

REPORT ON

ADVOCACY STUDY ON THE

IMPACT OF SUMANGALI SCHEME ON THE

ADOLESCENT GIRLS FROM RURAL AREAS OF

SOUTHERN TAMIL NADU

VAAN MUHIL

TIRUNELVELI

SUPPORTED BY

KFB, AUSTRIA

15, KAVITHA NAGAR, MAHARAJA NAGAR POST, TIRUNELVELI - 627011

TAMIL NADU, S. INDIA

PH: +91-462-2521771, EMAIL: VAANMUHIL@GMAIL.COM

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CHAPTER - I

EXECUTIVE SUMMARY

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EXECUTIVE SUMMARY

The study with the support of KFB, Austria, was undertaken to highlight the human rights violations of adolescent girls and young women workers in the textile mills and garment industries under Sumangali Scheme. The study was started in June 2010 and the data collection of done between July to October 2010. The geographical focus for the study is four southern districts namely, Tirunelveli, Thoothukudi, Virudhunagar and Sivagangai, which have been the major source of women migrant workers to the mills under the Scheme.

As this study is about the labour, gender and human rights violations of young women / adolescent girls in the mills working under the Scheme, their versions play a vital part in the study and therefore efforts were taken to interview as many adolescent girls working in the mills as possible so that true and firsthand account could be recorded and their personal experiences to be documented in the report.

Study Area

The study team identified 15 vulnerable pockets (Panchayat Unions) in the four districts and a total of 220 Grama panchayats in these 15 Panchayat Unions were selected for the study. Tirunelveli and Thoothukudi districts, with 92 and 73 Grama panchayats and 673 and 585 samples respectively, have been the major focus of the study. The tools used in collecting the required data for the study are in depth interviews with the girls / young women, case history method with selected girls and non-participant observation.

Profile of the Respondents

Out of the total respondents, 18.07% have been below 15 years and 61.05%, between the age group of 15 to 18 and therefore majority [79.12%] of the workforce in the Sumangali Scheme is under 18 years.

Almost 90% of them have just passed either 8th or 10th Std. Out of the total number of respondents, a negligible 7.75% of young women have completed +2 and less than 1.50% of them Diploma courses or degree. Lack of opportunity to pursue their studies in a rural setting, due to long distance to Higher Secondary schools from their native village is a major factor that push the parents to look for some employment opportunities elsewhere.

Socio-Economic Background of the Girls

The women migrant workers under the scheme are being recruited from various sections, irrespective of castes and communities. Nonetheless Dalits account for nearly half of the respondents, as they are nearly one fifth of the total population from the dry land of southern districts. Among the respondents from backward castes and the most backward castes, Nadars are the single largest community [15.87%] and Mukkulathor (comprising Thevar / Maravar / Kallar and Servai) form almost one fifth of the respondents.

1220 respondents [74.48%] responded that they were landless, depicting the economic status of the work force in focus. Even those who had lands were small and marginal dry land farmers in the drought prone area, where they experience repeated monsoon failures and depletion of ground water, have turned out to be agricultural coolies. The average annual income of the majority of the respondents 1304 [79.60%] is below Rs.30,000/-, i.e., roughly Rs.2,000/- per month, low income category.

More than half of the adolescent girls [853] working in the mills join the scheme, due to abject poverty in their families. As their parents have no other option to look for alternate employment opportunities, they had sent their daughters to the mills. The two other main reasons are dropouts and not able to pursue their studies in their villages and indirect societal pressure for these families to purchase jewelry for their daughters' marriage or to meet the dowry demands. These three push factors force them to join the scheme.

In short, majority of the adolescent girls employed in the mills under the scheme are from lower income category households, in the rural pockets of southern Tamil Nadu that struggle to manage to run their families. Most of their parents are daily wage earners, as coolies or agricultural labourers without cultivable lands. Grinding poverty, illiteracy of the parents, lack of employment opportunities in the dry area, lack of govt. initiatives to promote employment opportunities and lack of support from the government to strengthen agriculture, coupled with changing crop pattern, due to successive monsoon failure have been the push factors for the families to send their daughters to mills so that they might bring an additional income to the families.

Brokers' Network

The mill agents by and large serve as a connecting link between the families of the young women workers from the source districts and the mills in the destination points. In some instances, agents / brokers happen to be close relatives of the working girls, whose parents totally rely on them

and have no hesitation to send their daughters to the mills, believing fully in the words and promises of the brokers, who are dictated by mill owners and carefully implementing the designs of the owners.

Agreement and Contract Amount

The contract amount promised by the mills to the workers varies from mills to mills and from place to place. The normal practice has been the assurance of a lump sum by the mills between Rs.30,000/- to Rs.40,000/- to the working girls at the starting of their period. The promised sizeable amount is a major allurement, through which girls get attracted to the scheme. There are mills to promise even Rs.60,000/- to Rs.80,000/- to the girls.

Regarding the written agreement with the mills, out of the total number, only 995 respondents [60.74%] had signed the contract, but the copy of the same was not given to 956 and 39 were able to glance through the documents and among them only 10 respondents had their agreement copies with them during the period but the companies got them back, when the girls received the contract amount from the mills. 531 respondents [32.42%] replied that they had not been given any agreement of that kind, while 93 young women were totally unaware of any such contract!

Extraction of Work and Overtime

Though the agreement or mill advertisement had a column on the hours of a shift to the workers, practically most of them had been forced to work overtime, for 4-8 hours at a stretch, i.e., almost continuously two shifts. Even when the girls were not willing to work overtime, due to physical fatigue or inability, mostly during menstrual cycle, they had been forced to do so, so that the mills could achieve their delivery targets, demanded by the buyers. It was impossible for the girls to say "NO" to the supervisors, when it was the question of working OT.

Extra Wages for Overtime and Lunch Break

It is shocking that more than half [57.38%] of the women workers (940) who had worked overtime were paid very meagre amount i.e., less than Rs.50/- per additional shifts. Many girls were not able to calculate their overtime and the extra wages paid to them, due to poor calculation. Though officially 30 minute time was allowed for the workers [87.73%] for lunch break, in many instances the girls had to rush to the hostels and finish their lunch and run fast to resume their work, as hostels are located in another place in the campus. A few respondents have specifically

mentioned that they had to continue their work not breaking for lunch, and only allowed to go for lunch, when those who had gone for lunch would come back and resumed their work.

Weekly Holidays and Free Movement

Out of the total, nearly one third respondents [30.89%] responded that they had one day weekly off and among them 110 responded one day holiday in a month. 17 answered that they were given 5 days leave once in six months. It is really shocking to learn from 1132 respondents [69.10%] that they had no weekly holiday.

Still more shocking is the restriction of free movement of the girls during weekly holidays. Asked them about whether they had been freely allowed to move about or to go for shopping during weekly holidays, a whopping majority of 1064 [64.95%], out of the total respondents answered in the negative, which is a gross human rights violation. Even during weekly holidays, the girls had been forced to do gardening, cleaning hostel rooms, toilets and apart from being forced to work overtime.

Payment and Non-payment of Contract Amount

Many of those who had received the full contract amount, as per the agreement had to work for more days / weeks / months in order to get the amount at the end of the period. For them, it was a real struggle to get the amount from the mills with repeated requests or representations. Out of 919, who received the full amount, 699 girls [76.06%] had to work extra days / weeks / months in order to receive the contract amount. It is only 220 respondents [23.93%] out of 919, were able to receive the amount at the end of their contract period without any difficulty.

At least 63 respondents [3.84%] were forced to send back home by the management before the end of the contract period, while 208 girls [12/69%] discontinued their work for various reasons and came back home, not completing their contract period, resulting in non-payment of the agreed amount.

P. F. and ESI Benefits

Out of 936 respondents, from whose salaries some amount was deducted for PF, only 413 [25.21%] benefitted out of this arrangement, while the remaining 523 [31.92%] did not get any benefit out of this. Nearly one third of the respondents [31.93%] have not received their PF amount, though there had been some deductions in their monthly salaries regularly during their contract period. The management had not taken any effort in getting the PF monthly to the workers.

Monthly Salary

More than one-third of the respondents [38.40%] had received less than Rs.1,000/-, as monthly salary, while another one-third [31.87%] between Rs.1,000/- to Rs.1,500/-, and nearly one-sixth [14.04%] had received between Rs.1,500/- to Rs.2,000/- every month during their contract period. To our surprise, 28 respondents have not known about the details of their monthly salary. Only 35 respondents (a negligible 2.13%) received Rs.3,000/- to Rs.4,500/- pm.

Out of the meagre monthly salary the girls received, a portion had been deducted for meals provided to them. Nearly two-third respondents answered that below Rs.500/- had been deducted for meals every month. Only 48 respondents [2.93%] replied that there were no monthly deductions for meals and still worse, 161 respondents had been unaware about this kind of deductions for meals, which reveals the ignorance of the working girls. One fourth respondents [24.66%] answered that caps had been provided to them, while nearly one-fifth respondents had Aprons, Caps and masks together.

Sexual Harassment

Sexual harassment had been a common thing in the mills, though many girls were not prepared to come out on this aspect. Very few male supervisors or male staff respect the dignity of the women workers. Sexual advances, physical touching on sensitive parts of girls without their consent, purposely hitting them, while moving in the opposite direction, deliberately making derogatory references about women's body organs to them and teasing the girls, touching of girls' hands and fondling with their organs. These types of sexual assaults and harassments were higher on those who had to work in night shifts, even to the extent of openly calling them for having sex or forcing them...

Ill-treatment and Degrading Punishment

Sometimes a few women workers had been late for shifts due to sickness, during menstruatual cycle or other physical ailment, even then they were not spared. In spite of their pleas, sickly girls had been subjected to this type of cruel and degrading treatment, which is a gross human rights violation. Verbal abuse and physical assault are quite common in the mill.

Health Complications and Medical Treatment

Asked about whether the working girls had suffered any ailments, physical disorders or health complications during their working period, more than half of the respondents answered 'yes' (917), while only 667 responded in the negative.

Intermittent fever, severe stomachache and chronic headache have figured most [45.66%] in the list, while 49 respondents have specifically mentioned about irregularity in their menstrual cycle. When asked about whether any medical treatment was provided for the illness, half of them answered that some treatment was provided.

Accidents and Compensation Received

Out of the total respondents, 74 girls have mentioned that they had met with accidents in the mills during the course of employment, resulting in major and minor injuries, loss of a few fingers and a couple of them being permanently incapacitated, due to serious injuries in legs and hands.

At times, accidents had occurred during night shifts, due to sheer carelessness of the workers and lack of proper supervision in the mills. Sometimes, those accidents had turned out to be fatal. Power failures during night shifts and resumption of work as the electricity turned on had their own stake in major injuries and incapacitation, at times even loss of life.

Hostel Accommodation

Very often these places of their stay, the hostels have been too cramped and less spacious, just enough for these adolescent girls to move around. Though a good number of girls felt satisfied that the space had been sufficient for them to move around, due to their perception and poor background. Taking into account the age group of hostel inmates, i.e., adolescent girls and just after attending puberty, the toilet facilities and adequate water supply are very important for their personal hygiene and health, especially at the time of menstruation period but that had been totally neglected by the management, according to the versions of the working girls.

At least one-third respondents [32.67%] found it difficult to manage themselves, due to lack of sufficient bathing rooms and acute water scarcity in the hostels, which made their stay miserable. But the management did not seem to be bothered about these problems. The women workers “had to somehow manage themselves” and be regular to their work.

Food served in the Hostels

At least 210 girls [12.82%] categorically said that the quality of the meals provided there was both substandard in quality and insufficient in quantity. 26 of them reported that many a times, when the working girls had come back from shifts to canteen, there would be no food left for them and as a result, they had gone to bed with empty stomach. At least 13 of them have mentioned that

very often the inmates would have to eat stale meals, normally the remnants of the previous days and 10 of them shared that they had to manage with only rice all three times a day without any other items or vegetables or meat. When comeback from their night shifts, the girls normally would not get anything to eat.

Communications with Parents and Relatives

By and large all letters were being screened by the wardens and that infringed the right to privacy of the girls, who were unable to express their feelings freely to their parents and loved ones or the difficulties faced by them in the hostels. Similarly the incoming letters had also been thoroughly screened by the hostel wardens and then despatched to the girls, which is a clear human rights violation. If girls had mentioned in their letters to the parents anything happened to them in the mills or even about their ill-health, the wardens warned them or sometime had even beaten the girls for this, a few had stated.

They could speak to the parents or family members, only when the phone speaker had been on so that everyone in the room could listen to their conversations. Regarding the duration of their phone conversations, 304 girls [18.55%] responded that they had been allowed to speak with their parents only for five minutes. When they received phone calls from their parents and family members also, they had to wind up their phone conversations in five minutes and not to prolong beyond that. They were not allowed to inform their parents about their health conditions, definitely not about the situation in the mills.

Occupational Hazards and Denial of Labour Benefits

At least one-third of the girls, who after having worked for a period in the mills under the Scheme have to undergo a lot of health complications, as a result of occupational hazards, but have to live with these complications, as they state. The purpose of the scheme, as claimed by the mills, has been defeated to a large extent, if these statements by the women workers are true.

Asked about whether the girls had any knowledge on legal benefits under the existing labour legislations such as P.F., Bonus, minimum wages, weekly off, working hours, leisure and rest, health and safety issues, almost 95% of the respondents never heard of these legislations nor the statutory benefits. Only a negligible 2.86% (47 girls) had heard about these benefits through a few training sessions or awareness building programmes.



CHAPTER - II

METHODOLOGY AND FRAMEWORK FOR THE STUDY

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METHODOLOGY AND FRAMEWORK FOR THE STUDY

There have been series of news reports in the media about continuing labour and human rights violations in the textile mills under the name of Sumangali Scheme¹. Socially concerned citizens, civil society groups and a few trade unions have raised their voice against these violations for the past five years². With a view of documenting detailed stories on these issues from the victims' perspective, and to make use of the study report for an advocacy, *Vaan Muhil* initiated an in depth study on this issue. The study, being an action research, was undertaken to highlight the human rights violations of women workers in the textile mills under Sumangali Scheme and to propose an action plan for concrete follow-up activities, focusing on this specific issue.

02.1 Specific Objectives of the Study

- To collect details from the victims of Sumangali Scheme in vulnerable pockets of southern districts in Tamil Nadu and to provide disaggregated data on the status of young women migrant workers under the scheme
- To highlight labour rights and human rights violations against the adolescent girls worked under Sumangali Scheme, by bringing out a quality report on the working conditions in the textile mills
- To analyze the causes and factors that contribute to large scale migration of young women workers from this dry region
- To suggest ways and means to rectify the same and chalk out strategies to combat crucial issues involved in the scheme
- To make use of the study report as an advocacy tool for policy interventions in this regard

¹ *Dinamani*, 06 June 2007, *Janasakathi*, 07 June 2007, *The Hindu*, 20 June 2007, *Theekathir*, 13 September 2007, *Dinamani*, 12 April 2008, *Dinamalar*, 19 July 2008, *Dina Thanthi*, 03 October 2009, *Dinakaran*, 03 October 2009, A.Duraisamy, பெண்கள் வாழ்க்கையைச் சீரழிக்கும் சுமங்கலித் திட்டம், *Kumudam Reporter*, 06 September 2009, pp.20 & 21, Jawahar, இளம்பெண்களைச் சூறையாடும் சுமங்கலித் திட்டம், *Tamizhaga Arasiyal*, 15 October 2009, pp.10-11, T. Valavan, கல்யாணத்திற்கு ஆசைப்பட்டேன், கருமாதிதான் செய்து வைச்சேன், *Tamizhan Express*, 15 October 2009, pp.24-26, "Adolescent Dreams Shattered in the lure of Marriage" Sumangali System: A New Form of Bondage in Tamil Nadu, Sindhu Menon, *Labour File*, May - June 2006, pp.6-14

² *Malai Murasu*, 02 October 2009, *Dinamalar*, 03 October 2009, *The New Indian Express*, 03 October 2009, *The Hindu*, 04 October 2009, P. Thirumalai, சுமங்கலித் திட்டத்தால் சுருண்டு கிடக்கிறோம், *Kumudam Reporter*, 10 June 2010, pp.34-35, D. L. Sanjeevi Kumar, சுமங்கலித் திட்டம் அழங்கலம், *Junior Vikatan*, 09 June 2010, pp.36-37, *Deccan Chronicle*, 27 May 2010, *The New Indian Express*, 26 & 29 May 2010, *The Hindu*, 28 & 29 May 2010

- To forge a network of alliance with Trade Unions and other civil society groups working in the field to take up the campaign against this type of bonded and forced labour

02.2 Area of the Study

As large number of adolescent girls working in textile and spinning mills are being recruited from the rural areas of southern Tamil Nadu, the geographical focus for the study is four southern districts namely, Tirunelveli, Thoothukudi, Virudhunagar and Sivagangai, which have been the major source of women migrant workers to the mills under the Scheme³. Though there is no reliable and firm estimate from the Government of Tamil Nadu about the numbers of migrant workers, migration pattern or definite policy on these issues⁴ (within the state, interstate migration and overseas), groups and organizations working in the field indicate that these districts are the important feeder pockets for this scheme⁵.

The total population of these four southern districts is as follows:

Table No.1

S. No	Name of the District	Male	Female	Total
1.	Tirunelveli	13,33,939	13,90,049	27,23,988
2.	Thoothukudi	7,66,823	8,05,450	15,72,273
3.	Virudhunagar	8,70,376	8,80,925	17,51,301
4.	Sivagangai	5,66,947	5,88,409	11,55,356

Source: (<http://census2001.tn.nic.in>)

Out of the total population in all the four districts, the female population outnumbered the male as the above Table indicates. It must be noted here that while the general sex ratio is above the state average, the sex ratio between the age group of 0-6 is far below⁶, which is a matter of grave concern.

³ Young women are also being recruited from other southern districts such as Ramanathapuram, Madurai, Theni and Dindigul

⁴ The New Indian Experience in Emigration, S. Irudaya Rajan, Chief Professor, Ministry of Overseas Indian Affairs, Centre for Development Studies, Kerala (Paper presented in a one day seminar on 19.02.2010, on Migrant Workers: Issues and Challenges, organized by the Department of Sociology, M. S. University, and Vaan Muhil, Tirunelveli)

⁵ Dinamani, 12 April 2008, Dinakaran, 15 September 2009

⁶ Primary Census Abstracts of Southern Districts, 2001 (Please also refer to Table No.8, District-wise sex ratio)

A cursory glance over the percentage of main workers, cultivators and agricultural labourers of the total workforce in these districts, together with the percentage of marginal workers, cultivators and marginal agricultural labourers would give us a clear picture about these districts.

Table No.2

Details of Main and Marginal Workers, Cultivators and Agricultural Labour

S. No	Category of workers	Tirunelveli		Thoothukudi		Virudhunagar		Sivagangai	
		Total	%	Total	%	Total	%	Total	%
1.	Main workers	1120752	41.14%	588596	37.44%	802521	45.82%	408015	35.32%
2.	Main cultivators	130816	11.67%	67307	11.44%	79429	9.9%	166271	40.75%
3.	Main agricultural labour	277669	24.78%	123988	21.07%	153228	19.09%	79857	19.57%
4.	Marginal workers	160365	5.89%	90215	5.74%	79282	4.53%	105487	9.13%
5.	Marginal cultivators	6700	4.18%	6511	7.22%	6183	7.8%	21866	20.73%
6.	Marginal Agricultural labour	78386	48.88%	43914	48.68%	44420	56.03%	63852	60.53%

Source: Primary census Abstracts of southern districts, 2001

The above table provides us an idea as to the percentage of the main agricultural labour, which roughly constitutes one fourth of the main workers in Tirunelveli district and nearly one fifth of that category in other districts. Similarly the percentage of marginal agricultural labour is close to half of the marginal workers in Tirunelveli and Thoothukudi districts, while the percentage is between 56-60 in the remaining two districts.

This fact has been reiterated by the recent findings of the Labour Bureau's Employment and Unemployment Survey (2009-2010), which confirm that despite industrialization rural India remains the main employment provider and the situation has not changed drastically in the two decades of so called reforms⁷. It is home to 72.26 per cent of the country's 238 million households and 10.1 percent of its labour force is unemployed, compared with 7.3 percent in urban areas.

02.3 Methodology: Sampling

As this study is about the labour, gender and human rights violations of young women / adolescent girls in the mills working under the Scheme, their versions play a vital part in the study and therefore efforts were taken to interview as many adolescent girls as possible so that true firsthand account could be recorded and their personal experiences to be documented in the report.

⁷ Report on Employment and Unemployment Survey (2009 - 2010), October 2010, Labour Bureau, Ministry of Labour and Employment, Government of India

Table No.3

Total No. of Respondents interviewed for the Study**Union-wise break-up of the Samples⁸ selected**

S. No	Name of the District	Name of the Panchayat Union	No. of Grama Panchayats	No. of Respondents interviewed
1.	Tirunelveli	Alangulam	11	104
		Kalakkadu	11	75
		Mela Neelitha Nallur	10	120
		Pappakudi	19	134
		Cheranmahadevi	10	103
		Manur	31	137
		Sub total	92	673
2.	Thoothukudi	Kovilpatti	12	128
		Kayathar	19	146
		Tiruvaikundam	23	89
		Tiruchendur	7	121
		Thoothukudi	12	101
		Sub total	73	585
3.	Sivagangai	Manamadurai	17	106
		Thiruppuvanam	12	101
		Sub total	29	207
4.	Virudhunagar	Sivakasi	8	62
		Rajapalayam	18	111
		Sub total	26	173
Grand Total			220	1638

The study team identified the above mentioned 15 vulnerable pockets (Panchayat Unions) in the four districts and a total of 220 Grama panchayats⁹ in these 15 Panchayat Unions were selected for the study. Tirunelveli and Thoothukudi districts, with 92 and 73 Grama panchayats and 673 and 585 samples respectively, have been the major focus of the study.

⁸ Neither the Government of Tamil Nadu or any civil society groups has exact figures as to how many young women are working in various textile mills under the Scheme from different parts of the state. According to the report of the Chief Inspector of Factories submitted to the State Government on 14.02.2007 stated that there were 38,461 persons engaged in 406 mills in Erode, Coimbatore and Dindigul districts (Ref. GO.Ms.No.62 dt.30.03.2007 Labour and Employment Department, According to the information received by the Campaign for the Rights of the unorganized workers using RTI, 37117 adolescent girls and women are working in 913 cotton mills of Tamil Nadu, as mentioned in the Concept Note, Public Hearing on Sumangali Thittam in Industries, organized by Tamil Nadu Women's Commission at Chennai on 6 October 2009)

⁹ The identified Gram Panchayats have been listed as part of annexure – 1 A few town panchayats and a couple of Municipality areas have also been included in the list

Purposive Random Sampling method has been followed to select the respondents for the study and the following important aspects were kept in mind, while taking samples.

- ❖ Concentration of adolescent girls or women returnees of sumangali Scheme
- ❖ Diversity of issues in terms of nature of violations committed against them
- ❖ Relative accessibility of the villages and Grama Panchayats
- ❖ Familiarity or existing contacts with the villages or area
- ❖ Reasonable geographical representation in at least two districts
- ❖ Diversity of cases from different caste groups and communities

02.4 Sources of Data

Extensive interviews with the respondents form the basis of the study. In case of working girls (still in the mills), their parents or brothers or sisters were interviewed and the field investigators collected details about their daughters and their nature of work in the mills. Out of the total respondents, 232 or nearly one-sixth [14.16%] were the girls / young women workers who have been still working in the mills under the scheme.

Table No.4

Details of Informants in the Study

S. No	Informants / Respondents	No. of Respondents	Percentage
1.	Adolescent Girls / young women returnees / working in the Mills	1154	70.45%
2.	Mothers of the girls	240	14.65%
3.	Fathers of the girls	161	9.83%
4.	Sisters of the girls	56	3.42%
5.	Brothers of the girls	5	0.31%
6.	Relatives of the girls	3	0.18%
7.	Co- Workers	5	0.31%
8.	Not Responded	14	0.85%
	Total	1638	100.00%

As the above table indicates, more than two-thirds [70.45%] of the interviews [1154] have been taken from young women returnees¹⁰ of Sumangali Scheme and therefore the study team considers this as a fairly good and firsthand account on what had happened in the mills under the

¹⁰ Discontinued on their own, due to their family situation or forced to discontinue (terminated by the mills) after two years of service. This strategy has been adopted by the mill owners so that they need not pay the promised amount to the women workers. (Please refer to Chapter 4.10 for detailed report)

guise of Sumangali Scheme. The remaining respondents, as mentioned, were their relatives (family members, who know more or less about the real stories of their daughters / sisters who have worked in the mills). Despite the fact that these respondents are secondary sources, the team could collect a few interesting details as to the working conditions of the mills, safety aspects and hostel facilities, where these girls stayed.

The field investigators have also tried to collect relevant documents, wherever possible such as copies of the agreement, pamphlets circulated by the mills for recruitment, ESI Card or medical records in case they had got treatment in the hospitals for illness or accidents and complaints, if they had approached any forum / authority previously seeking remedy for their grievances or other relevant documents, though these documents could not be obtained for most of the cases interviewed.

