr. Jayamani.S. AITUC, General secretary said that labourer got all benefits before establishment of employers' associations. These employers' associations are the founders of Sumangali scheme. Permanent workers were thrown out by the facilitation of the associations. There are mills functioning with 100% adolescent girls under scheme. In some mills men work as casual labourers without any social security.

Thiruppur Exporters Associations (TEA). As part of this research, the representatives of SIMA and TASMA were met during the last quarter of 2013. An understanding of their roles in promoting cotton spinning and textile mills has been analyzed in this section.

- Producers Associations provide guidance to textile mills on improving productivity and development.
- Advocacy and lobby with policy makers, exporters and law enforcement agencies to frame suitable changes in the policy and law to protect the interest of the employers.
- SIMA has provided recruitment guidelines and code of discipline for women's employment in textile mills.
- In principle, SIMA has also circulated policy guidelines to its members to prevent sexual harassment in workplace and follow VISHAKA guidelines.
- District Monitoring Committee of Madurai states that the scheme has been projected as an effort towards women's empowerment. But in reality it is only a myth. The status of young girls has not changed after the completion of contract period. They are employed as casual labourers for Rs.70 per day in the spinning mill.
- SIMA have challenged the G.O. Ms.No.1, dated 3.1.2007, by which Textile Mills were included in Part-I of the Schedule to the Minimum Wages Act, 1948 G.O. (2D) No.26,

SOCO Trust – Action Aid

Labour and Employment (J1) Department, dated 16.5.2008, which has stipulated minimum wages for apprentices. But the writ petitions were dismissed by the High court.

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ANALYSIS OF THE ROLE OF PRODUCERS ASSOCIATION

SIMA, TASMA and TEA has come up with different measures towards regularizing the employment and facilities offered by the mills associated with them.

Name of the Association	Nature of intervention
The South India Mills Association SIMA	Recruitment Standards and Code of Discipline while engaging women employees in hostel system was circulated among members
Tamil Nadu Spinning Mills Association (TASMA)	Code of Conduct as far as hostels are concerned

A comparative analysis of the guidelines and code of conduct given by SIMA and TASMA has been given as Annexure – III.

All the guidelines have touched upon key aspects like wages, overtime; however, none are comprehensive. All have some points of concern, while some have missed some valid points too. In terms of general guidelines, SIMA guidelines are very exhaustive, closely followed by TSF guidelines. The TASMA guidelines focus purely on hostels. There is good point about freedom of movements and communication in the TSF guidelines, which allow usage of mobile phones by the workers. SIMA is silent on this point, whereas TASMA prefers to have telephones located at the convenient places with call house fixed.

In TASMA guidelines, there is mention of suicides at 2 to 3 different places, which is strange to see in such guidelines. As an industry which cares for its workers and transparency, there should not be any need for guidelines focusing on suicide issues. The atmosphere should be such that no untoward incidents would occur to lead a worker to consider suicide. The TASMA guidelines mention, having counselors within the hostels, which is good step. Considering that workers belong to different cultures and stay away from their families for a long time, there may be instances when they feel home-sick, alone or stressed. In these situations it would be good to have somebody to listen to them and counsel them.

The above illustrations clearly indicate the responsibility of the producers/employers' associations in regulating the functioning of the mills. The role played by these associations has gradually changed over a period of time as a result of robust protest made by the civil society organisation, efforts taken by Women Commission, and media reports.

24. ROLE OF EXPORTERS ASSOCIATION

As a result of media reports, efforts of trade unions and NGOs, a lot of discussions have occurred amongst key stakeholders in the textile and garments sector in Tamil Nadu to better understand the issue of Sumangali and the extensiveness of the practice.³⁰ There

³⁰ Solidaridad-South & South East Asia, 'Understanding the Characteristics of the Sumangali Scheme in Tamil Nadu Textile & Garment Industry and Supply Chain Linkages', (May 2012).

have been various initiatives led by the Ethical Trade Initiative, Fair Wear Foundation, Brands Ethics Working Group (BEWG), Business Social Compliance Initiative, Business for Social Responsibility and others to identify and confirm the problems as highlighted in media reports and take appropriate action.

At the local level, Tiruppur Exporters' Association (TEA) set up an informal multi stakeholder group called Tiruppur Stakeholders Forum (TSF), comprising stakeholders in the Tiruppur garments cluster (NGOs, trade unions and brands represented by BEWG) to work out a joint strategy to deal with this issue. Before the establishment of TSF, Solidaridad had also initiated and supported the Tiruppur Steering Group (TSG) that comprised four trade unions and they researched the subject in consultation with local stakeholders.

Indeed, some Western companies have taken measures to discourage their suppliers from using Sumangali labour.³¹ More than 80 companies, including Gap, H&M, and Walmart, have joined an industry group called the Ethical Trading Initiative, which works with NGOs to educate workers about recruiting schemes and is trying to reduce the Sumangali contract terms from three years to six months. But Peter McAllister, the director of ETI, would not speak specifically about any of the Indian companies whose factories were investigated, nor their western buyers because due to public relations matters.

In response to pressure from ETI and other labour groups, each of Tamil Nadu's three key garment industry associations developed their own set of guidelines for women workers. But in 2012, the Fair Labour Association determined that while many of the recommendations—giving employees actual wage slips, capping work at eight hours a day, and banning sexual harassment—were steps in the right direction; they didn't include any instructions for enforcing these policies.

RESPONSE OF INTERNATIONAL ORGANIZATIONS TO SUMANGALI SCHEME

International organization has made an action plan for 2014 on the Sumangali System to increase awareness in the sector of specific problems and focused on facilitating the eradication of the aspects of Sumangali that are in violation of the ILO in collaboration with BSCI, ETI, LIW, SOMO, FNV, CNV, the Dutch government and the Indian government.³² The following are the discussions held during the workshop held on 18 December 2013:

- Bonded labour, labour designed to pay off debts, or the Sumangali scheme, are problems that plague the textile and clothing sector in various producing countries. These problems are often concentrated in specific regions within countries.
- The Sumangali scheme is a system in which young, unmarried women work in the textile industry for a fixed period. After this period, the women are paid a lump sum that is intended to serve as a *dowry* (expenses towards marriage of girls). Sumangali is prevalent primarily in Tamil Nadu, and contains elements that are in violation of human rights and the ILO guidelines for working conditions. Since 2011, the industry

³¹ 'I Tried to See Where My T-Shirt Was Made, and the Factory Sent Thugs After me' <http://www.motherjones.com/politics/2013/11/india-garment-factories-sumangali>

³² '[Plan of Action to Make the Dutch Textile and Garment Sector More Sustainable](#)', Landelijke India Werkgroep, (18 December 2013)

organizations Inretail, MODINT and VGT have been actively working together on this topic, in response to the report 'Captured by Cotton' from SOMO (foundation for research on multinational companies) and the India Committee of the Netherlands on the Sumangali scheme. In response to the report, the aforementioned industry organizations asked the BSCI and FWF to take up this issue and, among other things, organize a round-table meeting on the problem for various stakeholders in cooperation with other international parties. The ETI is the leader in the approach to the Sumangali scheme, and via the BSCI and FWF, many Dutch textile and clothing companies are involved in tackling the problem. The Sumangali scheme has many overlaps with various topics included in the social audit, yet is deserving of specific attention due to the traditional and cultural problems behind the system. In 2012, representing the textile and clothing sector, the Dutch government was asked to discuss the Sumangali scheme with the Indian authorities.

- In the Dutch textile and clothing sector's view, international collaboration is the guiding principle in the strategy. This collaboration occurs via support from initiatives such as the Tirupur Stakeholders Forum (TSF), started by the Tirupur Exporters Association (TEA), which focuses on stopping the Sumangali scheme, and finding solutions and workable practices.
- Starting in 2013, in consultation with BSCI, ETI and others, Dutch companies active in the textile and clothing sector will step up the number of (unannounced) audits. Furthermore, the companies that apply their own auditing procedures will also intensify their efforts. The sector will continue its dialogue with the Dutch government in order to ensure that the Indian authorities are continually confronted about the problem.

Thus the international agencies trading with the cotton textiles industries in Tamil Nadu have come forward to regulate labour practices violating the norms specified by ILO.

25. ROLE OF EMPLOYERS

Employers want to take advantage of the innocence, obedient, hard working nature of children for improving their production. The vulnerabilities of the children who are recruited in the mills were already explained through the first 6 indicators. The perceptions of the employers as presumed by the scheme girls and their parents as follows:

- Human rights activists say that labourers are not considered humans but as one of the factors of production.
- Victims of Sumangali scheme and trade unions say that the attitude of the employer is towards reducing the cost of production and increasing production.
- They know the different ways and means to exploit the labourers and government departments that are meant for monitoring mills and legislation.
- The exact number of workers employed in the industry is not revealed and reported by the mill owners.

Two decades ago, the employers considered health care of labourers as one of their major responsibilities. Discussion with Mr. P.M. Kumar, General Secretary, Textile Workers Federation, Confederation of Indian Trade Unions (CITU), reveals that employers supplied palm sugar and a banana to all the workers after the shifts. Palm sugar and banana supposedly help labourers fight against occupational hazards. These practices do not exist anymore and employers are only concerned about increasing production with minimal cost of production completely insensible toward the health of the labourers.

Apart from these, they are involved in several other manipulative doings. Some of them as explained below.

RECORD FALSIFICATION BY THE EMPLOYERS:

Records falsification is a common practice in different countries for various reasons.³³ In India, the strict legal limit on overtime hours (50/quarter) and the requirement of double pay for overtime are two of the main driving factors for keeping overtime hours off the record. Factories may also have other goals such as:

- Reducing or eliminating Provident Fund (PF) and Employees' State Insurance (ESI)
- Using rest day work without compensation
- Avoiding annual leave pay, gratuity pay, National festival holidays and termination benefits
- Demonstrating minimum wages for workers who are on piece-rate schemes that are not revealed to buyers
- Unwillingness to provide real records for external monitoring for confidentiality reasons

The item of greatest concern to brands is a lack of acceptable records demonstrating identity and proof of age. Knowing that child labour is a major risk in India, buyers cannot afford to have incorrect or incomplete documentation. Any factory that employs a falsified registration or permit is at a high risk for having underage workers and it may reflect on its lax management systems.

Indian garment factories use record falsification at a very high rate. However, the specific percentage of factories that will falsify their records for a particular buyer audit will depend on the buyer program— specifically, on how it is communicated and perceived by the factory. Level Works believes that falsification is done by as 70% of factories. Factories are more likely to provide falsified records to buyers that employ a strict audit/re-audit, 'comply or die' philosophy.

Thus, it is evident that employers are not transparent and do not abide by the Indian labour Laws, audit of the brands and buyers and exhibit multiple visages to people. Most of them pretend to strive for empowerment of women among the development sector and civil society organization. They project themselves as vulnerable corporations struggling to manage labour issues. Whereas, in reality, they are highly influential and silence government mechanisms on labour rights violations by tactfully falsifying records.

³³ 'Wages, working hours and child labour in India', A study of textile industry in Tiruppur, Bangalore and Haryana, by Level Works Limited, (January 2009)

3.3.2. ROLE OF CIVIL SOCIETY ORGANIZATIONS IN ABOLISHING SUMANGALI SCHEME

26. ROLE OF TRADE UNIONS:

At the outset, the role of trade unions of textile workers was very powerful in demanding their rights and enforcing social security measures to the workers according to the Focus Group Discussion with CITU members/ex-textile workers, Coimbatore. Textile workers have enjoyed good reputation in the society because of their employment in the mills. In 1970s and 80s, the salary of the textile workers were three to four times higher than any other coolie labourers in the unorganized sector. They were considered to be highly paid workers with good job security. The identity of the textile workers is thrashed by employers and their associations. Now, the sector is considered as a highly labour exploitative sector. The wages of the mill worker is 40% less than the daily wages of a construction worker.

Mr. P.M. Kumar, General Secretary, Textile Workers Federation, CITU has said that labour unions have fought for decades to bring laws for the social security and enforcement of labour rights of textile workers. Even though permanent workers are not playing a predominant role in the textile sector, the activities of the trade unions to protect the rights of apprentices and casual labourers continue but in vain. Tripartite Committees with government officials, employers and textile workers have been established to address the issues of workers but have failed to bring any resolution to the issue of Camp Coolie system and Sumangali scheme.

