

## UNDERSTAND THE LABOURER'S PROBLEMS UNDER THE SUMANGALI THITTAM SCHEME IN TEXTILE INDUSTRY IN TAMIL NADU, INDIA

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### **ABSTRACT**

*This study focus on understand the labourer's problems under the "Sumangali Thittam" scheme in textile industry in Tamil Nadu, India. The Sumangali scheme, which is a form of forced labour in India, is said to have started in 1989. The word "Sumangali" in Tamil means an unmarried girl becoming a respectable woman by entering into marriage. Thus, the scheme is also known as "marriage assistance system". In an ordinary Hindu arranged marriage, the bride's parents must provide the groom's family a substantial dowry, and should bear the expenses of the wedding. If she doesn't meet the expectation of the groom's family, the bride is prone to extreme hardships after marriage.*

### **INTRODUCTION**

Textiles, one of the oldest industries in India accounts for around 20 per cent of India's total industrial output and gives employment to nearly 40 million workers. Although textiles have a large domestic market, India has always had a share of world trade in textiles. In recent years, with a boom in exports, textiles have also emerged as the largest contributor to India's exports and to foreign exchange earnings. The growth in textile exports has been phenomenal, with the garment industry emerging as the biggest contributor to its growth. The industry has several vast sectors within it, viz, the mill sector, the clothing or garment sector, the handloom sector and the power loom sector. Each of these sectors employs millions of workers and also contributes significantly to the national economy. The tradable commodities under textiles sector include readymade garments (clothing), cotton yarns, fabrics, silk and woolen products, etc.

Indian Textile Industry is the oldest in developing countries because it was established in early 19th century by the British rulers of Colonial era. When the textile mills in Lancashire, United Kingdom achieved a peak in the graph of stability, British Rulers in India found that it was more viable to produce in India than transporting cotton from India to United Kingdom and then manufacturing yarns there. Under the Sumangali scheme, girls' parents, usually poor and from the lower castes, are persuaded by brokers to sign up their daughter(s). The scheme promises a bulk of money after completion of a three-year contract working in the factory. It – ostensibly – meets the need of poor families and provides stable workforce to factories in Coimbatore.

### **WOMEN WORKERS**

Historically, a woman is primarily associated with the home, is expected to look after domestic chores and her „typical role is that of a housewife and mother. Whether women work in the fields or factories, in mines or manufacturing industries, all of them are expected to be homemakers. Since the open declaration of the policy liberalization in 1991, a central issue as far as employment is concerned is the feminization of the labour force. Drawing from the experiences of the developed countries as well as the trends in South Asian economies, a rise in the share of women workers in the economy was predicted. The increased employment of female workers is primarily the result of the expansion of the industrial sector followed by a fast growing service sector. In the newly industrialized countries increasingly larger number of women has found work in the informal manufacturing sector, mostly in the poorly paid labour intensive industries such as textiles, garment making and electronics. These workers constitute the young, docile female workers in the age category of 15 – 25 years.

### **OBJECTIVES OF THE STUDY**

1. To study the labourer's problems under the Sumangali Thittam's scheme in textile industry in Tamil Nadu, India.

2. To evolve possible recommendations to address child rights violations of young girls under the Sumangali Thittam Scheme and to explore strategies for ensuring protection and development of these girls.

### **ORIGIN OF SUMANGALI SCHEME**

In 1980's the trade union in the textile industries in Tamil Nadu was comparatively stronger than the previous years. The employers of the Textile industry had to give their employees all rights that they are legally entitled for. They had to adjust with the trade unions to smoothly run their factories. Even though the rights are legal, the employers' thoughts were that the trade unions were creating losses to the factories by way of strikes and lock outs and providing all benefits to the employers. They believed that the workers in the cities like Coimbatore were better aware of their legal rights and the people in the remote rural areas did not know anything about the rights of an employee working in the textile factory.

One Mr. Jagadeesh Chandran, the then president of "South India Mills Association (SIMA) made a clever attempt to start a new branch of his mills in a remote location in Bogalur Village near Krishnagiri, Tamil Nadu where three adjacent state borders converge. There were chances for getting labour force from other states of Karnataka and Andhra Pradesh also who differed in language and culture from each other and the possibility of being united and creating disputes inside the factory was very less. Apart from all his hopes, the employees formed trade unions within two years and succeeded in their attempt to obtain legal rights.

According to a report published in 2007, the government of India identified and released 280,000 bonded labourers. 46% of them were from Tamil Nadu and Karnataka. During FWF's consultation of local stakeholders in July 2010, However, Social Awareness and Voluntary Education (SAVE), a local NGO in Tiruppur told FWF that the Sumangali scheme is still prevalent.