The field investigators also interviewed a few NGOs, school principals or Headmasters in rural areas, elected Panchayat Presidents or Councillors, women activists, Trade Union leaders and one or two govt. officials at the block and district levels to get their views on this issue and the ways and means to rectify the same. Due to time constraint, the team could not get more interviews from others as originally planned, but through the interviews, we could get various dimensions of the issue involved and difficulties faced by the girls working there.

The following tools were used in collecting the required data for the study.

- in depth interviews with the girls / young women
- case history method with selected girls
- non-participant observation

The field interviews with adolescent girls or young women workers working in the mills, while case history method has been used to record some of the cases with more details. Non-participant observation was largely used to record views from people¹¹ other than the victims of Sumangali Scheme.

Apart from these interviews with the victims or the relatives and civil society groups, the study team also collected a few govt. reports and newsclippings that appeared in dailies and weeklies and other study reports by NGOs and other networks. In addition, relevant labour legislations, case laws and recent High Court rulings have been also used in the report.

¹¹ A total of 25 interviews have been recorded with 14 NGO representatives and women activists, 6 trade union leaders, 2 school HMs and 3 elected panchayat leaders at local level

02.5 Limitations of the Study

- Though the adolescent girls are being recruited from all southern and central districts of Tamil Nadu, samples have been selected only from the four southern districts (namely *Tirunelveli, Thoothukudi, Virudhunagar and Sivagangai* districts), due to availability of resources, time constraint, accessibility and familiarity with villages, where Sumangali cases are prevalent and Vaan Muhil's contacts with the NGOs. Therefore it was decided to focus on certain pockets in southern Tamil Nadu, as patterns of violation under the scheme have been similar in various parts of the State¹².
- The study team has not taken efforts to meet the mill owners or managers to get their views in this regard, as that would definitely affect the future of the adolescent girls / young women workers, who had completed their contract period or still working in the mills.
- The study team did not have an opportunity to visit any hostel run by the mills, as outsiders are not allowed to enter the hostels and therefore personal inspection was not carried out as to check the veracity of the detailed narration explained by the interviewees in terms of the size of the room and the number of inmates, other facilities such as storage, ventilation, lighting and bathrooms and toilets provided by the mills proportionate to the number of working women.
- Efforts were taken by the study team to interview one or two DCLs from two districts in this regard to record their views on Sumangali Scheme and the implementation of labour laws in the mills, but they were not willing to respond to our questions.
- Moreover, lack of knowledge on the part of the victims on labour rights and other benefits as per the existing legislations has been identified as one of the key areas of concern, which is also considered to be one of the limitations of the study.

02.6 Difficulties faced by Study Team / Field Investigators

The following difficulties were faced by the field investigators during the study:

- Difficulty in meeting the victims and collecting full details from them, as the parents were afraid of possible retaliation or threat or intimidation from the mills, if the contents be made

¹² District wise comparison of the victims, their background and the types of violations was not done, as it was not the scope of the study. Comparison among different caste victims was also not attempted, as that was also not the purpose of the study, though a few aspects have been analyzed from the aspect of discrimination. Year-wise comparison among the victims was also not done. These variables will in no way help the report bring out other highlights of the violations, as the patterns of violation remain similar in all cases.

public or they come to know about the report with their identity. The parents were not willing to disclose all details, as they feared that those things would also block future prospects of their daughters' marriage. Taking these cultural sensitivities into account, the field investigators could not probe further in some cases¹³.

- In many instances, the parents wanted to suppress what had happened to their daughters in the mills, keeping their daughters' future in mind, nevertheless the girls were willing to share their experiences
- Fear of the victims to reveal their identity and hesitation / reluctance to come out freely about what had happened to them in the mill, especially about their health aspects, sexual harassment, physical and verbal abuse that they had experienced during their stay. Recounting the past might bring back horrible memories to some of the fragile young ones, which they wanted to forget once for all.
- As most of the victims did not have any record to prove that they had worked in the mills or any documentary evidence to substantiate their claims as a result of that the feeling of shame and sense of being cheated or ill-treated without any proof or proper record had its overtones in their free mind.
- Interference by some brokers¹⁴ during data collection in a few villages and their indirect threat or intimidation to the victims and their family members blocked them to speak out openly.

02.7 Formulation of Interview Schedule¹⁵ and Orientation to Field Investigators

The interview schedules prepared for interviewing victims of Sumangali Scheme contained totally **102** questions, covering 11 aspects of the issues such as general details / background information about the victims and their family, which included their educational qualification, primary occupation of their parents, size of the households, land owning patterns, average annual income of the households, location of the mills where they worked, and the reasons for joining the scheme. The second part of the interview schedule had questions related to role of agents / brokers,

¹³ The team of investigators could collect details from the respondents only after getting their consent and when some respondents refused to divulge details to the interviewer or to answer some of questions, the field investigators have respected their privacy or the right not to respond to. Some refused bluntly to answer any question, due to fear or possible retaliation or their safety and their sensitivity in this regard was fully taken into account.

¹⁴ Even some of the brokers informed their mills about the process of study and supervisors / managers intimidated the respondents over the phone not to answer the questions by the field investigators and indirectly threatening them through veiled attack

¹⁵ A translated version of the interview schedule has been enclosed as annexure - 3

the duration and promised amount of the contract period as per the agreement, and other contents in the agreement, amount received by the girls as monthly stipend, duration of working hours (as per shift), overtime, extra money paid for overtime, details of lunch break, Free movement in the campus, PF and ESI benefits, if any, monthly salaries apart from promised amount, deduction in their salaries and safety measures inside the mills. It had also questions regarding ill-treatment and harassment by male supervisors, reasons for having discontinued or being terminated before the contract period, details of medical check-up / physical ailments / accidents occurred and injuries, if any, accommodation facilities in the hostels, behaviour of the hostel wardens, meals provided in hostels, contacts and communications with the family members during their stay in the mills and leave provisions for their family functions and village festivals.

02.7.1 Number of questions under each sub-division

The following are the clusters of sub-divisions (No. of questions asked within brackets)

- ❖ Basic details on the women victims / their family details (20)
- ❖ Details about the agreement, promised amount and prior knowledge of the scheme (11)
- ❖ Questions relating to working hours / period of working in the scheme (8)
- ❖ Payment / Nonpayment of contract amount (7)
- ❖ Weekly holidays, overtimes, free movement of the workers and leave provisions (10)
- ❖ Monthly salary, PF and ESI benefits and deductions (9)
- ❖ Details of Hostel facilities (accommodation, food and toilets) (10)
- ❖ Medical check-up, health and safety (including accidents, injuries) (13)
- ❖ Contacts and Communication with parents and family members (9)
- ❖ Harassment and ill-treatment by Supervisors in Mills and hostels (5)
- ❖ Knowledge of the victims about labour laws and govt. schemes (3)

Close ended questions were supplemented by open ended questions, designed to elicit qualitative data on various specific areas. Out of the 105 questions, **41** required yes / No responses and 44 seeking to get detailed answers, while 20 were designed to collect basic details of the victims and their family backgrounds, as mentioned above.

02.8 Preparations

Time period for this study, from 2000 till now, was fixed to highlight the rights violations of the women workers under the Scheme and the working conditions in mills. With the identification of field investigators and finalizing the Panchayat Unions for study, the Study Team organized a two

day orientation for field investigators to provide inputs to them about the objectives, scope and the expected outcome of this field based study, together with the number of samples to be selected from each Panchayat Union and the timeframe for completion of data collection, case studies and report writing. During the orientation, the field investigators were distributed a draft questionnaire and asked to give their feedbacks on the questions. Doubts of the field Investigators were cleared at the end of the programme and the interview schedules were finalized with their inputs and experiences.

As *Vaan Muhil* has been involved in the coordination of grassroots activists, dalit movements, women groups, NGOs, Trade Unions, human rights organizations and other civil society groups at different levels, it was relatively easier for the study team to contact people and to facilitate the study. The selection of the field investigators was done in consultation with a few NGO partners, who had been part of the network and already involved in taking up the issue and with their understanding on the issue and field level contacts, it was, to a greater extent possible, to collect more samples, nearly 1750 (roughly 125 per Panchayat Union in four districts).

02.9 Data Collection and Report Writing

It was agreed between the field investigators and the study team to sit once in a month with the filled in interview schedules so that the gaps or lapses in filling up the schedules could be rectified then and there. Totally four sittings were organized with the field investigators in the following four months (July - October 2010). As agreed, each field investigator interviewed roughly 100 respondents¹⁶, and by the end of November, the field investigators completed five case studies each out of the samples. Though totally more than 1750 interview schedules were filled in, the study team deleted nearly 110 schedules, due to lack of accuracy and insufficiency of details about the victims in the schedules.

The review meetings held in between with the field investigators were useful for rectifying minor mistakes committed by the field investigators in data collection as well as for learning their experiences and difficulties they faced during information gathering. Experiential sharing of some field investigators had been helpful to other investigators in the field. Meanwhile the Principal Investigator and the Project Director were involved in collecting other relevant records, govt. reports and law books required for writing the report and to finalize legal framework of the study.

¹⁶ The field investigators for Sivakasi, Thiruvaikundam, and Kalakkadu could complete only 62, 89 and 75 interviews schedules, as Table 2 indicates.

02.10 Framework for the Study and perspectives

02.10.1 Issues to be addressed

As the Sumangali Scheme is a complex issue that exploits the most vulnerable target group in the rural pockets of southern districts in Tamil Nadu, there are number of issues that need to be addressed in the study and the team enlisted the following:

- ***Pull and push factors that are instrumental for unsafe migration of adolescent girls***
- ***Labour rights violations at workplace***
- ***Child labour related issues***
- ***Exploitation and Sexual harassment at workplace***
- ***Trafficking / Bonded and forced labour***
- ***Health and safety issues of the workers***
- ***Exploring alternative livelihood opportunities for backward areas***
- ***Continuing evil practice of dowry demand by grooms at the time of marriage***

02.10.2 Labour Legislations

A number of labour legislations have been in force, but the provisions under these laws have been blatantly violated in textile mills that engage girls under the Scheme. These violations have to 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

Relevant judgements delivered by the Madras High Court on 30.03.2009 by Hon'ble Justice V. Rama Subramanian and 11.12.2009 by Hon'ble Chief Justice H. L. Gokhale and Justice D. Murugesan.

02.10.3 ILO Conventions

- Forced labour Convention, 1930 [No.29]
- Freedom of Association and Protection of the Right to organize convention, 1948 [No.87]
- Right to Organize and Collective Bargaining Convention, 1949 [No.98]
- Equal Remuneration Convention, 1951 [No.100]
- Abolition of Forced Labour Convention, 1957 [No.105]
- Discrimination (Employment and Occupation) Convention, 1958 [No.111]
- Minimum Wage Convention, 1973 [No.138]
- Worst Forms of Child Labour Convention, 1999 [No.182]

It is to be mentioned here that India has ratified the Convention Nos. 29, 105, 100 and 111)

02.10.4 Human Rights Standards / Women Rights and Child Rights

As large of number cases are related to human rights violations in a labour context, both human rights provisions under the Constitution of India and the International Human Rights law, have been referred to and the following instruments naturally form the legal basis of the study.

- (1) Fundamental Rights Chapter in the Indian Constitution
- (2) The Universal Declaration of Human Rights, 1948 (UDHR)
- (3) The International Covenant on Civil and Political Rights 1966, (ICCPR)
- (4) The International Convention on the Elimination of All Forms of Discrimination against Women, 1979 (CEDAW)
- (5) The UN Convention on the Rights of the Child, 1989 (CRC)

The study team, in the consultation with the Trade Union leaders and NGOs working at the grassroots level, based on the findings, have put forth a few recommendations towards policy interventions and certain follow-up activities for the community. *Vaan Muhil*, as a lead organization in southern Tamil Nadu, will take up advocacy initiatives and legal interventions in this regard with a sole aim of putting an end to this kind of inhuman practice at the earliest.



CHAPTER - III

PROFILE OF THE RESPONDENTS

CHAPTER - III

PROFILE OF THE RESPONDENTS

This chapter highlights the profile of the respondents, particularly to show the linkages between the socio-economic background of the families, from where the working girls are being recruited to this scheme and the main causative factors that compel them to work under such inhuman and degrading conditions in the mills. These few pages will give us a clear picture about the educational level of the girls, primary occupation of the households, land owning patterns and average annual income of these families. The study team considers this chapter equally important, as it brings to the fore the push factors of the infamous Sumangali Scheme, one of the crucial issues to be addressed, by the District Administrations and the civil society groups.

Table No.5

03.1 Age of the Respondents

S. No	Age of the girls at the time of joining the mill	No. of Respondents	Percentage
1.	10	2	0.12%
2.	11	11	0.67%
3.	12	41	2.50%
4.	13	102	6.23%
5.	14	140	8.55%
6.	15	274	16.73%
7.	16	280	17.09%
8.	17	231	14.10%
9.	18	215	13.13%
10.	19	118	7.20%
11.	20	73	4.46%
12.	21	39	2.38%
13.	22	25	1.53%
14.	23	15	0.92%
15.	24	7	0.43%
16.	25	2	0.12%
17.	26 - 30	13	0.79%
18.	Not responded	50	3.05%
	Total	1638	100.00%

Out of the total respondents, 18.07% have been below 15 years and 61.05%, between the age group of 15 to 18¹. Majority [79.12%] of the workforce in the Sumangali Scheme is under 18 years². Some girls in their interviews mentioned that though many workers had been in the age group of 10-13, the mills had instructed them to answer the inspecting officers / factory inspectors, in case of inspection that they were above 14. A cursory glance over the faces of the working girls would tell any visitor to the mills that these workers are below 14 years, a few respondents sarcastically answered in their interviews.

“There were children of 8 years in the mill, where I worked. When officers came for inspection, the supervisors would lock these child workers in toilets. Even the inspecting officers had witnessed it once on their own eyes. But still, they did not take any action against the mill for having engaged little girls”.

- Thamarai Selvi, Keezhapasalai

The Child Labour (Regulation and Prohibition) Act, 1986 covers children up to 14 years, while Article 23 of the Indian Constitution prohibits slavery and all forms of forced labour³. In spite of that, a number of mills engage children below 14 years in this scheme.

“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 any labour officer came for inspection, the management would immediately keep all these children below 14 years in a separate room.”

- Pothum Ponnu, Mangulam, Mana Madurai

¹ The Concept Note for Public Hearing on Sumangali Thittam, organized by Tamil Nadu Women’s Commission on 6 October 2009, has also confirmed this fact. As per the Concept Note, 15 per cent of the scheme are below 15 years and another 50 per cent are in the age group of 16 - 18 years. One of the important issues raised by Trade Unions and other civil society organizations on the Sumangali Scheme is on the age of girls working in the mills.

² The UN Convention on the Rights of the Child, and the ILO Convention No.182 of 1999 define a child as persons under the age of 18 years.

Section 3 of The Apprentice Act, 1961 specifically mentions that a person shall not be qualified for being engaged as an apprentice to undergo apprenticeship training in any designated trade, unless he is not less than fourteen years of age, and (b) satisfies such standards of education and physical fitness as may be prescribed.

Similarly Section 67 of The Factories Act, 1948 is categorical that No child who has not completed his fourteenth year shall be required or allowed to work in any factory.

³ Justice P.N. Bhagwati and Justice Baharul Islam, in their judgement in the PUDR Vs The Union of India, have observed that if a person on his own comes forward to work in order to repay a debt or offers to work under a contract system and had received a wage less than the minimum wage, that would amount to forced labour. With this definition, Sumangali Thittam clearly falls within the scope and ambit of the words forced labour under Article 23.

Article 39 (e) under Directive Principles of State Policy states that 'The tender age of children is not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength' and Article 39(f) states that 'Opportunities and facilities to children to develop in a healthy manner - in conditions of freedom and dignity - youth are protected against exploitation and against moral and material abandonment'. When the constitutional right is such, the ground reality is entirely different! Due to poverty, even parents were willing to send their daughters to the mills at the age of 12 or 13, which is a matter of grave concern.

"My husband passed away a year ago and I have four children. As there is no means to make both ends meet - bringing them up and sending them to school. I have no other option left except taking a very hard decision of sending my daughter, who was not even completed 12 years, to a mill. When I went to the mill to see her after a few months, she could not control herself, hugged me and weeping unconsolably and insisted that she be taken back home. But I had no choice left. I convinced her saying that unless she completed her contract period of 3 years, the mill management would not give us the full amount, which we were badly in need of. Somehow she agreed to stay back and continued to work, recounting our family situation.

- A mother of a Sumangali worker from Rajapalayam

It has been the normal practice in the mills to keep the underage children in a separate rooms or toilets or bathrooms, when labour officers visit their mill or send them back home for a few days till the visits are over. Many women workers remarked that the labour officers by and large do not take any stringent action, even if they witness this kind of practice in the mill.

"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

"In our mill, the supervisors would keep the working children below 14 years in bathrooms and toilets, when officers from labour department visited our mill or came for inspection".

- Uma Maheshwari, Uraan, Nainarettai

The minimum age for admission to any type of employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardise the health, safety or morals of young persons shall not be less than 18 years.

Article 3 (1), ILO Convention No.138, Minimum Age Convention, 1973

National laws or regulations may permit the employment or work of persons 13 to 15 years of age on light work which is:

(a) not likely to be harmful to their health or development

Article 7 (1), ILO Convention No.138, Minimum Age Convention, 1973

03.2 Educational level of the Respondents⁵

Table No.6

S. No	Educational level of the workers	No. of Respondents	Percentage
1.	Illiterate	16	0.98%
2.	Up to 5 th Standard	249	15.20%
3.	Up to 8 th Standard	709	43.28%
4.	Up to 10 th Standard	499	30.46%
5.	Up to 12 th Standard	127	7.75%
6.	Diploma Courses	8	0.49%
7.	Degree / Graduation	16	0.98%
8.	Not responded	14	0.85%
	Total	1638	100.00%

Needless to mention that the educational level of majority of the young women workers has been very minimum. Almost 90% of them have just passed either 8th or 10th Std. Out of the total number of respondents, a negligible 7.75% of young women have completed +2 and less than 1.50% of them Diploma courses or degree. Lack of opportunity to pursue their studies in a rural setting, due to long distance to Higher Secondary schools from their native village is a major factor that push the parents to look for some employment opportunities elsewhere.

“As we had no high school in our village, we found it difficult to send our daughters to nearby centres for schooling. Therefore we sent them to the mills and they might also earn something for our family. There are also no employment opportunities available in this area”

- Mother of Kaleswari, Sithama Naickanpatti, Sivakasi

“As many of our parents are coolies (daily wage earners) and their meagre earning is not sufficient to keep our families going, especially not able to send us to school. They think that through our earning, the families could be supported

- Kalaiselvi, Mela Neelithanallur

Though Tamil Nadu Government boasts itself of being one of the best performing and developed states in India (next to Maharashtra, Gujarat, Kerala, Punjab and a few others), in terms

⁵ Please also refer to annexure -1: details of young women workers (respondents of the study), which clearly indicates the reasons for joining the scheme, mostly dropouts in school and grinding poverty in their families

of education⁶, health, industrial development and other human development indexes, the rural reality in southern districts is shocking and startling! It is reflective that a few pockets (Urban centres) in Tamil Nadu have been developed, not the rural Tamil Nadu and a few sections of the society have improved their status and quality of living, not the peasants / small and marginal farmers, the agrarian society and informal sectors.

The Parliament passed a law in 2009⁷ to provide compulsory education to every child in the age group of 6 - 14 years. Apart from providing compulsory education to all children in the category, the schools would not fail any student till 8th standard, and paved way for 25% reservation to “disadvantaged children” in all government and private sectors. The impact of this new legislation is yet to be seen in the rural areas.

03.3 Caste Composition of the Respondents

Table No.7

S. No	Name of the castes	No. of Respondents	%
1.	Pallar (SC)	592	36.14%
2.	Maravar / Thevar / Servai / Kallar (BC) ⁸	324	19.78%
3.	Nadar (BC)	260	15.87%
4.	Paraiyar (SC)	155	9.46%
5.	Konar / Yadhavar (BC)	50	3.05%
6.	Arunthathiyar (SC)	48	2.93%
7.	Naickar (BC)	34	2.08%
8.	Vannar (SC)	22	1.34%
9.	Vellalar / Pillai (BC)	20	1.22%
10.	Kammalar (BC)	18	1.10%
11.	Asari (BC)	15	0.92%
12.	Goundar (MBC)	13	0.79%
13.	Reddiyar (BC)	8	0.49%

⁶ According to 2001 Census, Thoothukudi district has 18.48% illiterates, while Tirunelveli, Virudhunagar and Sivagangai districts have 23.91%, 26.30% and 27.82% respectively. It is also equally important to know the gap between total illiteracy rate and that of female illiteracy rate in rural areas. The female illiteracy rate in rural **Thoothukudi** district is 22.24%, while the same in other three districts are 28.30%, 31.30% and 32.97% respectively. (*Refer to Primary Census Abstract - Census 2001*)

⁷ The Right to Free and Compulsory Education Bill, later amended as Article 21 A of the Indian Constitution (93rd Constitutional Amendment)

⁸ Maravar, Servai and Kallar are put together in a cluster, called as Mukkalthor (BC Communities), who are predominantly living in southern districts.

S. No	Name of the castes	No. of Respondents	%
14.	Moopanar (BC)	4	0.24%
15.	Lebbai Muslim (BC)	4	0.24%
16.	Navithar (MBC)	3	0.18%
17.	Yogiswarar (MBC)	3	0.18%
18.	Vanniyar (MBC)	3	0.18%
19.	Chettiyar (BC)	3	0.18%
20.	Others	8	0.49%
21.	Not responded	51	3.11%
	Total	1638	100.00%

As the above table indicates clearly that the women migrant workers under the scheme are being recruited from various sections, irrespective of castes and communities. Nonetheless Dalits⁹ account for nearly half of the respondents, as they are nearly one fifth of the total population from the dry land of southern districts. Among the respondents from backward castes and the most backward castes, Nadars are the single largest community [15.87%] and Mukkulathor (comprising Thevar / Maravar / Kallar and Servai) form almost one fifth of the respondents.

It is interesting to note that girls are being recruited to this scheme from a few landowning castes such as Vellalars, Naickars, Reddiyars, Moopanars, Goundars and Thevars / Maravars. Majority of the respondents are Hindus, while a few are Christians and four respondents, Muslims.

“Dalits, historically subjected to denial and deprivation of employment and access to resources, look slightly positive about the scheme, thinking that these mills provide employment opportunities to dalit children from this dry area. At the same time some dalit young women workers have complained that the supervisors belonging to dominant Castes used to scold them severely for minor mistakes; but were soft towards other girls and the supervisors would also tease more the dark complexioned girls, on the contrary they were kind towards fair complexioned girls”.

- Observations made by three field investigators

⁹ Dalit population in Tirunelveli district - 20.01%, in Thoothukudi district - 20.82%, in Virudhunagar - 21.55% and in Sivagangai - 18.47% (Ref. to Primary Census Abstract - Census 2001).

Among dalits, young women workers from Pallar communities are sizeable, since Pallars are a predominant caste group in the Southern districts, while other two groups, namely Paraiyars and Arunthathyars are larger in numbers in Central and Northern and Western Tamil Nadu respectively. It is to be noted that the southern districts witnessed a bloody caste war in the last decade and resentment or assertion of dalits (especially Pallars) over their rights / against various forms of untouchability being practiced by dominant caste groups in Southern Tamil Nadu.

It is worth comparing the total sex ratio¹⁰ in these four districts with that of Dalits especially in the rural area.

Table No.8

S. No	District	Sex Ratio			Sex Ratio (SC)		
		Total	Rural	Urban	Total	Rural	Urban
1.	Tirunelveli (Total)	1042	1055	1028	1059	1065	1050
	0-6 years	957	959	954			
2.	Thoothukudi (Total)	1050	1066	1050	1020	1024	1020
	0-6 years	953	943	953			
3.	Virdhunagar (Total)	1012	1018	1005	1015	1014	1016
	0-6 years	958	957	960			
4.	Sivagangai (Total)	1038	1047	1015	1040	1045	1013
	0-6 years	952	959	936			

Though it is heartening to note that the sex ratio in general as well as that of among SC in these four districts is quite above the national average, the sex ratio between the age group of 0-6 is really disturbing!