Formation of trade union is not allowed by the employers. In Dindigul district, the employers have obtained stay to ban the entry of trade unions around 100 meters of mill premises. Mr. Venkatachalam, TASMA, Dindigul said that Trade unions have no role to play in the buyer's market.

Trade unions continue to fight for bringing changes in the legislations and regulating the functioning of cotton spinning and textile mills. They have been fighting for the following causes:

- Model standing orders bill was passed in the Tamil Nadu legislative assembly but it needs to be approved by the president. Trade unions continue to fight for the amendment of model standing order.
- Continuous fight for Minimum wages to textile workers has brought a change by including textile industry in the Schedule 1 of Minimum Wages Act 1948, and fixation of Minimum wages for apprentices working in cotton spinning and textile mills in 2008.
- Trade unions have been filing writ petition for the abolition of Camp Coolie system and to provide permanent employment to apprentices above 18 years.

- Elimination of the scheme under the grounds of violation of human rights and labour rights.
- Trade unions at their individual capacities, address human rights and labour rights issues of adolescent girls victimized by the mill management and fight for their rights.
- Trade unions take legal action against the mills against sexual harassment, denial of lump sum amount, violence against women directly and address the issue.
- Apart from this, trade unions are working towards helping women textile workers form trade unions to protect their rights.

27. ROLE OF NGOS AND NETWORKS OF NGOS

Mr. A. Mahaboob Batcha, Managing Trustee, Society for Community Organisation Trust (SOCO), Madurai, was in communication with the National Human Rights Commission, alleging that thousands of girls in the age group of 15 to 20 were employed as bonded labourers by certain Textile Mills, under dubious schemes known as "Sumangali Marriage Thittam" and "Thirumagal Thirumana Thittam". SOCO Trust being, a legal service organization, has been addressing the issues of victimization of Sumangali scheme through legal action. Moreover, SOCO trust has conducted two state level conferences, with the theme, 'Sumangali: The contemporary Faces of Bonded Labourers'.

Over the past year, Indian organizations working with the Campaign against Sumangali Scheme (CASS) and the Tirupur People Forum (TPF) have carried out additional field researches, for SOMO and ICN as well as for others. In the course of research projects, they interviewed workers, labour brokers, and other relevant actors to obtain an updated picture of the labour practices in the Tamil Nadu garment industry.³⁴

Furthermore, local organizations associated with CASS have continued to provide community support in the form of awareness raising regarding workers' rights under the Sumangali and similar schemes, alternative livelihood skill training, and education for former Sumangali workers. When under-age girls are found as labourers in spinning mills or garment units, immediate steps are taken to remove them from work and put them in school. Local civil society organizations have also supported former Sumangali workers in their search for compensation when denied.

Campaign Against Child Labour (CACL) along with nine other networks – CACT, CRC, LCR, FPCP, CASA, CAFI, CANG, TPF and CRUOW conducted a Fact Finding Study on the Sumangali Schemes in Mills to follow up on the many incidents of atrocities, non-payment of wages and bouncing of cheques that were reported to them. The Fact Finding revealed some bitter truths regarding the working hours, wages, cheque scams, age limit, working conditions, physical and mental humiliation, child labour, sexual harassment, poverty, etc. As a result, these Networks approached the Tamil Nadu State Commission for Women for

³⁴ 'Main in India', SOMO & ICN (April 2012)

redressal and solution. The Tamil Nadu State Commission for Women conducted a Public Hearing on Sumangali Thittam on October 6, 2009 at the Tamil Nadu Pollution Control Board Conference Hall, Anna Salai, Guindy, Chennai.

3.3.3. ROLE OF LAW ENFORCEMENT AGENCIES

28. LEGISLATIONS AND ITS: CHILDREN'S LAWS AND LABOUR LAWS

India has a robust legal system founded on its 1950 Constitution.³⁵ The national parliament, state and union territory legislatures make the laws; the Supreme Court is the head of an extensive national court system charged with interpreting laws in accordance with implementing regulations and legal precedents as well as local customs. The legal system is not widely accessible to the public; hence it does not reach the workers. Due to the expenses involved in seeking legal advice, workers do not go to court for their rights.

According to Transparency International (TI), people around the world ranked the judiciary branch as the second most corrupt public service (after police) in its 2007 Global Corruption Barometer. Citizens in India have reportedly that they paid large amounts of bribe for government services.

Tamil Nadu Government is said to be one of the best (after Maharashtra, Gujarat, Kerala, Punjab and a few others), in terms of education, health, industrial development and other human development indexes. Urban Tamil Nadu has seen heights of development but rural Tamil Nadu has a long way to go.

POLICE DEPARTMENT

As far as police department is concerned, they have not been proactive in identifying issues of child labour and have failed to register cases of human rights violations reported by children. So far, no cases have been filed in the police stations without external interventions from civil society organisations.

LABOUR AND EMPLOYMENT DEPARTMENT - GoTN

INDUSTRIAL DISPUTES ACT, SECTION 4, ON 26.2.2001

Notifications by the government to Labour and Employment Department on Industrial Disputes Act, section 4, an industry wise industrial dispute (scale of pay, revision of basic wages, dearness allowance, annual increment, house rent allowance, city compensatory allowance, etc.), on behalf of the workers in the textile mills in the state and in respect of the textile mills functioning in the state of Tamil Nadu the commission of labour was raised. Section 10(2A) powered to industrial tribunal, Chennai for adjudication. The representatives of the unions stated that settlements were made at the industrial level and not at individual level.

³⁵ Wages, working hours and child labour in India, study of textile industry in Tiruppur, Bangalore and Haryana, by Level Works Limited, January 2009

Considering the fact that an industry wise dispute in respect to the textile mills affect about two hundred thousand workers, the Supreme Court gave the management the liberties to object to this.

MINIMUM WAGES ACT, 1948

The government of Tamil Nadu is of the opinion that Minimum Wage Act, 1948 (Central Act XI Of 1948) in respect of the employment in Textile mills. The draft notification published on 9.2.2005 from the commissioner of Labour, letter no.23/38806/2004 dated on 25.8.2004.

A preliminary notification was issued by the Government of Tamil Nadu (GoTN) in G.O.Ms.No.67, Labour and Employment Department, dated 8.8.2006, for inclusion, in Part-I of the Schedule to the Minimum Wages Act, 1948, of the employment in "Textile Mills".

- The Southern India Mills Association, the South India Small Spinners Association, The Tamil Nadu Spinning Mills Association, Employers' Federation of South India and about 302 Mills, some Trade Unions sent objections and suggestions to the draft notification.
- Objections and suggestions were invited to the preliminary notification and after considering them, the preliminary notification was confirmed without any modification, by G.O.Ms.No.1, Labour and Employment (J2) Department, dated 3.1.2007.
- The government passed a final notification dated 07.11.2008 and confirmed minimum wages as Rs.110/- and +23 paise per point per day as Variable Dearness Allowance (VDA) per day calculated every year on 1st April, over and above 475/2000 points.

THE CHIEF INSPECTOR OF FACTORIES

The Chief Inspector of Factories sent a report dated 14-2-2007 to the Government, stating that a Camp Coolie system was prevalent in Textile Mills under the name "Thirumagal Thirumana Thittam" and that young girls above the age of 15 years were being engaged under the system for three years as apprentices and that their appointments were legalized by the Certification of the Standing Orders.

GOVERNMENT ORDER ON APPOINTING DISTRICT MONITORING COMMITTEES

- The Government issued G.O.Ms.No.62, Labour and Employment department, dated 30-3-2007, appointing District Monitoring Committees in the districts of Erode, Coimbatore and Dindigul.
- The Government issued G.O.Ms.No.137, Labour and Employment Department, dated 22.6.2007, ordering the constitution of District Monitoring Committees in the Districts of Erode, Coimbatore, Dindigul, Madurai, Theni, Salem, Namakkal, Karur, Sivaganga, Ramanathapuram, Virudhunagar, Tirunelveli, Tuticorin, Dharmapuri, Krishnagiri, Trichy and Vellore.

SYSTEMIC ISSUES

- All the trade unions have unanimously agreed that labour departments at each level serve the interest of the employers. Each trade union has a history of experience with DCL and ACL offices addressing labour dispute.³⁶
- All the children have pointed out that the employers, hid children below 14 years of age before inspections.
- It is found that in all districts, only the Factory Inspectors can enter the mill premises.
- An ironical fact is that officials of labour department are consultants to different employers and Mr. Venkatachalam of TASMA, who has been challenging the rights of labourers, is an ex-functionary of Inspector of Factory department.

29. SYSTEMIC ISSUES IN IMPLEMENTATION OF THE LAWS: MECHANISMS TO MONITOR, ADDRESS GRIEVANCE

Government of India has established different ministries and development programmes to enforce fundamental rights to all citizens. The following ministries of central government have been functioning for the empowerment of women and children.

CENTRAL LEVEL

- Ministry of Women and Child Development
- Ministry of Health and Family Welfare
- Ministry of Human Resource Development, Department Of Education
- Ministry of Labour And Employment
- Ministry of Social Justice And Empowerment
- Ministry of Youth Affairs And Sports
- Ministry of Tribal Affairs
- Ministry of Minority Affairs
- Ministry of Home Affairs

Some specific programmes of the central government under different ministries for children, especially adolescent girls are as follow:

³⁶ Information shared by state level trade union leaders and members, during Focus Group Discussions and key informant interviews.

Name of the Ministry	Name of the programmes / schemes
Ministry of Health and Family Welfare	<p><i>Reproductive and Child Health Program:</i></p> <ul style="list-style-type: none"> • Provides maternal care including safe motherhood, prevention of unwanted pregnancies and safe abortion facilities. • Adolescents are included under the target population of women without any specific programs or provision of services. • Unwritten codes denying services to unmarried adolescents. • A number of HIV/ AIDS related programs through school education, radio and TV education.
Ministry of Education & Human Resource Development	<i>Sarva Shiksha Aabyaan</i> provides quality education to all children upto the age of 14.
Ministry of Labour & Employment	<ul style="list-style-type: none"> • Provides facility to register in employment exchanges for job placements, career counseling and vocational guidance for adolescents. • Industrial training institutes provide vocational training for children who have completed grades 8 and 10. But, these opportunities are quite limited due to inadequate provision.
Ministry of Youth Affairs & sports	<ul style="list-style-type: none"> • Runs <i>Nehru Yuva Kendras</i> which undertake the following activities for youth: health awareness units, education, health and family welfare programs, youth awareness, HIV/AIDS. Self-Employment Projects to equip youth with income generating vocational skills There is significant variation in the implementation of this program amongst states
Ministry of women and child development	<ul style="list-style-type: none"> • <i>SABLA</i> is the first multi-sect oral approach targeted specifically at adolescent girls with an outlay of 750 crores and poised to roll out across all states

Likewise, departments at the state level which function to protect the rights of children are:

- ▶ Department of Labour
- ▶ Inspector of Factories
- ▶ Employees Provident Fund
- ▶ Employees State Insurance Corporation
- ▶ Labour court
- ▶ State Child Protection Union (SCPU) followed by District Child Protection Unit.

OTHER INSTITUTION IMPLEMENTING / MONITORING PROGRAMMES AND SCHEMES FOR CHILDREN

Apart from the central ministries and state departments, some monitoring agencies are also functioning to enforce development, protection and participation of the rights. They are as follow:

- ▶ National Institute of Public Co-Operation and Child Development (NIPCCD)
- ▶ National Institute for Social Defense (NISD)
- ▶ Central Adoption Resource Agency (CARA)
- ▶ National Council of Teacher Education (NCTE)
- ▶ National and State Council for Educational Research and Training (NCERT And Scerts)
- ▶ National Institute of Open Schooling (NIOS)
- ▶ National and State Commissions for Protection of Child Rights NCPCR and SCPCR
- ▶ Juvenile Justice Board (JJB) and Child Welfare Committees (Cwcs)
- ▶ National Rehabilitation Council
- ▶ Family Court
- ▶ Child Care Institutions and Protective Homes, Including Adoption Agencies.

