



Garment Labour Union

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Reg No. ALCB- 2/ DRT/CR- 11/2012

Date: 08-10-2015

To,

Director General
International Labour Organisation
4 Route des Morillons
CH-1211 Genève 22
Switzerland

Subject: Trade Union Comment on the application by India on the ILO Forced Labour Convention, 1930 (C. 29). This convention was ratified by India on 30 November 1954.

Seeking urgent intervention to stop "Sumangali" scheme bonded labour practices in the state Tamil Nadu.

Sir,

We, Garment Labour Union, trade union registered under Trade Union Act, herewith would like to present a comment against the Government of India (member state of ILO) regarding application of the Bonded Labour System (Abolition) Act, 1976.¹ This comment is related to the application of the Forced Labour Convention, 1930 (C029), ratified by India on 30 November 1954. In addition, this comment pertains to the Hours of Work (Industry) Convention, 1919 (C001), ratified by India on 14 July 1921, the Minimum Wage-Fixing Machinery Convention, 1928 (C026), ratified by India on 10 January 1955 and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), ratified by India on 3 June 1960.

Sumangali

The Sumangali scheme applies to fixed term labour arrangements for young women - mostly between the age of 15 and 18 – employed in spinning mills in Tamil Nadu. Under the scheme a significant wage portion is withheld until workers complete the tenure of the contract which ranges from 3-5 years. This comment focuses on the Sumangali scheme in spinning mills in Tamil Nadu. At present there are 1,600 mills in Tamil Nadu with a workforce over 400,000. Sixty percent of this workforce consists of girls and young women who are vulnerable to the practices of the Sumangali scheme.²

¹ Act no. 19 of 1976

² SOMO & ICN (2014). Flawed Fabrics, The Abuse of girls and women workers in the South Indian Textile Industry, p. 14

As most of the recruited women are from remote, rural areas, the Sumangali scheme closely resembles labour camps where workers live in hostel facilities controlled by the factory management.³ Such living arrangements provide workers with little or no freedom of movement, and make sure that workers are available 'on call' whenever the factory requires them for work.

Most families are willing to use the lump sum paid to workers at the end of the contract as a dowry (although illegal by law since 1961⁴) or to meet expenses of the wedding. Therefore, Sumangali-like schemes are also known as a *marriage assistance system*. The term Sumangali means 'eligible for marriage' or 'happy married woman'.⁵

The Sumangali scheme has existed for over two decades. In the past, textile production was directed towards a national market and the workforce comprised mainly of male workers who were unionised.⁶ In the 1990s, with the liberalisation of the market the industry became more export oriented. Government regulations became less and the number of mills in Tamil Nadu increased. The export market generated a sharp competition on prices and the expanding number of mills created a demand for a greater workforce.⁷ The South India Mill Association (SIMA) and the South Indian Textile Research Association (SITRA) observed that poor women from rural areas became a pool of easily manageable and cheap workforce for this industry.⁸ The recruitment of male workers seemed to be avoided by the textile mills. Additionally the systematic use of apprenticeship became a widespread practice.

Until now, there has not been much action taken upon Sumangali practices. It is difficult for unions to get in contact with the young women in the factories, mills and hostels. The management of mills and factories deter workers contact with unions using security guards, walled compounds, surveillance cameras, transporting workers to and from the workplace and not permitting workers to leave the compound unguarded or unescorted.¹⁰

The International Labour Organisation (ILO) has determined indicators of forced labour to identify practices that could be considered forced labour. These indicators include: abuse of vulnerability, deceptive recruitment practices, restriction on movement, isolation, physical and sexual violence, intimidation and threats, retention of identity documents, withholding

³ SOMO & ICN (2014). *Flawed Fabrics, The Abuse of girls and women workers in the South Indian Textile Industry*, p. 58

⁴ The Dowry Prohibition Act, 1961, 20th May. Act No. 28 of 1961. Retrieved on 7 August 2015, via <http://wcd.nic.in/dowryprohibitionact.htm>

⁵ Fair Wear Foundation (2015). *FWF Guidance for Affiliates: The Sumangali Scheme and India's Bonded Labour System*, p.2

⁶ Delaney, A & Tate, J (In press). *Forced Labour and Ethical Trade in the Indian Garment Industry*, in L. Waite, G. Craig, H. Lewis & K. Skrivankova (Eds.), *Vulnerability, Exploitation and Migrants: Insecure Work in a Globalised Economy*. Melbourne: Palgrave Macmillan.