Different factories manage the Sumangali scheme differently. Workers are treated very well in some cases, while in other cases the picture is not so pretty. Once the contract is signed, young girls are under the control of the factory or the broker. It is often reported that the girls lived in captivity for a long period. Local newspaper The Hindu<sup>2</sup> reported on 17th of September that a 17 years old girl escaped from a private mill in Coimbatore, where she had been trapped for the last five years. According to research by the Centre for Education and Communication in India, girls are often forced to work up to 12 hours a day, live in hostels with few facilities and are earning a very low wage.<sup>3</sup> Some factories are reported to fire the girls or make them resign shortly before they finish the three-year contract so as to avoid paying the marriage assistance fund, ranging from 30,000 to 50,000 rupees (around € 500-800).<sup>4</sup> The marriage assistance fund far from adequately compensates the hard work, let alone forced work. Current wages of the Sumangali girls are reported to amount to about 50 rupees a day<sup>2</sup>, while legal minimum wage was about 140 rupees in Coimbatore in 2008. Thus, after three years the employer will owe the girl no less than 80,000 rupees against the legal minimum wage, not even counting overtime work. The Sumangali scheme is not a straightforward issue of bonded labour. It often involves child labour and juvenile workers. The problem is complex and should be viewed in the context of Hindu culture and the Indian caste system. The Sumangali scheme as practiced in most cases, though widely accepted, is not legal according to Indian law.

Since, the workers of Sumangali scheme were not a member of any trade union; the trade unions had no work inside the factory. There was no strike or lockout in the factory and factory kept running silently since no voice was raised against any violation of law or human rights or labour rights. However many news leaked out and were published in newspapers regularly about the abuses and atrocities- verbal, physical and of sexual nature and the number of suicides and deaths due to unknown causes.

### **COURT ORDER**

A petition filed in the Madras High Court by the *Dindigul District Anna Panchalai Thozhilalar Sangam* and the *State Anna Panchalai Thozhilalar Sangam*, Chennai, stated that 406 textile mills in Coimbatore, Dindigul and

Erode employed 38,461 unmarried girls in the age group of 15-22 without adhering to provisions in legislation on labour welfare. On October 3, 2007 hearing this petition, a High Court Bench comprising Chief Justice A.P. Shah and Justice P. Jyothimani asked the Tamil Nadu State Legal Services Authority (TNSLSA) to form committees, including a representative each of a women's organisation and the TNSLSA, to conduct surprise inspections in textile mills in 17 districts in the State. It also appointed advocate R. Vaigai as *amicus curiae*. The government set up the monitoring committees following protests by trade unions that the mills exploited the girls by extracting forced labour, denying statutory benefits and restricting their freedom by confining them to the mills. They also expressed concern about sexual harassment.

## REVIEW OF SUMANGALI SCHEME

**“Women workers in a cage”** An Investigative Study on Sumangali, Hostel & Camp Labour Schemes for Young Women Workers in the Tirupur Garment Industry in Tamil Nadu. The study conducted by S.M.Prithiviraj, for Tirupur People's Forum for Protection of Environment and Labour Rights stated that approximately 32,645 young women workers are employed in 1702 factories in two blocks covered under baseline survey and among them 8,890 adolescent girls and young women workers are employed under the *Sumangali* and hostel schemes at Tirupur Garment Industry in Tamil Nadu.

Young women come to Tirupur in search of job as groups and they fall into the nets spread by labour brokers promoting the Sumangali scheme. Girls from dysfunctional families are equally vulnerable as young girls from poor families. Forced labour is the major labour rights violation taking place under the Sumangali scheme or Hostel scheme in Tirupur, Tamil Nadu. Today, in Tirupur's garment industry, women workers have emerged as the major category of workers. Many of them are facing continuous and unabated labour rights violations like low wages, excessive working hours, verbal abuse, forced labour, discrimination, and absence of entitled benefits and no terms of employment.

**“Report on Bonded Labour in Tamil Nadu”** conducted the study by Centre for Education and Communication (CEC) stated that all the Sumangali scheme workers (43 samples) stated that they had signed / put their thumb impressions on the agreements. Yet, no one seemed to have a copy of the same. Even after special efforts made by the field investigators no such agreement copies could be obtained. The harsh reality was that the parents were illiterate and the girls had put signatures or thumbprints on blank papers. Also, many of the girls were illiterate (53%). Out of 43 girls 25 (58%) were from the Scheduled Castes (SC), 15 (35%) from the Most Backward Caste (MBC) and only three were from the Backward Caste (BC). **“Poverty, Discrimination and Slavery”** The reality of bonded labour in India, Nepal and Pakistan-a study conducted by Anti Slavery stated that Bonded labour is not solely an economic issue. Governments in these regions must also ensure that all their citizens are treated equally in the economic, social and political spheres. The toleration of caste discrimination and all other forms of discrimination in these three countries is a betrayal by governments of their own citizens. The governments should take effective measures to ensure that programmes targeted to the poor and marginalized communities, the communities most vulnerable to bonded labour, reaches them. Particular focus must be placed upon chronically poor Dalits, minorities and indigenous communities.