In the era of globalization and liberalization policies, the underlying attitude of the government is not to impose labour laws that will disturb the production process.³⁷ With regard to other forms of interventions, the flag ship programme of the Government of India is the National Child Labour Project (NCLP). The NCLP Scheme started in 1988, has so far covered 4,00,200 working children. About 3.08 lakh children have been mainstreamed into formal education system so far. The Scheme is running in 250 districts in 14 states. Even after being discounted for inherent problems, the coverage of the scheme is very low compared to the magnitude of the problem (12 million according to 2001 population census) by official statistics. In fact, the magnitude of child labour has increased by about one million between 1991 and 2001. This shows that they could not tap several of forms of child labour prevailing in the country and are passive towards Sumangali scheme.

MINISTRY OF RURAL DEVELOPMENT - POVERTY ALLEVIATION PROGRAMMES OF GOI AND TAMIL NADU

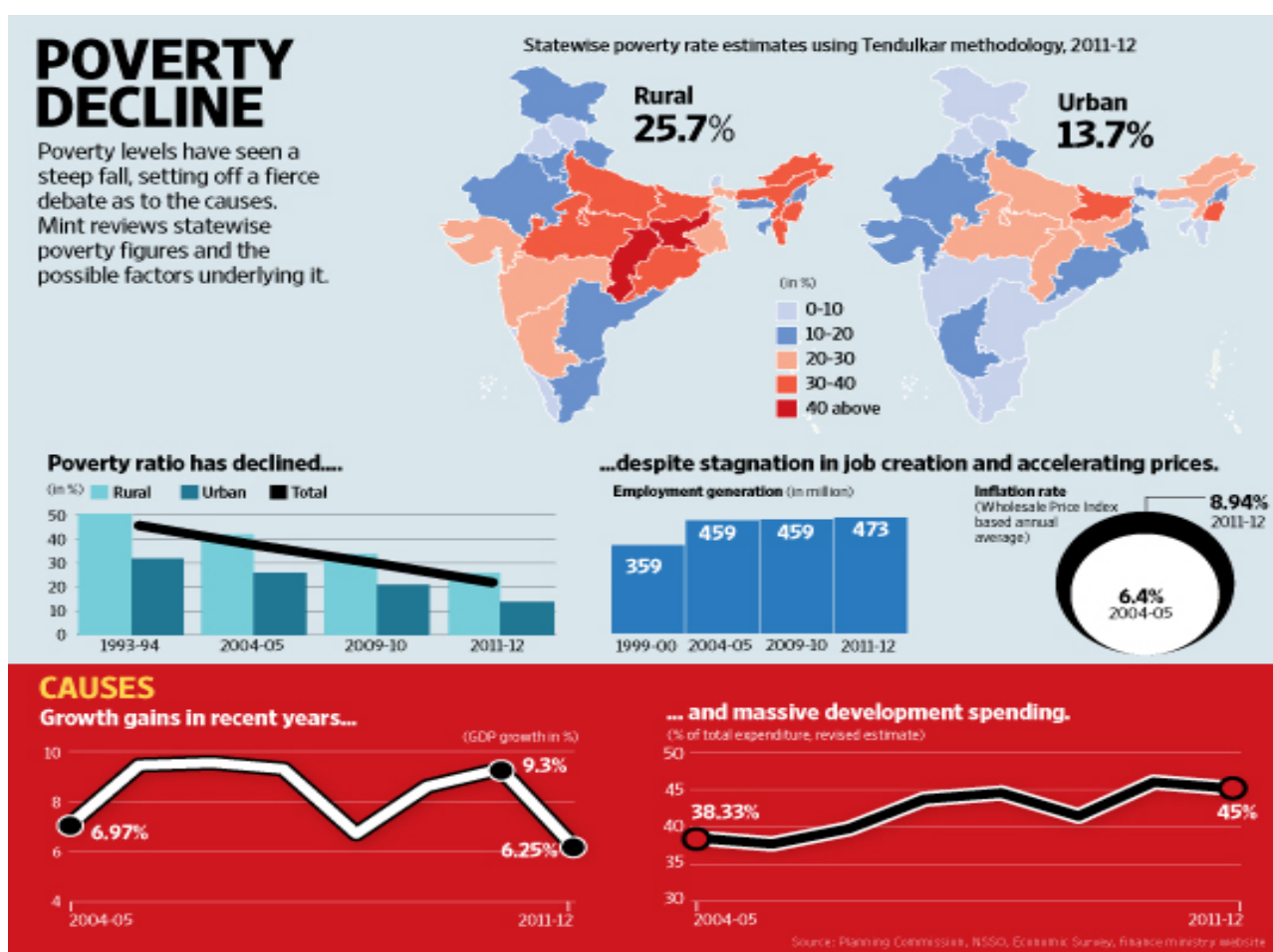
Poverty is said to be the root cause of child labour in developing countries.³⁸ Population below poverty line in 1994 was 35% and it has reduced to 29.8% in 2010. An interesting fact is that if income in India were distributed completely equally, the entire nation would still be living on less than half of United Kingdom's poverty line. This is a clear evidence of poor planning, implementation and zero monitoring mechanisms to bring the results expected from the development intervention to alleviate poverty.

The following diagrams about status of poverty and trend of poverty line for the last three decades are from the same source as above. As per the estimate of Washington post, 322.2

³⁷ 'Magnitude of child labour in India : An analysis of official data source', http://www.vvgnli.org/sites/default/files/publication_files/Magnitude_of_Child_Labour_in_India_An_Analysis_of_Official_Sources_of_Data_Draft_0.pdf

³⁸ <http://filipspagnoli.wordpress.com/stats-on-human-rights/statistics-on-poverty/statistics-on-poverty-in-india/>

million people in India are living in extreme poverty.³⁹ The review of the reports of government of India and Tamil Nadu shows a very progressive development of the nation where poverty alleviation programmes are successful, great employment opportunities are created in rural areas, district collectors and panchayat presidents are awarded for successful implementation of rural development programmes but in reality, families in the rural villages of Tamil Nadu are surviving on the income of adolescent girls. Even after the implementation of Tamil Nadu Empowerment and Poverty Reduction Programme (Pudhu Vazhvu / Vazhndhu Kaatuvom) Project (TNEPRP) aided by World Bank, children continue to be the bread winners for the family. National Rural Employment Guarantee Programme has been generating 150 days of employment to rural household, but the rural poor say that they are still unemployed and their children are feeding the family. Therefore, poverty is the root cause of child labour and Camp Coolie system in Tamil Nadu.



As per the above diagram, the poverty ratio has declined to 25.7% in rural areas and 13.7% in urban areas. But the manifestations of reduction in poverty have not been seen in any form in India. Interstate migration is on the increase; India's profitable cotton textile industry is flourishing with children below 18 years as labourers and adults have become

³⁹ <http://www.washingtonpost.com/blogs/wonkblog/wp/2013/05/09/these-three-charts-how-how-the-world-could-end-extreme-poverty-by-2030/>

unproductive labourers in the sector. Labour exploitative practices are being introduced in a highly attractive form to attract more girls. In short, there is no associated change in the lives of people because of the reduction in poverty ratio.

2013 Number of people living in extreme poverty, in millions (baseline)

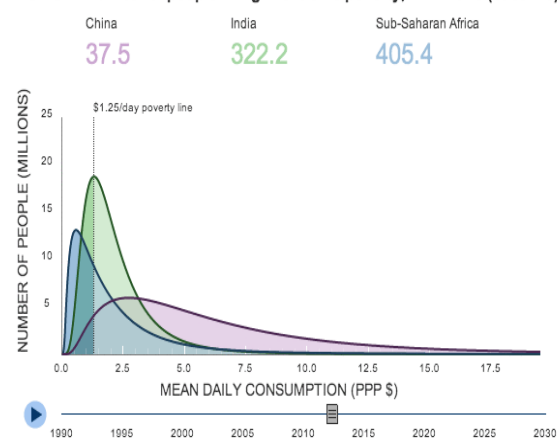
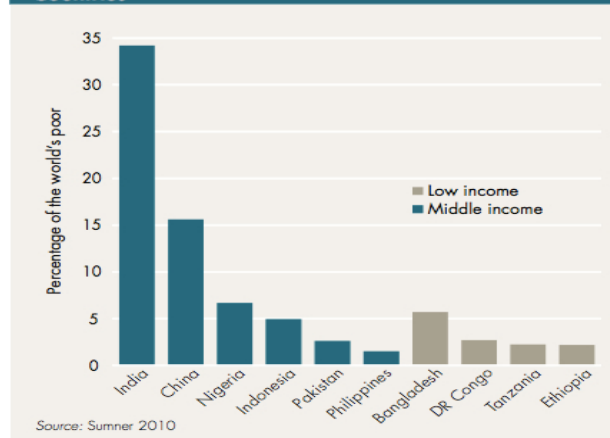


Figure 3. Most of the World's Poor Live in Just a Few Countries



We can say that government programmes have helped industrialists in improving production and export and they have not reached the grass root level community to relieve the poor from the vicious circle of poverty. In Achampatti panchayat, Boodalur union, Tanjavur, mostly all adults stay are unemployed and their daughters are sent to work under the Sumangali scheme. The entire family survives with the income of girls below 18 years.

30. STRUCTURAL ISSUES IN ENFORCING LAWS:

Government enforcement of India's Child Labour (Prohibition & Regulation) Act, 1986, seems to lack forceful impact due to rare convictions. A report by Human Rights Watch tracked the frequency of the prosecution of child labour cases and Tamil Nadu had almost no criminal convictions of employers, Karnataka had a conviction rate of less than 10% of prosecutions, and New Delhi had a conviction rate of less than 4%. In the absence of an effective level of enforcement, demand for child labour is virtually unrestrained. This includes both the formal sector (registered, legal companies) and informal sector (home workers, casual workers, unregistered companies).

The pathetic situation is that the stakeholders involved in the evolution and execution of Sumangali scheme and stakeholders to protect the rights of children are one and the same. A brief of the role played by the stakeholders is as follows:

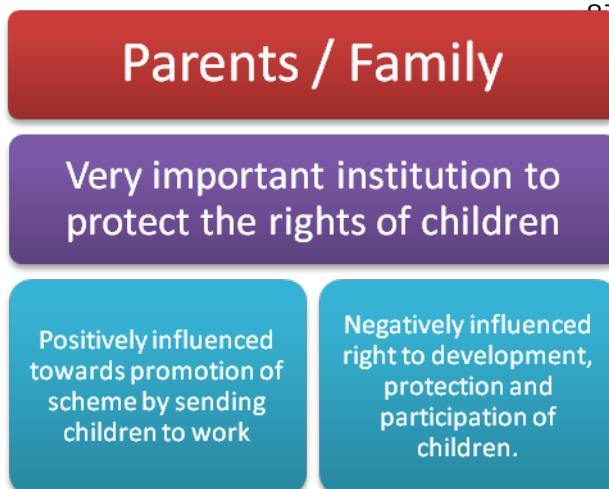
PARENTS / FAMILY

Parents and family are primary caretakers of children from their birth. Parents are considered as natural guardians who protect the rights of children but have been misled under false pretexts and are convinced by agents to send their girl children to work in mills. They inadvertently become the voice of mills by continuing to send their daughters to work under Sumangali scheme. One cannot argue that mothers are ignorant of the impact of the scheme on the girls as media and NGO group campaigns spread awareness programmes throughout the state. In February 2014, Mrs. S. Poongodi, 38 years, Achampatti panchayat,

SOCO Trust – Action Aid

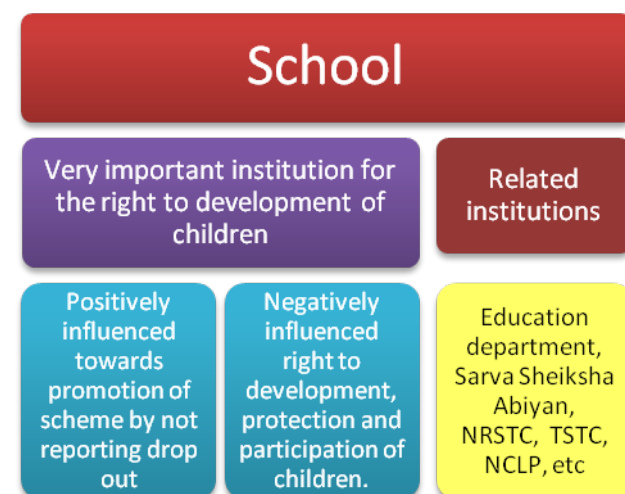
Boothalur block, Tanjavur district, said that she attended a meeting organized by an NGO on Sumangali scheme at Boothalur and was informed that work at mill/textile units affect the health of girls and that employers cheat the girls by not paying the lump sum at the end of the term. But, Sri Jagathguru mill had paid lump sum to her eldest daughter and as far as she was concerned, the employer was good to her family. Her eldest daughter completed the scheme, got the lump sum, is married, and now has conceived a child. She feels that issues should be viewed on a case by case basis and one cannot generalize the consequences of working in mills.