⁷ Tewari, M (2001). *The Challenge of Reform: How Tamil Nadu's Textile and Apparel Industry is Facing the Pressures of Liberalization*. Paper produced for the Government of Tamil Nadu, India and the Center for International Development, Harvard University, Cambridge MA.

⁸ Kumar V. (1999). *Spinners Hike Output to Overcome Losses*. Retrieved on 10 August 2015 via <http://expressindia.indianexpress.com/fe/daily/19990927/fco27098.html>

⁹ Narayanaswamy, M. K., & Sachithanandam, M. M. (2010). *A study to understand the situation of Arunthathiyar girls employed under the 'Sumangali Thittam. Scheme in Erode, Coimbatore, Tirupur, Viruthunagar & Dindigul districts of Tamil Nadu', India.*

¹⁰ Delaney, A & Tate, J (In press). *Forced Labour and Ethical Trade in the Indian Garment Industry*, in L. Waite, G. Craig, H. Lewis & K. Skrivankova (Eds.), *Vulnerability, Exploitation and Migrants: Insecure Work in a Globalised Economy*. Melbourne: Palgrave Macmillan.

of wages, debt bondage, abusive working and living conditions, and excessive overtime.¹¹¹² The Sumangali scheme illustrates clearly nine of eleven indicators of forced labour. We shall outline them as follows in the comment.

We, Garment Labour Union, are concerned about the inhuman and degrading Sumangali practices widespread in the state of Tamil Nadu, India. The Sumangali Scheme is a form of bonded labour practice in the sense that it relates to practices of forced labour¹³, the denial of minimum wages, withholding wages, misusing provisions of the Apprentices Act, extremely poor working and living conditions, discrimination at the recruitment level and trafficking of persons. The Sumangali scheme and such related practices are violations of the Forced Labour Convention, 1930 (C029) - ratified by India on 30 November 1954, the Hours of Work (Industry) Convention, 1919 (C001) - ratified by India on 14 July 1921, the Minimum Wage-Fixing Machinery Convention, 1928 (C026) - ratified by India on 10 January 1955 and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) - ratified by India on 3 June 1960.

1. Denial of minimum wage and withholding wage

Sumangali workers get paid in two ways. First, there is a lump-sum paid after the end of the three or five-year contract term. Second, the workers get a small monthly stipend. Although there is no minimum wage set for spinning mill workers in Tamil Nadu¹⁴, the two mentioned forms of payments together form a salary that is below the general statutory minimum wage levels in the State. This denial of minimum wage is a form of wage theft. In case of the young garment workers, wage theft occurs frequently in different forms: late or non payment of wages, illegal deduction of the wages, payment of regular hourly wages for overtime work instead of double-rate, pay-slips are not given and workers are not informed about the exact wages.¹⁵ This makes the wages an instrument through which the management controls the workers.

Legal framework

Article 43 of The Constitution of India, Directive Principles of State Policy, states that the state shall endeavour to secure a living wage. However there is no minimum wage set for regular textile mill workers in Tamil Nadu. Nevertheless it can be proved that workers are not paid a minimum wage. The concepts of living wage and minimum wage are reported in AIR 1958 Supreme Court 579 as followed:

¹¹ Delaney, A & Tate, J (In press). Forced Labour and Ethical Trade in the Indian Garment Industry, in L. Waite, G. Craig, H. Lewis & K. Skrivankova (Eds.), *Vulnerability, Exploitation and Migrants: Insecure Work in a Globalised Economy*. Melbourne: Palgrave Macmillan.