This face has been confirmed through other sources also. "262 districts in India and cities have been identified as "Gender Critical" - based on the 2001 Census data related to sex ratio, female literacy rate, and female work participation".¹¹

03.4 Primary Occupation of the Families of the Respondents

Table No.9

S. No	Primary Occupation	No. of Respondents	%
1.	Coolies (Daily wage earners)	846	51.65%
2.	Agricultural Labourers	298	18.19%
3.	Small and marginal farmers (Cultivators)	241	14.71%
4.	Beedi Rolling ¹²	54	3.30%
5.	Construction Workers	38	2.32%
6.	Salt pan workers ¹³	33	2.01%
7.	Drivers (in Private transports)	16	0.98%

¹⁰ Ref. to Primary Census Abstract - Census 2001

¹¹ - The Hindu Editorial, 16 Feb 2011

¹² Beedi rolling activity is the primary occupation of most rural women in Alangulam, Kalakkad and Pappakudi Unions of Tirunelveli district

¹³ Salt pan workers are mainly from Thoothukudi Panchayat Union, a coastal belt

S. No	Primary Occupation	No. of Respondents	%
8.	Tailors	9	0.55%
9.	Organizers / Assistants (Schools and Anganwadi centres)	8	0.49%
10.	Tea stall owners	8	0.49%
11.	Carpenters	7	0.43%
12.	Fisherfolk	7	0.43%
13.	Others ¹⁴	29	1.77%
14.	Not responded	44	2.69%
	Total	1638	100.00%

As the above Table indicates that most of the parents 69.84%of (the young women migrant workers) are either coolies (daily wage earners) and / or agricultural labourers¹⁵. Nearly one-sixth of the respondents had mentioned that their parents were small and marginal farmers, owning less than 2 acres of dry and unproductive lands. Salt pan workers [33] are from the coastal belt of Thoothukudi Panchayat Union of that district, and while the respondents of beedi rolling [54] are from Alangulam and Pappakudi Panchayat Unions of Tirunelveli district¹⁶.

When asked about any other source of income from other members (their brothers or sisters) in their families, only one-fifth of them responded that their elder or younger brothers or sisters had been employed in jobs, through which the family was being supported in a little way, still this income had been very meager.

03.5 Land Owning pattern

When asked the respondents about whether the households had owned lands, 1220 respondents [74.48%] responded that they were landless, depicting the economic status of the work force in focus. Even those who had lands were small and marginal dry land farmers in the drought prone area, where they experience repeated monsoon failures¹⁷ and depletion of ground water,

¹⁴ Others include washermen, pettyshop owners, electricians, watchmen in private companies and mill workers in local area. The secondary source of income for some of the families include goat rearing, cattle grazing, thatch making and working in match box factories in their village.

¹⁵ This fact has been also reiterated in a couple of articles in Frontline (October 19, 2007) and Labour File (May - June 2006) and in the Concept Note prepared for the State level Public Hearing, organized by the Tamil Nadu Women Commission in Chennai on 6 October 2009

¹⁶ Please refer to Annexure -1 for details of the Primary Occupation of the adolescent girls.

¹⁷ Despite heavy downpour in several districts in Tamil Nadu and many parts of the state were very badly affected by monsoon in November 2010, Tirunelveli district received rainfall less than the state average. When compared the average annual rain fall in all districts throughout Tamil Nadu for 30 years (from 1971 to 2001), Tirunelveli district has the dubious distinction of having recorded below average annual rainfall for 24 years, and for 10 consecutive years 9from 81 to 91) and experienced above average rainfall only in 16 years. (Ref. to *Tamil Migration in Globalized Context* by Deva Perinban, in *Social Scientist*, October - December 2010, pp.47)

have turned out to be agricultural coolies. They are not able to cultivate food crops such as rice or banana in their fields, due to acute water scarcity for irrigation. In addition, high input cost, low yields and no reasonable procurement price pushed the farmers leave farming and to look for other avenues for eking out their livelihoods.

Details of Land Owning

Table No.10

S. No	Land Owning	No. of Respondents	%
1.	Own lands	413	25.21%
2.	No lands	1220	74.48%
3.	Not Responded	5	0.31%
	Total	1638	100.00%

“Many girls are being recruited from our area, which has been badly affected by severe drought in Tirunelveli district. Many young women are working in textile mills near Tiruppur from my village, as we don’t have rain for many years consecutively”

- Sita from North Puliampatty, Mela Neelithanallur

“As result of continuous spell of drought in this block, more than 200 adolescent girls have gone to Coimbatore - Tiruppur area from this panchayat alone”.

- An observation by the Field Investigator for Mela Neelithanallur Union, Tirunelveli district

03.6 Average Annual income of the households

The Table below gives us a clear picture of the income level of the households from which the young women are being recruited for the scheme. The average annual income of the 1304 respondents [79.60%], majority of the respondents is below Rs.30,000/-, i.e., roughly Rs.2,000/- per month, low income category.

Details of Average Annual Income

Table No.11

S. No	Average Annual Income	No. of Respondents	%
1.	Less than Rs.10,000/-	374	22.83%
2.	Between Rs.10,000/- - Rs.20,000/-	583	35.59%
3.	Between Rs.20,000/- - Rs.30,000/-	347	21.18%
4.	Between Rs.30,000/- - Rs.40,000/-	163	9.95%
5.	Between Rs.40,000/- - Rs.50,000/-	75	4.58%
6.	Above Rs.50,000/-	15	0.92%
7.	Not Responded	81	4.95%
	Total	1638	100.00%

This fact has also been ascertained by an ILO Study¹⁸ which mentions that most adolescent girls working under the scheme are from families with incomes below Rs.2,000/- a month. The Rapid Assessment study also further states that most girls are from agricultural households and need additional income to sustain their families. Grinding poverty, coupled with illiteracy, forced the families to send their daughters to look for 'greener pastures' in western region so that they could earn something to sustain their families¹⁹.

03.7 The location of the Mills

Table No.12

S. No	Location of the Mills (District-wise break-up)	No. of Respondents	%
1.	Coimbatore	727	44.38%
2.	Tiruppur	292	17.83%
3.	Erode	182	11.11%
4.	Virudhunagar	116	7.08%
5.	Dindigul	95	5.80%
6.	Thoothukudi	68	4.15%
7.	Tirunelveli	50	3.05%
8.	Namakkal	40	2.44%
9.	Salem	15	0.92%
10.	Krishnagiri	10	0.61%
11.	Others	27	1.65%
12.	Not responded	16	0.98%
	Total	1638	100.00%

Nearly three-fourth [73.32%] of the girls have been working in textile mills in Coimbatore, Tiruppur and Erode districts, which are combined together and put in a cluster, as destination point. Migrants from almost 80 per cent of the over four lakh strong workforce employed in over 6,200 garment units in Tiruppur cluster²⁰. Others include Karur, Salem and Hosur, while some are also working in select centres from source districts, namely Virudhunagar, Thoothukudi and Tirunelveli districts²¹.

¹⁸ A Rapid Assessment Study of Marriage Assistance Scheme in Textile Sector in Tamil Nadu, conducted by ILO, in collaboration with the CITU, in March 2007, as quoted in *Frontline*, October 19, 2007 in an article titled as 'Caught in Weave' by Vidya Venkat, pp.107-113

¹⁹ Driven to Despair, by S. Dorai Raj, *Frontline*, Vol.27, issue 20, September 25 - October 09, 2010

²⁰ Driven to Despair, by S. Dorai Raj, *Frontline*, Vol.27, issue 20, September 25 - October 09, 2010

²¹ Rajapalayam Town in Virudhunagar district, Kovilpatty in Thoothukudi district and Ambai - Papanasam belt in Tirunelveli district have a few textile mills, that engage adolescent girls under the scheme, following the model of other textile and spinning mills in Western region of Coimbatore, Tiruppur and Erode districts, where the climate condition is fairly good and conducive to set up these mills. Dindigul district has also a number of textile mills that recruit girls from other southern districts as well as from other districts too.

03.8 Reasons for Joining the Scheme

More than half of the adolescent girls [853] working in the mills join the scheme, due to abject poverty in their families as the table below shows. As their parents have no other option to look for alternate employment opportunities, they had sent their daughters to the mills. The two other main reasons are dropouts and not able to pursue their studies in their villages and indirect societal pressure for these families to purchase jewelry for their daughters' marriage or to meet the dowry demands. These three push factors force them to join the scheme.

Table No.13

S. No	Reasons for joining	No. of Respondents	%
1.	Poverty	853	52.08%
2.	Dropout in School	422	25.76%
3.	To purchase jewels for marriage / to meet dowry demand	220	13.43%
4.	As girls from her village have been working in the mills	64	3.91%
5.	To repay the family debt	44	2.69%
6.	Due to family pressure	15	0.92%
7.	In lieu of her sister, who had already worked in the mill	8	0.49%
8.	Others	9	0.55%
9.	Not responded	3	0.18%
	Total	1638	100.00%

The mill agents know very well to exploit the family situation in their favour and are able to convince the parents to allow their teenaged daughters to mills. The parents also yield to the pressure or attractive offers by the mills.

"Many girls from my neighbourhood have joined the scheme and I also wished to go along with them, due to poverty in my family. While working in the mill, many times I had thought of running away from the mill, because of hard work and inhuman conditions there, but my family situation prevented me from running away in between and therefore I had to adjust a lot inconveniences and humiliation for my family and somehow completed the contract period".

- R. Radha, Moopanpatty, Kovilpatty

“Mill agents recruited many poor school going girls from my village. They discontinued their studies and joined the mills, thanks to pressure from their parents. But this resulted in thin attendance of girls in our Panchayat Union School. On seeing this, our Panchayat President has been insisting on the parents not to send their school going daughters to the mills for Sumangali Scheme”.

- A. Thiruselvi, Mana Madurai

While a few Panchayat presidents persuade the parents not to send their daughters to mill but to pursue their studies, others have been instrumental in paving way for sending many rural girls to the mills, after having yielded to the pressure tactics by the brokers and the managers.

“As I was studying 10th standard, my parents asked me to discontinue my studies, due to poverty. Afterwards I was doing some match box work in my village and earned a little income every week. After three months, mill agents came to our village for recruitment and contacted our grama panchayat president, who directed the agent to our house. Then my parents had agreed to send me to the mill”.

- Karthika, Urulaikudi, Kovilpatty

“We have no High or Higher Secondary school in our village, neither in any of the nearby villages. Our girls have to travel for more than 10 Kms to go to school and there is also problem of frequent transportation from our village to town and therefore our parents are not able to send us to High School”.

- Uma Devi, Cavadi Street, Pudukottai, Sivakasi

Despite the fact that dowry has been legally banned²², the practice is still prevalent in all over Tamil Nadu, whether urban centres or rural areas. Whether the bride is educated or employed / salaried, it is immaterial for the groom family even today. It has been an accepted phenomenon by all sections of the society and all communities, irrespective of the economic status of the family and educational qualifications of their daughter. It is on this sentiment or social pressure that the mill owners operate and this emotional cord has been termed as the title of the scheme “Sumangali”, meaning a happy and contented married woman.

²² Under the Dowry Prohibition Act, 1961, husband or his family members or close relatives will be punished with imprisonment and fine amount for demanding dowry from the bride at the time of marriage or even after marriage. The amendment in this Act was brought in 1984 and made women’s subjection to cruelty a cognizable offence and the second amendment in 1986, which makes the husband or in-laws punishable, if a woman commits suicide within 7 years of her marriage and if it is proved that she has been subjected to cruelty. A new criminal offence of ‘Dowry Death’ has been inserted in the Indian Penal Code.

“The foreign companies are cleverly cashing in on the sentiments of Indian women and exploiting them indirectly through the domestic textile industry in order to purchase good quality knitwear at cheaper rates. This scheme is certainly not framed for the benefit of you and me... But I would say that it is a conspiracy hatched for sustaining the profits of foreign companies by taking advantage of the Tamil culture in which women attach great importance to the ‘Thali’ (a sacred thread worn around the neck by married women)”.

- Mrs. Annie Raja, National Federation of Indian Women²³

Dalit communities, which did not have the practice of paying or giving dowries earlier, have been pushed into the social evil, as a result of upward mobility in the social ladders of late or due to the influence of media, especially the TV programmes, the rural adolescent girls, dreaming a happy married life, prefer to take up this work and are prepared to sacrifice their well being and aspirations for three years, with a hope of receiving a lump sum of Rs.30,000/- to Rs.50,000/-, at the end of three years, which is a good money for them to start a new life with marriage.

“It is women’s inferior socio-economic status in our society that promotes the dowry system with its fatal consequences. As we are all aware, sons are valued more highly than daughters in our society. Female children are often seen as financial burdens on their families.

- Dr. Malinee Priya²⁴

“The Dowry Prohibition Act is reactive and punitive. But unless there is a deep commitment and relentless community efforts in the implementation of the law, the law will remain ineffective. A great number of women, especially in rural and semi-urban areas, still consider dowry as good. These misconceptions are due to inadequate understanding of the nature of dowry, which devalues and commercializes women in the institution of marriage”.²⁵

- Dr. Malinee Priya

Apart from those pull factors, in some villages, the rural girls do get attracted with modern dresses with colourful designs, along with the so called “city culture”, brought to remote villages by the young women in the mills, and this indirectly serves as an attraction for other illiterate rural girls to join the scheme.

²³ In her inaugural address at the one day state level conference, organized by CASS at Madurai on 28 May 2010

²⁴ In her article, Dowry Deaths: Manifestations of a Sick Society, Women’s Link, Vol.17, No.1, pp.5

²⁵ Women’s Link, pp.8

“On seeing my elder sister and a few young women, who came back from mills, after having worked in the scheme, I got attracted. The colourful dresses they wore and their behaviours were fascinating very much and I could not resist the temptation within me and therefore I joined the scheme”.

- Nandini, Mangalam, Sivakasi

03.9 Concluding Remarks

In a nutshell, after analyzing the profile of the respondents, one could conclude that majority of the adolescent girls employed in the mills under the scheme are from lower income category households, in the rural pockets of southern Tamil Nadu that struggle to manage to run their families. Most of their parents are daily wage earners, as coolies or agricultural labourers without cultivable lands. Grinding poverty, illiteracy of the parents, lack of employment opportunities in the dry area, lack of govt. initiatives to promote employment opportunities and lack of support from the government to strengthen agriculture, coupled with changing crop pattern, due to successive monsoon failure have been the push factors for the families to send their daughters to mills so that they might bring an additional income to the families.

As the name of the Scheme suggests, **“Sumangali Thittam”** or **“Thirumagal Thirumana Thittam”** looks attractive for these poverty stricken adolescent girls from rural areas, for whom the promised lump sum would be a great help to meet out their marriage expenses.



CHAPTER - IV

LABOUR, GENDER AND HUMAN RIGHTS VIOLATIONS

CHAPTER - IV

LABOUR, GENDER AND HUMAN RIGHTS VIOLATIONS

04.1 The Role of Mill Agents / Brokers and the Recruitment Process

The role of mill agents or brokers has been crucial in the recruitment of adolescent girls from the rural pockets to the mills. The mill agents by and large serve as a connecting link between the families of the young women workers from the source districts and the mills in the destination points. In some instances, agents / brokers happen to be close relatives of the working girls, whose parents totally rely on them and have no hesitation to send their daughters to the mills, believing fully in the words and promises of the brokers, who are dictated by mill owners and carefully implementing the designs of the owners.

Normally the agents (brokers) get a commission (brokerage) between Rs.500/- to Rs.1,500/- or even Rs.2,000/- in some cases for recruiting girls for the scheme, depending upon the size of the company.

“There is one Mr. Thangavel, working as broker from our village. He convinced my mother to send me to the mill and to work under the scheme and get Rs.30,000/- a lump sum at the end of the period. When he recruits a girl for the mill, the broker would even get Rs.2,000/- as commission from the mill”.

- Karpagam, South Vandanam, Kayathar

The mill agents at times adopt a strategy to persuade the Panchayat presidents or local community leaders in the villages about the scheme and by way of inducing them, these agents provided a lump sum as donation on behalf of the company to the temple festivals, which normally works out very well in rural setting.

“On behalf of the mill management, the broker gave Rs.20,000/- to the local temple festival (village festivals) and he had also assured more amount to the village elders, if the village allows to send more girls for work under the Scheme in the following year”.

- Muneeswari @ Vidhya, Middle Street, Sithama Naikcenpatti, Sivakasi

There have been complaints about these agents that they had not properly informed the parents about the scheme and particularly about the working conditions. It is the fault of these brokers, who allure the rural pockets to send their daughters to mills.

These agents do not properly give us the required details about the nature of work or contract period or working conditions or the quantum of salaries provided there for the workers.

- Rasathi, Mettupatti, Sivakasi

When asked the respondents about who had introduced the scheme to and brought them to the mills, nearly two-thirds of them referred to the agents.

Who brought adolescent girls to the Mills

Table No.14

S. No	Person who brought them to the Mills	No. of Respondents	%
1.	Brokers / Mill Agents	979	59.77%
2.	Close relatives of the workers	349	21.31%
3.	Parents	154	9.40%
4.	Others working in the Mills	139	8.49%
5.	Mill Owners	7	0.43%
6.	Not responded	10	0.61%
	Total	1638	100.00%

04.1.1 Promises and False Hopes by Brokers

Colourful and attractive pamphlets¹, widely distributed among the semi literate rural masses by the brokers in order to recruit adolescent girls from these areas, give a rosy picture about the mills, working conditions, hostel facilities as well as salary component. Excel Goodspin (India) Pvt. Ltd, based in Sathyamangalam of Erode district details the scheme in a simple and lucid Tamil, easily understandable to rural readers, who are able to read and write Tamil.

The pamphlets read as follows:

The Highlights of the mills

- The contract period is for three years, with six months training, and at the end of the third year, the contract amount of Rs.40,000/- will be disbursed to the working girls, completing the period.
- The maximum requirements are that the candidates should have completed 16 years with 8th Standard pass and height above 5”.
- Every month a stipend of Rs.1,200/- will be given to the girls, with an increase up to Rs.1,500/- p.m

¹ Copy of the pamphlets (Tamil) distributed by Excel Goodspin (India) Pvt. Ltd has been enclosed as annexure.

- Free accommodation, well furnished rooms with all modern facilities, in multistorey building will be provided. Clean and protected drinking water and bathing facilities are available for 24 hours.
- Well trained women wardens have been appointed to look after the girls in the hostels and to ensure their protection.
- Separate groups and committees will be formed for grievance redressal, hostel maintenance and canteen management - and once a week meeting will be organized to air their grievances with officials and the management.
- Nutritious and hot meals thrice a day, along with tea and snacks in the evening, prepared in a highly hygienic way, with modern cooking facilities, will be provided at a subsidized rate of Rs.15 per day. This amount will be deducted in the monthly stipend and the remaining cost for meals will be borne by the Mill management and once a week non-vegetarian meals will be served, apart from all other festivals.
- Facilities have been arranged for women workers to spend their free time, such as to view cable TV and DVD, to read newspapers and books to refer in the library, Park, gardening, tailoring and games.
- In order to maintain the emotional balance of women workers in the mills, special coaching classes on Yoga and Tamil lectures will be organized by the Management.
- Once a year, tours will be arranged for the workers in the mill. Free medical facilities will be provided to the girls and special attention for physically weak girls.

These promises naturally look very attractive for the rural young women, who found it difficult to manage their day to day simple needs. Lured by these attractive offers and enticements by the local brokers, the illiterate rural parents become mentally prepared to send their daughters to the mills.

Most of these promises were mere rhetoric, according to the respondents and once they entered the mills, the conditions were totally different. "These offers looked very attractive to us, when we listened to the brokers initially, but the reality in the mills looked entirely different" responded many of them.

In some places, the brokers even now keep big flex boards and attractive banners with these offers, with an intention of reaching out the local people faster.

"In our Muthaiahpuram area, Rajammal and Mariappan, the agents, are involved in the recruitment process and sending the girls to the mills to work under the scheme. There has been a big flex board with all details about Sumangali Scheme in Vijaya Rajan mills, and a call for recruitment of young women, with a promise of Rs.60,000/- at the end of three year contract".

- Nabeesa, W/o. Mohammed Haneefa, Athimarapatti, Thoothukudi

During data collection for this study by the field investigator in this village, she witnessed many young women returnees openly scolding at the brokers and scoffing at the flex board.

When asked the girls about any advance amount was paid by the mills before joining the scheme by way of allurements, 22 of them responded that they had received some amount either through agents or mill managers towards their TA to ensure that they joined the mills or some advance amount to meet out emergency expenses in their families like medical expenses or marriage assistance for their elder sisters in the family. Out of 22 who had received advance amount from the mills, one received Rs.10,000/-, another Rs.5,000/- while others between Rs.500/- to Rs.1,500/-.

“My family received Rs.10,000/- as an advance from the mill agent, after giving him an assurance that I would join the scheme. And this amount was later adjusted against my contract amount, after the period of 3 years”

- Vendamoni, Melapoovanthi, Thiruppuvanam

04.2 Contract period as per Agreement

Table No.15

S. No	Contract Period	No. of Respondents	%
1.	One year	32	1.95%
2.	2 years	87	5.31%
3.	2 ½ years	25	1.53%
4.	3 years	1296	79.12%
5.	3 ½ years	153	9.34%
6.	4 years	27	1.65%
7.	others	3	0.18%
8.	Not responded	15	0.92%
	Total	1638	100.00%

As per the agreement with the mills, the women workers employed under the scheme were to complete the contract period, which is normally for three years, as the above table indicates. In other cases, the duration is between two to four years, depending upon the conditions laid by the Mills in the agreement.

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. Section 10 of 'Contract Act (1872)' also declares that any contract with a child below the age of 18 years is null and void.

One more important problem is that high percentage of the work force has been women apprentices in the mills, violating the existing labour laws. 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 scheme³. The labour 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 to legally justify the recruitment of apprentices under the Contract Labour (Regulation and Abolition) Act⁴.

It has been the design of the mills to engage more casual labourers and apprentices for all production work and by doing so the mills shrink the responsibilities of providing the essential services / obligations such as Employees State Insurance (ESI), Provident Fund (P.F) and Bonus⁵.

04.3 Quantum of amount promised to the Workers as per the Contract

Table No.16

S. No	Promised amount	No. of Respondents	%
1.	Less than Rs.10,000/-	25	1.53%
2.	Between Rs.10,000/- to Rs.20,000/-	100	6.11%
3.	Between Rs.20,000/- to Rs.30,000/-	821	50.12%
4.	Between Rs.30,000/- to Rs.40,000/-	412	25.15%
5.	Between Rs.40,000/- to Rs.50,000/-	210	12.82%
6.	Between Rs.50,000/- to Rs.60,000/-	29	1.77%
7.	Between Rs.60,000/- to Rs.70,000/-	5	0.31%
8.	Between Rs.70,000/- to Rs.80,000/-	7	0.43%
9.	Not responded	27	1.65%
10.	Not known	2	0.12%
	Total	1,638	100.00%

The contract amount promised by the mills to the workers varies from mills to mills and from place to place. The normal practice has been is the assurance of a lump sum by the mills between Rs.30,000/- to Rs.40,000/- to the working girls at the starting of their period. The promised sizeable amount is a major allurements, through which girls get attracted to the scheme. As the above Table indicates that there are mills to promise even Rs.60,000/- to Rs.80,000/- to the girls.

³ Ref. Concept Note prepared by CASS for State level Conference Against Sumangali Scheme, held on 28th May 2010 at Madurai

⁴ Trade Unions level serious allegations against the mills of engaging 70% of workers as apprentices under the scheme. Ref. Caught in Weave by Vidya Venkat in Frontline, October 19, 2007, pp.107-108

⁵ Ibid, p.109

Asked about whether the workers had any knowledge about the scheme before joining the mills more than three-fourth of the respondents answered in the negative, only less than one-fourth respondents had some knowledge about the scheme through nearby women workers (returnees) or through their relatives. Most of them responded that they had known only that they would receive a lump sum amount, if they had worked in the mill without any break for three years, while some responded that the scheme was meant for marriage assistance, which would be of use for their marriage expenses.

04.3.1 Written agreement with the mills

Table No.17

S. No	Whether they had any written agreement with the mills	No. of Respondents	%
1.	Yes	995	60.74%
2.	No	531	32.42%
3.	Not aware of the Agreement	93	5.67%
4.	Not responded	19	1.15%
	Total	1638	100.00%

Regarding the written agreement with the mills, out of the total number, only 995 respondents [60.74%] had signed the contract, but the copy of the same was not given to 956 and 39 were able to glance through the documents and among them only 10 respondents had their agreement copies with them during the period but the companies got them back, when the girls received the contract amount from the mills. 531 respondents [32.42%] replied that they had not been given any agreement of that kind, while 93 young women were totally unaware of any such contract! Any agreement with the persons below 15 years is considered to be illegal, as per the Children (Pledging or Labour) Act and the Contract Act.⁷

“The local Agent from our village, namely one Mrs. Chellathai, took me to the mill, with the promise of getting me Rs.30,000/- at the end of three years. When I entered the mill, the management obtained my signatures in a bond paper. As I did not know anything of it, I just asked them for what they got my signature in the bond sheet. But they did not explain to me anything, simply told me that was the normal practice in the three year contract work, then I came to learn that was the normal practice in the mill”.

- M. Sumathi, Manjakop, Thottampatty, Kayathar

Section 4 of the Apprentice Act requires that every contract of apprenticeship entered into under sub-section (1) shall be sent by the employer within such period as may be prescribed to the Apprenticeship Adviser for registration and according to Section 5 the Apprenticeship Adviser shall not register a contract of apprenticeship unless he is satisfied that the person described as an apprentice in the contract is qualified under this Act. These are clearly violated in the Sumangali scheme.

⁷ 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. Section 10 of ‘Contract Act (1872)’ also declares that any contract with a child below the age of 18 years is null and void.

As most of the girls come from rural areas, with poor educational level and the parents being illiterate, they do not know the contents of the agreement. The mills exploit the ignorance of the girls and the parents.