After three decades of intervention of development organization and media reports, parents still justify their decision and find the scheme as a remedy for their poverty and safety of the girls.



SCHOOLS AND EDUCATION DEPARTMENTS

Schools are the next social institution after families where children develop themselves. Schools promote learning and are administered by the Education Department at the Cluster Resource Centres level, district level and State level through AEOs, CEOs, DEOs and so on. It is noticeable that children are dropping out of school from grade five. The alarming rate of drop out of the children has not been reported and no special programmes have been designed to implement for the mainstreaming of the drop out children and child labourers. Tamil Nadu government is proudly says the literacy level of the state is 80.09% as per census 2011; 86.77% literacy rate of male and 73.14% as female literacy rate. There are different other programmes established by the government to ensure education of out of school children, i.e. Sarva Shiksha Abiyan (SSA), Non Residential Special Training Centres (NRSTC), Residential Special Training Centre (RSTC), National Child Labour Project (NCLP), KGBV has been established to mainstream the out of school children. As per the review report of intervention for out of school children, in SSA website, 88.26% of the target fixed (63173 out of school children for the year 2011-12 in Tamil Nadu) for Tamil Nadu has been mainstreamed. In such a case, where is the data about the children working in cotton spinning and textile mills of Tamil Nadu, who is accountable for the drop out of the children working in mills and textile industry, who is

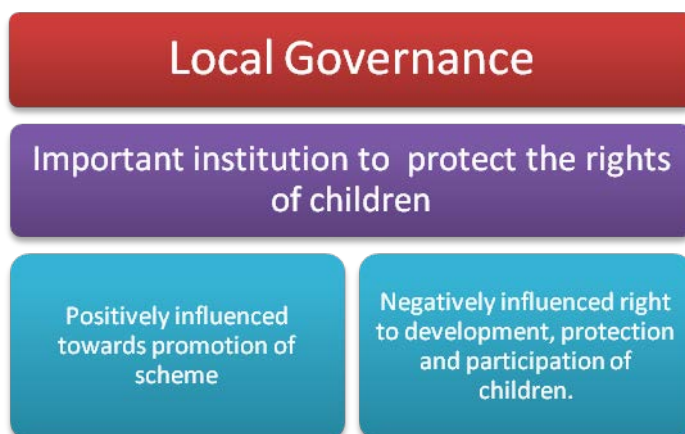


responsible for the right to development of the children and enforcing Right to Education of the children?

LOCAL GOVERNANCE

Local governance is the next level of stakeholder next to school. The panchayat president, ward members are elected members at the grass root level to protect and promote the citizenship rights of the people. There are different committees established at the village level / panchayat level. Village Watch Dog Committee, education committee, forest committee to ensure education to all children. But in **Tamil Nadu, so far none of committees have reported and**

documented the plight of girl children working in cotton spinning and textiles mills under Sumangali scheme. These committees are dysfunctional and only exist in paper. In some panchayats, panchayat presidents were used to identify potential candidates the schemes. Some sensible and committed panchayat presidents expressed that they could not provide employment to the parents throughout the year. Hence, they could not stop the girls from moving to the mills. Thus, by not serving their role for the protection of the people including children, they have made the scheme as successful for the past three decades and failed to protect the children.



GOVERNMENT DEPARTMENTS – CHILD RIGHTS

Government departments and other statutory bodies have been established and are operating for the protection of rights of women and children. Human Rights Commissions, Women Commissions, Child Line, Child Welfare Committee (CWC), District Child Protection Unit (DCPU), Child Protection Committees at village levels have not realized that the Camp Coolie system and Sumangali Scheme are a threat to the lives of children. Child marriage is considered as the greatest threat. Women's Commission organized a public hearing in 2009 with the continuous pressure of organizations campaigning against Sumangali Scheme and Camp Coolie system.

No department has taken efforts to protect the children from this exploitative scheme. Media reports say that, if a child left the mills and the government is informed that the bonded labour system exists in the mill, they may go for rescue and rehabilitation as per the procedures. **There is no spontaneous effort from the department to make frequent visit to mills and identify the children who live in difficult situations.** Government departments and statutory bodies require some pushing from the development sector or children themselves should come out and put pressure on them through media or Dharma for their protection.

GOVERNMENT DEPARTMENTS – LABOUR RIGHTS

Government departments that exist for the protection of labour rights have not played any role in protecting the rights of labourers between 14 to 18 years of age working in the cotton textile industries. The researcher has filed an RTI application to the Inspector of Factories, Employees State Insurance (ESI), Employees Provident Fund (EPF) to collect information about the district wise list of mills in Tamil Nadu, number of girls employed, provision of minimum wages, existence of Camp Coolie system, coverage of mills under ESI and PF. Inspectors of factory from all districts except Tiruppur and Coimbatore have come out with the list of mills and number of workers. They have reported that they do not possess any information about Camp Coolie system and provision of minimum wages. So far, only one case of labour rights violations to women has been addressed through the inspector of factories by M.Muthulakshmi, Erode who filed a complaint against her management. ESI offices did not have industry wise, district wise data of the cotton textile mills. ESI, Chennai region responded that information was quite large to compile and would disproportionately divert the resources of the organizations, which has been mandated to serve the ESI insured population.

Government Departments (Labour Rights)

Very important institution for protection of Child labourer

Related institutions

Positively influenced towards evolution, functioning of the scheme by playing zero present of their role

Negatively influenced the right to protection of children working in the mill to a great level

Inspector of factories, Labour courts, ACL, DCL, ESI, PF, Graduity,

RTI EXPERIENCE WITH INSPECTOR OF FACTORIES

As per the RTI information received from all 15 districts, except Thiruppur and Coimbatore, there are 620 mills functioning with 36,054 female and 42213 male mill workers. Camp Coolie system is prevalent in only one mill in Trichy district. In all other circle offices, responses were sent that the unavailability of data prevented them from sending the require information. Even the employers' associations commit that Camp Coolie system still exist according to the code of conduct provided to mills and it cannot be eliminated as more investments were made to develop the infrastructure, according to Dr. K. Selvaraju, General Secretary, SIMA, Coimbatore. This statement is a clear proof that the employers intend to continue the Camp Coolie system without any interruption However, his argument is wrong as the level of direct foreign investment to improve infrastructure is very less.

Inspector of factories functioning in 9 regions of Thiruppur and Coimbatore responded saying that they did not have enough resources to compile and respond to RTI and hence, the researcher could visit all the nine regions individually, review the regional documents

and take copies of the required information. An effort to visit one regional office at Thiruppur reflected that the information about the address maintained by the inspector of factories and the real address of the employee were different. It should be noted that the Chief functionary in the department was not willing to share the information. This is the real status of the inspector of factories which function to protect the rights of the labourers. Truly speaking, the labour department does not have the right to enter the premises of the mill. Before an inspection, they inform the mills prior to their visit and all child labourers are locked in the store rooms or big boxes during the visit of factory inspector.

RTI EXPERIENCE WITH EMPLOYEES STATE INSURANCE CORPORATION, TAMIL NADU

Employees State Insurance (ESI) came out with many requirements for providing information under RTI. The researcher would be provided with Rs.20 should be taken in the form of a postal order and Rs.4 should be sent to cover the cost of paper etc. The researcher responded to all their requirements and the information provided by the ESI did not comply with the stipulated format requested under RTI. They have responded that they do not have any data base industry wise, and they have provided a list of textile show rooms, chemical lab supplying chemicals to dying units upon the request of the researcher to provide the list of cotton spinning mills and the number of employees covered under ESI. There is no uniformity in sharing the information about number of claims made; some ESI offices have given number of persons covered and claimed it and some others have provided the amount of money dispersed for the claims. They have not looked into the requested information.

RTI EXPERIENCE WITH EMPLOYEES PROVIDENT FUND, TAMIL NADU

With reference to information received from EPF, 13,01,283 workers in cotton spinning mills were covered under EPF, and 2,19,125 claims have been made so far. According to EPF data, there are 10,82,158 mills workers still working and yet to get their claims. The information provided by the EPF in the case of the number of spindles in Tamil Nadu is false. It is obvious that the adolescent girls, who constitute more than 80% of the labour force in cotton spinning mills of Tamil Nadu, working under Sumangali scheme are not covered by EPF.

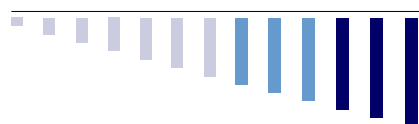
The researcher has been receiving information from July 2013 to December 2014 from labour department, ESI and EPF. The responses given by the inspectors of factories, ESI and EPF and information shared by the offices indicate that they do not have a mechanism to compile data. As a response to the RTI query, they have shown their inefficiency by their unwillingness to provide data.

CONTROVERSIES IN LEGISLATIONS

- Definition of the age of a child is not uniform in all laws enacted to protect the rights of children. Even after the ratification of UNCRC, government of India has not made any effort to change the

laws defining the maturity of the children. Children between 14 years to 18 years of age are not protected by any legal provisions.

- Even-though the fundamental rights ensure freedom of association for all citizens, the children working in the mills could not be unionized because of the age specification in the Indian Trade Union Act.
- When the Factories Act allows children above 14 years to work in industries, the Indian Trade Union Act does not consider them as workers. Hence, these children do not have the opportunity to confront their employers. As per the Trade Union Act, if persons below 18 cannot be considered as workers and get unionized, children below 18 are considered as child labourers
- It is very difficult to find a term to define the children between the age of 14 to 18 working in cotton spinning mills; whether they should be called as children as per JJ Act and UNCRC or to call them as workers as Factories Act allows them to work; Which ministry is responsible for their rights? Will the Ministry of Women and Children protect them? Will the Ministry of Labour address this issue?
- Standing Order Bill for changing the apprentice period from 3 years and section 10A, 10B with reference to permanent workers was unanimously passed in the Assembly of 2008 and it is still awaiting the approval of the President for the past 6 years. Government has not followed up the pendency and failed to pass the bill for the past 6 years.



4. Case study

S. MUPPIDADHI, 19 YEARS, SUTHAMALLI VILLAGE, MANUR UNION, THIRUNELVELI DISTRICT, TAMIL NADU

4.1 BASIC INFORMATION ABOUT FAMILY, INCOME AND WEALTH

"I am Muppidadhi from Thirunelveli district. I belong to the Adhidraavidar community. My father was an agricultural coolie labour. He could not continue working due to diabetes. My mother was also an agricultural coolie labour, but as she could not find employment throughout the month, she started *beedi* rolling. I have four sisters and two brothers. I am the third daughter to my parents. My two younger brothers and younger sister are studying. Our family does not possess any movable or immovable assets. My elder sister Muthulakshmi is married. Muthuselvi, my second sister, worked in Sumangali scheme to repay my parents' debt from my sister's wedding expenses. I, like her, joined the scheme to repay that debt. Now, Muthuselvi and I have completed the scheme. My younger sister Chandra, 16 years, is working in Coimbatore under the Sumangali scheme. The lump sum promised to her after 3 years is Rs.60,000/-. Wages of my mother and monthly wages received by my sister working in Sumangali scheme are the sources of income for our family. My family has a debt of 60,000 through private money lenders with an interest rate of 2% - 5% every month."

4.2 FAMILY STRUCTURE AND MIGRATION

"We are a nuclear family. Suthamalli is our native village. My parents do not have the habit of migrating to any other village for employment, but girls are migrating to other districts to work under Sumangali scheme."