¹² International Labour Organisation (2014). *ILO Indicators of Forced Labour*. Geneva: International Labour Organisation. Retrieved via http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_203832.pdf

¹³ "All work or service which exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily." (definition forced labour ILO convention C029)

¹⁴ Indian Institute of Management Ahmedabad (2015). Paycheck India: Tamil Nadu Minimum Wage with effect from April 1, 2015 to March 31, 2016. Retrieved on 24 July 2015, via <http://www.paycheck.in/main/salary/minimumwages/tamil-nadu/tamil-nadu-minimum-wage-with-effect-from-april-1-2015-to-september-30-2015>

¹⁵ National People's Tribunal (2012). Living Wage as a Fundamental Right of Indian Garment Workers, Bangalore, November 22-25, p. 17

- Minimum wage covers bare physical needs of a worker and his family. It has got to be paid irrespective of the capacity of the industry to pay. If an industry is unable to pay at least this wage, it has no right to exist.
- The statutory minimum wage, however, may be higher than the minimum wage, providing for some measure of education, medical requirement and amenities.
- The fair wage is a mean between the living wage and the minimum wage.
- The living wage is the ideal for which the welfare state should strive.¹⁶

However the wages paid to workers are too low to cover their own basic physical needs and that of their families. Despite receiving monthly wages the workers are in a constant need of money, and continue to work overtime to earn extra even when they are ill.¹⁷

In Tamil Nadu there is a minimum wage fixed for apprentices in textile mills. This minimum wage is INR 282.40 (€ 4.06) per day (gross).¹⁸ When calculated on a monthly basis the salary for 26 working days amounts to INR 7,342.40 (€105.64) for an apprentice in textile mills.¹⁹ This implies that after three years, according to the minimum wage, apprentices should have received a total amount well over INR 250,000.

Although the monthly wages and lump sums differ per factory, in their research on five textile mills in Tamil Nadu SOMO & ICN found that the monthly wage of the workers, including the lump sum, varies between INR 3,000 and 5,500 per month.²⁰ This leaves the workers with a total sum between INR 108,000 and 198,000 at the end of a three year contract. Similar findings are also found in other studies.^{21,22}

Assuming that standard workers should earn a higher salary than apprentices, it is evident that for both groups there is a denial of the minimum wage. This is in conflict with article 43 of The Constitution of India and the Minimum Wages Act, 1948.

Referring to the *Asiad Workers'* case in 1982²³, substantiates the claim that this denial of minimum wage makes the Sumangali scheme a practice of forced labour. The Supreme Court stated that 'when a person provides labour or service to another for a remuneration

¹⁶ National People's Tribunal (2012). *Living Wage as a Fundamental Right of Indian Garment Workers*, Bangalore, November 22-25, p. 15

¹⁷ SOMO & ICN (2014). *Flawed Fabrics, The Abuse of girls and women workers in the South Indian Textile Industry*, p. 39-43

¹⁸ Indian Institute of Management Ahmedabad (2015). *Paycheck India: Tamil Nadu Minimum Wage with effect from April 1, 2015 to March 31, 2016*. Retrieved at 24 July 2015, via <http://www.paycheck.in/main/salary/minimumwages/tamil-nadu/tamil-nadu-minimum-wage-with-effect-from-april-1-2015-to-september-30-2015>

¹⁹ SOMO & ICN (2014). *Flawed Fabrics, The Abuse of girls and women workers in the South Indian Textile Industry*, p. 39-43

²⁰ SOMO & ICN (2014). *Flawed Fabrics, The Abuse of girls and women workers in the South Indian Textile Industry*, p. 44

²¹ Narayanaswamy, M. K., & Sachithanandam, M. M. (2010). *A study to understand the situation of Arunthathiyar girls employed under the 'Sumangali Thittam. Scheme in Erode, Coimbatore, Tirupur, Viruthunagar & Dindigul districts of Tamil Nadu', India.*

²² SOMO & ICN (2012). *Maid in India: Young Dalit Women Continue to Suffer Exploitative Conditions in India's Garment Industry.*

²³ Supreme Court of India (1982, September 18). *People's Union for Democratic Rights vs Union of India on the Asiad Games workers case*. Published by India Kanoon on 7 January 2014. Retrieved on 14 July 2015, via <http://indiankanoon.org/doc/496663/>

which is less than the minimum wage, the labour or service provided by him falls within the ambit of forced labour.²⁴