“When I joined the mill, they obtained my signature in a white sheets written something in Tamil and English and I was totally unaware of the contents in the sheets provided to me for my signature”.

- Saraswathi, Mela Poovanthai, Thiruppuvanam

04.4 Training to Women Workers

Asked about whether sufficient training⁸ was given to the women workers, when they joined the mills under the scheme, the following answers were received from the respondents.

Table No.18

Training to the Women Workers

S. No	Duration of Training	No. of Respondents	%
1.	One week	36	2.20%
2.	Two weeks	33	2.01%
3.	One month	299	18.25%
4.	Two months	149	9.10%
5.	Three months	626	38.22%
6.	Four months	40	2.44%
7.	Five months	8	0.49%
8.	Six months	285	17.40%
9.	One year	5	0.31%
10.	Two years	4	0.24%
11.	Till the contract period	2	0.12%
12.	No training	128	7.81%
13.	Not Responded	23	1.40%
	Total	1638	100.00%

As agreed in the contract, the mills had provided one to six months training to the apprentices, who had been newly recruited to the mills. It is interesting to note that a few companies provide training to the new entrants for one or two years and even a couple of them till the end of the contract period. A good number (128) of the girls were not given any training.

⁸ Every employer shall make suitable arrangements in his workshop for imparting a course of practical training to every apprentice engaged by him in accordance with the programme approved by the Apprenticeship Adviser.

- Section 9 (1), The Apprentices Act, 1961

04.4.1 Monthly stipend during training period

Table No.19

S. No	Quantum of amount paid as monthly stipend	No. of Respondents	%
1.	Rs. 250/- pm or Rs.10/- per day	14	0.85%
2.	Rs.300/- pm	66	4.03%
3.	Rs.380/- pm or Rs.15/- per day	12	0.73%
4.	Rs.400/- pm	85	5.19%
5.	Rs.500/- pm	194	11.84%
6.	Rs.600/- pm or Rs.23/- per day	239	14.59%
7.	Rs.700/- pm	106	6.47%
8.	Rs.750/- pm or Rs.30/- per day	205	12.52%
9.	Rs.800/- pm	7	0.43%
10.	Rs.900/- pm	84	5.13%
11.	Rs.1,000/- pm or Rs.40/- per day	224	13.68%
12.	Rs.1,050/- pm	1	0.06%
13.	Rs.1,200/- pm	2	0.12%
14.	Rs.1,200/- pm or Rs.50/- per day	51	3.11%
15.	Rs.1,300/- pm	1	0.06%
16.	Rs.1,400/- pm	1	0.06%
17.	Rs.1,500/- pm	39	2.38%
18.	Rs.1,800/- pm	1	0.06%
19.	Rs.70 per day	8	0.49%
20.	Rs.2,000 per day	8	0.49%
21.	Rs.2,200/- pm or Rs.90/- per day	9	0.55%
22.	Rs.2,700/- pm	9	0.55%
23.	No stipend given by the Mill	262	16.00%
24.	Not responded	10	0.61%
	Total	1638	100.00%

There is no fixed amount paid to the workers as monthly stipend during the training period. As the above Table indicates, the mills provide very meagre amount to the workers and that is not sufficient to meet their daily needs. 1236 respondents [75.45%] have received less than Rs.1,000/- as monthly stipend and still worse 262 respondents [16.00%] not received any stipend during their training period. Out of this monthly stipend certain amount was deducted for meals provided to them in the hostel.

"I was given Rs.350/- pm during the training period, which lasted for one year. After this training period, I received Rs.800/- pm and by the end of third year, they gave me Rs.1,300/- pm. When I worked overtime, they would give me Rs.40/- per day in the second year, and this was enhanced to Rs.98/- during the last months of my contract period.

- Kuyili, Narayanapuram, Keezha Neelithanallur

04.5 Working Hours⁹ as per the Agreement

Asked about whether the agreement had mentioned about the working hours, most of them [87.67%] answered that their agreement did have a mention about a shift of 8 hours. But in reality, they were forced to work beyond their shift time.

Table No.20

Working hours as per the agreement or oral instructions by the mill owners

S. No	Working hour / Shift as per agreement	No. of Respondents	%
1.	8 hours per day	1436	87.67%
2.	8 ½ hours per day	10	0.61%
3.	9 hours per day	65	3.97%
4.	10 hours per day	30	1.83%
5.	11 hours per day	4	0.24%
6.	12 hours per day	69	4.21%
7.	Not mentioned in the Agreement / instructed to them	13	0.79%
8.	No Shift / time limit	7	0.43%
9.	Not responded to this Question	4	0.24%
	Total	1638	100.00%

04.6 Details of Overtime

Though the agreement or mill advertisement had a column on the hours of a shift to the workers, practically most of them had been forced to work overtime¹⁰, for 4-8 hours at a stretch, i.e., almost continuously two shifts, as the table below indicates.

⁹ Hours of work, overtime, leave and holidays.-

- (1) The weekly and daily hours of work of an apprentice while undergoing practical training in a workshop shall be such as may be prescribed.
- (2) No apprentice shall be required or allowed to work overtime except with the approval of the Apprenticeship Adviser who shall not grant such approval unless he is satisfied that such overtime is in the interest of the training of the apprentice or in the public interest.
- (3) An apprentice shall be entitled to such leave as may be prescribed and to such holidays as are observed in the establishment in which he is undergoing training.

- Section 15, The Apprentices Act, 1961

¹⁰ (1) 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.

(2) 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

Even when the girls were not willing to work overtime, due to physical fatigue or inability, mostly during menstrual cycle, they had been forced to do so, so that the mills could achieve their delivery targets, demanded by the buyers. It was impossible for the girls to say “NO” to the supervisors, when it was the question of working OT.

“We had to obey the orders of the supervisors, when they instructed us to work overtime. We had no option to tell them “NO” for OT. Even if we had to say No, they would drag us, catching hold of our hands and force us to stand in front of the machines, where we had to do the work”

- L. Kayathri, Lourdhammalpuram, Thoothukudi

Table No.21

S. No	Hours worked overtime in a day	No. of Respondents	%
1.	30 Minutes in a day	8	0.49%
2.	One hour in a day	8	0.49%
3.	Two hours in a day	115	7.02%
4.	Four hours in a day	407	24.85%
5.	Five hours in a day	128	7.81%
6.	Six - seven hours in a day	15	0.92%
7.	Eight hours	480	29.30%
8.	Nine hours	24	1.47%
9.	11 to 12 hours	24	1.47%
10.	Every day five hours, and for three days in a week	30	1.83%
11.	Continuously for 12 hours (the last two days in the week)	4	0.24%
12.	No time limit (as required by the Management)	23	1.40%
13.	Till the next batch comes for the shift	3	0.18%
14.	Whenever there is a shortage of work force to complete urgent work	5	0.31%
15.	Not forced to work overtime	344	21.00%
16.	Not responded	20	1.22%
	Total	1638	100.00%

Out of the total respondents, only one-fifth of them (344) have responded that they had not been forced to work overtime. But nearly one-third [30.77%] of them had been forced to work overtime for eight to nine hours, which means 16-17 hours of work at a stretch (two shifts continuously), while another one-fourth (407) of the total respondents had to work for four hours extra every day. 23 respondents have responded that there was no time limit for overtime and they had to work, as required by the mills to meet their delivery demands.

"I went to the mill with great interest but I realized later that it was like a central prison. Such was the workload and the ordeal we underwent. It is so painful for me even today, when I think of the situation there and the amount of overtime we were forced to do. Initially they told me that the duration of work was only 8 hours, but most of the time they extracted from us more than 10 hours. It was such a horrible situation".

- M. Jeya, Devanallur, Kalakkad Panchayat

"We found it very difficult especially during menstruation time. Even if we tried to convince them about our physical inability the supervisors would not be bothered about our condition! We had felt like crying in those times, when we were forced to work overtime. If we came late for overtime, we had to compensate the same and they would also deduct some amount, from the OT wages. We would not be provided a coffee or tea, while working OT at night. If we went out for drinking water, the supervisors would scold us, asking silly questions, such as "Do you go out for drinking water? Or looking for your friends, simply whiling away the time" and make derogatory references in an abusive manner.

- Uma Maheshwari, Thiruchendur

While working overtime, the girls had to undergo a lot of humiliation or ill-treatment at the hands of supervisors. They were not allowed to take a short break or to go out for drinking water nether they were served tea or coffee. Many girls had to go to bed with empty stomach, after late night shifts.

"Working overtime at night was indeed an ordeal for us! If we happened to go around canteen side to eat something, the warden would scold us in an inhuman manner. "Always looking for eatables? Have you not eaten anything? We can serve you meals only thrice a day! and not every now and then!" At times, when we returned to hostel, after OT, during late night, around 2 or 3 pm, we used to feel terribly hungry, as a result many of us suffered from terrible headache and we could not even sleep afterwards".

- K. Kasthuri, Thiruchendur

In spite of the fact that The Factories Act clearly speaks about the night shifts and the calculation of the whole day¹¹, the mills seems to be least bothered about these legal obligations.

¹¹ Where a worker in a factory works on a shift which extends beyond midnight :-

- 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;
- 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.

- Section 57, The Factories Act, 1948

The Minimum Wages (Tamil Nadu) Rules, which were framed in 1953 also give the mills about details of night shifts¹². But in practice, these rules are never followed in the mills.

04.7 Extra Wages for Overtime

Table No.22

S. No	Extra wages paid for overtime	No. of Respondents	%
1.	Rs.3/- to Rs.5/- per hour	143	8.73%
2.	Rs.10/- per hour	110	6.72%
3.	Rs.15/- to Rs.20/- per day extra	76	4.64%
4.	Rs.20/- to Rs.30/- per day ¹³	168	10.26%
5.	Rs.20 per day	43	2.63%
6.	Rs.30/- per day	34	2.08%
7.	Rs.40/- per day	297	18.13%
8.	Rs.50/- per day	69	4.21%
9.	Rs.60/- per day	41	2.50%
10.	Rs.70/- per day	130	7.94%
11.	Rs.80/- per day	60	3.66%
12.	Rs.100/- per day	78	4.76%
13.	Rs.120/- per day	12	0.73%
14.	Rs.150/- per day	36	2.20%
15.	Rs.500/- per month	2	0.12%
16.	Half of the salary paid	3	0.18%
17.	No amount paid	266	16.24%
18.	Not responded	70	4.27%
	Total	1638	100.00%

Out of the total, only 1302 [79.48%] responded that they were given extra wages for overtime¹⁴, while 266 [16.24%] replied in the negative. At least seven respondents specifically

¹² where a worker in a scheduled employment works on a shift which extends beyond midnight,

- (a) 'a holiday for the whole day' for the purpose of rule 23 shall in his case, mean a period of twenty-four consecutive hours beginning from the time when his shifts ends; and
- (b) The following day in such a case shall be deemed to be period of twenty-four hours beginning from the time when such shifts ends, and the hours after mid-night during which the worker was engaged in work shall be counted towards the previous day.

- Rule 24-B, The Minimum Wage (Tamil Nadu) Rules, 1953

¹³ Meaning of per day indicates roughly additional 4 to 6 hours overtime

¹⁴ (1) When a worker works on any day for more than the number of hours constituting the normal working day, or for more than forty-eight hours in any week, he shall, in respect of overtime work, be entitled to wages-

- (a) The case of employment in agriculture, at one and a half times the ordinary rate of wages;
- (b) in the case of any other scheduled employment, at double the ordinary rate of wages

- Rule 26, The Minimum Wage (Tamil Nadu) Rules, 1953

(1) Where a worker works in a factory for more than nine hours in any day or for more than forty-eight hours in any week, he shall, in respect of overtime work, be entitled to wages at the rate of twice his ordinary rate of wages.

- Section 59, The Factories Act, 1948

mentioned that the amount would be paid rarely, though they had been forced to work overtime regularly. It is shocking that more than half [57.38%] of the women workers (940) who had worked overtime were paid very meagre amount i.e., less than Rs.50/- per additional shifts. Many girls were not able to calculate their overtime and the extra wages paid to them, due to poor calculation.

"In our mill, we had to compulsorily work overtime three days in a week and they did not pay wages as OT regularly. If we had worked four days of overtime, they would give us extra wages only for two days. My salary was Rs.30/- per day, which was calculated as Rs.900/- pm and out of this, Rs.15/- per day was deducted for the meals provided and the remaining Rs.450/- was given to me every month.

- Mariammal, Thonugal, Keezha Neelithanallur

04.8 Lunch Break

Asked about the lunch break allotted for the workers during working days, majority of the respondents replied that they were given just half an hour break.

Table No.23

Lunch break for the workers

S. No	Time for lunch	No. of Respondents	%
1	5 - 10 minutes	44	2.69%
2	Half an hour	1437	87.73%
3	45 minutes	47	2.87%
4	One hour	96	5.86%
5	Not responded	14	0.85%
	Total	1638	100.00%

Though officially 30 minute time was allowed for the workers [87.73%] for lunch break, in many instances the girls had to rush to the hostels and finish their lunch and run fast to resume their work, as hostels are located in another place in the campus. A few respondents have specifically mentioned that they had to continue their work not breaking for lunch, and only allowed to go for lunch, when those who had gone for lunch would come back and resumed their work.

"We were given 20 minutes for lunch break and we had to form a long queue to get food during lunch time. At times it would take more than 10 minutes to get food in the queue and we would have to finish it fast and run to our workspot to resume our work. In such a situation, we could not eat fully and throw half of the meals in dustbin and rush to work.

- Baby Mercila, Edayankulam, Kalakkad

04.9 Weekly Holidays¹⁵

Out of the total, nearly one third respondents [30.89%] responded that they had one day weekly off and among them 110 responded one day holiday in a month. 17 answered that they were given 5 days leave once in six months. It is really shocking to learn from 1132 respondents [69.10%] that they had no weekly holiday, in spite of the fact that the Apprentice Act 1961 and The Factories Act clearly spell out about hours work, overtime, leave and holidays. These legislations also speak of compensatory holidays, if the worker has been deprived of any of the weekly holidays.¹⁶

“There was no question of weekly holidays in our mill. We had to work throughout the week. After coming out of our shifts, we had to wash our clothes and to clean our rooms”.

- Malaiyarasi, Rajapalayam

Many girls have responded that they had suffered a lot during their menstruation time. They had to press hard or plead to the supervisors for leave, expressing their inability to work during these times.

¹⁵ Weekly hours

- No adult worker shall be required or allowed to work in a factory for more than forty-eight hours in any week.

- Section 51, The Factories Act, 1948

Weekly holidays

- No adult worker shall be required or allowed to work in a factory on first day of the week (hereinafter referred to as the said day), unless - (a) he has or will have holiday for whole day on one of three days immediately before or after the said day

- Section 52, The Factories Act, 1948

- Unless otherwise permitted by the Government, no workers shall be required or allowed to work in a scheduled employment, on the first day of the week (hereinafter referred to as the said day) except where he has or will have a holiday for the whole day on one of the three days immediately before or after the said day. Every worker who is required or allowed to work in a scheduled employment on the said day and who gets a substituted holiday within the same week shall be paid at the rate of wages to which he is entitled for a normal working day.

- Rule 23, The Minimum Wage (Tamil Nadu) Rules, 1953

¹⁶ Compensatory holidays

- Where, as a result of the passing of order or the making of a rule under the provisions of this Act exempting a factory or the workers therein from the provisions of section 52, a worker is deprived of any of the weekly holidays for which provision is made in sub-section (1) of that section he shall be allowed, within the month in which the holidays were due to him or within the two months immediately following that month, compensatory holidays of equal number to the holidays so lost.
- A compensatory holiday for every weekly holiday lost for each employed shall be granted within one month from the day on which the weekly holiday.

- Rule 24 (A) (4), The Minimum Wage (Tamil Nadu) Rules, 1953

“No weekly holidays for us. Even if we took leave on our own, due to physical inability particularly during menstrual cycle, the supervisor would come to hostel room to check whether really we were unable to work”

- Jayarani, Mela Neelithanallur

“No talk on weekly holidays. The whole problems would erupt from the management, when girls initiate some conversation about leave or holidays”.

- Jeeva, Thiruchendur

These interviews from the young women workers portray the real faces of the mills and the exploitative nature of the management, sucking the blood of the teenage girls, who had been caught up of in the web of exploitation by the mills.

04.9.1 Free Movement of women workers during weekly holidays

Still more shocking is the restriction of free movement of the girls during weekly holidays. Asked them about whether they had been freely allowed to move about or to go for shopping during weekly holidays, a whopping majority of 1064 [64.95%], out of the total respondents answered in the negative, which is a gross human rights violation. Restriction of their free movement in fact amounts to modern form of bonded labour system and the essential ingredients of bonded labour are there as per the definition of the Bonded Labour System (Abolition) Act, 1976¹⁷.

Table No.24

Whether they were allowed freely to go out during weekly holidays?

S. No	Responses from the girls	No. of Respondents	Per centage
1.	Girls were allowed to go out only with the wardens	228	13.91%
2.	Girls were allowed to go out with their parents during their visits	161	9.82%
3.	Once a month, girls are allowed to go out only with wardens	110	6.71%
4.	Girls were supposed to purchase all things inside the company	59	3.60%
5.	Very rarely the girls were taken out	9	0.54%
6.	All inmates had to go together	7	0.42%

¹⁷ The Bonded Labour System (Abolition) Act, 1976 defines that (g) "bonded labour system" means the system of forced, or partly forced, labour under which a debtor enters, or has, or is presumed to have, entered, into an agreement with the creditor to the effect that, (i) in consideration of an advance obtained by him or by any of his lineal ascendants or descendants (whether or not such advance is evidenced by any document) and in consideration of the interest, if any, on such advance, or" ... "(2) forfeit the freedom of employment or other means of livelihood for a specified period or for an unspecified period..."

The mill owners made it compulsory for the girls to work even during weekly holidays. Some have answered that they had been allowed to go out, after their regular shifts for a couple of hours and those who had worked night shifts were allowed to go out during day time for a few hours during weekly holidays. Asked those who had weekly off as to how would they spend their weekly holidays (normally Sundays), majority of them mentioned that they had been involved in cleaning their rooms, washing clothes and whiling away their time by watching TV programmes.

04.9.2 How do they spend their weekly holidays

Table No.25

S. No	Their responses	No. of Respondents	%
1.	Cleaning rooms, washing clothes and Watching TV	839	51.22%
2.	Going out to buy things (either with wardens or parents)	389	23.74%
3.	Forced to work OT	362	22.10%
4.	Learning tailoring, embroidery, computer	58	3.54%
5.	Cleaning hostel campus and toilets	54	3.30%
6.	Sleeping out their tiredness	43	2.62%
7.	Forced to do gardening	36	2.20%
8.	Not responded	182	11.11%

Even during weekly holidays, the girls had been forced to do gardening, cleaning hostel rooms, toilets and apart from being forced to work overtime. It is to be noted that 43 respondents have mentioned that they had no other option except to sleep out their tiredness accumulated over the period of one week work without any break, which is an indication of continuous working hours that the girls had been forced to.

“During weekly holidays, we were not allowed to go out to the town. We had to clean the hostel campus, watering the garden, cleaning the toilets and bathrooms for which no separate workers had been employed”.

- Ponnammal, Manavilai, Srivaikundam

04.10 Payment and non-payment of promised contract amount

More than one fourth of the total respondents [29.73%] have not received the full contract amount, as per the agreement, which was promised by the mill owners at the time of joining the scheme.

Table No.26

Whether the women workers have received full contract amount as promised

S. No	Details	No. of Respondents	%
1	Yes, received full amount	919	56.11%
2	Not received	487	29.73%
3	Not applicable, still working	232	14.16%
	Total	1638	100.00%

Many of those who had received the full contract amount, as per the agreement had to work for more days / weeks / months in order to get the amount at the end of the period. For them, it was a real struggle to get the amount from the mills with repeated requests or representations. Out of 919, who received the full amount, 699 girls [76.06%] had to work extra days / weeks / months in order to receive the contract amount. It is only 220 respondents [23.93%] out of 919, were able to receive the amount at the end of their contract period without any difficulty.

“As per the agreement, I had to work for three years under the scheme but actually I had worked extra one more year, as demanded by the management. I have not received any PF amount for which some amount was deducted from my monthly salary.

- S. Ponmani, Muthaiahpuram

“Though my contract specifically had mentioned about the period of my work under the scheme i.e., only for three years, the management strictly instructed me at the end of the third year that I had to work for one more year to get the contract amount. I had no other option to yield to the pressure of the mill and worked for one more year. But still I was paid only Rs.21,000/- and they sent me back home after 4 years, not with the promised amount of Rs.30,000/-

- M. Pattu Saraswathi, Sayarpuram, Srivaikundam

“Though the contract period of my daughter was only for two years, she had to work for three years to complete her period and to receive the contract amount, as the management compelled my daughter to work for one more year. With the hope of receiving the promised amount, we had fixed her marriage. But the management did not pay the amount promised to us. We had to borrow money at higher rate of interest from a money lender to proceed our daughter’s marriage. I pleaded the mill agent to speak to the mill owner on our behalf and get back the contract amount. He went thrice to the mill and took some efforts to get the amount back, but in vain. With great difficulty, we had managed the marriage expenses. After her marriage, my daughter and in law went to the company and fought a tough fight and got the contract amount back”.

- Mother of Christy, Goplasamudram

Some mills adopt a strategy of sending back the girls before the contract period, after extracting their hard labour for two or two and a half years, citing one reasons or other, and the mills refused to pay the amount.

At least 63 respondents [3.84%] were forced to send back home by the management before the end of the contract period, while 208 girls [12/69%] discontinued their work for various reasons and came back home, not completing their contract period, resulting in non-payment of the agreed amount.

The following reasons were cited by the mills for **sending the girls back home before the contract period**

Table No.27

Details of sending the girls back home

S. No	Reasons for sending them back	No. of Girls
1.	for having gone home on holidays for village festivals	9
2.	The girls were told that mill had been running on loss	9
3.	for having demanded more salary	8
4.	for having wordy duel with supervisors	8
5.	for having quarreled with co-workers	7
6.	for having sexual contacts with male supervisors/ male staff	6
7.	for having used the mobile of the colleagues	5
8.	for having taken more leave for treatment	4
9.	for having lost her fingers in an accident	3
10.	for having been affected with hysteria / hallucination	3
11.	for having returned to the mill after a gap of two months, following her father's death	1

Though the girls mentioned that they had come back home on their own accord, breaking their contract, we could easily infer the reason behind their discontinuation, if we glance through the above table and it was due to inhuman working conditions in the mill or the cruel and degrading treatment meted out to the working girls there that prompted these girls to take such decisions. Regarding the **discontinuation of the girls** from the mills on their own accord, the following reasons were cited by the respondents

Table No.28

Details of discontinuation of girls from their work

S. No	Reasons for Discontinuation	No. of Girls
1.	Due to poor health condition, as a result of continuous work without break	69
2.	Due to sexual harassment by supervisors and male staff	35
3.	As marriage was fixed in between	22
4.	Food and other facilities in the hostel was horrible	15
5.	As warden was not looking after the girls properly	12
6.	As girls from same village stopped going back to the mills	5
7.	For having been forced to do other works like cooking and cleaning, rooms, apart from mill work	2
8.	Due to lack of protection for girls in the mills	2
9.	For having lost monthly salary amount twice	2
10.	After being beaten up by the mill owner and due to fear of further physical assault	2
11.	As family situation demanded (to look after the parents)	2

Except on the two categories i.e., fixing of marriage in between and to look after their elderly parents, all other reasons directly refer to the working conditions, illtreatment, or very unhygienic hostel facilities and poor health conditions of the girls.

“I worked for three months and I had been affected with continuous itching. Therefore my parents took me back home after three months”.

- Rajeshwari, Devanallur, Kalakkad

“As I had been forced to work overtime continuously, I could not work there and I pleaded my parents to take me back home. My parents came to the mill and informed the management, that marriage had been fixed for me. And finally I came out”.

- Deepa, Chokkampatty, Sivakasi

While taking the girls out of the mills, very often the parents or the relatives had to tell lies to the management. Otherwise the management would not allow the parents to take them back.

"I came out of the mill, breaking my contract with them, in between, as I could not work there anymore. The work load, forced overtime without any break, unclean toilets and unhygienic conditions in the hostel compelled me to come out of the mill. As there was no employment opportunities in our area, we, poor girls from this area, opted for mill work under this scheme. But we were unable to put up with the work pressure on us".

- Rasathi, Mettupatti, Sivakasi

"Though my contract period was three years, I could not complete it, because I had suffered from severe stomach pain and intermittent fever and I could not do the work. After two and a half of years, I informed them about my problem and came back home. The promised amount was Rs.28,000/- but I was paid only Rs.12,000/- at the end of the two and a half years".

- Chandra, Devanallur

The above mentioned reasons put forth by the girls, who discontinued their work before completing their contract period, are self explanatory, and these give us a clear picture of the textile mills and the hostel conditions. Apart from heavy work load without any break, resulting in deterioration of health of these adolescent girls, sexual harassment and verbal abuse by the supervisors have been quite common.

