

# The strange and persisting case of Sumangali

## (or, the highway to modern slavery)

### *Historical context*

Something extraordinary has been going on in the textile sector in Tamil Nadu, specifically in the spinning mills in the Tirupur area. Extraordinary because this sector did practically not exist before the 1970's, and its emergence has been the result of a remarkable caste transformation. In this process of expansion, the local community of upper caste peasant farmers, Gounders, was turned into a new class of industrial capitalists. In villages surrounding Tirupur, Gounder landowners began to set up powerloom units with anything from 4 to 50 looms. Initially they operated their looms with family labour, later recruiting Gounder wage labourers, and then local Dalits. As looms continued to be established, Gounders began employing migrant workers from neighbouring districts, for whom they provide accommodation.<sup>1</sup>

Extraordinary too because employment in the textile 'godowns' offered Dalits and other excluded groups, such as Christians, ways to escape from the usual prospect to work in agriculture. Wages are generally higher in the mills, and there is also considerable scope for upward mobility within the garment industry. Entrepreneurial tailors may manage to become labour contractors or supervisors as their career advances. In contrast, agricultural labourers have no such opportunities for progression, and are stuck on much lower wages. While incomes are higher in Tirupur, working hours are also longer than those in agriculture. But despite the longer hours, people in villages perceived the working conditions in Tirupur to be attractive and factories as desirable places to work.<sup>2</sup>

Carswell and De Neve write that "Workers routinely comment on the contrasts with agricultural work: they can work out of the sun and under a fan, much of the work can be done sitting down, and men can dress in shirt and trousers and women in a neat salwar kameez or saree ... and those who work in Tirupur are frequently described as 'neat' and 'clean'. Perhaps most importantly, the *potential* that the town offers is much more prominent in people's minds than the chances of failure that it contains." They also beautifully describe how a woman "joked about young women's work in Tirupur illustrating how urban garment work is perceived in the village: 'The girls, they just put lipstick on, get on the bus, watch the boys, have a tea in the shop and come back – that's all they do! They don't want to work hard anymore!'"<sup>3</sup> Little did they know then how the realities of working in the godowns would gradually destroy these perceived positive prospects?

### *Tamil Nadu textile and garment industry*

The state of Tamil Nadu is the largest producer of cotton yarn in India and has emerged as a global sourcing hub for ready-made garments. The spinning mill industry in Tamil Nadu is of major importance to the state and to the national Indian economy. Spinning mills can be found in about half of all Tamil Nadu districts and greatly vary in size. According to a 2009 Study of the Apparel Export Promotion Council of India, the textile and clothing manufacturing hubs of the National

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<sup>1</sup> This historical context is heavily drawing from "T-shirts and Tumblers: caste, dependency and industrial work in Tiruppur's textile belt, Tamil Nadu" by Grace Carswell and Geert De Neve, 2010, Sage Publications.

<sup>2</sup> Carswell and De Neve, p.20

<sup>3</sup> idem

Capital Region (in and around Delhi), Tirupur (in Tamil Nadu) and Bangalore (in Karnataka) together contribute anywhere between 55% to 60% of the total exports from India. Tirupur tops all hubs in terms of turnover (Rs 13450 crore); there are a total of 2599 manufacturing units in Tirupur employing directly and indirectly around 6 lakh workers.<sup>4</sup> More recent figures by SOMO and ICN estimate 4 lakh workers employed in some 1600 spinning mills. Sixty per cent of the total labour force consists of women.<sup>5</sup> Their working conditions the story where sumangali is shattering dreams.

### ***So, what is Sumangali?***

Spinning mill owners invented sumangali, primarily to secure a steady labour supply. About two decades ago they started targeting, with the help of contractors, young girls which had completed their basic education at the age of 14 years, and school drop-outs. Most of the young women workers, 60 to 70%, are Dalits.<sup>6</sup> These workers may join the mills due to their poor standing in the community, landlessness and lack of other assets, or discrimination of Dalit children in local schools limiting other livelihood options.<sup>7</sup> Under sumangali, the young women are offered a labour contract of 3 to 5 years. Upon completion of the contract period they receive a lump-sum payment which varies from rs. 35.000 to 70.000. This money saved, it is being portrayed by spinning mill owners, can ultimately be used to pay for the girl's future dowry expenses. After all, sumangali is a Tamil word which refers to the state of happiness a woman attains once she is married and cared for by her husband, with good fortune and no worries in the world. During the contract period regular wages are not being paid because sumangali is presented as a training programme. Instead pocket money is being provided. At the same time, about half of the young women are being housed in dormitories or hostels which are being managed by the spinning mills. This is a departure from the earlier practice that workers would go home by bus after working hours, wearing lipstick or not. A typical recruitment poster for sumangali workers looks like this:

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#### STANDARD SPINNING AND WEAVING MILLS LIMITED

##### **A Golden opportunity for girl workers**

***We need skilled / unskilled girl workers to work under "Training Scheme" in our modern spinning mill located near Srivilliputhur, Virudhunagar district.***

Age: 16 years and above;      Height: 5 feet and above

Prior experience is not required

Training Period: 3 months Rs.55,000 + [20,000 (PF)] = Rs.75,000/- (for 1050 working days)

*Salary details / per day*

3 months training period	First year	Second year	Third year
Rs.45/-	Rs.55/-	Rs.60/-	Rs.65/-

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<sup>4</sup> National People's Tribunal, Living Wage as a Fundamental Right of Indian Garment Workers Bangalore, November 22- 25, 2012, p. 5

<sup>5</sup> SOMO - Centre for Research on Multinational Corporations/ICN - India Committee of the Netherlands: Flawed Fabrics The abuse of girls and women workers in the South Indian textile industry, October 2014

<sup>6</sup> Addressing Modern Slavery in Tamil Nadu Textile Industry – A Feasibility Study Report, Association for Stimulating Know How (ASK), December 2014, p. 25, or see READ's End all forms of forced labour in the garment sector, May 2015, p.8

Salient Features of the scheme:

- i. Free accommodation and food
- ii. Hygienic food items.
- iii. Non veg food (Chicken, Fish, Egg), once in a week.
- iv. Mineral water for drinking.
- v. Round the clock medical service.
- vi. Cable TV and games.
- vii. During scheme period, free tailoring and typewriting training will be provided.
- viii. Single Bed accommodation, Fan and cupboard facilities.
- ix. Daily newspapers and weekly magazines.
- x. Telephone facilities to contact parents.
- xi. Incentive on a monthly basis to workers with more attendance.
- xii. Incentive based on production.
- xiii. Bonus on the occasion of Diwali.
- xiv. Earned leave on National and festival holidays.
- xv. Picnic, once in a year
- xvi. Air conditioned work place.
- xvii. Courteous Women Hostel warden and Security staff to guide the workers.

Contact details:

Standard Spinning and Weaving Mills Limited

Chinnapandithanpatti (Near Malli), Srivilliputhur Taluk

Ph: 9843598057 / 04563 – 281594

***Bus Route: Srivilliputhur to Sivakasi Buses. Bus stop: Pandithanpatti vilakku.***

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### ***A “Golden Opportunity” gone sour***

Few poor parents will not be giving in to such general employment terms. More so, certain spinning mills are not paying the lump sum to the workers themselves directly, but to their parents or guardians who are meanwhile agreeing their daughters “will obey the rules and regulations of the factory” and “will not make any problem during the employment period”, an ominous sign contradicting the attractive “salient features” of the employment advertisement:

Piragathy Spinners Ltd

Undertaking

To

**Mr. V. Sreenivasan, S/O Mr. T. Venkatapathy, Managing Director of Piragathy Spinners Ltd located in Peedampalli village, Palladam taluk, Coimbatore District**

**I, Mr. Xavier, Father of Vinnarasi, willingly agreed on 16<sup>th</sup> day of June month of 2004, to employ my daughter in your firm for three years and I assure that either me or my daughter will not make any problem during the employment period.**

**Further I agree that my daughter X.Vinnarasi will work for 1270 days from today and upon completion of her successful employment for 1270 days, she will be eligible to receive a sum of Rs.30000/-. The amount will be given only to the parent / guardian of X.Vinnarasi. During the period, my daughter will obey the rules and regulations of the factory.**

**For Piragathy Spinners Ltd**

**Employee ... Signed**

**Managing Director ... Signed**

**Parent/Guardian ... Signed**

Trafficking is a practice whereby aspiring workers are being cheated into acceptance of a contract, by false pretenses and deception. Given the crunch of labour supply, according to employers, spinning mills in Tamil Nadu made employment opportunities in their sector look as attractive as possible. The projected lump sum payment must seem gigantic in the eyes of poor peasant parents and employing their daughters in the mills a healthy alternative to the child sitting idle at home until a prospective wedding partner appears, something which can take years to come. Little the parents knew that their children were lured into a job which did not match any of the promises. Not even close.