4.3 SELF / PARENTAL PERCEPTIONS, ATTITUDES AND ASPIRATIONS

"When I joined Sumangali scheme, my only intention was to work and get the lump sum successfully. One of my relatives was running a canteen near the mill and he took me to the mill with a lot of good promises. I joined the scheme to reduce my family burden. Promise of the mill to provide lump sum at the end motivated me. My parents did not get any advances from the mills."

4.4 SCHOOLS – ACCESS, RELEVANCE AND QUALITY

"I studied in Panchayat Union Middle School in my village, which is half a kilometer from home. I used all educational materials provided by government and my parents spent a little for my education. I discontinued from the school when I was in grade seven, to join the Sumangali scheme."

4.5 SUMANGALI SCHEME – WORK PLACE CONDITION – IMPACT OF THE WORK

"I joined Science Spinner mill, Coimbatore, in 2006. I was promised Rs.50,000/- at the end of three years. I used to get pocket money whenever I wanted and they kept a record of the same. My monthly wages were given to my parents. I was not aware of the calculation of my daily wages which was given to my parents. The mills I worked at were small ones with 23 - 25 girls and two men. Children between the age of 12 and 18 and youth upto 25 years of age were working with me. Some of the children were from Orissa and parts of Tamil Nadu namely; Thiruvarur, Dindigul and Kumbakonam (Thanjavur district).

Ten girls shared a room and there were three bathrooms for 25 girls. There was no sanitation and poor hygiene in the hostel. I was provided food which was of very poor quality and sometimes as the food contained insects, I was unable to eat it. But mostly, I ate the food as there was no other choice.

I worked for 12 hours every day which included one 8 hour shift and a 4 hour compulsory over time shift. I do not know if the mill calculated payment for over time. I was provided a 5 minute break after every 4 hours. Lunch break was only 10 to 15 minutes. There were no holidays; not even Sundays; no festival holidays for Deepavali or Pongal. Occasionally, I was sent home for village festivals."

WORKPLACE CONDITIONS

"I was not informed of the hazards of the employment and dangers in handling machinery. I was provided an apron and a cap. No mask was provided. They did not replace the old cap. I used my handkerchief to cover my face.

While I worked in the mill, my hands often got burnt from the machine's heat. Generally, I did not report the accidents. There was no regular medical checkup or medical treatment for the ailment. Girls were taken to a hospital only during serious illnesses. I did not have a space to speak about my sufferings. I just cried to myself."

IMPACT OF THE WORK

"I started getting fever and stomach pain frequently after I joined Sumangali scheme. During my contract period, I was provided tablets by the supervisor for all sorts of ailments. I did not enjoy any benefit from the mill by way of ESI, PF, Bonus or extra wages for over time. I had to deal with several health issues.

I have become very lean, lost all energy and get stomach pain very often. My menstruation cycle has become irregular and I do not feel hungry at all. Often, I get seizure / fits due to nervous problem. The only benefit I got from Sumangali scheme was my monthly salary that was used to feed my family.

My employer's intention was to become rich and he did not want to send the girls home even after completion of their contract. As far as I am concerned, I can very well say that his intentions were not good and he was a very bad person.

There were no female supervisors in the mill; just two male supervisors. There were no committees to speak and address the girls' issues.

Science Spinners mills cheated me by not paying the lump sum at the end of the contract period. I struggled a lot to get the money but the mill was not ready to give the lump sum. Finally, my father and I cursed the owner and returned to our village."

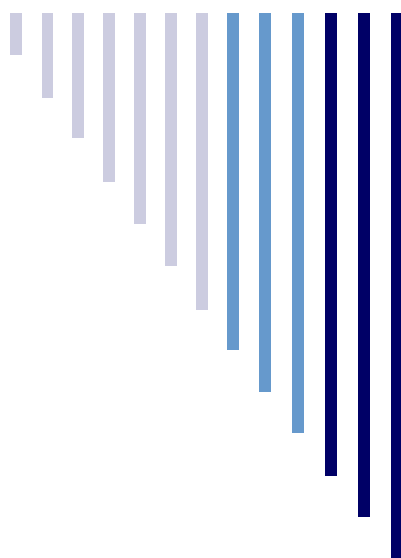
4.6 MY EXPERIENCE WITH THE MILL OWNERS

I worked in two mills. One was Science Spinners, where was not paid the lump sum at the end of my contract period. Second, I joined PRT mill in Coimbatore where I worked for a year and half. As my health was not supporting me and I fell ill, I could not complete the full term of contract. The mill owner provided me half the lump sum promised, i.e. Rs.30,000/-. The employer was good and hence, my sister was sent to work in the same mill. But, the money I received from PRT mill was used for my medical expenses. I am still weak and unable to work well.

I did not get any support from any organization when I was in distress. Vaan Muhil is providing me with some training and moral support."

4.7 MY FINAL WORDS OVER THE SCHEME

"Children should not be compelled to work and forced to work over time. There should be provisions for leave and they should be allowed to go out and to stay with parents. If there was no Sumangali scheme, I would have become an agricultural coolie labourer or would be rolling *beedis* at home."



5. Findings of the Research

- 5.1. Household level (internal factors)
- 5.2 Factors external to household (contextual factors)
- 5.3 Evolution of Sumangali scheme
- 5.4 Forms of Sumangali Scheme
- 5.5 Work place conditions
- 5.6 Role of Cotton industrial association in Sumangali scheme
- 5.7. Role of Civil Society Organisations in abolishing Sumangali Scheme
- 5.8. Role of law enforcement agencies

5.1. HOUSEHOLD LEVEL INTERNAL FACTORS

1. 100% of the stakeholders interviewed for the research and secondary data sources have revealed that poverty caused by unemployment and underemployment in rural areas, ineffective land reform measures, mechanization of agricultural sector and agricultural policy of government have been the main reasons for the rural, poor families to suffer from low income and wealth, volatile income source, family debt and migration. These have also played an important role in pushing parents towards looking at the Sumangali scheme as a safety net for their children and for the financial security of the family.

5.2. FACTORS EXTERNAL TO HOUSEHOLD

2. 50% of the Sumangali scheme workers have responded that poverty was the main reason for them to drop out of school, and 45% of the children have discontinued their education due to lack of possibility for higher studies. But, poverty is on top of the list.
3. New Economic Policy of Indian government has enabled free trade policies in the name of Liberalization, Privatization and Globalization; these have brought changes in the cotton textile sector and adolescent girls replaced permanent workers to reduce the cost of production and to break away from trade unions. Due to the economic policy of government, the demand for adolescent girls to work as apprentices has increased and this has promoted the Camp Coolie system.
4. Out of the 20 victims interviewed, 80% of the girls have responded that they have joined the scheme only to reduce the family burden, 15% of the girls said that their fathers were not contributing economically to the family due to alcoholism, and some have joined the scheme to meet the medical expenditure towards their ill mothers. All

these factors have risen out of compulsion and not through willingness to work spontaneously.

5.3. EVOLUTION OF SUMANGALI SCHEME

5. The number of cotton spinning and compost mills has increased from 693 to 3,2,93 over a period of 4 decades only because of the trade policies of Indian Government and the expansion of mills, productivity and export earning to Indian Economy.
6. Expansion of cotton textile industry and improved technology have reduced the ratio of labour to mills from 170% in 1980-81 to 26% in 2010-11; there is an increase in workload and reduction in workforce as a result of the technological up gradation and development of the industry.
7. The trend in labour markets in cotton textile sectors have changed drastically: from hiring permanent labourers to employment of temporary casual labourers and adolescent girls as Camp Coolie workers from rural areas as apprentices and appointment of migrant workers.
8. The expansion of the cotton textile industry is also due to the potential for expansion of the industry; climate conditions, cultivation and quality of yield of cotton, cheap skilled labour, and technological advancement are various factors which helped the cotton textile industry to develop in India.
9. Being the second largest industry in providing employment to rural poor after agriculture, cotton textile industry in India has provided employment to 38 million people, both scheme workers and daily wage labourers. If there was no Sumangali scheme, the young girls would be working as casual labourers in Camp Coolie systems in other production sectors.

5.4 FORMS OF SUMANGALI SCHEME

10. The age of the children working in the mills range from 12 to 18 years; 30% of the girls interviewed have joined the scheme before 14 years of age. 55% of the girls interviewed have entered the scheme between the ages of 14 and 15, and others have joined the scheme after 15 years of age.
11. 100% of the apprentices are not provided minimum wages stipulated by G.O. No. (2D) No.26, Labour and Employment (J1), passed on 16.5.2008.
12. 85% of the girls interviewed have experienced compulsory overtime with no overtime salary. The girls who have completed the scheme before 5 years, have worked for 12 hours compulsorily. 7 girls interviewed for the research, who are working at present, including 2 daily wage earners said that overtime was compulsory every other day for all girls.
13. The contract of the adolescent girls has been signed by parents or guardians. Generally, the contract is for a duration of three years with the promise of lump sum ranging

between Rs.25,000 to 65,000. None of the girls interviewed were aware of the content of the contract and they do not have a copy of the same.

5.5. WORK PLACE CONDITIONS

14. 80% of the girls have reported that mills were not safe for girl children to work at. 100% of the girls interviewed for the research have been suffering from multiple occupational hazards.
15. 75% of the girls have experienced stomach pain and 40% of the girls have been facing uterus problems. Fever, head ache and respiratory problems are other health problems faced by young girls.
16. As per the study of ILO and Ministry of Labour, cotton textile industry does not provide good working conditions to the workers with their improved technology of production. Study of MoL in 1981 had brought out the fact that nearly 40% of the industrial accidents in India took place in cotton textile industries. And yet, the industry is not considered as a hazardous work place for children between 14 to 18 years of age.
17. Employers wanted to maximize profit, made optimum use of the machinery, ensured uninterrupted production through cheap labour and evolved Sumangali scheme with the Camp Coolie system by recruiting apprentices for wages lower than minimum wages, introducing three shifts, forcing labourers to work overtime, providing poor facilities, spoilt food and poor accommodation and called the scheme as a project for “the empowerment of women”.
18. 90% of the scheme and non-scheme girls have experienced verbal abuse. 60% of the girls have responded that they were punished in various forms for mistakes or for taking days off. Sexual harassment, wrong allegations, threats and abuse have affected many children psychologically.
19. The scheme girls have been denied fundamental rights enforced by the Constitution of India, Labour rights and International laws, Conventions for the rights of children. Children below 18 years who are recruited as apprentices is against the JJ Act and National policy of Children. Wages provided to the girls are less than minimum wages and violate all labour laws which ensure social security for the labourers.

5.6. ROLE OF COTTON EMPLOYERS ASSOCIATION IN SUMANGALI SCHEME

20. Employers associations are the founders of Camp Coolie system and Sumangali scheme. They facilitated the employers on the modus operandi of the system and encouraged mills to replace permanent labourers with apprentices. They represent the cotton spinning and textile mills and lobby with the government against any Government Orders and notifications affecting the profitability of the employers such as G.O. for Minimum wages to apprentices. As a result of continuous appeal of trade unions for the abolition of Camp Coolie system and public hearing organized by Tamil Nadu State

Women's Commission, the Producers associations have come forward to regularize the recruitment and hostel facilities through code of conducts.

21. Ethical Trade Initiative (ETI), Fair Wear Foundation (FWF), Brands Ethics Working Group (BEWG), Business Social Compliance Initiative (BSCI), Business for Social Responsibility (BSR) are various stakeholders who facilitate the functioning of the brands through supply chain analysis and research on the practices under the scheme. The issues of Sumangali scheme in textile industry have been discussed in the Dutch parliament, to regulate the practices of the cotton textile industry in Tamil Nadu and Bangladesh, with the norms of ILO. The same discussions are yet to be started by ETI.
22. Concerns of the employers over the labourers as a contributor of production and as a means of profit creation have changed over a period of time and labourers are looked at as mere factors of production that don't deserve or need any social security. Record falsification and violation of Labour laws are the major characteristics of the employers.
23. It is found that none of the employers who have introduced night shift for apprentices have adhered to the guidelines stipulated in the judgment of Hon'ble Justice E. Padmanabhan, dated 8.12.2000 quashing Section 66 (1)(b) of Factories Act, 1948 (2001 (II) LLJ Page 843).