The Supreme Court has given a direction that a Committee need to be formed in all factories, mills and workspots to look into sexual harassment meted out to women, and fair women representation must be there in this women headed committee so as to ensure the protection of women workers! Recently the Union Government has introduced Bill on Protection of Women against Sexual Harassment at workplace. But these directions seem to be mere verbal decorative ornaments!

In a nutshell, the reasons cited by the young women workers clearly expose the real situation of the mills, wherein the working girls find hard to manage themselves - work pressure and working conditions on the one side and sexual harassment and ill-treatment on the other.

The exploitation of girls by the mills has been so much that the girls had been extracted labour for more than the agreed contract period. Asked about whether the girls had to work in the mills under the scheme, beyond the contract period, at least 310 respondents [18.92%] out of the total have responded in the positive. Very often the mills had forced them to work for a few more months to receive the contract amount. Among the 310, at least 105 [6.41%] had worked more than one year beyond the contract period, among the 105, at least 43 had worked more than two years, after the contract period.

“As per the contract, I had to complete the period after three years, but I had to work for two more years, since the management had forced me to work for two years extra, but they did not pay even a single paisa for the two years, neither the P.F amount for which some amount was deducted every month”.

- P. Munia Thangam, Muthaiahpuram

Very often the adolescent girls had to offer their hard labour free for months or even a year or two to the exploitative mills, after their contract period. The fragile illiterate girls could not demand their wages for these months of hard labour, extracted by the mills.

“Apart from the contract period of three years, I was forced to work for 10 more months to receive the promised amount, but in vain. I have not received the contract amount and I have filed a case against the mill for non-payment of the amount and that is still pending”.

- Selvi, Kalkuruchi

04.11 PF and ESI Benefits

Asked about the deductions in their salary for PF, a little more than half (816) of the respondents answered positively. The following Table provides us a rough idea as to the quantum of amount deducted in their monthly salaries for PF.

04.11.1 Deduction in their salary for P.F

Table No.29

S. No	Monthly deduction	No. of Respondents	%
1.	Rs.50/- - Rs.60/- pm	26	1.59%
2.	Rs.70/- - Rs.80/- pm	72	4.40%
3.	Rs.90/- - Rs.100/- pm	91	5.55%
4.	Rs.120/- - Rs.150/- pm	25	1.52%
5.	Rs.170/- - Rs.200/- pm	34	2.07%
6.	Rs.250/- - Rs.400/- pm	38	2.32%
7.	Rs.2,000/- per year	24	1.47%
8.	Rs.5,000/- per year	22	1.34%
9.	Rs.5,000/- - Rs.6000 per year	19	1.16%
10.	Rs.9,000/- per year	10	0.61%
11.	Deducted, but not known about the quantum	575	35.10%
12.	Not deducted for PF	549	33.52%
13.	Not known whether deducted or not	127	7.75%
14.	Not responded to this question	26	1.59%
	Total	1638	100.00%

Deductions from the salary amount of the workers by the mill is one thing, but it is different matter whether the management had deposited the deducted amount in the PF office on the workers' account. Many respondents have raised this point, as they had not received the amount back, after completing their contract period. Even if the deducted amount had been deposited in the account, the mills in many cases usually have not made any effort to get back the PF money to the workers. 127 respondents [7.75%] have mentioned in their interviews that they were totally unaware as to whether any amount was deducted, while they had worked in the mills. Out of 936 respondents, from whose salaries some amount was deducted for PF as the previous Table indicates, only 413 [25.21%] benefitted out of this arrangement, while the remaining 523 [31.92%] did not get any benefit out of this.

"After the contract period, the mill management instructed us to provide them with a copy of the certificate and my photo. They told us to collect our PF amount through PF office. In spite of our attempts, we could not get the PF amount, even after two years".

- Kala, T. Pudukottai

04.11.2 Beneficiaries of the P.F. amount

Table No.30

S. No	PF amount received	No. of Respondents	%
1.	Rs.500/- to Rs.1,000/-	9	0.55%
2.	Rs.1,001/- to Rs.2,000/-	12	0.73%
3.	Rs.2,001/- to Rs.3,000/-	32	1.95%
4.	Rs.3,001/- to Rs.3,500/-	15	0.92%
5.	Rs.3,501/- to Rs.4,000/-	30	1.83%
6.	Rs.4,001/- to Rs.4,500/-	8	0.49%
7.	Rs.4,501/- to Rs.5,000/-	59	3.60%
8.	Rs.5,001/- to Rs.5,500/-	12	0.73%
9.	Rs.5,501/- to Rs.6,000/-	72	4.40%
10.	Rs.6,001/- to Rs.6,500/-	4	0.24%
11.	Rs.6,501/- to Rs.7,000/-	20	1.22%
12.	Rs.7,001/- to Rs.7,500/-	28	1.71%
13.	Rs.7,501/- to Rs.8,000/-	39	2.38%
14.	Rs.8,001/- to Rs.8,500/-	12	0.73%
15.	Rs.8,501/- to Rs.9,000/-	18	1.10%
16.	Above Rs.9,000/-	43	2.63%
17.	Not Deducted for PF	549	33.52%
18.	Not received any amount as PF	523	31.93%
19.	Not responded	26	1.59%
20.	Still working	127	7.75%
	Total	1638	100.00%

As the above Table indicates, nearly one third of the respondents [31.93%] have not received their PF amount, though there had been some deductions in their monthly salaries regularly during their contract period. The management had not taken any effort in getting the PF monthly to the workers.

“My contract with the mill was three years under the scheme, but I had to work for six more months. They had deducted some amount regularly from my monthly salary for PF and after the contract period, the management gave me Rs.1,300/- as PF amount”

- G. Pechiammal, Umarikottai, Thoothukudi

04.12 Monthly Salary paid to women workers¹⁸

Asked about the monthly salary paid to them in the mills under the scheme, more than one-third of the respondents [38.40%] had received less than Rs.1,000/-, while another one-third [31.87%] between Rs.1,000/- to Rs.1,500/-, and nearly one-sixth [14.04%] had received between Rs.1,500/- to Rs.2,000/- every month during their contract period. To our surprise, 28 respondents have not known about the details of their monthly salary. Only 35 respondents (a negligible 2.13%) received Rs.3,000/- to Rs.4,500/- pm

When compared to hazardous nature of work, long working hours and poor working conditions in the mills and hostels, the monthly salary the working girls had received was a pittance. It was the abject poverty of their families that forced them to bear all burdens and to continue to work for this poor salary.

Table No.31

Monthly salary paid to girls under the Scheme

S. No	Monthly salary paid to them	No. of Respondents	%
1.	Less than Rs.500/-	32	1.95%
2.	Rs.500/- to Rs.1,000/-	597	36.45%
3.	Rs.1,000/- to Rs.1,500/-	522	31.87%
4.	Rs.1,500/- to Rs.2,000/-	230	14.04%
5.	Rs.2,000/- to Rs.2,500/-	115	7.02%

¹⁸ the notification dated 7th November, 2008 issued by the Labour and Employment Department of the first respondent/State of Tamil Nadu fixing the minimum wages for the apprentices engaged in the employment in Textile Mills including Composite Mills, Spinning Mills, Weaving Mills, Open Ended Mills and the various processes in the above mills at the rate of Rs.110/- per day, apart from the Dearness Allowance, as laid down in the said notification. The notification is stated to have come into force with effect from the date of publication thereof in the Tamil Nadu Government Gazette Extraordinary dated 7th November, 2008.

S. No	Monthly salary paid to them	No. of Respondents	%
6.	Rs.2,500/- to Rs.3,000/-	38	2.32%
7.	Rs.3,000/- to Rs.3,500/-	26	1.59%
8.	Rs.3,500/- to Rs.4,000/-	6	0.37%
9.	Rs.4,000/- to Rs.4,500/-	3	0.18%
10.	Not known about the amount	28	1.71%
11.	No monthly salary	2	0.12%
12.	Not responded	39	2.38%
	Total	1638	100.00%

"I received Rs.700/- p.m and out of this monthly salary, Rs.250/- was deducted for meals provided by the mill. Even out of this remaining Rs.450/-, Rs.60/- was further deducted for weekly holidays and finally I received in my hand every month just Rs.390/- as salary".

-Pondeeswari, Poovanthi Colony, Thiruppuvanam

In some instances, the management paid them salary for a few months and then they would not pay them the rest of the months.

"When I joined the mill, I was informed by the management that my monthly salary was Rs.1,500/- and Rs.600/- was deducted for meals and the remaining Rs.900/- paid to me. But to my surprise, I was paid Rs.900/- only one month and afterwards, they did not pay me the monthly salary".

- Rama Devi, Mela Narikkudi, Mela Neelithanallur

04.12.1 Monthly deductions for Meals

The mills deducted certain amount out of their salary for meals served to the girls in hostels. Though adequate quality food and proper accommodation was not provided to the young workers, as assured by the mills, monthly amount was regularly deducted by them.

Table No.32

Details of Monthly Deduction for Meals

S. No	Monthly deductions for meals	No. of Respondents	%
1.	Below Rs.500/- pm	1105	67.46%
2.	Between Rs.500/- to Rs.1,000/- pm	312	19.05%
3.	Between Rs.1,000/- to Rs.1,500/- pm	9	0.55%
4.	No deductions in the salary	48	2.93%
5.	Not know about the deductions	161	9.83%
6.	Not Responded	3	0.18%
	Total	1638	100.00%

Out of the meagre monthly salary the girls received, a portion had been deducted for meals provided to them. Nearly two-third respondents answered that below Rs.500/-had been deducted for meals every month. Only 48 respondents [2.93%] replied that there were no monthly deductions for meals and still worse, 161 respondents had been unaware about this kind of deductions for meals, which reveals the ignorance of the working girls.

“My monthly salary was calculated at the rate of Rs.40/- per day, which came around Rs.1,200/- p.m. Out of this, Rs.8/- per day was calculated for meals and Rs.240/- was deducted in my monthly salary and the remaining Rs.960/- was paid to me”.

- Periyathai, North Achampatty, Mela Neelithanallur

04.12.2 Monthly Salary received in hand

Asked about the amount the girls received in hand as monthly salary, the team got the following details:

Table No.33

S. No	Take home salary per month	No. of Respondents	%
1.	Below Rs.500/-	144	8.79%
2.	Rs.500/- to Rs.1,000/-	889	54.27%
3.	Rs.1,000/- to Rs.1,500/-	346	21.12%
4.	Rs.1,500/- to Rs.2,000/-	155	9.46%
5.	Rs.2,000/- to Rs.2,500/-	43	2.63%
6.	Rs.2,500/- to Rs.3,000/-	25	1.53%
7.	No monthly salary paid	8	0.49%
8.	Not responded	21	1.28%
9.	Not known about the salary	7	0.43%
	Total	1638	100.00%

Based on the responses received from the girls interviewed and the data collected from them, as the above table indicates that almost two-thirds [63.06%] of the girls received monthly salary less than Rs.1,000/-, while one fifth of the total [21.12%] got their salary between Rs.1,000/- to Rs.1,500/- pm. Considering the nature of work and the long working hours, the monthly salary paid to the workers is very little and that should be viewed in the context of casualization / informalization of work force and feminization of employment, which paves way for poor wage to women workers, and that is against the principles of equality in employment remuneration and benefits.

Asked about whether the amount was paid to the young women workers directly or to their parents / relatives, more than three-fourth respondents had directly received their monthly salary while 100 answered that their parents had received it, during their monthly visits to meet their daughters.

"In the beginning, I was paid Rs.500/- p.m and later the amount was slightly enhanced to Rs.700/- Rs.800/- pm, which was then increased to Rs.1,000/- at the end of the third year. Every month Rs.300/- was deducted for meals and the remaining amount was not paid to me but to my father, when he came to visit me once a month".

- Pechiammal, Rengasamudram

04.13 Safety measures inside the mills

When asked the girls about the safety tools provided in the mills, the answers were varied. In two-third cases, minimum safety tools were provided by the mills, but many times, these safety tools were not used by the girls. The safety tools included aprons, caps, hand gloves, masks, coats and mouth cover.

State parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- (c) the right to equal remuneration, including benefits, and to equal treatment in respect of work of equal values, as well as equality of treatment in the evaluation of the quality of work;
- (d) the right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;
- (e) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction

- Article 11, Convention on the Elimination of All forms of Discrimination Against Women, 1979

Work on or near machinery in motion

(1) Where in any factory it becomes necessary to examine any part of machinery referred to in section 21, while the machinery is in motion, or, as a result of such examination, to carry out-

(a) in a case referred to in clause (i) of the proviso to sub-section (1) of section 21, lubrication or other adjusting operation; or

(b) in a case referred to in clause (ii) of the proviso aforesaid, any mounting or shipping of belts or lubrication or other adjusting operation, while the machinery is in motion, such examination or operation shall be made or carried out only by a specially trained adult male worker wearing tight fitting clothing (which shall be supplied by the occupier) whose name has been recorded in the register prescribed in this behalf and who has been furnished with a certificate of his appointment.

- Section 22, The Factories Act, 1948

The following details were obtained as to safety tools provided to the working girls.

Table No.34

Safety tools provided to the workers

S. No	Type of safety tools	No. of Respondents	%
1.	Aprons, caps and masks were provided	303	18.50%
2.	Apron and caps only	198	12.09%
3.	Caps only	404	24.66%
4.	Coats only	213	13.00%
5.	Mouth covers only	38	2.32%
6.	Hand gloves only	132	8.06%
7.	Aprons only	68	4.15%
8.	No safety tools provided	266	16.24%
9.	Not responded	16	0.98%

As the Table indicates one fourth respondents [24.66%] answered that caps had been provided to them, while nearly one-fifth respondents had Aprons, Caps and masks together. When compared this table on the provision of safety tools, with the table on accidents that had occurred during the course of employment, 74 girls met with accidents, seven of them had lost their fingers, for three of them hair was caught in the machines and two have sustained serious injuries, when heavy machines fell down on their legs and seven of them lost their hand nails. As the above table indicates that one-sixth of the respondents [16.23%] were not provided safety tools by the mills. In some instances, when the working women asked for some safety tools, their request were turned down.

"No safety tools were provided to us. When situation demanded, we used to cover our faces with our own kerchiefs, since there were no masks or mouth covers."

- Veera Mahali, T. Alangulam, Thiruppuvanam

"Apron was not provided to us. Normally we used to work in our regular dress with shirts. If needed, I used to borrow Apron from the girls of next shifts."

-Kalaimani, Sethema Naicker patty

"Apron was not provided to us. Normally we used to work in our regular dress with shirts. If needed, I used to borrow Apron from the girls of next shifts."

-Kalaimani, Sethema Naicker patty

“Very difficult indeed! hard labour was imposed on us. Lifting heavy objects, very big cans and other things. At times some girls would not be able to do these jobs and they had fallen down”.

- Kayathri, Lourdhammalpuram

04.14 Verbal abuse, physical assault and sexual harassment by Supervisors

As workers in the mills under the Scheme are adolescent girls and young women below the age of 25, and the supervisors being males, widespread verbal abuse, physical assault and sexual harassment were prevalent²¹. When asked about the difficulties faced by women workers, the following details were collected

Table No.35

Types of ill-treatment, assault and harassment by Male Supervisors

S. No	Types of harassment and torture	No. of Respondents	%
1	Verbal abuse and scolding by supervisors	699	42.67%
2	Physical assault (pinching, beating, hitting on hand, dragging on by hair)	164	10.01%
3	Threat, intimidation and mental torture	83	5.07%
4	Making derogatory references, sexual harassment	66	4.03%
5	Forced to work overtime without any break in spite of sickness or during menstruation time	51	3.11%
6	Not allowed to talk to others, even for emergency	16	0.98%
7	No harassment, No torture	559	34.13%
	Total	1638	100.00%

The adolescent girls and the young women returnees, who completed their contract period, still hesitate to speak out these ill-treatment or hardships they had faced in the mills during the period, due to fear of retaliation by the mill agents or safety of their future, as many of them have not yet married and this type of stories, if get out / reported in media, their future and marriage prospects might get affected.

²¹ State parties shall ensure that: No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment.

- Article 37, The Convention on the Rights of the Child, 1989

Some girls have been terribly affected due to verbal abuse or sexual harassment by supervisors, who made derogatory references or sexist remarks (double meaning comments). The girls, being very vulnerable and docile, were not able to react to their supervisors, as they had to complete their contract period. The male supervisors, being their boss, could directly inform the owners or managers of the mills negatively about those girls, who retorted or frowned upon them, while having passed sexist comments or physically touched the sensitive parts of their body. When the girls were unable to do any physical work not even able to stand during menstruation period, the supervisors used to force them or scold them to work overtime with indecent and sexist remarks.

“Supervisors used to make derogatory remarks, mostly sexist comments at the working girls. One of our elder brothers from our village, who had worked in the mill often used to warn me saying that “when the electricity is off at night shifts, always be careful, the supervisors would try to harass or molest the girls in darkness”. I had been always on the alert during night shifts”.

“If we happened to go late for shifts even for 5 or 10 minutes, the supervisors scolded us very severely in a filthy language in front of others, and on hearing those harsh words, we felt terribly bad and were ashamed of. “With whom you were talking over the phone”? He used to shout at us. We had to keep mum and crying, and to continue our work. Once I also retorted to him, when he had shouted at me without any respect. “What mistake I committed? Was it wrong to make a phone call to my parents”? I reacted to him angrily. From then onwards, he had grudges against me”

- P. Thangam, Gopala Samudram

In one instance, a girl was severely affected, when a supervisor had beaten up and pinched her. Some supervisors used to pat the girls at the backside of their body and insult them. But by and large there was no mechanism in the mills for the affected girls / women workers to report to and get remedy for their grievances, in spite of the fact that there must be a committee to look into the matter.²²

²² The Union Cabinet approved the introduction of the Protection of Women against Sexual Harassment at Workplace Bill, 2010 in the Parliament to ensure a safe environment for women at work places, both in public and private sectors whether organised or unorganized. The Bill has proposed the definition of sexual harassment, as laid down by the Hon'ble Supreme Court in Vishaka v. State of Rajasthan (1997). Additionally it has recognized the promise or threat to a woman's employment prospects or creation of hostile work environment as 'sexual harassment' at workplace. The Bill has provided for an effective complaints and redressal mechanism, constituting an Internal Complaints Committee.

Employers who fail to comply with the provisions of the proposed Bill will be punishable with a fine which may extend to ` 50,000. Since there is a possibility that during the pendency of the enquiry the woman may be subject to threat and aggression, she has been given the option to seek interim relief in the form of transfer either of her own or the respondent or seek leave from work. The Complaint Committees are required to complete the enquiry within 90 days and a period of 60 days has been given to the employer/District Officer for implementation of the recommendations of the Committee.

Sexual harassment had been a common thing in the mills, though many girls were not prepared to come out on this aspect. Very few male supervisors or male staff respect the dignity of the women workers. Sexual advances, physical touching on sensitive parts of girls without their consent, purposely hitting them, while moving in the opposite direction, deliberately making derogatory references about women's body organs to them and teasing the girls, touching of girls' hands and fondling with their organs. These types of sexual assaults and harassments were higher on those who had to work in night shifts, even to the extent of openly calling them for having sex or forcing them... These have been very common, but many girls were afraid of telling these stories openly.

"The male workers used to make unwanted comments about us very often, whistling at us, indirectly demanding sexual favours, making sexist remarks in double meaning words such as, "Shall I come there for help? Let me assist you?". Occasionally they used to come to nearby us during work time, making some excuses or other so as to seek our attention and tease us".

- Veera Mahali, T. Alangulam, Thiruppuvanam

04.14.1 Punishment for coming late

When asked them whether they could be punished for coming late for shifts or if they were found taking rest or come leisurely, at least half of the respondents answered 'yes'.

Table No.36

Punishment for coming late or being leisurely

S. No	Type of punishment	No. of Respondents	%
1	Severe scolding	507	30.95%
2	Compelled to do extra work	113	6.90%
3	Deductions in the salary	112	6.84%
4	Verbal abuse, in a shameful manner	84	5.13%
5	Forced to stand outside	46	2.81%
6	Scolding, sending back to rooms and refusal to give them meals	20	1.22%
7	Forced to stand in scorching sun for one hour	17	1.04%
8	Severe beating in front of others	7	0.43%
9	Forced to kneel down in scorching sun	7	0.43%
10	Compelled to clean mill	4	0.24%
11	No punishment	753	45.97%
12	Very regular, not going late for shift, due to fear of punishment	93	5.68%

The Bill provides for safeguards in case of false or malicious complaint of sexual harassment. However, mere inability to substantiate the complaint or provide adequate proof would not make the complainant liable for punishment.

The types of punishment meted out to the working girls, who had been slightly late for workspots were inhuman and degrading, as the above table indicates. Sometimes a few women workers had been late for shifts due to sickness, during menstrual cycle or other physical ailment, even then they were not spared. In spite of their pleas, sickly girls had been subjected to this type of cruel and degrading treatment, which is a gross human rights violation²³.

“Every day we had to work for 12 hours (one shift) continuously. Day shifts one week and then we had to go for night shifts. If we happened to go late a few minutes, the supervisors would ask us to stand in the scorching sun for one hour, as punishment”.

- Veera Mahali, T. Alangulam, Thiruppuvanam

These kinds of ill-treatment and harsh punishments on the young women workers had left lasting imprint on their psyche and even after having come out of the mills for many years, still these women felt uncomfortable and very agitative. At the same time, some mills had their own system of redressal mechanisms to deal with the erring supervisors and wardens.

At least in a few mills, the managements used to keep a complaint box so that the workers could drop their grievances in that box.

“If there were complaints by girls about hostel wardens or the supervisors (about their torture, scolding or harassment), the management would collect those complaints and read the same in front of all and take immediate action against the warden or supervisor”.

- Selva Rani, Singhikulam

“The supervisor would scold me severely, if I talked to my colleague, even if I asked her any clarification at the workspot. Immediately he would react to me by saying ‘Is this your father’s mill? You freely talk here and there and while away your work time?’

- Chollamadathi, North Kavalakurichi

More than half of the respondents [52.01%] had been physically and mentally affected with various types of inhuman treatment and degrading punishment. It is horrible to learn that some of these girls had been subjected to severe beating in front of others, being forced to kneel down in the

²³ Everyone has the right to life, liberty and Security of Person

- Article 6 (1) and 9, International Covenant on Civil and Political Rights

None shall be subjected to torture, or cruel, inhuman or degrading treatment or punishment

- Article 7, International Covenant on Civil and Political Rights

scorching sun, refusal to provide meals and stand outside in the sun for long hours. It is to be noted that 93 respondents have mentioned that they would not go late even for a minute, because of fear of ill treatment or harsh punishment at the hands of supervisors!

04.15 Proper Medical Check-up for the working women in Mills

When asked about whether proper medical check-ups were organized at regular intervals, for the girls working under the scheme, almost two-third respondents [66.42%] answered in the negative.

Table No.37

Proper medical check-up for girls at regular intervals

S. No	Medical check-up	No. of Respondents	%
1.	Yes, some medical check-ups were organized	550	33.58%
2.	No, No medical check-ups	1088	66.42%
	Total	1638	100.00%
(a)	Medical Check-up once a week	40	2.44%
(b)	Medical Check-up once in 15 days	43	2.63%
(c)	Medical Check-up once in a month	219	13.37%
(d)	Medical Check-up once in 2 months	20	1.22%
(e)	Medical Check-up once in 3 months	29	1.77%
(f)	Medical Check-up once in 6 months	27	1.65%

In spite of various legal provisions, which specifically mention about the mandatory regular medical check-ups in the factories, the mills were not bothered about organizing the same. There had been several complaints of physical disorders and illness, by the working girls in the mills, due to continuous exposure in the cotton balls or yarn and exertion due to continuous physical labour.

“There used to be a medical checkup in our mill once in 6 months. A doctor used to visit the mill and she would ask the girls’ one by one to take a long breathe and release it. That’s all. No other checkup there”.

- Anitha Jansi Rani, Devanallur, Kalakkad

“There was no doctor in the mill, neither any nurse to look after the sick girls. Nor any clinic was in the campus. After coming back from our village, we used to bring some tablets for common ailments such as headache and stomach pain. When things go out of control, we would be taken to hospital”.

- Dhanalakshmi, Sanarpatty, Sivakasi

“Normally there would not be any medical check-up for young women and not even once I had a checkup in the mill. If someone was sick, she would be taken to hospital. When it was beyond their limits, the girls’ parents would be intimated and the sick girls would be sent back home with their parents”

- M. Maheshwari, Mela Kaduvatty

04.15.1 Recognized Medical Practitioner

Asked about whether the mills had employed recognized medical practitioners and organized regular visits by the medical doctors for check-up, almost three fourths responded in the negative. Even in the rest of the mills, medical doctors visit once in a while. Similarly availability of the nurses in the mills was also not ensured and only 153 respondents have answered that a nurse would be available always to provide medical care for the sick, or for any emergencies or to provide first aid to the girls, who were wounded.

04.16 Health Complaints, Ailments and Sickness

Asked about whether the working girls had suffered any ailments, physical disorders or health complications during their working period, more than half of the respondents answered ‘yes’ (917), while only 667 responded in the negative.