***Legal requirements***

SAVE's Sumangali Trends<sup>8</sup> provide good insights to which extent labour laws and regulations are being respected. Interviews with some 500 workers in June 2014 showed that 23% of all sumangali workers were younger than 14 years of age. In January 2015, the same sample size revealed that 26.85% of workers were between 12 and 14 years of age at the moment they were recruited. This means that one quarter of all workers are child labourers. During both periods, no workers had received an appointment letter, not to mention an employment contract. In 2014, less than 6% was issued an identity card which had to be surrendered the moment the young women left factory or dormitory premises.

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<sup>8</sup> See SAVE, Social Awareness and Voluntary Education, Sumangali Trend Analysis January 2013- June 2014, published in December 2014, and Sumangali Trend January 2015, published in May 2015

Regarding wages, 80% of the respondents in 2014 did not know how much they had actually received because no one is receiving monthly wages. In both periods, not a single worker had received wage slips. Daily wages in 2015 for 8 hours of work ranged from rs 100 to 230. This in contradiction to the average minimum wage which the Tamil Nadu government in April 2015 set at rs 282,40 (110 basic wage plus a dearness allowance of 172, 40). To make things worse, these wage rates are applicable to apprentices only. Until 2009, the spinning mill owners defied the notion that apprentices too are entitled to statutory minimum wages, but were corrected by the Madras High court, which did not find a daily wage of rs 110 excessive.<sup>9</sup> The entire contract period, workers remain apprentices. By law, apprentices cannot work overtime or meet production targets, after all they are just learning a trade. But from the job advertisement above under xi, workers receive an “incentive based on production”. At the Bangalore public hearing it was stated that factually only 3 months are required to learn the job on the spot.<sup>10</sup> This means that the apprenticeship status is just a means to keep wages artificially low. When compared to the job advertisement above, wages offered in subsequent years (ranging from rs 45 to 65) are illegal anyway. In 2015, wages during the training period went up from rs 70 to 100, but 80% of the respondents indicated that they were not aware about any training period and were not paid any amount in the first month. Workers had very little knowledge about wage reductions, for ESI, EPF, uniforms, food and lodging, all unilaterally determined by employers. None of these matches the promises from the job advertisement which mentions “free accommodation and food”. Finally, in 2015, 11% of the workers received an advanced payment on wages for either their elder sister’s marriage, or for sickness of family members. The majority of parents however, ranging from 74 to 92%, did receive advance payments the moment their daughters were engaged by the mills.

Working hours are another stumbling block, especially when looked upon from the apprenticeship angle. Only 10% worked for 8 hours during 6 days. The rest worked more than 60 hours overtime per week, with almost half working continuously for two shifts. There is little awareness about overtime payments, at double rates. Overtime is mandatory. In 2015, none of the interviewed workers reported paid leave, and 4% only had a weekly holiday. Mandatory breaks, of one hour daily for 8 hours worked, are reported by 20% of the respondents. The hours worked are compounded by unhealthy working conditions. Almost all workers complain about heat. Where personal protection items like face masks and earplugs are provided, which is the exception, very few apply them. About one-third of workers noticed first aid boxes, but only a handful of workers report free visits by medical doctors, contrary to the promise made in the job advertisement (“round the clock medical service”). The strict working time regime is combined with heavy penalties when hours are being missed (rs 50 to 60) making it difficult for workers to avail sick leave. Most prefer continuing to work instead anyway, having devastating effects on their physical and mental health. Little awareness exists among employers regarding negative productivity impact when workers are not fit for work.