Any solution to the problem must be legal and sustainable and must consider the needs of both the victims and the supplying factory. There is no quick fix for these forced labour cases. A few basic principles:

- Sumangali workers and other workers in the factory should not be disadvantaged by any solution.
- It is essential that local trade unions and NGOs are consulted and/or involved in the process.
- The supplier should at least continue to offer job opportunities to the girls, paying no less than minimum wage and OT compensation.
- In case of child labour, the girls should be brought back to education.
- Alternative accommodation needs to be arranged or allowed.
- The Sumangali girls should be able choose whether to continue working at the factory or leave with their owed wages.

The news in De Volkskrant should make all brands sourcing from South India alert. It is not easy for any companies to work on this issue alone. It is important to raise awareness of local auditors on the issue of forced labour. Many experienced auditors sometimes overlook the issue, as the scheme is culturally accepted to a certain extent. Auditors may not spend enough time investigating the „real deal among brokers, workers and the employer during the short factory visit. While they might find that minimum wages are not being paid or excessive overtime is being demanded, the underlying scheme may go undetected.

More measures should be taken to assist the traditional audit approach. Offsite worker interviews and complaints handling – as already practiced by the audit teams working for FWF – can largely contribute to monitoring suppliers behaviour. Companies should keep themselves and their auditors updated on specific labour problems in different areas.

Currently, seven FWF members source from nine factories in Tamil Nadu. FWF offers country studies and stakeholder consultation reports from many countries including India. The information is accessible through our website and free of charge. To prevent bonded labour, merely informing suppliers on the Code is not enough. It is crucial for brands to communicate with their suppliers openly and provide assistance as a first step, so as to minimize resistance from the suppliers. One of the reasons why suppliers are using the Sumangali scheme is that they need to acquire and keep workers during the time of labour shortage.

### **TEXTILE INDUSTRIAL ENVIRONMENT BEFORE AND AFTER SUMANGALI SCHEME**

The implementation of Sumangali Scheme in the textile industry has brought about so many changes in the style of its functioning. The working condition in the previous set up was meant to work for the adult workers, which was run by abiding all legal procedures and conducive for impressing productivity in the mill. The present context, the work in the textile factory is implemented violating all Labor Welfare acts and take no security for workers job as well as their life.

A more effective and sustainable (not to mention responsible) measure to retain a stable workforce is to pay a living wage. If the factory pays more than average in the area, it is more competitive in the labour market and does not need to trap workers. Buyers should review and improve their sourcing and pricing strategy to support the suppliers on paying living wage. It is probably one of the most effective approaches for garment brands to end forced labour.

### **CONCLUSION**

From our study it could be concluded that there exists wealth of evidence to show that women contribute towards economic and social development. To continue to do this they should have sound health. It is an astonishing fact that most of the women working in various fields do not enjoy good health .The health hazards of the women working in the textile industry is much higher compared to their counter parts in other sectors. It is therefore an urgent need on the part of the policy makers to take effective steps to better the condition of women in textile industry not only to improve their condition but also to make effective contribution to the society. From our study it is quite clear that the hostels too are unsafe for the children. There are reports of food poisoning, missing girls, deaths from unknown reasons and several health issues to those who have come out after completing their contract period etc.

### **KEY RECOMMENDATIONS**

1. The girl children were exploited from the Scumangali Thittam Scheme and other vulnerable situations faced child rights violations of all kinds under the Sumangali Thittam scheme- in such a scenario, the employment of children in the scheme should be immediately banned.
2. The child rights violations should be explored through a fact finding committee and reports send to key stakeholders.
3. The age of the child should be uniformly defined in all domestic legal enactments.



4. The exploiters exploiting children under the scheme should be punished in accordance with criminal law and also under the prevention of atrocities under the SC/ST Atrocities Act.
5. The proceedings under the case pending at the High Court of Tamil Nadu, at Chennai on the issues of the affected girls under the Sumangali Scheme should be expedited.
6. Necessary action should be taken to monitor the payment of minimum wages to the textile industry workers.
7. A Vigilance Committee need to be constituted to monitor the formation and implementation of *Vishakha Guidelines* to prevent sexual harassment at workplace faced by young girls under the Sumangali thittam scheme in all the industries.
8. The children aged below 14 years who are working as child labour in the textile industries should be rescued and admitted in school as per the law of Free and compulsory education for children 2009.
9. Government of Tamilnadu model standing order which was amended in 1977 to extend the apprentice period from one year to three years, which paved a base for the origin of Sumangali Scheme in mid 90's. On demand from trade union side, Tamilnadu Government in the year 2008 passed a bill in the Assembly recommending to the Government of India to reverse the amendment and sent it to the Central Government. However, this is still pending for approval. Government of Tamilnadu has to pressurize the Central Government to expedite the approval, which will enable the judiciary to deal with the Sumangali Scheme contracts.
10. The Government has to strictly implement the labour related laws and rules of ILO convention and UN child rights convention.
11. Therefore, it is strongly recommended that the Sumangali Thittam Scheme (Camp Coolie System) is totally abolished by the intervention of the State Government.

#### REFERENCE

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