Table No.38

Type of health complaints or sickness during their stay in the mills

S. No	Type of health disorders / sickness	No. of Respondents	%
1.	Intermittent fever	327	33.68%
2.	Severe stomachache	229	23.58%
3.	Chronic headache	192	19.77%
4.	Severe leg pain, due to long hours of standing	49	5.05%
5.	Irregular menstrual cycle	49	5.05%
6.	Continuous wheezing	37	3.81%
7.	Chest pain along with pepticulcer	33	3.40%
8.	Physical fatigue	16	1.65%
9..	Itching in the hands	12	1.24%
10.	Affected with chickenpox	8	0.82%
11.	Affected by jaundice	6	0.62%
12.	Eyesight was affected	4	0.41%

Intermittent fever, severe stomachache and chronic headache have figured most [45.66%] in the list, while 49 respondents have specifically mentioned about irregularity in their menstrual cycle. When asked about whether any medical treatment was provided for the illness half of them answered that some treatment was provided.

04.17 Medical treatment provided for sick girls

Table No.39

S. No	Response from the girls	No. of Respondents	%
1.	No medical treatment was provided by the Mills	349	36.27%
2.	The girls would be sent home for treatment	85	8.83%
3.	The girls would have to meet the medical expenses	138	14.34%
4.	Only tablets were provided	122	12.68%
5.	The sick girls would be taken to nearby hospitals	156	16.21%
6.	The management bore the cost up to Rs.200/-	16	1.66%
7.	The mills and the girls had to share the medical expenses	9	0.93%
8.	In spite of sickness, only one day leave provided no more leave or scolding	9	0.93%
9.	Not responded	78	8.10%
	Total	962	100.00%

Out of the 962 girls/ young women workers, who had fallen ill or suffered physical complaints, one third of the respondents was not provided any treatment in the mills, while 12.68% responded that only tablets were provided to them for all types of illness, which reflect well about the mentality of management towards health and the well being of women workers.

04.18 Accidents during the course of employment and compensation received

Out of the total respondents, 74 girls have mentioned that they had met with accidents in the mills during the course of employment, resulting in major and minor injuries, loss of a few fingers and a couple of them being permanently incapacitated, due to serious injuries in legs and hands.

Table No.40

Details of loss / accidents to the girls

S. No	Details of loss to women workers	No. of Respondents	%
1.	Fingers were affected in accident	26	5.14%
2.	Fingers were lost	7	9.46%
3.	Hand nails were removed after accidents	7	9.46%
4.	Hand fingers were caught in needles	4	5.41%
5.	Hair was caught in the machines	3	4.05%
6.	Incapacitated, due to serious leg injuries	2	2.70%
7.	Heavy machines fell down on legs	2	2.70%
8.	Acid split on hands	2	2.70%
9.	Minor injuries	21	28.38%
	Total	74	100.00%

Asked about whether proper treatment was provided by the mills and any compensation was provided to them, only 53 of them responded that the mills had borne the medical expenses, while the remaining answered that the affected girls had to bear the medical costs. Five of them mentioned that after the initial payment by the mills, the costs were deducted in their monthly salaries later. Section 16 of the Apprentices Act speaks of the employer's liability for compensation for injury²⁴.

"While working in the mill, I used to feel suffocated very often. Occasionally I had also fainted, as a result of this suffocation. In one such instance, when I fainted and fell down unconsciously, my hair got caught in the machine and I was also wounded. I was taken to hospital for treatment and after a weeklong treatment I was sent back home".

- Arutselvi, Umarikottai

At times, accidents had occurred during night shifts, due to sheer carelessness of the workers and lack of proper supervision in the mills. Sometimes, those accidents had turned out to fatal. Power failures during night shifts and resumption of work as the electricity turned on had their own stake in major injuries and incapacitation, at times even loss of life.

²⁴ **Employer's liability for compensation for injury:-** If personal injury is caused to an apprentice by accident arising out of and in the course of his training as an apprentice, his employer shall be liable to pay compensation which shall be determined and paid, so far as may be, in accordance with the provisions of the Workmen' s Compensation Act, 1923 (8 of 1923), subject to the modifications specified in the Schedule.

- Section 16, The Apprentices Act, 1961

“During night shifts, there used to be power failure. As electricity went off, we used to sleep on the floor, and a girl in our shift slept near a machine, without the knowledge of the supervisor. After sometime, when electricity was on, the machines started running, but the girl was caught up in the machine and wounded very badly”.

- Mallika, S. Pudukottai, Mana Madurai

When accidents occurred to the women workers, very often the mills do not even properly inform their parents immediately about the accidents. Minimum treatment and medical care had been provided in the mill. As the girls had to totally depend on the management for telephone facility, they cannot decide on the own.

“My hand was caught in the machine while working in the mill and six stitches were administered immediately to save my hand. I took complete rest for a month. But my parents were not even informed about the accident. But the mill paid me one month salary, while I was on rest and medical treatment”.

- Ponnarasi, Devanallur, Kalakkad

Regarding compensation to the affected girls, 70 of them answered in the negative, and only four of them had received compensation amount for accidents, occurred in the mills.

Legal provisions clearly spell out that the affected workers need to be monetarily compensated, apart from their medical expenses being borne by the mills. In some cases, even after the accidents, the mills forced the women victims to continue to work till the completion of the contract period (*please refer to the caste study of Muthu Rakku from Manamadurai*)

04.19 Hostel Facilities

04.19.1 Accommodation for working Girls under the Scheme

The mills that engage adolescent girls in the scheme focus mainly on hostels for two reasons: (1) To convince the parents that the working girls are provided decent accommodation under the guidance and supervision of a female warden and many parents initially believe that these hostels have been safe for their unmarried teenage daughters. (2) From the mill owners' point of view, the hostels, like cages are convenient places, wherein the semiskilled and semi-illiterate rural peasant girls could be locked and exploited to the maximum and they would be always at their disposal to extract their labour.

Very often these places of their stay, the hostels have been too cramped and less spacious, just enough for these adolescent girls to move around. Though a good number of girls felt satisfied

that the space had been sufficient for them to move around, due to their perception and poor background.²⁵

Table No.41

Details of Accommodation Facilities

S. No	Accommodation facilities	No. of Respondents	%
1.	Facilities available and manageable	1098	67.03%
2.	Found it difficult to manage themselves	522	31.87%
3.	Not responded	18	1.10%
	Total	1638	100.00%
2.1.	5 persons in a room	7	1.34%
2.2.	12 persons were accommodated in a room	172	32.95%
2.3.	20 persons were accommodated in a room	142	27.20%
2.4.	25 girls to share one room	49	9.39%
2.5.	30 girls to share one room	20	3.83%
2.6.	40 girls in a single room	29	5.56%
2.7.	100 persons to be accommodated in one big room	18	3.45%
2.8.	Unable to specify the number of girls stayed in a room, but we were more	35	6.70%
2.9.	More girls were accommodated during other shifts	3	0.57%
2.10.	7 persons were accommodated in a room where only 5 persons could stay	13	2.49%
2.11.	The room was like a godown	10	1.92%
2.12.	Too cramped during holidays	24	4.60%
	Total	522	100.00%

²⁵ **Rest-rooms** - (1) In every place wherein contract labour is required to halt at night in connection with the work of an establishment - (b) in which work requiring employment of contract labour is likely to continue for such period as may be prescribed, there shall be provided and maintained by the contractor for the use of the contract labour such number of rest-rooms or such other suitable alternative accommodation within such time as may be prescribed.

(2) The rest-rooms or the alternative accommodation to be provided under sub-section (1) shall be sufficiently lighted and ventilated and shall be maintained in a clean and comfortable condition.

- Rule 17, The Tamil Nadu Contract Labour Rules, 1975

Lack of proper accommodation with enough moving space in the rooms had been a big problem, as many respondents have expressed. Many girls had shared that the rooms had been too cramped during holidays (particularly on Sundays), as most of them prefer to sleep and many girls from both night and day shifts stay back in the room, and they found it unmanageable. At times, they had taken turns to sleep and adjust to others or prefer to sleep in very inconvenient positions, not stretching out their hands and legs leisurely, or even go to the extent of sleeping on standing or sitting.

“20 of us had to manage in one single room and it was really unmanageable for us. One floor mat was provided to us and two had to share one mat. It was too crowded and unable to sleep freely”.

- Pondiselvi, Pudukottai, Sivakasi

Apart from lack of proper accommodation, safety of the girls had been another issue. Theft of money and little jewels of the girls had been quite common in the hostels. In addition, intrusion of male workers to girls' hostels at nights and their disturbances had been also reported in the study.

“There was no safety for women workers in the mill. Though separate hostels for both women and men had been set up just side by side, but a tin sheet only separated these two. At times some of the male workers would dig holes underneath the tin sheets and made way to penetrate into women's hostel and created problems to the girls”.

- Rama Lakshmi, Savalapperi, Alantha

04.19.2 Toilet and Bathing Facilities ²⁶

Toilets and bathing facilities in the hostel had been a major problem for many girls working there. Insufficient number of toilets and bathrooms and unhygienic conditions of them were matters of concern for the inmates. Asked about whether sufficient toilet facilities were available for the workers, 695 respondents [42.43%] answered in the negative. The following table would give us an idea about the situation in the hostels, as far as toilet facilities were concerned.

²⁶ **In every factory:-**

- a. sufficient latrine and urinal accommodation of prescribed types shall be provided conveniently situated and accessible to workers at all times while they are at the factory;
- b. separate enclosed accommodation shall be provided for male and female workers;
- c. such accommodation shall be adequately lighted and ventilated and no latrine or urinal shall, unless specially exempted in writing by the Chief Inspector, communicate with any workroom except through an intervening open space or ventilated passage;
- d. all such accommodation shall be maintained in a clean and sanitary conditions at all times;
- e. sweepers shall be employed whose primary duty it would be to keep clean latrines, urinals and washing places.

- Section 19, The Factories Act, 1948

Table No.42

Details of toilet facilities in Hostels

S. No	Responses from women workers	No. of Respondents	%
1.	No toilet facilities at all (in hostels)	5	0.31%
2.	Only one toilet for all workers	44	2.69%
3.	Only two toilets (one for gents, one for girls)	51	3.11%
4.	Totally three toilets only	36	2.20%
5.	Four toilets only	12	0.73%
6.	Had to wait in a long queue everyday	96	5.86%
7.	Only one toilets for 15 Workers	25	1.53%
8.	Only 5 toilets for 700 workers	23	1.40%
9.	Only 5 toilets for 500 workers	47	2.87%
10.	Only 4 toilets for 500 workers	9	0.55%
11.	Only 10 toilets for 450 workers	8	0.49%
12.	Only 2 toilets for 300 workers	18	1.10%
13.	Only 8 toilets for 300 workers	5	0.31%
14.	Only 14 toilets for 350 workers	9	0.55%
15.	Only 4 toilets for 200 workers	28	1.71%
16.	Only 6 toilets for 200 workers	20	1.22%
17.	Only 10 toilets for 200 workers	26	1.59%
18.	Only 10 toilets for 130 workers	8	0.49%
19.	Only 6 toilets for 100 workers	7	0.43%
20.	Only 3 toilets for 100 workers	36	2.20%
21.	4 toilets for 85 workers	1	0.06%
22.	4 toilets for 60 workers	18	1.10%
23.	3 toilets for 50 workers	4	0.24%
24.	5 toilets for 50 workers	2	0.12%
25.	Only toilet for 30 workers	7	0.43%
26.	3 toilets for 30 workers	17	1.04%
27.	4 toilets for 30 workers	1	0.06%
28.	3 toilets for 25 workers	19	1.16%
29.	One toilet for 25 workers	29	1.77%
30.	One toilet for 20 workers	45	2.75%
31.	Three toilets for 20 workers	1	0.06%
32.	One toilet for 10 workers	38	2.32%
33.	Facilities Available and manageable	906	55.31%
34.	Not responded	37	2.26%
	Total	1638	100.00%

It is shocking to learn from the statements of five girls that there had been no toilets in their hostels, while there was only one toilet for all workers in the hostel²⁷, confirmed 44 respondents. 96 young women workers have specifically mentioned that they had to wait for quite some time in a long queue every day. Taking into account the age group of hostel inmates, i.e., adolescent girls and just after attending puberty, the toilet facilities and adequate water supply are very important for their personal hygiene and health, especially at the time of menstruation period but that had been totally neglected by the management, according to the versions of the working girls.

“We found it difficult to manage ourselves, particularly during menstruation time. There were no proper arrangements (keeping dustbins) to dispose sanitary napkins in toilets or bathrooms. Those who attended night shifts, would find a way of burning these sanitary napkins, but if supervisor or manager had visited the place at times, that put us in an embarrassment”.

- Selvi, Kapaliarai, Pappakudi Union

“There were only five toilets for more than 100 girls working in the mill. We had to form a long queue to go for toilets or to get up as early as 3 am to ease ourselves”.

- Pechiammal, Poovanthi

“There were totally two toilets in the mill, where I worked. No lock for the toilet. And therefore, if someone of us wanted to use the toilet, she had to go along with a companion to stand outside, which was very awkward!”

- Santha, Alangulam

²⁷ Latrine accommodation shall be provided in every factory on the following scale :-

- (a) where females are employed, there shall be at least one latrine for every 25 females
- (b) where males are employed, there shall be at least one latrine for every 25 males

Provided that where the number of males exceeds 100, it shall be sufficient if there is one latrine for every 25 males up to the first 100, and one for every 50 thereafter.

- Rule 44, The Tamil Nadu Factories Rules, 1950

Latrines to conform to public health requirements

Latrines, other than those connected with an efficient water borne sewage system shall, comply with the requirements of the Public Health authorities.

Privacy of latrines

Every latrine shall be under cover and so partitioned off as to secure privacy, and shall have a proper door and fastenings.

- Rules 45 & 46, The Tamil Nadu Factories Rules, 1950

04.19.3 Bathing Facilities

Like the toilets in the hostels, the bathing facilities were another problem, which is also a matter of grave concern in terms of health and personal hygiene of the hostel inmates. Asked about the number of bathing rooms available in the hostels, the following details were collected from the respondents.

Table No.43

Details of Bathing Rooms in the hostels

S. No	Details of bathing rooms	No. of Respondents	%
1.	No bathing room at all (in the hostels)	10	1.87%
2.	Only one bathing room in hostels	40	7.48%
3.	Only two bathing rooms for all inmates	64	11.96%
4.	Only four bathing rooms for all inmates	12	2.24%
5.	Only 7 bathing rooms for 700 women workers	26	4.86%
6.	Only 10 bathing rooms for 500 women workers	30	5.61%
7.	Only 15 bathing rooms for 450 women workers	4	0.75%
8.	Only 3 bathing rooms for 500 women workers	1	0.19%
9.	Only 3 bathing rooms for 300 women workers	2	0.37%
10.	Only 8 bathing rooms for 300 women workers	3	0.56%
11.	Only 14 bathing rooms for 350 women workers	2	0.37%
12.	Only 4 bathing rooms for 200 women workers	29	5.42%
13.	Only 10 bathing rooms for 200 women workers	9	1.68%
14.	Only 3 bathing rooms for 100 women workers	30	5.61%
15.	Only 8 bathing rooms for 100 women workers	1	0.19%
16.	Only 10 bathing rooms for 130 women workers	5	0.93%
17.	Only 3 bathing rooms for 85 women workers	1	0.19%
18.	4 bathing rooms for 60 women workers	18	3.36%
19.	5 bathing rooms for 50 women workers	5	0.93%
20.	3 bathing rooms for 30 women workers	17	3.18%
21.	4 bathing rooms for 30 women workers	4	0.75%
22.	Only one bathing room for 30 women workers	7	1.31%

Urinals to conform to public health requirements

Urinals, other than those connected with an efficient water-borne sewage system, and urinals in a factory wherein more than two hundred and fifty workers are ordinarily employed shall comply with the requirements of the Public Health authorities.

- Rule 49, The Tamil Nadu Factories Rules, 1950

S. No	Details of bathing rooms	No. of Respondents	%
23.	One bathing room for 25 women workers	24	4.49%
24.	Two bathing rooms for 25 women workers	19	3.55%
25.	One bathing room for 20 women workers	50	9.35%
26.	Three bathing rooms for 20 women workers	1	0.19%
27.	One bathing room for 15 women workers	17	3.18%
28.	Only one bathing room for 10 women workers	25	4.67%
29.	Due to acute water scarcity, girls could take bath only in 3 days	15	2.80%
30.	Acute water scarcity and always difficult in taking bath	41	7.66%
31.	Not responded	23	4.30%

At least one-third respondents [32.67%] found it difficult to manage themselves, due to lack of sufficient bathing rooms and acute water scarcity in the hostels, which made their stay miserable. But the management did not seem to be bothered about these problems. The women workers “had to somehow manage themselves” and be regular to their work. It is unimaginable that at least in 10 cases, the hostels have no bathing rooms, where adolescent girls stay and work!

“There was no door for the bathrooms in the hostel where I stayed. Tarpaulin sheets were used for doors in the bathrooms we used and the size of the bathroom was also very small and somehow we had to manage with”.

- L. Kayathri, Lourdhammalpuram

“Not sufficient number of toilets and bathrooms in our hostel. Our repeated requests to the management to rectify this situation fell deaf ears to them. Many times we had gone to work, without taking bath. At times we had sacrificed our sleep at night so that we could like bath and we used to go to bed in the wee hours”.

- Jeya, Devanallur, Kalakkad

“We had to form a long queue every morning to go to toilets and to take bath. The toilets were also stinking and nauseating. The sweepers would clean the toilets once in a while or whenever we made complaints about it. We used to take bath in groups with two or three persons in one bathing room. Only then we could to present in our workspot on time”.

- Velumayil, Kottara Kurichi

04.20 Behaviour of hostel wardens

Asked about the care and protection of the hostel wardens, more than one third of the respondents had been very negative, when they answered the question on the conduct of the hostel wardens.

Table No.44

S. No	Behaviour of the hostel wardens	No. of Respondents	%
1.	They used to severely scold the girls for even minor mistakes	285	17.40%
2.	Always forcing the girls to work overtime	101	6.17%
3.	Verbal abuse and ill-treatment	122	7.45%
4.	Very cruel and give them, inhuman and degrading punishment for mistakes	55	3.36%
5.	They were not bothered about anything	24	1.47%
6.	Male wardens misusing the girls	17	1.04%
7.	Not allowing girls to go home, even for emergencies	6	0.37%
8.	Forced the girls to wash their clothes	6	0.37%
9.	Looking after well	874	53.36%
10.	No hostel warden appointed	86	5.25%
11.	Not responded	62	3.79%
	Total	1638	100.00%

Though 874 respondents [53.36%] have responded that the wardens had looked them after well, remaining nearly half of them have been very negative about them. The wardens, according to the statement by these respondents in the study, had been either ruthless, rude, arrogant and always insisting on overtime work or totally careless on the welfare and health of the working women under their custody.

After joining the scheme, my health was affected very much, due to continuous work and I experienced irregular menstrual cycle for two or three months. When I shared this problem with our warden in the hostel, she fooled me, and sarcastically remarked as, "Don't be worried; we will prepare Valaikappu function for you after five months" (meaning you are pregnant and soon you will deliver a baby). I was totally upset over her reply; When I retorted her, after sometime, "would you answer the same way to your daughter, had she asked like this?", she tried to pacify me, saying, "I said in a lighter vein".

- Manimala, Arikesavanallur

“Our warden did not care about anything. She would not be strict with anyone for anything, neither would she stop any misdeeds of male staff with our hostel girls. She facilitated a marriage of a driver of the mill with a girl staying in the hostel. On witnessing this incident, I informed my parents through the agent and left the mill in between”.

- Karpagavalli, Mela Neelitha Nallur

“The hostel warden had forced us to wash her clothes during weekly holidays, when we were washing our clothes. If we refused to do what she had demanded from us, she would severely scold us. She would even go to the extent of calling us as “dogs and devils”.

- Chithra Devi, Poovanthi Colony

04.21 Food Provided in the Hostels

Asked about the quality of food provided for the girls in the hostels, almost one third of the respondents answered in the negative. Among them at least 210 girls [12.82%] categorically said that the quality of the meals provided there was both substandard in quality and insufficient in quantity. 26 of them reported that many a times, when the working girls had come back from shifts to canteen, there would be no food left for them and as a result, they had gone to bed with empty stomach. At least 13 of them have mentioned that very often the inmates would have to eat stale meals, normally the remnants of the previous days and 10 of them shared that they had to manage with only rice all three times a day without any other items or vegetables or meat. When comeback from their night shifts, the girls normally would not get anything to eat, 12 of them have pointed out. Taking the age of the working girls and nature of the work into consideration, the mills have to be feed the adolescent girls with nutritious food, which is usually required at this age. But the mills seem to be least bothered about it.

“The quantity of food provided to us in the hostel was insufficient, leave alone quality of food. The quantity was not proportionate to our work we did in the mill”.

- Valli, Pappakudi

“The kitchen was not at all neat and so were the preparations. We could not even think of taste of food. Mostly we had to dump the food served to us in the hostels”.

- Nagalakshmi, Mana Madurai

“If we had come to hostel bit late during meals time, we would not get anything to eat”.

- Muthu Lakshmi, Thiruchendur

04.22 Difficulties faced by women workers in hostels

When asked about the difficulties faced by girls during their stay in hostels, at least 326 respondents [19.90%] have admitted that they had faced some difficulties and problems²⁹ in the hostels. The interviews with them reveal quite a lot of problems faced by them during their stay, which could be listed as follows:

Table No.45

S. No	Details of Difficulties faced by women workers	No. of Girls
1.	Compelled to go for late night shifts, in spite of their physical fatigue, and waking up at midnights – not allowed them to sleep without disturbance - banging the door in the wee hours	98
2.	Very difficult to manage themselves during menstruation period (both physically and mentally) (many refused to elaborate on this matter, as they consider it as taboo to speak out this openly)	58
3.	No peaceful sleep in hostels, as the rooms were full of mosquitoes and bugs	25
4.	No protection for their belongings in hostels (theft)	22
5.	Insufficient space to sleep leisurely at nights, due to overcrowding had to stand and sleep and unable to stretch their legs and hands freely	18
6.	They had been forced to clean hostels, toilets and bathing rooms even during leisure time (no rest)	19
7.	Not allowing their parents to visit / meet the girls and scolding them even during their parents' visit	15
8.	Beating the girls with cane and waking them up early morning	13
9.	Sufficient time was not allowed to have meals	6
10.	Not allowing the girls to go home even for emergencies	5
11.	The girls had to do the cooking, after their shifts	6

The above mentioned long list of difficulties faced by the working girls give a picture on the conditions of the hostels, where they stay. The mills, at the time of recruitment, normally give a rosy picture about the hostels through their pamphlets, but reality had been totally different!

²⁹ States parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parents), legal guardian(s) or any other person who has the care of the child

- Article 19, The Convention on the Rights of the Child, 1989

“Hostel warden always forced us to work overtime. Due to continuous work, we felt sleepy always. The warden would not allow us to sleep freely, always disturbing us, banging the doors with a cane - waking us at midnights for late night shifts or forcing us to get up early in the morning for next shifts, that totally affected our health”.

- Kasthuri, Thiruchendur

“There was no proper arrangement in the hotel for the disposal of waste sanitary napkins. We used to throw used sanitary napkins across the hotel compound wall. Once when the supervisor who had noticed this practice, asked us to collect these strewn waste sanitary napkins and put the same in a gunny bag. In the presence of many male staff, we had to do this job, which was an embarrassment for us!”.

- Ganapthy, Vennilingapuram

“Many a time, the wardens woke us up for overtime, citing that there was a shortage of workforce. We were fast asleep, after having been totally exhausted. We could not even open our eyes, such would be our tiredness! Nevertheless, they would continuously insist us to attend the next shift. We had been totally helpless, physically fatigued. Still we had to obey their orders”.

- Kaliammal, Mooppanpatty, Kovilpatty

04.23 Communication with Parents and family members

Asked about the mode and frequency of communications with their parents and family members, nearly four-fifth of the respondents answered that they had contacted them through phone, while the remaining one fifth had communicated with their dear ones through letters. But the letters sent by the girls had to be processed through hostel wardens, before being posted. By and large all letters were being screened by the wardens and that infringed the right to privacy of the girls, who were unable to express their feelings freely to their parents and loved ones or the difficulties faced by them in the hostels. Similarly the incoming letters had also been thoroughly screened by the hostel wardens and then despatched to the girls, which is a clear human rights violation. If girls had mentioned in their letters to the parents anything happened to them in the mills or even about their ill-health, the wardens warned them or sometime had even beaten the girls for this, a few had stated. 174 women workers have responded that they had written letters to their parents during their free time, while 58 once a month and 41 once a week.

“If I wrote letter to my parents, mentioning about my health problem, the warden would not post the letter to my home. Every letter was being screened by the management. We were not allowed to write anything against the mill nor about our illness or physical inability”.

- Sonia Devi, Guruvankottai, Mayamankuruchi

“When we had letters from our parents, the management would not deliver them immediately. They would take their own time and hand over to us leisurely. While screening our letters, they would strike off those lines, if there had been any mention on ill health of our family members or any family matters that would mentally disturb our mind”.

