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By email

LEX/JSV

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**ILO Committee of Experts on the Application of Conventions and Recommendations**

Dear Director-General,

I have the honour of sending you observations concerning compliance by the government of *India* with the following convention:

**1. ILO Convention No. 29 on Forced Labour**

Kindly forward this communication to the Committee of Experts for examination during its forthcoming session.

Thank you.

Yours sincerely,



General Secretary

## **Forced Labour and Trafficking in the South Indian Textile and Garment Industry**

Forced labour of girls and young women remains endemic in South India's textile industry.

Children, mostly aged between 15 and 18, but some as young as 12, 13 and 14 are trafficked in spinning mills in the Indian state of Tamil Nadu under a labour scheme often referred to as 'Sumangali'. While employers have stopped using this name, the practice of employment schemes that pay out a lump sum after a 3-5 years contractual period has been fulfilled, continues to exist. The lump sum is made up of either withheld wages or withheld Provident Fund (PF) deductions. The majority of Sumangali workers is recruited from Dalit (so-called scheduled castes which were formerly called untouchables) communities in draught prone areas of Tamil Nadu. Increasingly tribal girls from North-Indian states like Odhisa are recruited too (by giving false assurance to underage girls). Textile workers in South India are trafficked, exposed to forced overtime and are seriously restricted in their Freedom of Movement. This constitute violations of national (labour) law and ILO conventions 29 and 111.

### **1. Bonded and forced (child) labour in the South Indian textile and garment industry**

The state of Tamil Nadu is the largest producer of cotton yarn in India and also a global sourcing hub for ready-made garments. There are some 1,600 spinning mills, which can be found in 18 out of the 32 districts in Tamil Nadu. The size of the mills varies greatly. Precise figures lack, but an estimated 400,000 workers are employed in the mills. Sixty percent are women.<sup>1</sup>

Recruitment is targeted at young, mostly unmarried, Dalit women and girls, aged between 14 and 25. The promise: a decent wage, free food and comfortable accommodation and a considerable sum of money upon completion of their three year contract. This money is projected to be used for a dowry, a practice prohibited in India since 1961, but still a general practice in India and a major obstacle for poor families in getting their daughters married. Sumangali in Tamil refers to a married women, leading a happy and contended life. The word Sumangali is no longer used by employers in the textile mills in Tamil Nadu, but the practice continues under different names and sometimes different guises.

Excessive working hours and overtime, low wages, child labour, no access to grievance mechanisms or redress, unhealthy and unsafe working conditions, with accidents and verbal and physical abuse, including sexual harassment and other forms of violence of workers are regularly reported.<sup>2</sup> Suicides and suspected killings under the disguise of suicide are regularly being reported. Sumangali workers, but also spinning mills workers not contracted under such a scheme, are kept in hostels with severely restricted freedom of movement, often even lacking the possibility to make telephone calls to their parents. This gives management constant access to their labour supply and makes it easier for them to

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<sup>1</sup> ['Flawed Fabrics: The abuse of girls and women workers in the South Indian textile Industry'](#), SOMO and ICN, October 2014, page 14.

<sup>2</sup> See for example: ['Understanding the Characteristics of the Sumangali Scheme in Tamil Nadu Textile & Garment Industry and Supply Chain Linkages'](#), Fair Labour Association & Solidaridad, May 2012, page 6; ['Addressing Modern Slavery in Tamil Nadu Textile Industry –Feasibility Study Report'](#), prepared for the Freedom Fund by ASK, December 2014, page 15; ['Behind the Showroom: the hidden reality of India's garment workers'](#), FIDH, May 2014, page 33; '2010-2011 Anthology of Sumangali Case Studies' Tirupur People's Forum for protection of Environment and Labour Rights.

demand overtime and control workers movements. The promised end of contract sum is not a bonus, but made up of withheld wages or -more recent- of withheld legal PF deductions that are kept in the bank account of the employer instead of transferred to the government run PF office.<sup>3</sup> If workers leave their job before they finish their contract period, often because of health issues due to the harsh labour conditions, they will not receive the lump sum.<sup>4</sup> The scheme was first applied by employers in the late 1990's as a way to ensure a steady and cheap labour supply. Employers use this as a way to keep the sector economically viable after other costs, like freight costs and taxes, and lead time pressure due to production orders by international brands which require high speed and flexible production due to the increase of fast orders.