Three issues stand out furthermore when talking about legal requirements, making sumangali a total nightmare. First, no worker is a trade union member, and unions have no access to either factory or dormitory premises. Speaking out against management is not tolerated. One worker, her name Ms. Kalivani, was staying at a dormitory and suffering from fever. On 25 February 2015 she requested sick leave. This was refused and forced by the warden to go to work. Instead, she went to the bathroom where she hung herself. During a fact finding mission conducted the following day by six

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<sup>9</sup> The Southern India Mills ... vs The State Of Tamil Nadu on 11 December, 2009

<sup>10</sup> Expert witness Dr. Vijay Bhaskar from Madras Institute for Development Studies, in: National People’s Tribunal (2012). Living Wage as a Fundamental Right of Indian Garment Workers, Bangalore, November 22-25, p. 9

independent persons, it turned out that some days earlier Kalivani had been complaining to management about working conditions as she was reputed to be a “brave girl” and at that time nothing was wrong with her physically. The investigation also revealed that a number of circumstances and facts made the suicide doubtful. A rapid cremation and compensation offered to the family only fueled suspicions. Management also organized a meeting with workers, requesting them not to reveal anything about the death to anyone. No legal action had been initiated against the mill management. Several deaths were reported in the past, the investigators wrote, and no action had ever been taken against employers.<sup>11</sup>

The above is an illustration of the very harsh regime in the mills. In 2015, almost 70% of all workers experienced verbal abuses by management, which they felt was the normal practice (although percentages were higher in 2014, where 90% complained about verbal abuses). 1 out of ten workers reported physical violence. Sexual violence was reported by 6% of the women, though 90% is reporting the passing of sexually connoted remarks, caste based insults included. Almost one in every four women reported demands or requests for sexual favours. At the same time, not a single worker knew whether Workers Committees and Complaints Committees<sup>12</sup> were established or not. The combination of these factors psychologically scars the workers and 75% is reporting psychologically trauma due to working conditions and bad treatment. These traumas are also related to menstrual cycles, irregular for 82% in 2014, and high levels of constipation.

Thirdly, the lump sum payment, a mirror situation of debt bondage whereby in fact the employer is taking a wage advance from the worker, often contains shortcomings. While more than 90% actually received a lump sum at the end of the contract period, 69% of the workers did not receive the promised amount. Management practices are reported whereby women are discouraged to complete their contracts towards the end of the contractual period, thereby forfeiting their lump sum entitlement.<sup>13</sup> All this doesn’t take away that the entire lump sum system is illegal and a manner to submit workers into bondage.

Supporters of sumangali are portraying the system as an employment opportunity for young women from modest social origin. In the spinning mills, as the name sumangali suggests, women are treated with dignity and honour. The promises in the job advertisement underline this aspect. Once the system is reviewed, on the factory floor, none of these promises are fulfilled. The situation in the hostels or dormitories however is not much better. The workers complain about sleep deprivation (when called for additional night shift duties), cramped sleeping rooms, insufficient toilet facilities, verbal abuse, sexual harassment, lack of freedom of movement, insufficient medical facilities, unhygienic food, barely any options to visit their homes, limitation of phone calls, no grievances system. Television reportedly being the only remaining satisfying element within their working lives. So much for the dignity of women.

### **Enforcement**

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<sup>11</sup> Fact finding on suspicious death of mill workers, SSM Spinning Mill, Veda sandur, Dindigul district, 26 February 2015. Mill management did not interact with the mission members.

<sup>12</sup> Mandatory under Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

<sup>13</sup> In sum, the following labour acts are being violated: factories act, apprenticeship act, payment of bonus act, sexual harassment act, bonded labour act, trade union act, equal remuneration act, payment of wages act, minimum wages act, ESI act, PDF act, contract labour act, worker’s compensation act, The Tamil Nadu industrial establishments (national & festival holidays) act, weekly holidays act, prohibition of dowry act, juvenile justice act, industrial disputes act.

From time to time, labour authorities and politicians in Tamil Nadu promised workers to look into their employment situation. In 2006 and 2007, the authorities announced to intensify inspection of the mills. Several orders were issued (G.O.M Numbers 67 of 8 August, 2006; 62 of 30 March, 2007; and 137 of 22 June, 2007) but none of these could be traced even when the Right to Information Act was invoked. The continuation of the system for more than two decades now already indicates that the authorities are not very serious about its total illegality.