- Selva Muniammal, Sanarpatty, Sivakasi

Regarding their telephone conversations with their parents, normally the girls were not allowed to have their own mobile phones in the mills and hostels and therefore they had no other option except to rely on the pay and use phone in the campus or through the company mobile phone. Nearly one third of the respondents mentioned that they had called their parents once a week, while 245, once a month and 76, once in two months. Only 58 respondents [a mere 3.54%] answered that they could call their parents at any time. One fifth of the respondents could talk to their parents only if the latter called their daughters (to the mills).

108 girls [6.59%] responded that they had been allowed to call only when a necessity had arisen there or if situation demanded, while 12 girls could make phone calls to their parents, when they had gone out and 26 could do so only during holidays. One more important issue pointed out by the girls with regard to their phone conversations, at least half of those who made phone calls from the hostels or mills, were not allowed to talk freely with their parents or family members, as they were supposed to speak in the presence of hostel wardens, who normally monitor their conversations with their family members.

“We were allowed to talk to our parents through the company mobile phone. But our phone conversations were closely monitored and they would also note down the telephone or mobile numbers to which we made calls”.

- Vellathai, Sangagulam, Thiruppuvanam

“We could talk to our parents through phone, but allowed to speak only for 15 minutes. The warden would always monitor our phone calls on the contents of our phone dialogue”.

- Muthu Lakshmi, Mana Madurai

“The companies had strictly warned the girls not to speak ill of the mills outside and if they come to learn about any woman worker speaking negative of the mills or what had been going inside the campus, the consequences would be very severe, even fatal. The inmates were instructed particularly not to speak about any violation that had been taking place inside, especially to foreign visitors, who come for inspection”.

- C. Jeeva, Thiruchendur

Still worse, 38 girls mentioned that they could speak to the parents or family members, only when the phone speaker had been on so that everyone in the room could listen to their conversations. Regarding the duration of their phone conversations, 304 girls [18.55%] responded that they had been allowed to speak with their parents only for five minutes. When they received phone calls from their parents and family members also, they had to wind up their phone conversations in five minutes and not to prolong beyond that. They were not allowed to inform their parents about their health conditions, definitely not about the situation in the mills. At least in 11 cases, the girls shared that the wardens or managers or supervisors had not deliberately passed on the message to the girls concerned, when there was a phone call from their parents or family members.

“If there were phone calls from our parents during working hours, the supervisors used to bluntly reply to our parents, ‘call her after some time, she is at work’. They would not even inform us that there was a call from our parents”.

- Thamizharasi, Pudukottai, Sivakasi

04.24 Parents’ Visit

Asked about whether the girls were freely allowed to talk to their parents and family members, when the latter visit the mills to meet their daughters during weekly holidays, almost half of the respondents responded in the negative, while the other half (845) answered yes.

States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

- Article 12, Convention on the Rights of the Child, 1989

Table No.46

**Whether the parents / family members were allowed freely to meet their daughters
during their visits**

S. No	Whether the parents were allowed freely to meet their daughters	No. of Respondents	%
1.	Parents were allowed to meet their daughters only in warden's room	266	16.24%
2.	Parents only (not relatives) were allowed to meet them	191	11.66%
3.	Only mother was allowed to meet her daughter in the room, while her father had to wait outside	81	4.95%
4.	Wardens would stand close during their conversation	63	3.85%
5.	Parents were allowed to meet them for 15-20 minutes only	53	3.24%
6.	They had to meet in front of the main gate and not inside	44	2.69%
7.	Parents were allowed to meet them only for one hour	35	2.14%
8.	Parents were allowed to meet them only with the prior approval	10	0.61%
9.	Mothers were allowed to meet them for ½ hour but fathers only 10 minutes	8	0.49%
10.	Girls were allowed to talk only on their family matters, not on mill affairs and working conditions	7	0.43%
11.	Duration of their meeting / conversations was calculated and girls had to work extra time to compensate the same	7	0.43%
12.	Parents were allowed to meet them for two hours	7	0.43%
13.	Parents were allowed to meet them only once a year	4	0.24%
14.	Parents had to wait till their daughters came back	3	0.18%
15.	Parents were allowed only when they had proper permit card / special pass to meet them	2	0.12%
16.	Yes, allowed to meet freely	845	51.59%
17.	Not Responded	12	0.73%
	Total	1638	100.00%

Not only free movement, but the girls were not even allowed to meet their parents and family members freely during weekly holidays and to freely speak about what they intended. Analyzing these facts, it is reaffirmed through these facts the Sumangali Scheme with hostel facilities

is nothing but a modern form of slavery, wherein the girls' freedom and personal liberty has been at stake".

"When our parents came to visit us, they were not allowed inside the hostels. There was a small room near the entrance gate and the parents had to wait in the room till their daughters come there".

- Krishna Leela, Pudukottai, Sivakasi

"When we went to the mill to visit our daughter, the supervisors / managers did not allow us to meet her regularly. Their logic is that if we had come frequently to meet her, she might not continue to work there, but would like to come back with us. In a way it is a strategy adopted by the management to extract more labour from young women, not allowing their parents to visit them very often.

- Mother of Shenbagam, M. Pudupatty, Sivakasi

04.25 Leave for family functions or emergencies³¹

Asked about whether the girls were allowed to attend their family functions such as marriages or deaths of close relatives, more than one fourth respondents (479) mentioned that such requests had been turned down by the management. Among those who answered positively for this question, nearly half of them responded that they had been allowed to go home for these family functions, only if their parents had come personally and convinced the managers / mill owners.

³¹ Casual leave:-

- (i) Casual leave shall be admissible for a maximum period of twelve days in a year.
- (ii) Any holiday intervening during the period of casual leave shall not be counted for the purpose of the limit of twelve days.
- (iii) Casual leave not utilised during any year shall stand lapsed at the end of the year.
- (iv) Casual leave shall not be combined with medical leave. If casual leave is preceded or followed by medical leave, the entire leave taken shall be treated either as medical or casual leave, provided that it shall not be allowed to exceed the maximum period prescribed in respect of medical or casual leave, as the case may be.

Rule 13, The Apprentices Rules, 1991

Annual leave with wages

(1) Every worker who has worked for a period of 240 days or more in a factory during a calendar year shall be allowed during the subsequent calendar year, leave with wages for a number of days calculated at the rate of :-

- i. if an adult, one day for every twenty days of work performed by him during the previous calendar year ;
- ii. if a child, one day every 15 days of work performed by him during the previous calendar year

- Section 79, The Factories Act, 1948

Table No.47

S. No	Difficulties faced by the girls in getting leave	No. of Respondents	%
1.	Only once a year the girls were allowed	70	13.83%
2.	Girls had to compensate the number of days on leave	48	9.49%
3.	These days were calculated and the same had to be compensated at the end of the contract period	27	5.34%
4.	If the leave was more than 3 days, it had to be compensated	18	3.56%
5.	The girls had to inform well in advance (at least one week)	16	3.16%
6.	The standard answer from the mill owners "Shortage of work force and no leave"	15	2.96%
7.	Derogatory remarks / scolding by supervisors for taking leave	12	2.37%
8.	Members in the family photos were only allowed to visit	12	2.37%
9.	Parents should give the mill owners to writing, citing the reasons for leave	7	1.38%
10.	No Comments! Silent about this question	281	51.85%
	Total	506	100.00%

Asked about whether they were allowed to go for village festivals or important functions in the villages, almost one third respondents (506) answered in the negative. Among those who responded positively, 412 girls [25.15%] said that they were allowed to take leave for one week, 122 for six days, while 196 [11.96%] five days, 178 [10.86%] for three days, 28 for only two days, and 58 mentioned only for 2 days and 48 mentioned only 5 days in six months. Four of them mentioned only two days in six months.

Extraordinary leave:-

- Extraordinary leave upto a maximum of ten days or more in a year may be granted to the apprentice, after he has exhausted the entire casual & medical leave, if the employer is satisfied with the genuineness of the grounds on which the leave is applied for.
- In establishments where proper leave rules exist for workers, the leave to apprentices shall be granted by the employers in accordance with those rules.

Provided that in the case of trade apprentices grant of such leave shall be subject to the following conditions, namely:-

- a) That every apprentice engaged in an establishment which works for five days in a week (with a total of 45 hours per week) shall put in a minimum attendance of 200 days in a year out of which one sixth, namely 33 days shall be devoted to related instructions and 167 days to practical training.

- Rule 13, The Apprentices Rules, 1991

46 respondents have said that the mills had organized tours once a year to nearby picnic spots and 16 mentioned that games and sports competitions had been conducted in the campus once a year.

“No holidays for us even for Deepavali or Pongal. But the management used to organize picnics for the inmates during Deepavali holidays. They would not allow us to go home, but they would take us to a nearby places to spend the day freely. We were given leave for five days for our village festivals. Only for that, we were allowed to come back home in a year, otherwise we could not even think of holidays”.

- Gouthami, T. Pudukottai, Mana Madurai

It is quite shocking to note that 686 respondents [41.88%] responded that they had been ill-treated by the management, when the girls returned from their leave.

04.26.1 Ill-treatment by the management after come back from leave

Table No.48

S. No	Types of ill-treatment by the management	No. of Respondents	%
1.	Forced to work extra days to compensate their leave (The more days on leave, the more days to work)	359	52.33%
2.	The girls had to submit apology letter to the management (despite they had gone on leave with proper permission)	137	19.97%
3.	Verbal abuse and ill-treatment by supervisors for having taken leave	122	17.78%
4.	Deductions in the monthly salary for number of days on leave	20	2.92%
5.	Letters to be obtained from their parents	9	1.31%
6.	The girls were fined for having taken leave	6	0.87%
7.	Even for one day leave, the girls had to compensate for one more month work	33	4.81%
	Total	686	100.00%

It is horrible to learn that the girls had to face a lot of hardships, ill-treatment and embarrassment by the management, despite the fact they had gone home on leave, after having obtained proper permission from the management. The mill owners literally sucked the blood of the young women workers, when the former forced the girls to work more number of days, which is a clear violation of work ethics and accepted standard norms.

04.27 Health Conditions after their Contract period

Asked about the changes in their health or about the health conditions, after having worked in the textile mills for a period of three to four years, nearly half of the respondents [48.84%] mentioned that their health had been very much affected.

Table No.49

S. No	Types of ailments or health complications after work	No. of Respondents	%
1.	Physically fatigued, severe headache and continuous cough	217	27.13%
2.	Severe and intermittent stomach problem	176	22.00%
3.	Irregular menstrual flow	90	11.25%
4.	Indigestion, and lack of appetite	68	8.50%
5.	Continuous headache	60	7.50%
6.	Severe leg pain	50	6.25%
7.	Wheezing and esnophilia, respiratory disorders, due to continuous exposure to cotton	48	6.00%
8.	Severe depression and mental imbalances	32	4.00%
9.	Intermittent Chest pain	27	3.38%
10.	Eye sight had been affected	9	1.13%
11.	Fingers lost in accidents resulting in incapacitation	2	0.25%
12.	Hair was caught in machine / removal of hair	3	0.38%
13.	Itching throughout body / allergy	9	1.13%
14.	Loss of leg in accidents - permanent incapacitation	2	0.25%
15.	Other ailments	7	0.88%

The above table indicates that at least one-third of the girls, who after having worked for a period in the mills under the Scheme have to undergo a lot of health complications, as a result of occupational hazards, but have to live with these complications, as they state. The purpose of the scheme, as claimed by the mills, has been defeated to a large extent, if these statements by the women workers are true.

States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development,

- Article 32, The Convention on the Rights of the Child, 1989

“Mani, aged about 18, D/o. Pandy, from Poovanthi Colony of Thiruppuvanam Panchayat Union, had been severely affected with TB, due to continuous exposure to cotton in the mill and as a result of that she died in a year, after completing her contract period and come back home. Her parents spent up to Rs.20,000/- for her medical expenses, but in vain. No amount was provided by the mill towards her medical expenses. Neither any compensation nor PF amount nor insurance”.

04.28 Knowledge of Government Schemes and Labour Rights among Women Workers

Asked about whether the working girls had any knowledge of Ramamirtham Marriage Assistance Scheme³⁴ announced by the Govt. of Tamil Nadu, nearly one third respondents only had known about the scheme, that too, in recent months. But two-third respondents had no idea about this scheme. One more difficulty for the rural illiterate parents to get the assistance is lack of proper implementation of govt. schemes by the district administration and access to meet the revenue officials, who normally demand bribery for issuing required certificates.

Asked about whether the girls had any knowledge on legal benefits under the existing labour legislations such as P.F., Bonus, minimum wages, weekly off, working hours, leisure and rest, health and safety issues, almost 95% of the respondents never heard of these legislations nor the statutory benefits. Only a negligible 2.86% (47 girls) had heard about these benefits through a few training sessions or awareness building programmes organized by one or two NGOs or Trade Unions in their locality.

Conclusion

On hearing true stories from their daughters on physical assault, verbal abuse and sexual harassment by the supervisors in the mills, some parents have expressed their guilty feeling to the field investigators for having forced them to work in the mills under the scheme. “We have spoilt our daughter’s lives” was the reaction and resentment of the poor parents, when they reflected on the incidents / ill-treatment meted out to their daughters during the period.

“Unknowingly I had sent my daughter to this mill and she was also adamant to join the scheme, without knowing anything about it. But the management extracted her labour to the maximum. When she came for leave in between, she refused to go back, but still I pacified her to complete the term so that she could get the amount. She suffered terribly in the mill during her stay. It was my blunder for having sent my daughter to the mill”.

- Mother of Shanmuga Priya, Umarikottai, Thoothukudi

³⁴ This is a special scheme meant for rural girls, who complete 10th Standard to receive the amount at the time of marriage announced by the Govt. of Tamil Nadu originally the amount was Rs.15,000/- which was enhanced to Rs.20,000/ and later to Rs.25,000/- in the budget 2010 – 2011

“I had convinced six girls from our village to join the scheme. But on hearing the stories from our daughter about the ill-treatment and work extraction, I feel really pathetic and sorry for those girls, who, on my advice, joined the mill. When our daughter feels like this, how much more they would regret of that?”

- Parent of Raja Lakshmi, Rajapalayam

Many parents bluntly say that this Sumangali a fraud scheme, invented by the mill owners to exploit the innocent rural young women, who are badly in need of some income to run their families.



CHAPTER - V

RECOMMENDATIONS

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RECOMMENDATIONS

1. Adolescent girls and young women, employed under the forced labour scheme known as Sumangali Thittam in Textile Mills and garment industries, have been subjected to physical assault, sexual harassment and mental violence. They are largely recruited from drought prone southern districts of Tamil Nadu with false hopes and promises. Vaan Muhil, along with its network partners and other civil society organizations demand a total ban on this type of forced labour schemes known as Sumangali Scheme, Mankalya Thittam and garment industries, as this is a clear violation of Constitutional provisions, existing labour laws, the established human rights standards in the UN and ILO Conventions.
2. Vaan Muhil Study confirms that thousands of adolescent girls below the age of 15 years have been employed under this forced labour scheme. Adolescent girls employed below the age of 15 years should be treated as child labour, taking into account of the hard labour and hazardous nature of work and other physically demanding aspects of their nature of work. The Government of Tamil Nadu should issue an immediate order on banning the recruitment of girls below the age of 15 years under any scheme.
3. Young women workers above 18 years, who have completed 480 days of work under the scheme, should be considered as permanent workers as per the Conferment of Permanent Workers Status Act 1981. We demand that they should be paid Rs.172/- for 8 hours of work as the minimum wages as per the existing Government order No.26 dated 16.05.2008 for textile industry.
4. Hundreds of women workers after completing 3 years or even 4 years in some cases have not received the promised sum from the textile mills. Government of Tamil Nadu should order that the industry should pay the sum based on minimum wages as stated above (deducting the already paid monthly wages) with bank interest.
5. Vaan Muhil Study has confirmed the fact that nearly 50 per cent of the women workers are being recruited from dalit families and trafficked by agents / brokers for Sumangali Scheme. This

is punishable under Section 3 (1) (6) of the SC / ST (Prevention of Atrocities) Act, 1989. Therefore, the State Government has constitutional obligation to protect the children of these vulnerable communities. With the view of protecting the children of vulnerable communities and ensuring social justice, the Government should issue an order in this regard to put an end to such fraudulent recruitments by mill agents / brokers in rural pockets.

6. With the findings of the Study, Vaan Muhil, together with other civil society groups, draws the attention of the Government about the violations of labour laws taking place under Sumangali Scheme in textile and spinning mills, and garment industries like the Minimum Wages Act, 1948, the Weekly Holidays Act, 1942, the Employees State Insurance Act, 1948, the Employees Provident Fund Act, 1952, the Payment of Bonus Act, 1965, the Factories Act 1948, the Bonded Labour System (Abolition) Act, 1976, the Apprenticeship Act 1961, the Contract Labour (Abolition and Regulation) Act 1970, and the Child Labour (Regulation and Prohibition) Act 1986 etc.

Women workers are being subjected to inhuman treatment and forced to live in an degrading situation, not allowed to go out on holidays, forced to work for 12 hours (one and half shift) and 16 hours (double shifts) per day, not provided nutritious food, also denied basic medical facilities, girls complains about sexual abuses and verbal abuse, they are housed in small rooms and not allowed to contact their family members. All these conditions resemble modern forms of slavery. Therefore, we demand that the National Human Rights Commission (NHRC) and National Commission on Protection of Child Rights (NCPCR) should take cognizance of human rights violations faced by Sumangali Scheme victims to ensure justice to them.

7. Hundreds of women workers have met with workplace accidents and suffer from grievous injuries. Textile Mills have not paid any compensation for these injured victims. Therefore, the Government should order Textile mills to pay the compensation as per the Factories Act 1948, the Workman Compensation Act for all injured victims of Sumangali Scheme.
8. Vaan Muhil demands that the Government of Tamil Nadu should constitute district level monitoring committees under the chairmanship of District collectors, with the participation of civil society organizations working for labour rights, child rights and women empowerment. These committees should inspect all the textile mills to ascertain the facts like number of girls

and young women workers engaged under Sumangali Scheme, and human rights and labour rights violations faced by them and the facilities available at the workplace.

9. With the view of making the adolescent girls in the rural areas of southern Tamil Nadu more employable, The Government of Tamil Nadu should launch special certified educational and vocational training programmes in the drought prone southern districts so that the trained women workers can be absorbed as skilled regular workers in nearby urban centres.
10. Vaan Muhil urges that the victims of Sumangali Scheme should organize themselves as an association to carry out sustained campaign against violations and ill-treatment that they were subjected to and take efforts for their rehabilitation and justice.
11. The district administrations in the drought prone Southern districts should explore various possibilities in terms of providing more employment opportunities to the unskilled and semi-skilled rural work force and to take genuine efforts to strengthen the agriculture.
12. The NGOs and Trade Unions should organize training programmes and workshops on Labour rights issues at block level so that the potential young migrant workers get to know about the labour benefits under the existing legislations and established labour standards as per labor laws.
13. With the view of preventing the trafficking of adolescent girls and young women by mill agents and brokers in rural areas, with false promises and hopes, through allurements and fraudulent means, the civil society organizations, with the active participation of elected Panchayat members and local groups, should form monitoring bodies at Panchayat Union level and take concrete steps to prevent the same.
14. Vaan Muhil urges that all civil society organizations, including Trade Unions, human rights and women groups, come together and initiate state level advocacy efforts to pressurize the government of Tamil Nadu so as to put an end to this scheme.

ANNEXURES

ANNEXURE - 1

Case Study - 1

S. No	Details	
1.	Name of the Sumangali worker	: Manimala, T
2.	Husband's Name	: Thangam
3.	Caste	: Pallar, Hindu
4.	Age at present	: 23
5.	Address	: 91/101, Paraiyadi Colony Arikesavanallur, Ambai Taluk Tirunelveli District
6.	Panchayat Union	: Pappakudi
7.	Location of the Mill where she worked	: Thangamani Spinning Mills Near Chennai Andavar Kovil Karumathampatty, Coimbatore District
8.	Year of Joining	: December 2004
9.	Contract Period	: Three years (December 2004 - December 2007)
10.	How long she worked in the Mill	: Only 2 years (December 2004 - December 2006) Forced to send back home after two years of work in the mill, citing the reason of having taken leave
11.	Major labour and human rights violations in the mills	: <ol style="list-style-type: none"> 1. She was terminated from her service after two years of work, though the contract was for three years, though she had taken leave for her village festival, with proper permission from the mill. When she returned back to the mill, she was not allowed to work and her belongings, dresses and bedding were thrown out and not allowed to meet her friends and colleagues in hostel / mill 2. She had been forced to work additional shifts for three days in a week during her two year work 3. The food provided to the inmates in her hostel was not of quality 4. No water facilities in the hostel for bathing 5. She had suffered a lot during menstruation period 6. She was affected with chickenpox, due to the lack of cleaningless in hostel and hygiene
12.	Date of Data Collection	: 22 September 2010

Statement by Manimala, T

I am T. Manimala, wife of Thangam, aged 23 from Paraiyadi Colony in Arikesava Nallur Panchayat of Pappakudi Union, Ambasamudram Taluk, Tirunelveli District. I belong to Hindu Pallar Caste, studied up to 5th standard and my husband is an agricultural labourer. We have no lands. When I was studying 5th standard, my parents asked me to discontinue to my studies in order to look after my younger sister, and there I had to discontinue my studies.

In 2004, at the age of 17, father of my friend told me that a mill in Karumathampatty near Coimbatore had been recruiting girls for mill work for a period of three year contract and he also informed me that at the end of the contract period, they would provide me Rs.20,000/- and with that amount I could purchase jewels for my marriage. If I agreed to this, he also assured me of sending her daughter Shanthi along with me to the mill work. Totally we were 17 girls from our village, joining the mill under this scheme.

When we joined the mill, we were given a three month training and Rs.30/- per day was given as daily wage during the period. After deducting Rs.300/- out of this amount for meals, we received Rs.400/- every month. But the same amount was given to us for the first five months (even after the three month training period). Then the monthly salary was slightly enhanced to Rs.800/-

When the mill owners took us for the work, at the time of agreement, they told us that we had to work only for 8 hours i.e., only one shift, but then we were forced to work for 10 hours every day. If any one of the workers did not turn for the shift, due to sickness or inability, the same worker had had to complete the work. If failed, the supervisors and managers severely scolded us in an abusive and filthy language.

Due to continuous work without sufficient rest and sleepless night shifts, my health was severely affected and always I looked tired and fatigued. As a result of that, I could not eat properly and had no appetite. I also suffered from intermittent fever. In spite of ill-health, I had to go for work and should take no rest. The supervisors forced me to take a few tablets for my fever and illness and to attend to daily shifts.

While I was working there, my menstrual cycle became totally irregular and I suffered a lot. I could not also openly speak out this problem with others. Once I explained this problem to our hostel warden, she, instead of giving me guidance, pooh-poohed this matter but derided me about this in front of others. It was a shame for me and I was terribly wounded by the act of the warden.

The food served to us in our hostel was also not of quality and there were small insects in the food. In spite of our repeated representation to the hostel warden about the poor quality of food served to us, no change was there. When we came back after our night shifts, we were served with either Tamarind bath or lemon rice, which had been prepared very poorly. At times, after eating this we used to feel like vomiting, so much so that we had to skip these night meals and opted to go to bed with empty stomach.

While I was working in the mill, I was affected with chickenpox and my mother had prayed to our village deity for my speedy recovery and good health. Therefore my parents insisted that I had to come and participate in the village temple festival, which was celebrated in a grand manner once in five years. Therefore I, along with nine of our colleagues from my village requested the Hostel Warden, Manager and Supervisor to allow us for this village festival. Initially none of them agreed to sign our request letter and refused to grant us leave. After our repeated pleas, mentioning that the festivals come only once in five years, the Supervisor granted us leave and signed in our request letter.

After the village festival, we returned to the mill, after eight days of leave to resume our work. But we were made to stand in the front gate and looked down upon as accused in a criminal case. "You have no more work here, you can go back home; though we told you not to take leave, you took leave and went home" they shouted at us. They did not allow us to go inside. But we insisted that we had only six months to complete our contract period and requested them to allow us to continue the period. Not listening to requests, the Supervisor, Manager and hostel warden just threw our belongings (dresses and bedding) out of the gate, told us stubbornly: "Go home; don't come again". We were not paid the contract amount for the two years of your work and I have not received any P.F amount for which the mill management deducted some amount every month during the period I worked.