### 1.1 Deceptive recruitment

The recruitment of Sumangali workers focusses on cultural and socio-economic pressure(s) on young girls and their parents. The majority of the girls and women working in the mills have a Dalit, other oppressed castes background and tribal groups who are usually excluded from all walks of life resulting in poverty, landlessness and indebted families who depend on an irregular income as daily labourers (landless coolies). Orphans and children of single parents are also targeted. When free education ends at the 8<sup>th</sup> grade (at the age of fourteen) parents or relatives often lack the means to enrol children in school. Brokers recruiting for spinning mills are aware of this situation and are exploiting it by recruiting the girls and young women at this precise point in time. They convince parents to send their girls to the mills for a s-called well paid-job, opportunities for schooling and above all comfortable and safe accommodation.<sup>5</sup> Brokers receive a recruitment fee of (between) INR 500 (and) to INR 1,000 (around € 7 - € 15) for each worker he or she brings to the factory.<sup>6</sup>

### 1.2 Threats and penalties at the workforce

By various threats as well as actual penalties in the form of withholding wages and imposing excessive working hours, girls and young women are confined within the factory premises and permanently put at the disposal of spinning mills owners.

Sumangali workers consistently report verbal abuse by supervisors and sexual violence, although first hand witness accounts are rare because of the fear of public humiliation.<sup>7</sup> An

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<sup>3</sup> [‘Flawed Fabrics: The abuse of girls and women workers in the South Indian textile Industry’](#), SOMO and ICN, October 2014, page 45.

<sup>4</sup> [‘Captured by Cotton: Exploited Dalit girls produce garments in India for European and US markets’](#), SOMO and ICN, May 2011, page 12.

<sup>5</sup> [‘Understanding the Characteristics of the Sumangali Scheme in Tamil Nadu Textile & Garment Industry and Supply Chain Linkages’](#), Fair Labour Association & Solidaridad, May 2012, page 6, 17.

<sup>6</sup> [‘Maid in India: Young Dalit Women Continue to Suffer Exploitative Conditions in India’s Garment Industry’](#) SOMO and ICN, page 23-24.

<sup>7</sup> [‘Understanding the Characteristics of the Sumangali Scheme in Tamil Nadu Textile & Garment Industry and Supply Chain Linkages’](#), Fair Labour Association & Solidaridad, May 2012, page 6; [‘Addressing Modern Slavery in Tamil Nadu Textile Industry –Feasibility Study Report’](#), prepared for the Freedom Fund by ASK, December 2014, page 15; [‘Behind the Showroom: the hidden reality of India’s garment workers’](#), FIDH, May 2014, page 33; [‘FWF Guidance for Affiliates: The Sumangali Scheme and India’s Bonded Labour System’](#), Fair Wear Foundation, March 2015, page 3.

exemption is the story of a girl who started to work in a spinning mill at the age of twelve, from a Tamil language newspaper:

*Her parents tell, “We have sent our daughter 2 ½ years ago along with a broker to a spinning mill. We visited her occasionally. She comes home once in a year. There is no other holiday. She was promised 120,000 Rupee after fulfilling a 3 year period. There is no evidence document for that. She does not get a monthly salary. She is not yet 15 years old but she looks grown up. When we visit her once in 6 to 8 months in the spinning mill we were given 6000 to 7000 Rupees. That is her overtime wage. She never told us about what is happening in the spinning mill, we never asked her either. 15 days ago the supervisor of the spinning mill, called us to take our daughter home. We went and brought her to home. She was not in a brisk mood as usual, she became fat. She was sitting quiet for about a week. Then she slowly spoke to the mother that she was abused several times by the supervisor. She was taken to hospital for health check-up and found she was 3 months pregnant.”<sup>8</sup>*

Through the lump sum payment that is made up of withheld wages or PF contributions, workers are threatened with non-payment if they do not comply with demands and conditions dictated by employers. If workers do not complete their contractual obligations of the working period of 3 or 5 years, the worker will not receive the promised lump sum amount and remain empty handed without any form of recourse since workers do not receive written contracts or any other proof of employment. Unions do not operate in the mills and restrictions of movement virtually exclude from access to labour authorities. In some mills workers are forced to complete a certain number of ‘services’, where each service is 26 days (one month). If a worker is absent one day during a month, she is penalized by working another full service (26 days) as ‘compensation’.<sup>9</sup> Wage retention in different forms is common as well (late payment, early termination of contracts, deductions).<sup>10</sup> This also explains why workers are reluctant to take sick leave, even when dangerously ill.