The Tirupur textiles cluster is a large exporting hub. This automatically implies compliance scrutiny by international buyers. For a good number of years now, individual buyers,<sup>14</sup> or as members of multi-stakeholder initiatives<sup>15</sup>, have called for responsible business practices respecting basic human rights. But without the collaboration of labour authorities and employer's organizations such as the Tirupur Export Association (TEA), Southern India Mills Association (SIMA) or Tamil Nadu Spinning Mills Association (TASMA), they feel little power to bring about change. International buyers have consequently not only watered down their respect for labour and human rights, but also been largely engaging in talking circuits without a show of courage to demand basic respect for labour rights. Or alternatively, seek business elsewhere. At the same time, the Tirupur cluster is exporting yarn to other countries, such as Bangladesh, poisoning the textile supply chain at a global scale.<sup>16</sup>

### ***Way forward***

In their report from October 2015,<sup>17</sup> the participants from a large number of organizations came up with the following recommendations to counter sumangali and its illegal practices targeting young Dalit women workers:

- International forums need to come together to address the issue and the members from the international community present here can make the efforts on
  - A public hearing at the national level with relevant national commissions
  - A national level signature campaign
  - Collective efforts to make a joint and collective statement by the United Nations special rapporteurs
  - Involve all the stakeholders associated in the process
  - Raise a collective voice in the respective forums to protect the children and women
  - The National Legal Service Authority shall be sensitized to go for a PIL with the necessary documentary evidences of the issue in the supreme court of India
  - Respective states of both source and destination shall be mapped and involved in the future consultation to draw the larger attention.

The International Labour Organization, the most eligible UN agency to target sumangali, has formally been conspicuously absent in the whole debate, apart from participation in a few meetings of ILO officials with labour authorities, spinning mills associations, trade unions and other stakeholders. It has emphasized that basically three aspects need to be amended first before the sumangali system could acquire some legitimacy: abolish the lump sum payment and pay wages on a monthly basis;

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<sup>14</sup> Such as Primark, C&A, Carrefour, Wal-Mart, IKEA

<sup>15</sup> Such as Fair Labor Association (FLA), Ethical Trading Initiative (ETI), Fair Wear Foundation (FWF), Business Social Compliance Initiative (BSCI), Freedom Fund

<sup>16</sup> Flawed Fabrics, The Abuse of girls and women workers in the South Indian Textile Industry, SOMO & ICN (2014)

<sup>17</sup> END ALL FORMS OF FORCED LABOUR IN THE GARMENT SECTOR, A Report of the National Consultation held in May 2015 by READ, NCDHR and UKDSN

reduce the apprenticeship period to a genuine employment requirement; and do away with dubious job advertisements and other unfair labour recruitment practices which turn hiring into trafficking.

Formally, the ILO can only engage with governments on disputed matters once a matter is taken up by its supervisory system. Within the ILO, trade unions and employer's organizations can kick ILO supervision into gear by submitting comments regarding non-application of ratified ILO conventions. In September and October 2015, at last, two trade unions<sup>18</sup> have produced such comments, accusing the Government of India of violation of the ILO Forced Labour Convention, 1930 (No. 29).

The International Trade Union Confederation concluded that forced labour and trafficking occur on large scale in the South Indian textile industry. It reiterated that 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 constitute forced labour.

It further underlined indicators for trafficking applying to the situation in the spinning mills which include deceptive recruitment, recruitment by abuse of vulnerability, exploitative conditions of work, as well as coerce and abuse of vulnerability at destination level.

Sumangali has been a most empowering experience for the Gounder caste, but many mills workers, young women from oppressed castes, are threatened with physical and sexual violence in underpaid jobs without any option to raise their voices. The extraordinary Tirupur case of caste transformation has been an exclusively one-sided story, full of cultural hypocrisy at the cost of the lives of young women which were already compelled to lead an excluded life on the fringe of society. It is a story of workers without dignity, exploited in the name of economic growth, national development and matrimonial harmony.

Coen Kompier

ILO Specialist International Labour Standards

For the India Exclusion Report 2015/2016

November 2015

ILO, New Delhi<sup>19</sup>

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<sup>18</sup> The International Trade Union Confederation in Brussels, and the Garment Labour Union from Bangalore

<sup>19</sup> All views expressed are the author's alone