Conclusion

In conformity with article 4.1 of the Minimum Wage-Fixing Machinery Convention, 1928 (C026) – ratified by India on 10 January 1955 – the government should take an active role in issues of wage theft. The denial of Minimum wage creates a situation of bonded labour. The article claims that ‘each Member which ratifies this Convention shall take the necessary measures, by way of a system of supervision and sanctions, to ensure that the employers and workers concerned are informed of the minimum rates of wages in force and that wages are not paid at less than these rates in cases where they are applicable.’

²⁴ The Hindu (2010, August 1). *Workers in a 'World-class' City*. Retrieved on 22 July 2015, via <http://www.thehindu.com/todays-paper/tp-features/tp-sundaymagazine/workers-in-a-worldclass-city/article545161.ece>

2. Misusing provisions of the Apprentices Act 1961

Young workers are often recruited as trainees or apprentices for the entire duration of the three or five-year contract. Such a contract entails that workers have an apprentice status, instead of that of a regular employee in exchange for receiving training. According to the Apprentices Act "every employer shall make suitable arrangements in his workshop for imparting a course of practical training to every apprentice engaged by him." However, the apprentices do not get any special training during their apprenticeship as each does the same work as regular workers.²⁵ Also the skills workers do acquire will only make them capable of doing textile mill work and provides no entrepreneurial skills or other future job opportunities.

The status of apprenticeship for their entire contract period of three years ensures that young workers are not recognized as regular workers, which excludes them from the benefits from a variety of acts in place for regular workers.²⁶ Hence the designation of workers as three year 'apprentices' falling within the purview of the Apprentices Act functions only as a cost benefit mechanism instituted by the factories.

Legal Framework

The Department of Employment and Training of the Tamil Nadu government states that 'the duration of training for trade apprentices varies from 6 months to 4 years depending upon the requirements of the specified trade.'²⁷

In contradiction with the apprenticeship period of three years, 'an expert submission estimates the genuine required apprenticeship period [for young workers working in mills] at three months instead'²⁸. Also is the apprenticeship period in the garment industry in the rest of India limited to a maximum of one year.²⁹ Because the apprentices do not follow any training or courses during their contract period and no certificate of proficiency at the end of their contract³⁰, which is required by the Apprentices Act of 1961, the apprentices' status of the workers seems to not benefit the workers. Additionally, the Apprentices Act, 1961, article 30 and the Apprentices (Amendment) Act, 2014 state that an employer should be punished if he "engages as an apprentice a person who is not qualified for being engaged so". It is admissible that at the start of the contract a young worker is qualified for being engaged as an apprentice (compare note no. 29, is already mention). But according to expert Dr. Vijay Bhaskar from the Madras Institute of Development Studies, after three

²⁵ SOMO & ICN (2012). *Maid in India: Young Dalit Women Continuè to Suffer Exploitative Conditions in India's Garment Industry*, p 22

²⁶ Among others; The Workmen's Compensation Act-1923, The Industrial Disputes Act-1947, The Minimum Wages Act-1948, The Employees State Insurance Act-1948, The factories Act 1948, Employee's Provident Funds and Miscellaneous Provisions Act-1952, The Payment of Bonus Act-1965, The Payment of Gratuity Act 1972, The Equal Remuneration Act 1976, Tamil Nadu Industrial Establishment (conferment of Permanent status to workmen) Act 1981, National and Festival Holidays Act.

²⁷ Government of Tamil Nadu, Department of Employment and Training (2011). *Apprenticeship Training Scheme*. Retrieved on 22 July 2015, via <http://tnvelaivaaippu.gov.in/apprenticeship.html>

²⁸ 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

²⁹ SOMO & ICN (2012). *Maid in India: Young Dalit Women Continue to Suffer Exploitative Conditions in India's Garment Industry*, p 22

³⁰ *ibid.*

months of work experience, the girls are over-qualified to be contracted as an apprentice for the rest of the contract term.