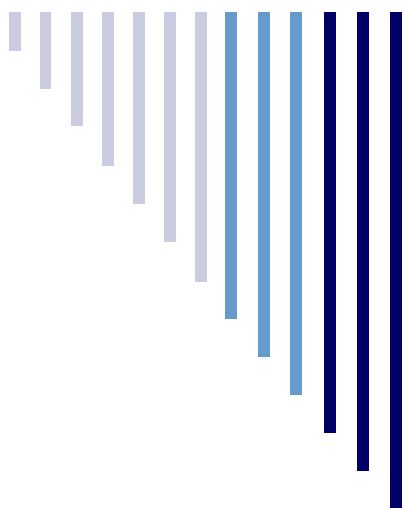
5.7. ROLE OF CIVIL SOCIETY ORGANIZATIONS IN ABOLISHING SUMANGALI SCHEME

24. Trade unions have been struggling to protect the rights of children, obtain minimum wages for the labourers and to abolish the scheme of labour exploitation. Trade unions have fought to bring G.O. to fix minimum wages for apprentices; there are lots of claims of trade unions that need to be addressed. Indian Labour Conference and tripartite committees with (Government, Employer and labourer) for Textile workers are yet to yield results.
25. Trade unions and few Non-Government Organisations have been conducting awareness programmes among the community members, providing rehabilitation to the ex-scheme workers, filing cases against the malpractices and labour right violations of the employers. Different organizations/network of organizations have been working with different objectives and geographical areas.

5.8. ROLE OF LAW ENFORCEMENT AGENCIES

26. The age definition of children in different laws governing child rights and labour rights is not uniform in India, which goes against the best interest of the child. Under Merchant shipping Act, 1958, Motor Transport Workers Act, 1961, Bidi and Cigar Workers Act, 1966, the plantation labour Act, 1951 and The Factories Act have defined the age of a child as 14 years. The Tamil Nadu Catering Establishments Act, 1958 The Tamil Nadu Handloom Workers Act 1981 and The Tamil Nadu Manual Workers Act 1982 define the age of children as 16 years and prohibit employment of children below 16 years.

27. There are controversies among the different laws governing labour rights and child rights.
28. Government of India has established nine ministries to protect children from different race and ethnicity. Several departments and institutions have been established to monitor the functioning of the programmes implemented under these ministries. But so far, none of the ministers have raised the issue of Sumangali scheme in the Assembly or Parliament, even after three decades. The poverty alleviation programmes of Government of Tamil Nadu and Government of India, could not generate employment in rural areas. Children working in mills are bread winners of rural poor families. The systemic issue of reaching the unreached people is a great challenge to the government and it has resulted in ineffective policies and corruption.
29. The structures to protect the rights of children start from family, school, local government. None of these have played a critical role in enforcing the right to development, protection and participation of the children. They have failed to safeguard the 'best interest of the child keeping the children as a prime asset of the nation'. All the institutions in the structure have their own justification and protection mechanism for themselves at the cost of children.



6. Recommendations

- 6.1 Recommendations to Central and state government
- 6.2 Recommendations to Policy makers
- 6.3 Recommendations to Inspector of Factories / Labour Department
- 6.4 Recommendations to Employers / Employers' Association
- 6.5 Recommendations to Trade Unions
- 6.6 Recommendations to NGOs and CBOs
- 6.7 Recommendations to Media

6.1. RECOMMENDATIONS TO CENTRAL AND STATE GOVERNMENT

1. Schools and education department should take into account of the actual number of school drop outs, enrollment of all children to upper middle school. The data should be shared with respective institutions working for the rights of children.
2. All the government authorizes, officers and assistants functioning in various government departments of India should be provided with intensive training on developing patriotism and made to understand that they are entitled to serve the interest of 93% of unorganized workers in India and not the capitalist.
3. Each institution entitled to protect the rights of children and enforce laws should always consider the best interest of the child by considering children as national assets.
4. District Child Protection Unit established under Ministry of social defense in all districts of Tamil Nadu should monitor children up to 18 years through their village level child protection committee keeping child labour, trafficking of children, employment of children under Camp Coolie system as their major agenda and it should be discussed in the co-ordination meeting among line departments held with the district collector.
5. Anti - Corruption cell should take spontaneous efforts to take action against unfair and exploitative activities of functionaries in the labour department. Punishment for corruption against fundamental rights of citizens especially children should be severe to the extent of life imprisonment. Penalties in 1000s are the greatest loop holes in the law which wants to protect and promote delinquent people.

6. The State Council for the Protection of Child Rights (SCPCR) should consider the Camp Coolie system as a great threat to the protection of children and should function authoritatively beyond corruption in enforcing the law. It should take up a study of Camp Coolie system that is prevailing in all other sectors of the society and take efforts for eradicating the system.
7. Government programmes on poverty alleviation, rural livelihood promotion, employment generation programmes should give priority to the most marginalized and excluded sections of the society.
8. Government should develop schemes and programmes to address the root cause of the issue of Sumangali scheme, with clear monitoring systems in place, unlike the habitual government programmes.
9. Participatory social audit of all government programmes involving all stakeholders to ensure accountability of the functionaries of all government departments and ministries to the general public.
10. Local government should be made responsible and accountable for all families in their respective panchayats. Protecting the people against child trafficking and human trafficking should be entrusted upon the local body members. There must be a clear record maintained at the panchayat level over the migration of families, details of place of migration and employers should be documented.
11. All the committees constituted at the panchayat level namely Education Committee, Forest Committee, and Child Protection Committees etc. should be made active and should function for the enforcement of the four fundamental rights of children.
12. Banks and financial institutions should come forward to invest on livelihood and economic activities for rural poor communities.
13. Government should adopt anti-liquor policy. Alcoholism is one of the greatest threats to women and children. Adopting two different contradictory policies will make all the efforts to protect women and children null and void.

6.2. RECOMMENDATIONS TO POLICY MAKERS

14. The Preamble of the National Policy of Children 2013 should be incorporated into the existing laws governing the rights of children and labour.
15. The age of the children should be considered as 18, as per UNCRC under all the laws governing the rights of children.
16. Cotton textile mills should be considered as a hazardous industry and children between the ages of 10-18 should not be allowed to work in the mill/industry.
17. The policies of Government of India should not only focus on the economic effect of the policies in terms of improving production, export and foreign exchange. The

social and cultural effect of each policy should be made and necessary actions should be taken to ensure that it has not affected the fundamental rights of all citizens.

18. The trade policies of the Government of India which promote inequalities in income and wealth and domestic industries should not be given priority.

6.3. RECOMMENDATIONS TO INSPECTOR OF FACTORIES & LABOUR DEPARTMENT

19. All children below 14 years of age working in the mills should be released and enrolled in School as per RTE. Stringent action should be taken against the employers.
20. Inspector of Factories and Labour Department should enforce payment of Minimum Wages for Apprentices working in Cotton spinning mills and take action against mill for treating the apprentices as forced labourers and bonded labourers who are denied of minimum wages.
21. Inspector of Factories should check that benefits entitled to all workers are properly provided in the form of Variable Dearness Allowance, ESI, PF, gratuity and bonuses. As the foremost duty, Inspector of Factories should check the total number of workers employed in all cotton spinning mills with respect to age, sex and source area of the workers. This data would disclose several other untold stories and miseries prevailing in this sector.
22. Inspector of Factories should ensure that mills engaging young girls in night shifts follow the guidelines of Hon'ble Justice Padmanabhan's judgment dated 8.12.2000 quashing Sec.66(1)(b) of Factories Act, 1948.
23. The Law enforcement agencies especially Inspector of Factories and Labour and Employment Department of Tamil Nadu government should be made functional and work beyond corruption. They should be made to play a critical role for the rights of labourers and made accountable for all the labour rights violations happening in Tamil Nadu.
24. Stringent law enforcement should be made to ensure that employers are adhering to labour laws in its true spirit.

6.4. RECOMMENDATIONS TO EMPLOYERS / EMPLOYERS' ASSOCIATIONS

25. All the children above 18 years working in Cotton spinning mills should be allowed to work as permanent labourers with all social security benefits.

26. Vishaka committee to protect the working women from sexual harassment at work place should be formed and functional in all mills and progress of the same should be sent to Inspector of Factories.
27. Employers and employers' associations should be made accountable for all the Ministries functioning to enforce the fundamental rights and rights of labourers.
28. Employers Association should ensure that mills engaging young girls in night shift should follow the guidelines of Hon'ble Justice Padmanabhan's judgment dated 8.12.2000 quashing Sec.66 (1) (b) of Factories Act, 1948.

6.5. RECOMMENDATIONS TO TRADE UNIONS

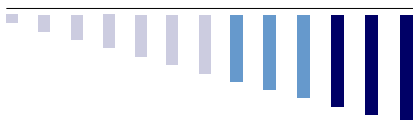
29. Trade unions and NGOs should fight for eradication of the scheme, strict enforcement of labour laws and obtaining fundamental rights of the 38 million workers in cotton textile mill.

6.6. RECOMMENDATIONS TO NGOS AND CBOs

30. The civil society organizations and network of organization should fight the eradication of Camp Coolie system in Sumangali scheme as a whole in all districts of Tamil Nadu and for the rights of young girls working in the mills without any specific focus on geographical area, caste, community of the girls, gender issues of girls, textile workers, garments workers, spinning mill workers, child rights, labour rights focus and so on.
31. Civil society should fight for a uniform definition of children, as per UNCRC and Juvenile Justice Act and redefine all Indian Laws.
32. All political parties should be informed of the issues of Sumangali scheme and they should include a clear agenda for addressing the issue.

6.7. RECOMMENDATIONS TO MEDIA

33. Media should play a role to break the patriarchal, gender discriminatory values which are deeply rooted in the society rather than promoting the same. The socio cultural values on dowry system, secondary role of women in the family, justifying domestic violence force the girls to work for providing dowry should be broken.



7. Conclusion

The research has taken into account all the stakeholders, the position of stakeholders in protecting the rights of children who are national assets as per the National Policy for Children 2013. It is evident that children between the ages of 14 to 18 are not governed by the law and they lack the fundamental rights too. Nearly three decades of child rights violations and labour rights violations prevailing in Indian cotton textile industry (the second largest employment provider in India), are unquestioned by the law enforcement agencies. Judgments made during the public hearing conducted in 2009 by Women Rights and Human Rights Commission is not implemented, even after 4 years. Some changes have taken place in the conditions of work of Scheme workers with respect to providing some benefits which were totally denied in the last decade. There is need for more changes to protect the children and to ensure fundamental rights to children. Moreover, Cotton Textile industry is a very progressive sector contributing considerably to the export earnings, GDP and hence the Indian production should not play such a negative role in the lives of children for the sake of profit. Being a very visible sector in the society, any violation of laws and immoral practices would definitely affect the human values that our nation is built up on. The European Union, United States of America, Netherlands, Spanish Government and Dutch Government have started discussing the seriousness of this issue, conducted several workshops, researches and action plans to deal with the Sumangali scheme in India. Indian government, Tamil Nadu Government, the Ministers and MLA have not raised this issue as a point to be discussed in the Legislative Assembly or Parliament. It is a shame that a highly progressive and profitable Indian industry is surviving with the hard labour of children, who should be protected as '**national assets**' according to the National Policy for Children.



Annexure - I

Report of the Monitoring Committee Constituted under the guidance of Madras High Court

S. No.	Name of the District	No. Of Mills visited	Observation of the Monitoring Committee Meeting	Recommendations
1.	Theni	4	<ul style="list-style-type: none">Apprentices joined the Scheme on their own.No money was paid to the parent either on consideration or as loan.Daily wages range from Rs.30 to Rs.40.Either free meal or mill subsidy of Rs.15.3 years lump sum amount is Rs.30,000 inclusive of PF; if anyone is leaving in between, pro rata lump sum paid.8 hour shift with regular weekly holiday and other leave days.Bonus as ex-gratia between Rs.300 and Rs.700.PF and ESI are covered.No compulsion to work night shifts or additional shifts beyond the regular shift time.All mills have the practice of overtime but no double wages - only single wages.No Child Labour.Adolescents are employed – certifying surgeon fitness certificate obtained.Room size varies between 16 ft x 10 ft and 24 ft x 16 ft accommodating 8 to 12 people.	<ul style="list-style-type: none">Apprenticeship period should be one year.Apprentice may be restricted by fixing a specific percentage in proportion to the total work force.Minimum wages to be fixed for the Scheme apprentices under the Minimum Wages Act.Lump sum amount should be protected by compulsorily depositing the amount every month in the nearby nationalized bank, under the apprentices' name.Paramedical staff to be appointed.Issue service certificate on completion of three years to prevent re-engagement and to create awareness and knowledge of labour legislation.Regularize permanent vacancy on completion of 480 days within a period of 24 months.From the beginning of the 13th month, apprentice has to be paid wages on par with permanent workers doing similar work.Higher education facilities to be made available and the cost shall be shared between the management and the apprentice students.