### **1.3 Restricted Freedom of movement**

Workers are practically imprisoned in the hostels, often located at the factory compound. Workers are only allowed to leave for annual religious holidays or sometimes not at all. If the hostel is located outside the factory compound, workers are only allowed to leave for taking buses transporting them to the mill. Busses that return workers to the hostels will not leave until extra shifts are done. Workers are constantly monitored by supervisors and hostel wardens. Even in the case of health emergencies, girls find themselves at the mercy of the management. No outsiders are allowed to visit the hostel, except for parents. However, even parents are required to get special permission to visit their daughters and the number of visits is restricted to a few per year. In many of the hostels, girls are not allowed to carry a mobile phone and can only make calls via the hostel line while the

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<sup>8</sup> ‘Near Tirupur Teen Rape worked in textile mill from Andipatti’, July 10, 2015 (Friday), Daily Thanti.

<sup>9</sup> ‘2010-2011 Anthology of Sumangali Case Studies’ Tirupur People’s Forum for protection of Environment and Labour Rights.

<sup>10</sup> [‘Behind the Showroom: the hidden reality of India’s garment workers’](#), FIDH, May 2014, page 33.

warden is listening in. Some hostels now do allow mobile phones and/or a once a week market visit, guided by the hostel wardens, but these mills are a minority.<sup>11</sup>

These restrictions are being justified under the pretext as a safety measure to protect the girls, but these gender norms are culturally exploited by employers to their own advantage. One of the threats used by supervisors is that they will call the parents and inform them of their daughters 'bad behaviour'. In fact, the so-called protection of female virtues is constantly undermined by the abysmal working conditions and suppression of worker's freedom of movement and association.

One report describes how a mother came to visit her daughter who was sick.

*"I spoke to her in a room provided for visitors, because visitors are not allowed to go inside the mill or hostel. My daughter told me that she was suffering with fever and vomiting often. ...I met with the manager and requested him to give leave to my daughter because she was unwell. I told them that I would send my daughter back once she was better. But the management denied saying that there was a shortage of workers therefore they cannot grant leave. He also assured me that they would take care of my daughter and asked me not to worry."*

A week later her daughter was dead. She was only 20 years old.<sup>12</sup>

## **2. Conclusion ITUC**

From the above, ITUC concludes that forced labour and trafficking occur on large scale in the South Indian textile industry. The following determining features for forced labour<sup>13</sup> are relevant for the spinning mills in Tami Nadu: physical confinement in the work location; psychological compulsion, withholding and non-payment of wages and deception or false promises about types and terms of work. Furthermore in many mills workers are threatened with physical or even sexual violence. Indicators for trafficking<sup>14</sup> that apply to the situation in the spinning mills are deceptive recruitment; recruitment by abuse of vulnerability; exploitative conditions of work; coercion at destination and abuse of vulnerability at destination.

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<sup>11</sup> ['Position paper on Sumangali', Business Social Compliance Initiative](#), April 2014; ['FWF Guidance for Affiliates: The Sumangali Scheme and India's Bonded Labour System'](#), Fair Wear Foundation, March 2015, page 4; ['Understanding the Characteristics of the Sumangali Scheme in Tamil Nadu Textile & Garment Industry and Supply Chain Linkages'](#), Fair Labour Association & Solidaridad, May 2012, page 23; ['Addressing Modern Slavery in Tamil Nadu Textile Industry –Feasibility Study Report'](#), prepared for the Freedom Fund by ASK, December 2014, page 15.

<sup>12</sup> ['Slavery on the High Street: Forced labour in the Manufacture for international brands'](#), Anti-Slavery International, June 2012, page 16.

<sup>13</sup> ['A Global Alliance against Forced Labour: Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work'](#), ILO, 2005.

<sup>14</sup> ['Operational indicators of trafficking in human beings. Results from a Delhi survey implemented by the ILO and the European Commission'](#), ILO, 2009.