Conclusion

There are no legal safeguards to protect young workers from being treated as long-term apprentices. Even the new Apprentices (Amendment) Act, 2014 does not clearly protect young worker apprentices from being treated as an easily accessible cost benefit for factories. In practice, clearly a three years apprenticeship is too long for a regular job in the mills.

3. Poor working conditions

The young workers are exposed to extremely poor working conditions and as a result, girls working under the Sumangali scheme face a hard time complete the three-year tenure.

Working hours, overtime and breaks

The young girls work six or seven days a week for a period of over eight hours a day. Most of the young workers also work an average of 12 hours overtime a week. This equals to 68 hours a week.³¹ Overtime hours cannot be refused by any worker and hours of overtime work is not always paid for. In a lot of cases, overtime hours are extracted under the pretext of high production targets; when production targets are not achieved, the workers have to continue working without the extra hours being paid.³²

Workers have short breaks in the spinning mills, especially during night shifts. Workers can only eat meals before or after their shift.³³ Going to the toilet is a point of concern. Workers are only allowed to go to the toilet during breaks, or may only use the toilet three times during a shift. Young female workers experience these restrictions even more during their menstrual period.³⁴ There are instances where workers have said that the threat of being scolded by supervisors makes that girls avoid drinking any water so they do not have to go to the toilet.

Physical, mental and sexual exploitation

Focusing on physical exhaustion, workers experience for example headaches, allergy, coughing, stomach-ache, chills, irregular menstrual periods and hair loss.³⁵ There are several cases of physical exploitation of women, but very few of them are reported. The factory owners have an understanding with the private hospitals. The doctors there do not give a medical prescriptions or certificate to the victims. They maintain no records, which prevents workers from applying for compensation under the Act.³⁶

Workers also experience mental exploitation. They feel dehumanized and not respected, and supervisors are unkind and use excessive verbal threats and verbal harassment.³⁷ This is reflected in warnings and scolding when workers ask for leave when they feel ill, ask for leave to go home, commit any mistake, do not reach targets, talk to (male) co-workers, are late for work, refuse overtime or go to the toilet often. Workers feel uncomfortable around the supervisors and seem to be afraid of them.³⁸

Young female workers face sexual harassment, which includes unwelcome sexually determined behaviour (direct or implicit) like physical contact or advances, demands or requests for sexual favours and passing sexually coloured remarks.³⁹

³¹ SOMO & ICN (2014). *Flawed Fabrics, The Abuse of girls and women workers in the South Indian Textile Industry*, p. 50-53

³² *ibid.*

³³ *ibid.*

³⁴ *ibid.*

³⁵ *ibid.*

³⁶ Vannan, G. (2010, 16 October). Slavery Returns in a Seductive Grab, *The New Indian Express*.

³⁷ SOMO & ICN (2014). *Flawed Fabrics, The Abuse of girls and women workers in the South Indian Textile Industry*, p. 50-53

³⁸ *ibid.*

³⁹ STOP THE TRAFFIK & Social Awareness and Voluntary Education (SAVE) (2013). *Make Fashion Traffik-Free Report*. London: STOP THE TRAFFIK

Legal framework

A working week should not exceed 60 hours, according to the ILO convention C001, Hours of Work (Industry) Convention, 1919, ratified by India on 14 July 1921, article 10. Especially in mills of seven days workweeks, the maximum of working hours are exceeded. In accordance to the Minimum Wages (Central) Rules, 1950, article 25, every hour Overtime – above a workweek of 48 hours – should be paid double rate.

The mental exploitation creates fear against the supervisor, and therefore overtime and short breaks have to be compulsorily accepted by the young workers. Because of the long working hours and the mental exploitation, workers experience physical exhaustion. Threats and penalties (mental and physical, direct and indirect) are instruments used by the management to extract labour from the young workers. This is in conflict with The Forced Labour Convention, 1930 (C029), ratified by India on 30 November 1954.