S. No .	Name of the District	No. Of Mills visited	Observation of the Monitoring Committee Meeting	Recommendations
			<ul style="list-style-type: none"> Generally, the duration of 3 year scheme is for 912 days, More apprentices express satisfaction about the scheme. 	<ul style="list-style-type: none"> To improve health, yoga and meditation may be conducted. Apprentices willfully coming forward to work on weekly holiday should be prohibited. Double wages compulsory for overtime. Education Qualification: 8th grade or SSA (Sarva Shiksha Bahaman). Appointment of women supervisor is a must. Monitoring Committee should be permanent and should be listed every quarter.
2.	Sivagangai	6	<p>Apart from the above, the following observations were made:</p> <ul style="list-style-type: none"> Though the management willing to provide continuous employment, on interview with women apprentices, they expressed their will not to continue beyond 3 years, as they want to settle with families. No question of deprivation of regular employment. Lump sum amount varying between Rs.25,000/- and Rs.35,000/-. Scheme workers are allowed to go to home every 3 months periodically and also whenever emergency called for. Female doctor visits every week to look after the health aspects. Complaint Committee has been formed. Grievance or complaints are recorded and rectified then and there. Though apprentices are involved in production activities, their efficiency varies between 70 and 80% No violation of labour laws. 	<ul style="list-style-type: none"> Patter shall be permanent 50%. Badly or casual 30%; Apprentices may be 20%. On completion of 3 years, certificate is to be issued and the above certificate shall be registered with the government authority. On production of the registration certificate, the woman may be engaged as casual labour or probationer or on lighter wages but not as 'apprentice'. Compulsorily have a complaint cell with 60% of women workers in various departments. The scheme workers may be systematized and regularized with enactments as follows : <ol style="list-style-type: none"> Scrapping of adolescent workers Concessional work during menstruation period Regularization of accommodation, food and transportation. Non-payment of lump sum amount Basic amenities in the hostel.

S. No.	Name of the District	No. Of Mills visited	Observation of the Monitoring Committee Meeting	Recommendations
3.	Erode	73	<ul style="list-style-type: none"> Daily wages between Rs.25 and Rs.110. Lump sum is between Rs.10,000 to Rs.50,000. No complaint so far by workers for non-payment of lump sum. Workmen's compensation Act, Industrial Dispute Act, Minimum Wages Act, ESI Act, Factories Act, EPF Act, Bonus Act, Gratuity Act, Equal Remuneration Act, Conferment of Permanent Status to Workmen Act, National & Festival Holidays Act to be made applicable. Lack of commitment by permanent workmen of other industry related problems led to recruiting women labourers. Majority of them belong to Scheduled Caste, Backward and Most Backward Communities. Most of the mills provide adequate facilities but management failed to provide. To expel labour agents for admitting the girls in this system. Make arrangements for guaranteeing the lump sum amount. Wages should not be lesser than the minimum wages. 	<ul style="list-style-type: none"> Hostel should be near the factory; around 200 meters. Hostel security shall be women from 6 am to 10 pm and men at the age of 52 to 56 years during the night. Per room should accommodate 12 people. No big halls or common halls for accommodation The space per person as per the Standard Prescribed by the Public Health Act. Rooms should be provided with cot facilities Every room should have a see through provision Female warden for 1 per 100 women workers. Complaint Box shall be provided. Bathroom at the rate of 1 for 50 workers if the workers are roistered on shift or 1 for 20 per single shift. Wage shall not be less than the National Floor Wage or the minimum wages declared by Government of Tamil Nadu. Lump sum amount shall be apportioned and deposited every month in the name of the individual on joint account with the management. Apprenticeship period of 12 months On completion of 1 year of apprenticeship, they shall be retained as permanent workers and not as apprentices. Wages and other benefits shall be as per Awards and Settlements.
4.	Tuticorin	9	<ul style="list-style-type: none"> Except Mountain Spinning Mills, all textile mills have hostel facilities. No Brokers. National and Festival holidays, leave with wages, Bonus allowed. 	<ul style="list-style-type: none"> This Camp Coolie system is a clear violation of the Tamil Nadu Industrial Employment (Standing Orders) Rules, 1947. Those females engaged as apprentices are fully involved in full time production but they are not

S. No.	Name of the District	No. Of Mills visited	Observation of the Monitoring Committee Meeting	Recommendations
			<ul style="list-style-type: none"> One day rest is allowed once in a week. PF and ESI are also available. Girls are not allowed to participate in the trade unions activity. Trade union also does not wish that the girls become part of it. Health record is maintained in Loyal Textiles, Loyal Textiles Garments Division and SSD Spinning mills. Provided nutritious and unlimited food. Parents are allowed to meet the girls once in a month. Coin box telephone is provided Recreation facilities provided. Wage per day between Rs.33 and 74. Lump sum between Rs.30,000 and Rs.40,000. Boarding and lodging Rs.10 to Rs.22 per day deducted from the wages. Girls are engaged for 3 years of apprenticeship as per the Standing Order. On completion of the training, completion certificate is issued. Apprentices are engaged in regular work instead of training and the payments are not on par with regular workers. The mutual agreement is heavily loaded in favor of employer. Living condition at work place is not mentioned in the agreement. Management is exploiting women workers under the Camp Coolie System. Girls are not allowed to go out anywhere. They are allowed to go out once in a month along with the Warden / Security and it is clear violation of human rights. 	<p>given the benefit of the regular workers. Therefore, they should be made permanent and their service should be regularized.</p> <ul style="list-style-type: none"> Hostel atmosphere should be made similar to home atmosphere. Confinement should be avoided. Minimum wages for the textile industry is to be fixed.
5.	Dharmapuri	15	<ul style="list-style-type: none"> As per the preliminary data, Camp Coolie system 	<ul style="list-style-type: none"> Minimum wages shall be fixed by the Government.

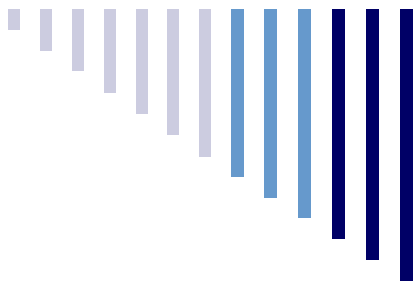
S. No .	Name of the District	No. Of Mills visited	Observation of the Monitoring Committee Meeting	Recommendations
			<p>was only in Southern Spinners and Processors Limited, Pappireddipatti. As the scheme was started in the mill only in June 2007, accommodation for the apprentices was not good. Committee strictly advised the GM of the mill to provide separate accommodation.</p> <ul style="list-style-type: none"> Apprentices are asked to work in shifts ranging normally from 10 to 10 ½ hours. Though overtime is not compulsory, depending on the work load, apprentices are asked to work overtime. No double wages are paid for the overtime work. But compensatory time off is granted as per the choice of the apprentices. No PF / ESI notified to this region. At the time of recruitment, apprentices and their parents are asked to sign certain documents, more or less similar to written agreement. Lump sum amount is Rs.25,000. Daily wage is Rs.50 for the first year, Rs.55 for the second year and Rs.60 for third year. Parents are permitted to visit their wards periodically and the women apprentices are sent to their native places either with their parents or with the escorts provided by the management. None of the apprentices are trade union members. Observation of the Committee is that this scheme of apprenticeship is similar to that of fixed term employment. 	<ul style="list-style-type: none"> Apprenticeship duration may be reduced to one year by making necessary amendments in the Standing Order Rules. The ratio between apprentices and the permanent labourers shall be fixed ranging from 10 to 20% Various enactments like PF, ESI may be amended to benefit the apprentices. Apprentices may be allowed to freely participate in trade union activities. The standard or conditions of hostel shall be brought to a good standard and be periodically inspected by the Government authorities.
6.	Salem	4	<ul style="list-style-type: none"> Though the Scheme seems to be attractive, the 	<ul style="list-style-type: none"> Reduce the apprenticeship period to one year and

S. No.	Name of the District	No. Of Mills visited	Observation of the Monitoring Committee Meeting	Recommendations
			<p>women workers are employed on their interest of coming forward to work with the lump sum compensation.</p> <ul style="list-style-type: none"> Because of poverty and unemployment, the girls from the village evince interest to come forward and the mill management exploited the opportunity and engages them for a period of 3 years. Management paying lump sum compensation at the end of the 3rd year to the tune of Rs.30,000, daily wages starts from Rs.35 and ends with Rs.60. For 3 times food given, deducting Rs.15 per day On completion of 3 years, these women workers are sent out. In one mill, they are recruiting even 15 years completed male and female for training. No hostel facility. Management arranging transportation to pick and drop. National & festival holidays are extended. 	<p>bring amendment in the Tamil Nadu Standing Orders Rules.</p> <ul style="list-style-type: none"> On completion of apprenticeship period, the continuity of employment and confirmation are to be streamlined. There should be a ratio between the apprentices and permanent workmen. The maximum number of apprentices shall be 25 to 30% on the permanent strength. After the apprenticeship period, they may be engaged as probationers for which the order is to be issued. The number of apprentices completing their term should not exceed above 10% per annum. Amend Factories Rule 103 C thereby minimum 80% of the strength should be made permanent. Confirmation, a worker should get Rs.100 per day.
7.	Dindigul	42	<ul style="list-style-type: none"> The average daily wage ranges from Rs.25 to Rs.60 Wage pattern includes either free meal or meals at subsidized rates ranging from Rs.5 to Rs.15. Three year scheme with lump sum varying between Rs.25,000 and Rs.40,000/- Those leaving before completion of three years are paid lump sum amount on pro rata basis. 8 hours' work shift. Bonus is paid as ex-gratia payment which varies from Rs.400 to Rs.12000. PF benefits available in all mills but ESI not as 	<ul style="list-style-type: none"> Apprenticeship period to be reduced to one year. Apprentices may be restricted by fixing certain percentage in proportion to total workers. Minimum wage has to be fixed. Provide lump sum grants on completion of the scheme. Monthly deposit shall be made in the name of apprentices in the nearby nationalized bank. While employing 400 or more apprentices, qualified medical officer shall be appointed. To avoid reengagement of apprentices, they may be issued service certificate and the issuance of

S. No.	Name of the District	No. Of Mills visited	Observation of the Monitoring Committee Meeting	Recommendations
			<p>the area is not covered under ESI.</p> <ul style="list-style-type: none"> No child labour. No discrimination between men and women. Women workers reside in groups in common rooms. Room size is 16 ft x 10 ft and 25 ft x 25 ft. Number of inmates varies from 6 to 15. No bonded labourers exist. Most of the apprentices express satisfaction. 	<p>the certificate shall be made compulsory.</p> <ul style="list-style-type: none"> On completion of one year, the apprentices have to be regularized as permanent staff on the basis of completion of 480 days within a period of 24 calendar months, which has to be calculated for the 13th month.
8.	Namakkal	7	<ul style="list-style-type: none"> Out of the 57 textile mills in the Namakkal district, 12 mills have been employing women workers. Though the 7th day of the work-week is to be an off, it is not strictly observed. Depending upon the exigencies of work, the apprentices are asked to work on weekly off. No weekly off during the first year. Both the apprentices and parents are to sign in the agreement and terms and conditions of the Scheme. The apprentices are not aware of the conditions. In some factories, signatures from apprentices were obtained in the printed format and also in the blank white papers for subsequent use by the management against the apprentices. Some apprentices mentioned that if they had taken one day of leave in a month, their apprenticeship period extended by a month. They were made to work on National & Festival holidays. In practice, even single day wages were not given to them for their work during National & Festival holidays though the register says double wage was paid. 	<ul style="list-style-type: none"> Services should be regularized. Minimum wage to be fixed for all categories in textile industry. The training requirement is only 3 months during when they can learn. This can be vouched by the reputed training institutions like SITRA. Section 2 (oo) (bb) is disadvantageous (fixed term employment) to the working class. Workers should be given the right to raise an industrial dispute over this retrenchment at the end of the fixed period. The provision of breaks, weekly holiday, National & Festival Holidays should be scrupulously enforced. May be 10 to 20% of the total work force could be apprentices or trainees. Any violation should entail in cancellation of license or disapproval of the factory and stoppage of production. Social security protection like payment of gratuity should be made applicable to them even if they in the first year of service.