There are clear guidelines set by the Industrial Employment (Standing Orders) Central Rules, 1946. These guidelines clearly state that factories must not tolerate any form of sexual harassment at the workplace, but the fact that repeated incidents occur reflects the poor implementation of these guidelines. The Industrial Disputes Act, 1947 requires a 'Grievance Redressal Committee' at any industrial establishment with more than 20 employees. Although required by law, in most cases these committees only exist on paper.⁴⁰

Conclusion

In the end, it becomes clear that poor working conditions are related to bonded labour. The excessive working hours and the physical, mental and sexual exploitation are used as tools to control the workers. These conditions make it hard for young workers to complete the three-year tenure. Due to the fear of loss of the lump sum that workers will receive at the end of their contract and the vulnerable position of the young workers, many workers stay and undergo these poor working conditions.

⁴⁰ STOP THE TRAFFIK & Social Awareness and Voluntary Education (SAVE) (2013). *Make Fashion Traffik-Free Report*. London: STOP THE TRAFFIK

4. Poor living conditions

Since young workers are mostly recruited from rural areas, most of the girls live in hostels provided by the factories. The living conditions in the hostels are deplorable. Young workers are restricted in movement, both from the hostel and the factories/mills.

Restrictions on freedom of movement

The hostels give the factories an opportunity to monitor and control the movements of their workers. The factory has the control over when their workers are allowed outside the factory or hostel and whom they have contact to.⁴¹ This gives the company total access over the time of the workers. Besides the literal movement, there are also restrictions on communication. Workers are not allowed to keep mobile phones or make or receive phone calls. They can only call by the phone of the hostel and are only allowed to call their parents in attendance of a hostel warden.⁴² Additionally the letters of the workers are controlled. Parents are assured that these restrictions of movement are necessary for security and protection of the girls.⁴³

Bad facilities in hostels

All facilities in the hostels are shared with a high number of workers. Rooms are shared between 6-35 people. Toilets and bathrooms are shared by 35 to 45 workers. Hostels do not always provide beds and workers need to bring their own mats.⁴⁴

Legal Framework

The Forced Labour Convention, 1930 (C029), ratified by India on 30 November 1954, demands the government to undertake action to suppress the use of forced labour, and therefore the conditions that make forced labour possible. According to The Protocol of 2014 to the Forced Labour Convention, 1930 (P029), although not ratified by India, extreme bad living conditions can be an indicator of forced labour.

Conclusion

The high level of control by the management – with the consequence of a low level of connection between the girls and the outer world - creates a situation in which bonded and forced labour can flourish. In line with the Forced Labour Convention, 1930 and the Protocol of 2014, the government should acknowledge these poor living conditions as high risk factors of bonded labour and take action upon this.

⁴¹ SOMO & ICN (2014). *Flawed Fabrics, The Abuse of girls and women workers in the South Indian Textile Industry*, p.58

⁴² *ibid.*

⁴³ FLA & Solidaridad (2012). *Understanding the Characteristics of the Sumangali Scheme in Tamil Nadu Textile & Garment Industry and Supply Chain Linkages*. Retrieved on 11 August 2015, via http://www.solidaridadnetwork.org/sites/solidaridadnetwork.org/files/publications/Understanding_Sumangali_Scheme_in_Tamil_Nadu.pdf

⁴⁴ SOMO & ICN (2014). *Flawed Fabrics, The Abuse of girls and women workers in the South Indian Textile Industry*, p.58

5. Recruitment

Factories and mills recruit girls and young women via agents. The young workers come from Dalit (so-called scheduled castes which were formerly called untouchables) or other low caste communities, from rural areas in Tamil Nadu. Their families are poor, often landless and indebted and depend on irregular incomes.⁴⁵ Some factories also recruit their workforce from other Indian states such as Odissa, Maharashtra, Bihar and Andhra Pradesh, but with similar socio-economic conditions.⁴⁶ The recruitment agents utilise the poor socio-economic background of the girls and their parents. Recruitment agents come by on the crucial moment that girls end their 8th grade of education – when free education ends – and persuade parents to enrol their daughter for a well-paid and decent job in the mills, including safe housing and training opportunities.⁴⁷

Legal framework

This focus of recruitment on vulnerable families is in conflict with the ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111), ratified by India on 3 June 1960. The preference of recruiting young girls from vulnerable backgrounds is discrimination on social origin.