SOCO Trust – Action Aid

S. No.	Name of the District	No. Of Mills visited	Observation of the Monitoring Committee Meeting	Recommendations
			<ul style="list-style-type: none"> • The lump sum varies between Rs.30,000 and Rs.45,000 • 20 persons are accommodated in a single room measuring about 10 ft x 15 ft. • Continuous supply of food is ensured throughout the day. During working hours, free tea is supplied. • Recreational facilities are extended. • Annual leave with wages, weekly off, National & Festival holidays are provided. • Standing orders are certified. • Invariably no trade union activity. A five member Committee got the standing order. This Committee has no communication address. 	



Annexure - II

25 Point Guidelines of Justice E. Padmanabhan, quashing section 66(1)(b) of Factories Act, 1948

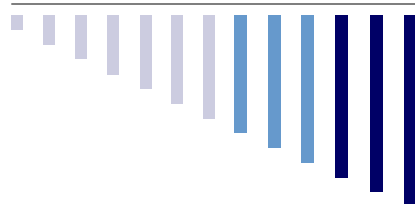
Following are the guidelines listed by the Hon'ble Justice E. Padmanabhan in his judgment dated 8.12.2000 quashing Section 66 (1)(b) of Factories Act, 1948 (2001 (II) LLJ Page 843), it allowed the industries to appoint women and girls during night shift.

1. It shall be the duty of the employer or other responsible persons at the work places or institutions to prevent or deter the commission of acts of sexual harassment and to provide the procedures for the resolution, statement of prosecution of acts of sexual harassment by taking all steps required.
2. All employers or persons in charge of work place or factory should take appropriate steps to prevent sexual harassment and they should take the following steps :
 - a. Express prohibition of sexual harassment in any form such as unwelcome sexually determined behavior either directly or by implication or advances or contact to gain contact or demand sexually favours or make sexually remark or showing pornography or any other unwelcome physical verbal or non-verbal contact of sexual nature;
 - b. The rules or regulations shall be framed by the factory managements relating to conduct and discipline prohibiting sexual harassment and provide for appropriate penalties in such rules against the offenders and also introduce amendments wherever necessary which are existing in the Standing Orders;
 - c. Provide appropriate working conditions in respect of work, leisure, health and hygiene to further ensure that there is no hostile environment towards women at workplaces and no women employee should have reasonable grounds to believe that she is disadvantaged in connection with her employment.
3. In case of any criminal case the employer shall initiate appropriate action in accordance with the penal law without delay and also ensure that victims or witnesses are not victimized or discriminated while dealing with the complaints of sexual harassment and wherever necessary, at the request of the affected workers, shift or transfer the perpetrator, if such conduct amounts to misconduct in the employment.
4. The employer shall maintain a complaint mechanism in the factory itself and the said mechanism should ensure time bound treatment of complaints. Such mechanism

should be at any rate to provide, when necessary a Complaint Committee, a special counselor or other support services including the maintenance of confidentiality.

5. Such Complaint Committee should be headed by a woman and not less not half of its members should be women, besides a non-governmental organization's representation in the Committee. Such person should be familiar with the issues of sexual harassment.
6. The female employees should be allowed to raise issues of sexual harassment to workers in the Worker's Meeting and other appropriate forums.
7. The female employees should be made aware of their rights in particular by prominently notifying the guidelines on the subject/
8. Wherever there is harassment at the instance of a third party, either by an act or omission, the employer and person in charge of the factory should take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.
9. The employer shall provide lighting not only inside the factory, but also surrounding of the factory and to all places where the female workers may move out of necessity in the course of such shift.
10. The employer shall see that the women workers are employed in a batch not less than ten and the total of the women workers employed in a night shift shall not be less than 2/3rd of the total strength.
11. Sufficient women security shall be provided during the night shift at the entry as well as exit points.
12. Separate number of work sheds shall be provided for the female workers to arrive in advance and also leave after the working hours.
13. Separate canteen facility shall be provided for the female workers
14. Separate transportation facility shall be provided wherever transportation is provided by the employer or the occupier of the factory.
15. Apart from the facilities, which is permissible under the Factories Act, an additional holiday shall be permitted for the women workers during their menstruation period, which shall be a paid holiday for the two night shifts.
16. The factory shall provide appropriate medical facilities and also make available at any time of urgency by providing necessary telephone connections and where more than hundred female workers are employed in a shift, a separate vehicle be kept ready to meet the emergent situation such as hospitalization, whenever there is a case of injury or incidental acts of harassment, etc.

17. Wherever the factory provides boarding and lodging arrangements for the female workers, the same shall be kept exclusively for the women under the control of women wardens or supervisors.
18. During the night shift not less 1/3rd of strength of the supervisors or shift-in-charge or foreman or other supervisory staff shall be shown.
19. There shall be not less than twelve consecutive hours of rest or gap between the last shift and the night shift whenever a woman worker is changed from day shift to night shift and so also from night shift to day shift.
20. In other respects, the provisions of The Factories Act and the Rule of other statutory provisions with respect to the hours of work and the Payment of Equal Remuneration Act and all other Labour Legislations shall be followed by the employer.
21. The Employer shall appoint not less than two female Wardens per night shift who shall go round and work as Special Welfare Assistants.
22. The Female Workers who work in night shifts and regular shift shall have a monthly meeting through their representatives with Principal Employer once in eight weeks as grievance day and the employer shall try to comply all just and reasonable grievances.
23. The Employer shall be at liberty to employ female workers as a whole or in part during night shift, provided, the above directions be complied with.
24. The employer shall send a fortnightly report to the Inspector of Factories about the details of employees engaged during night shifts and shall also send express report whenever there is some untoward incident to the Inspector of Factories and local Police Station as well.
25. The area Factories Inspectors and the Labour officers shall strictly enforce the directions and make it a point to take note of the non-compliance in their inspection from time to time and see that the employer complies with the direction by appropriate action.



Annexure - III

Guidelines and Code of Conduct of SIMA and TASMA

Comparative Aspects	SIMA	TASMA*
Development Process of the Guidance	Independent	Independent
Monitoring Mechanism of the Guidance To Be Used by Whom?	Verification (audit) by TUV-Rheinland	Not specified
Recruitment selection Process	Not specified (understood to be used by its members—all spinning mills) Detailed process Specified following key aspects: <ul style="list-style-type: none"> • Should be written policy • No discrimination • Age at recruitment • Age proof • Preferred height / weight • Test <ul style="list-style-type: none"> Two hand coordination Colour-blindness Finger dexterity Vision & hearing 	Not specified (understood to be used by its members—all spinning mills) Only on written application <ul style="list-style-type: none"> • By person or duly endorsed by parents • Rules and regulations to be communicated • Application process only specifies <ul style="list-style-type: none"> Name Address Photo—self + authorised relative Undertaking to abide by Rules
Manual for Induction and Training	Required	Not specified
Induction of workers	Separate guidance on induction of workers specified as follows : <ul style="list-style-type: none"> • Period (1 Week) • Objectives • Statutory / non-statutory benefits • Explaining working hours, leave, stipend, payment system, job profiles etc. • Hostel rules and regulations 	No separate guidance for induction of new workers specified
Training of workers	Detailed guidance : <ul style="list-style-type: none"> • Training as per job • Training hall • Training / HR officer • Safety aspects • Personality Development Programme 	Not specified
Wages	<ul style="list-style-type: none"> • Wage slip as per Payment of Wages Act, 1936 • Only authorised deduction under Minimum Wage Act, 1948 is 	No Overtime work except on exceptional circumstances

Comparative Aspects	SIMA	TASMA*
Legal compliance	<p>permissible</p> <p>Detailed guidance :</p> <ul style="list-style-type: none"> • In case of adolescent workers, certificate of fitness from certifying surgeon attached with Factory Inspectorate • Working hours – 8 hours per day, not to exceed 48 hours in a week • 1 day weekly holiday • Leave with wages as per Section 79, of Factories Act • Number of urinals and latrines for women as per law • Personal protective equipment (Rule 61 “O”) • Safety committee • Rest room • Creche (as per law) • National and festival holidays • PF, ESI and bonus • Provide appropriate working conditions in respect of work, leisure, health and hygiene • Complaint committee headed by a women • Complaint mechanism in factory and time bound treatment of complaints • No sexual harassment • Appropriate medical facilities • Separate canteen and transportation facility • Follow guidelines by Honourable Justice E Padmanabhan in Judgement dated 8.12.2000 	<ul style="list-style-type: none"> • Approval under Tamil Nadu Public Buildings (Licensing) Act, 1965 from Revenue Divisional Officers • 8 hours work, 8 hours rest and 8 hours leisure time
Hostel – General Guidelines	Not mandatory, optional	<ul style="list-style-type: none"> • Suitable counselling services to be made available, as hostellers may be coming from different places, with different cultural aspects and may feel home-sick. • Each hostel to be attached with nearest hospital • Male doctors for male inmates, and female doctor for female inmates • General medical examination periodically • Visitor rooms facility • Hostel : separate from mills’ premises and separate exit and entry gates • If hostel at long distance, transportation facilities

Comparative Aspects	SIMA	TASMA*
Hostel – Buildings, Transport and Security	<ul style="list-style-type: none"> Area per women employee – 20 -35 Sq. ft. Preferred number per room – 18 to 24 Sufficient lighting, windows and ventilation Five items for personal support (mat, pillow, individual cup board with lock) 	<ul style="list-style-type: none"> Appointment of wardens, sub-wardens and nursing staff Well ventilated Wall fans, not ceiling fans (Gives access for person to commit suicide by hanging) Provide items for personal support (mat, pillow, individual cupboard with lock) Kit at periodical intervals containing personal use items, Sanitary napkins for female inmates
Hostel – Freedom of Movements / Communication	<ul style="list-style-type: none"> Not specified separately 	<ul style="list-style-type: none"> Suitable telephone can be provided at convenient places Call hours to be fixed in consultation with workers
Hostel – Monitoring Committee	<ul style="list-style-type: none"> Not specified separately 	<ul style="list-style-type: none"> Separate Grievance redress committee with representatives of hostel Periodic meetings Equal representation from management and workers. Separate committees for affairs of the mill and for grievance redressal
Hostel – Food	<ul style="list-style-type: none"> Committee to be constituted Meeting once a month and yearly change in committee Food to be nutritious, quality, hygiene and sufficient in all three meals. Drinking water: Clean, aqua guard / RO Clean utensils Proper Ventilation Medical check-up of all personnel once in 6 months Dress code for canteen personnel 	<ul style="list-style-type: none"> Drinking water : clean and RO supplied Clean utensils Proper ventilation Medical check-up of all personnel periodically Dress code for canteen personnel
Hostel – Washing and cleaning	Detailed specifications in terms of <ul style="list-style-type: none"> Number of bathrooms Size of bathrooms Waste bin Cloth washing facility Wet cloth drying facility Waste disposal system Drainage system 	<ul style="list-style-type: none"> Sufficient number of toilets, bath rooms
Hostel Welfare / Entertainment facilities	Detailed specifications <ul style="list-style-type: none"> Provision for TV Indoor / outdoor games Classes for yoga, tailoring, art & craft, computer Picnic 	<ul style="list-style-type: none"> Common TV room Distance education Indoor / outdoor games Magazines / Newspapers at reading rooms

Comparative Aspects	SIMA	TASMA*
	<ul style="list-style-type: none">• Distance education facility• Library• Self-development and motivational programmes• Others	

- The TASMA code of conduct concerns only hostels and not recruitment and selection aspects.