Even though Protocol of 2014 to the Forced Labour Convention, 1930 (P029) is not ratified by India, it shows the awareness of the ILO about such discrimination being one of the 'root causes and factors that heighten the risks of forced or compulsory labour'. Additionally, the protocol (P029), article 1, mentions that 'specific action against trafficking in persons for the purposes of forced or compulsory labour' is necessary. Sumangali is highly related to camp labour and trafficking because the workers are recruited from remote rural areas.

Conclusion

Discrimination during recruitment, in the form of preference for young girls from vulnerable socio-economic backgrounds, is a main factor in the existence of Sumangali. The Force Labour Convention, 1930 (C029) and the Protocol of 2014 (P029) demand the government to take solving and pre-emptive action upon this. The trafficking of these vulnerable young women for the purpose of bonded labour requires the attention from the government.

Closing

This comment has portrayed the Sumangali practices in the garment industry in Tamil Nadu are a violation of the Bonded Labour System (Abolition) Act, 1976⁴⁸, and related Forced Labour Convention, 1930 (C029), ratified by India on 30 November 1954, Hours of Work (Industry) Convention, 1919 (C001), ratified by India on 14 July 1921, the Minimum Wage-Fixing Machinery Convention, 1928 (C026), ratified by India on 10 January 1955 and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), ratified by India on 3 June 1960.

Accordingly the Tamil Nadu High Court already stated that 'Sumangali Marriage Scheme [and other marriage assistance systems] is per se illegal and amounts to bonded labour and the authorities are bound to take steps to abolish the system and regularize the services of

⁴⁵ SOMO & ICN (2012). *Maid in India: Young Dalit Women Continue to Suffer Exploitative Conditions in India's Garment Industry*, p. 17

⁴⁶ SOMO & ICN (2014). *Flawed Fabrics. The Abuse of girls and women workers in the South Indian Textile Industry*, p. 35

⁴⁷ SOMO & ICN (2012). *Maid in India: Young Dalit Women Continue to Suffer Exploitative Conditions in India's Garment Industry*, p. 17

⁴⁸ Act no. 19 of 1976

the female workers [...] and to ensure that they receive wages as per the law through their employment with the concerned employers.⁴⁹

In the view of the above-mentioned facts it becomes clear that Sumangali is a form of bonded labour and should be abolished. We therefore ask the ILO to appropriately intervene and to involve both the Indian government and the employers who operate in Tamil Nadu's spinning mills in following regulations and finding alternative solutions.

Date:08-10-2015

Place:Bangalore

Yours Truly,

Sasojia .k.

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⁴⁹ Chennai High court, (2007, 3 October). Judgement in District Anna Panchalai Thozhilalar Sangam and The State Panchalai Ann Thozhilalr Sangam Vs The State of Tamil Nadu case condemned to practice of Camp Cooli.

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- ¹ For more information about Sumangali scheme, please consult the following sources:
- Delaney, A & Tate, J (In press). Forced Labour and Ethical Trade in the Indian Garment Industry, in L. Waite, G. Craig, H. Lewis & K. Skrivankova (Eds.), *Vulnerability, Exploitation and Migrants: Insecure Work in a Globalised Economy*. Melbourne: Palgrave Macmillan.
- Fair Wear Foundation (2015). FWF Guidance for Affiliates: The Sumangali Scheme and India's Bonded Labour System.
- Narayanaswamy, M. K., & Sachithanandam, M. M. (2010). A study to understand the situation of Arunthathiyar girls employed under the 'Sumangali Thittam. Scheme in Erode, Coimbatore, Tirupur, Viruthunagar & Dindigul districts of Tamil Nadu', India.
- SOMO & ICN (2012). Maid in India: Young Dalit Women Continue to Suffer Exploitative Conditions in India's Garment Industry. Available at SSRN 2119816.
- SOMO & ICN (2014). Flawed Fabrics, The Abuse of girls and women workers in the South Indian Textile Industry.