Case Study - 2

S. No	Details	
1.	Name of the Sumangali worker	: Muthu Rakku, M
2.	Father's Name	: Malaisamy
3.	Caste	: Pallar, Hindu
4.	Age at the time of joining	: 14
5.	Address	: Madappuram, Thiruppuvanam Post Manamadurai Taluk Sivagangai District
6.	Panchayat Union	: Thiruppuvanam
7.	Location of the Mill where she worked	: Prim Spinning Mills Ltd Venkamedu 538/2, Mangalam Road Avinashi, Tiruppur District
8.	Year of Joining	: 2007
9.	Contract Period	: Three years (01.12.2007 - 01.12.2010)
10.	How long she worked in the Mill	: Two and a half years
11.	Major labour rights and human rights violations in the mills	: <ul style="list-style-type: none"> ❖ Child labour / just 14 years old at the time of joining ❖ Forced to work overtime ❖ No proper medical treatment ❖ Lack of protected safe drinking water and no quality food ❖ No supervisor appointed in Mill ❖ She lost three fingers (right hand) in an accident during the course of employment. In spite of this accident, the mill management forced her to work and ill-treated her
12.	Date of Data Collection	: 12 October 2010

M. Muthu Rakku, aged 17 now, daughter of Malaisamy, residing at Madappuram village of Thiruppuvanam Panchayat Union, Manamadurai Taluk of Sivagangai District state the following:

I live in the above mentioned address along with my parents, and brothers and sisters. I have studied up to 8th standard. I belong to Hindu Pallar caste and my parents are agricultural coolies. I have two brothers and two sisters.

I stopped my schooling after 8th standard. I came to learn from my neighbours that adolescent girls from our village had been working in textile mills in Tiruppur area for a three year contract. On hearing this, my father contacted one Ravi from our village and sent me to the Prim Mill, based at Avinashi in Tiruppur district. I joined the mill on a three year contract on 01.12.2007.

When I joined the scheme, the management obtained my signature and my father's in a few white sheets and a couple of forms. We were assured that at the end of the third year Rs.40,000/- and the PF amount would be given to us. They asked us to work only for 8 hours. They promised us of good meals, proper accommodation and entertainment facilities.

At the time of joining the mill, we were given two months training and during that period, the supervisors did not exert pressure on us. It was going on smoothly. After the training period, we were forced to work extra for four hours. Even if we refused to obey, they would not allow us to go freely, instead, they compelled us to work overtime. They used to threaten us, by saying, "if you don't obey our order, you will not receive the promised contract amount.

As we had been working overtime regularly, we could not sleep peacefully. We were also not provided with good meals, neither safe and protected drinking water. We had to clean our hostel rooms and toilets. They used to tell us "once a week holidays", which is a misnomer and even during the weekly holidays we had to work. There are a lot of girls working in the mill between they age group of 13 to 17 and we had no other option except to obey whatever they instructed us to do. Once a month my father would come to the mill to visit me. Along with him, I used to go out to Avinashi Town and would buy for me whatever I wanted. At that time the mill management used to give my monthly salary to him.

If the girls working in the hostel fell ill, the hostel warden used to give them some tablets. There was no doctor, not even a nurse to look after the sick girls. If something turned out to be serious, the management used to take the girls to Avinashi hospital for treatment by mill jeep. The hostel room, where we stayed was very small in size and nine of us had to adjust ourselves. We used to go by shifts and there was no problem to manage, as not all of us had to sleep at a same time. Toilet facility was very poor, bathing facilities were also not sufficient. We were not allowed to make phone calls to our home. We could attend the incoming calls, if our parents or relatives called us.

Even if there were calls to receive during working hours, these would not be entertained, not even we were informed of about these calls.

As I had worked overtime, I totally lost my regular sleeping hours and therefore my health deteriorated slowly. Moreover the machine (Kombar) to which I attend was under repair for three months and in spite of my repeated requests to repair the machine, the manager did not take efforts to repair the machine but they had somehow patched up that.

At that time, on 01.06.2010, morning at 6.00 o'clock, when I was about to release the cotton clot in the machine, it automatically started running and cut off three fingers in my right hand. One more finger was half cut off and bleeding profusely.

Then the management took me to Coimbatore 'Ganga Hospitals' on the same day at about 9.30 am and admitted to the hospital. I underwent treatment for two days and was discharged on 03.06.2010 around 10.00 am and continued my treatment. It took almost two months for me to get cured fully. But afterwards I could not do any work as three fingers in my right hand were cut off. This gave me mental agony and sense of insecurity. On hearing the accident, my father came to the mill and requested the management to allow me to go home along with him. But they refused to send me back.

They were so cruel that they forced me to work for two more months (i.e., till February 2011) after the contract period, in order to compensate those two months during which I was taking medical treatment. In that condition only they assured me of giving my contract amount Rs.40,000/-. Moreover they had not provided me any rehabilitation package nor any compensation for the accident.

In spite of my fathers' repeated request, the mill owner did not even allow me to go home not the contract amount was paid to me. Then my father contacted Mr. Gnana Thiraviam, Director of ARISDO Trust and explained to him what had happened and Mr. Thiraviam drafted a detailed complaint on behalf of my father and approached Tiruppur District Collector on 07.10.2010 in return and he immediately asked the local officials to relieve me from the clutches of the mill owners.

It was at the insistence and continuous pressure of the Tiruppur District Collector, the mill agreed to pay Rs.2 lakh compensation and monthly subsistence allowance for me. I am prepared to a witness in any forum and to speak out openly about the ill-treatment meted out to me and ordeal I underwent during the period in the mill and about the ill effects of Sumangali Scheme. I am also grateful to the Tiruppur District Collector, who made all arrangements to release me.

Case Study - 3

S. No	Details	
1.	Name of the Sumangali worker	: Lourdhu Jascinth, S
2.	Name of her father	: Savari Raj (Late)
3.	Caste and Religion	: Nadar, Christian
4.	Age at present	: 22
5.	Educational Qualification	: 8
5.	Address of the victim	: 9, Melatheru, Elanthaikulam North Ariyanayakupuram Mukkoodal (Via) Tirunelveli District
6.	Panchayat Union	: Pappakkudi
7.	Location of the Mill where she worked	: Sugantha Mill, Coimbatore District
8.	Months and year of Joining	: February 2003
9.	Contract Period	: February 2003 - April 2006
10.	How long she worked in the Mill	:
11.	Types of violations	: <ul style="list-style-type: none"> ❖ Physical assault by supervisor ❖ Refusal to provide quality food ❖ Lack of proper accommodation facilities and insufficient toilet facilities ❖ As result of physical assault, bodily injuries and mental trauma ❖ Not allowed to talk to co-workers ❖ Not allowed to freely communicate with her parents
12.	Date of Data Collection	: 25 September 2010

S. Lourdu Jascinth aged 22, daughter of Savari Raj, residing at Elanthaikulam village of North Arikesavanallur Grama Panchayat, Pappakkudi Panchayat Union, Ambasamudram Taluk of Tirunelveli district and the following is her statement:

I belong to Nadar Christian family and studied up to 8th standard. My family was very poor and no earning member in our family. My father passed away long back, when I was a child. Therefore my mother's responsibility was more to look after the entire family. I could not continue

my studies after 8th standard. At this time, one of our relatives informed us that the mills were in need of young girls to work for a three year contract period. Based on this information, my mother sent me to Coimbatore to work in Sugantha Mill and my younger sister also followed after discontinuing her studies. Both of us worked in the same mill.

The management promised us to give us Rs.30,000/- each after completing three years of work in the mill. Both of us stayed together in a hostel room, which was very bad. And the toilets and bathrooms were also very poor. There were very few toilets and bathrooms, which were not sufficient for the inmates working and it was very difficult for us to manage.

The meals provided to us was not of good quality, we were unable to eat it. If we dumped it in dust bins, the hostel warden would scold us severely. She used to ask those who dump the meals in dust bin, "Do you shame the name of the mill" even she beat me once with cane for this and my hand was wounded. We had to bear all these things for our family situation.

In the beginning of our work, the supervisors used to beat me with cane and punch me, when I did not understand the nature of work or stand some time to learn the assignment. They used to pinch me and my younger sister later also and felt terribly. We have those scars even today. The mental agony and feeling of shame when she beat us in front of others and scold us was really horrible!

Our mother used to come to meet us one in three months. When we shared our difficulties and hardships with her, she used to comfort and plead us that we had to bear these things, taking our family situation into account, she requested us to complete the contract period so that we could get the promised amount. It was only our family situation that compelled us to proceed.

One of our coworkers from nearby town, Kadayannallur was also our batch and she had lost her father earlier, before she joined the mill. But after joining the mill, her mother also passed away. The mill management totally blocked out his news from her for six months. When she came to know about her mother's death after six months, she was totally upset and she could not continue her work in the mill. Even if she continued, she could not concentrate on work. None the less the management forced her to work. Totally fed up with the ruthless attitude of the management, she committed suicide. This incident made us terribly upset and found very difficult to continue further. But then our family situation demanded us to be inside.

With great difficulties and lots of hardships, we managed to complete the contract period. Our mother came to the mill to get the contract amount and after giving the amount to my mother, the MD's wife requested our mother to send us back to one more term for work to this mill. But she retorted her immediately, "my daughters will not come back here for work but they are going to some other mills". But the MD's wife shot back, "your daughters got training here and after getting training in our mill, they are to join some other mills. You exploit our mill, definitely you will not be good; on your way you will meet with an accident, get lost", she went on cursing my mother. In spite of our hard work during the entire period, we received only curse and ill-feeling which made us very sad. But we repaid the family debt loans bought by my father for house maintenance.

STUDY ON THE STATUS OF ADOLESCENT GIRLS / YOUNG WOMEN WORKING UNDER SUMANGALI SCHEME

INTERVIEW SCHEDULE (Translated from Tamil)

Code
No

Name of the Field Investigator	:	<input style="width: 90%;" type="text"/>	District	:	<input style="width: 90%;" type="text"/>	<input style="width: 90%;" type="text"/>
Date of Field Visit and Data Collection	:	<input style="width: 90%;" type="text"/>	Panchayat Union	:	<input style="width: 90%;" type="text"/>	<input style="width: 90%;" type="text"/>
Name of the Informant / Respondent	:	<input style="width: 90%;" type="text"/>	Grama Panchayat	:	<input style="width: 90%;" type="text"/>	<input style="width: 90%;" type="text"/>

(Girl / Woman / Father / Mother / Sister / Brother)

1.	Name of the girl / woman worked under the Scheme	:	<input style="width: 90%;" type="text"/>			
2.	Her Age at present	:		3.	Educational Qualification	<input style="width: 90%;" type="text"/>
4.	Name of her <input type="checkbox"/> Father / <input type="checkbox"/> Mother / <input type="checkbox"/> Husband	:	<input style="width: 90%;" type="text"/>			
5.	Religion and Caste to which she belongs	:	<input style="width: 90%;" type="text"/>			
6.	Native Village and Full Address	:	<input style="width: 90%;" type="text"/>			
7.	Primary Occupation of Her Parents	:	<input style="width: 90%;" type="text"/>			
8.	Secondary Occupation / Source of Income, if any	:	<input style="width: 90%;" type="text"/>			
9.	Total No. of Family Members	:	<input style="width: 30px;" type="text"/>	Males	<input style="width: 30px;" type="text"/>	Females
10.	Other earning members in the family, apart from parents		<input type="checkbox"/> Yes <input type="checkbox"/> No			
	If yes, please provide details		<input style="width: 90%;" type="text"/>			
11.	Whether the parents own lands, if yes, how many acres		<input type="checkbox"/> Yes <input type="checkbox"/> No			
12.	Average Annual Income of the Family	:	<input type="checkbox"/>	Below Rs.10,000/-		
			<input type="checkbox"/>	Between Rs.10,000/- to 20,000/-		
			<input type="checkbox"/>	Between Rs.20,000/- to 30,000/-		
			<input type="checkbox"/>	Between Rs.30,000/- to 40,000/-		
			<input type="checkbox"/>	Between Rs.40,000/- to 50,000/-		
			<input type="checkbox"/>	Above Rs.50,000/-		
13.	Date, month, year of joining Sumangali Scheme	:	<input style="width: 90%;" type="text"/>			
14.	Name and Full Address of the Company	:	<input style="width: 90%;" type="text"/>			

Status of the Girls working in the Mills under the Scheme

01. What is the reason for joining the Scheme

- 1) Poverty 2) Discontinuation of Schooling (dropout)
 3) To purchase jewels for marriage 4) To repay the family debt / loan
 5) In lieu of your sister 6) As many from your village girls joined the mill
 7) Other reasons, Specify

02. Who brought you to the mill? Through whom you got to know about the scheme

- 1) Agent 2) Mill Management 3) Relatives
 4) Workers from your village 5) Parents 6) Others

03. What was the Contract period agreed with the Mill?

- 1) Two years 2) Two and a half years 3) Three years
 4) Three years 5) 3 ½ years 6) Four years

04. What was the total Contract amount promised to you for the Scheme Rs. _____

05.	Did you have any prior knowledge about the Scheme	<input type="checkbox"/> Yes <input type="checkbox"/> No
a)	If yes, please provide details	
06.	Was there any agreement made between you and the Mill Management	<input type="checkbox"/> Yes <input type="checkbox"/> No
a)	If yes, please attach a copy of the agreement	
b)	If the copy of agreement was not given to you, after the contract made, please mention that	
07.	Were you given sufficient training before joining the Scheme	<input type="checkbox"/> Yes <input type="checkbox"/> No
a)	If yes, how long the training was given to you	
08.	Any amount was paid to you as monthly stipend during the training period?	<input type="checkbox"/> Yes <input type="checkbox"/> No
a)	If yes, please provide details	Rs.
09.	Whether you were given work on shift basis?	<input type="checkbox"/> Yes <input type="checkbox"/> No
a)	If yes, please provide details about the duration of the shift	
10.	Were you given any advance amount by the Mill or broker to join the scheme	<input type="checkbox"/> Yes <input type="checkbox"/> No
a)	If yes, please provide details	
11.	How long you worked in the Mill under the Scheme	<input type="checkbox"/> Yes <input type="checkbox"/> No
a)	Date of joining: _____, Date of Completion: _____	
12.	Whether you were terminated before the end of the contract period?	<input type="checkbox"/> Yes <input type="checkbox"/> No
a)	If yes, please provide details	

13.	Were you given, full contract amount, as agreed in the Contract by the Mill	<input type="checkbox"/> Yes <input type="checkbox"/> No
a)	If yes, please provide details	
14.	If the full amount was not settled, have you made any complaint about this?	<input type="checkbox"/> Yes <input type="checkbox"/> No
a)	If yes, to whom and when did you make the complaint? (Please give the details)	
15.	Whether you were forced to work more days / months by the Management in order to get your contract amount?	<input type="checkbox"/> Yes <input type="checkbox"/> No
a)	If yes, please provide more details	
16.	Whether any amount was deducted in your monthly salary for PF?	<input type="checkbox"/> Yes <input type="checkbox"/> No
a)	If yes, please provide details about that	
17.	Whether the Management made any arrangements to get PF amount for you after the contract period?	<input type="checkbox"/> Yes <input type="checkbox"/> No
a)	If yes, how much money?	
18.	Whether you were given weekly holidays?	<input type="checkbox"/> Yes <input type="checkbox"/> No
a)	If yes, how many days, provide details	
19.	Whether you were freely allowed to get out during the weekly holidays?	<input type="checkbox"/> Yes <input type="checkbox"/> No
a)	If no, what types of restrictions imposed on you	
20.	Normally what would you do during the weekly holidays?	<input type="checkbox"/> Yes <input type="checkbox"/> No
21.	What was the duration of one shift?	
22.	After your shift, whether you had to work overtime?	<input type="checkbox"/> Yes <input type="checkbox"/> No
a)	If yes, please provide details	
23.	Whether you were provided extra wages for overtime?	<input type="checkbox"/> Yes <input type="checkbox"/> No
a)	If yes, how much?	
24.	How much time was given to you for lunch break?	
25.	What was the monthly salary given to you?	
26.	What was the deduction out of it for meals?	
27.	How much you received every month after deduction?	
28.	Whether the amount was given to you directly or sent to your parents?	
29.	Whether you had proper accommodation facilities (Satisfactory and manageable)	<input type="checkbox"/> Yes <input type="checkbox"/> No
a)	Please provide details	
30.	Whether there were sufficient toilet and bath room facilities in the hostel	<input type="checkbox"/> Yes <input type="checkbox"/> No
a)	If not, please provide details	
31.	Whether you were looked after well by hostel warden during your stay in the hostel	<input type="checkbox"/> Yes <input type="checkbox"/> No
a)	Please provide more details	

32.	How was the food served to you in the hostel - of good quality and sufficient	
a)	Please provide more details	
33.	Any other inconvenience or difficulties you faced during you stay in the hostel?	<input type="checkbox"/> Yes <input type="checkbox"/> No
a)	Please give more details	
34.	Whether you were provided proper safety tools in the Mill, while working	<input type="checkbox"/> Yes <input type="checkbox"/> No
a)	If yes, please provide more details	
35.	Whether any ill-treatment by your supervisors during working hours (Scolding, threatening, beating or verbal abuse or sexual harassment)	<input type="checkbox"/> Yes <input type="checkbox"/> No
a)	If yes, please provide more details	
36.	Whether you had proper and regular medical check-up while you were working?	<input type="checkbox"/> Yes <input type="checkbox"/> No
a)	If yes, how frequently	
37.	Was there a recognized medical practitioner appointed in the mill	<input type="checkbox"/> Yes <input type="checkbox"/> No
a)	If yes, provide details about his / her availability in the mill	
38.	Whether there was any health complication or disorder during your work period in the mill	<input type="checkbox"/> Yes <input type="checkbox"/> No
a)	If yes, were you treated properly in the Mill	
39.	Was there any accident in the mill during your work period?	<input type="checkbox"/> Yes <input type="checkbox"/> No
a)	If yes, please provide more details	
40.	Was there immediate and proper medical treatment and due compensation provided to the victim	<input type="checkbox"/> Yes <input type="checkbox"/> No
a)	If yes, please provide more details	
41.	Was there any ill-treatment or punishment given to you, if you happened to go late for your shifts or take rest during working hours	<input type="checkbox"/> Yes <input type="checkbox"/> No
a)	If yes, provide details	
42.	Was there any sexual harassment or torture by Supervisors / Managers in the working hours or in the hotel	<input type="checkbox"/> Yes <input type="checkbox"/> No
a)	If yes, please provide details	
43.	How frequently you were able to contact your parents / relatives through letters or by phone	
44.	Were you allowed to talk freely to your parents	<input type="checkbox"/> Yes <input type="checkbox"/> No
a)	Please provide more details	
45.	Whether your parents were freely allowed to meet you in the hostel on holidays	<input type="checkbox"/> Yes <input type="checkbox"/> No
a)	Please provide more details	

46.	Whether you were allowed to go home for family functions (marriage or funeral)	<input type="checkbox"/> Yes <input type="checkbox"/> No
a)	If no, please provide more details	
47.	Whether you were allowed to go home for your village festivals / Pongal / Deepavali celebrations	<input type="checkbox"/> Yes <input type="checkbox"/> No
a)	If yes, how many days?	
48.	When you go back to the Mill after your leave, was there any problem in your mill? (any ill-treatment)	<input type="checkbox"/> Yes <input type="checkbox"/> No
a)	If yes, please provide more details	
49.	Was there any bodily change / in your health after having worked in the mill	<input type="checkbox"/> Yes <input type="checkbox"/> No
a)	If yes, please provide details	
50.	Are you aware of the Ramamirtham Ammaiyar Marriage Assistance Scheme announced by Tamil Nadu Govt. to support poor young women (Rs.25,000/-)	<input type="checkbox"/> Yes <input type="checkbox"/> No
51.	Are you aware of the labour benefits such as minimum wage, weekly holidays, PF and other statutory benefits under the existing labour legislations	<input type="checkbox"/> Yes <input type="checkbox"/> No
52.	Any other information, please provide	
53.	Observations of the field investigator	

Signature of the Field Investigator: _____

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VAAN MUHIL, TIRUNELVELI

**CHENNAI HIGH COURT JUDGEMENT BY
CHIEF JUSTICE MR. H. L. GOKHALE AND JUSTICE D. MURUGESAN
DELIVERED ON 11.12.2009**

The Southern India Mills ... vs The State Of Tamil Nadu on 11 December, 2009

Dated: 11.12.2009

Coram:

The Hon ble Mr.H.L.GOKHALE, CHIEF JUSTICE

and

The Hon ble Mr.Justice D.MURUGESAN

W.A.Nos. 957, 992 & 993 of 2009

and

M.P.Nos. 1+1+1 of 2009

W.A.No.957 of 2009

The Southern India Mills Association,

41, Race Course,

Coimbatore 641 018

Rep. by its Chairman Appellant

vs.

1. The State of Tamil Nadu,

Rep. by its Principal Secretary to Government,

Labour & Employment J1 Department,

Fort.St.George, Chennai 600 009.

2. The Union of India,

Rep. by its Secretary to Government,

Ministry of Labour,

New Delhi.

3. Tamil Nadu Joint Action Council of Textile
Trade Unions, No.381, Anuparpalayagam,
Coimbatore 641 009.

4. Coimbatore District Mill Workers Union,
(CITU), No.127, Anuparpalaygam,
Coimbatore 641 009.

5. Coimbatore (East) District Panchalai
Thozhilalar Sangam,
Thiyagi Palanisamy Nilayam,
No.447, Avinashi Road,
Tiruour 641 602.

6. Labour Progressive Federation,
Rep. by its General Secretary,
Mr.M.Shanmugam,
No.25, Thyagarayar Street,
North Usman Road,
T.Nagar, Chennai- 17. Respondents
W.A.No.992 of 2009
The Southern India Small Spinners Association,
8/732, Avinashi Road,
Coimbatore 641 018.
Rep. by its President. Appellant
vs.

1. The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Labour & Employment J1 Department,
Fort.St.George, Chennai -600 009.

2. The Union of India,
Rep. by its Secretary to Government,
Ministry of Labour,
New Delhi.

3. Tamil Nadu Joint Action Council of Textile
Trade Unions, No.381, Anuparpalayagam,
Coimbatore 641 009.

4. Coimbatore District Mill Workers Union,
(CITU), No.127, Anuparpalaygam,
Coimbatore 641 009.

5. Coimbatore (East) District Panchalai
Thozhilalar Sangam,
Thiyagi Palanisamy Nilayam,
No.447, Avinashi Road,
Tiruour- 641 602. Respondents

W.A.No. 993 of 2009

Tamil Nadu Spinning Mills Association,
No.24, 11th Cross Street,
Thiruvalluvar Nagar,
Spencer Compound, Dindigul,

Rep. by its Chief Advisor,

K.Venkatachalam Appellant

vs.

1. The State of Tamil Nadu,

Rep. by its Principal Secretary to Government,
Labour & Employment Department,
Fort.St.George, Chennai 600 009.

2. Coimbatore District Mill Workers Union,
(CITU), No.127, Anuparpalaygam,
Coimbatore 641 009.

3. Coimbatore (East) District Panchalai
Thozhilalar Sangam,
Thiyagi Palanisamy Nilayam,
No.447, Avinashi Road,

Tiruour 641 602.

4. Tamil Nadu Joint Action Council of Textile

Trade Unions,

Rep. by its Secretary,

No.27, Mosque Street,

Chepauk,

Chennai 600 005.

5. The District Anna Panchalai Thozhilalar Sangam

(Regd.No.14/Anna),

Rep. by its District Secretary,

ThiruV.Jayaraman

Having Office at 4D, Scheme Road,

Dindigul 1.

6. The Kovai District Panchalai Anna Thozhilalar

Sangam (Regd.No.292/76),

Represented by its President,

Thiru V.K.Dhanagopalan.

7. The Coimbatore District Textile Workers

Union (HMS)

Represented by its General Secretary,

No.2212, Trichy Road,

Singanallur, Coimbatore 641 005.

8. Coimbatore District Mill Workers Union

(AITUC), represented by its Secretary,

No.99, RK Street, Kattor,

Coimbatore 641 009.

9. Indian National Trade Union Congress,

(Tamil Nadu Branch)

Represented by its Vice President,

No.45, Royapettah High Road,

Chennai 600 014.

10. Kovai Mavatta Panchallai,
Anna Thozhilalar Sangam,
Rep. by its President,
No.102, Grey Town,
Colimbatore 641 018.

11. Coimbatore Periyar Districts
Dravida Panchalai Thozhilalar Munnetra Sangam,
Rep. by its General Secretary,
No.59, Tatabad Street-3,
Coimbatore 641 012.

12. District Panchalai Marumalarchi
Thozhilalar Munnani,
Rep. by its General Secretary,
(Regn.No.112/Anna) No.49G,
East Arocikamatha Street,
Nagal Nagar Post,
Dindigul 624 003. Respondents

Appeals filed under Clause 15 of the Letters Patent against the common orders passed in
W.P.Nos.28782/2008, 28805/2008 & 28741/2008 dated 30th April, 2009 on the file of this
Court.

For Appellant in

W.A.No.957/2009 ::: Mr.A.L.Somayaji,
Senior Counsel

For M/s.T.S.Gopalan & Co.

For Appellant in

W.A.No.992/2009 ::: Mr.Sanjay Mohan for
M/s.Ramasubramanian Associates

For Appellant in

W.A.No.993/2009 ::: Mr.Vijay Narayan
Senior Counsel

for M/s.R.S.Pandiaraj

For Respondent 1

in all the appeals ::: Mr.P.S.Raman,

Advocate General

Assisted by

Mr.J.Raja Kalifulla, Govt.Pleader

For Respondents

3 & 4 in

W.A.No.957/2009

& W.A.No.992/2009

& Respondents ::: Ms.D.Nagasaila

2 & 3 in

W.A.No.993/2009

For Respondent 4

in W.A.No.993/2009::: Mr.N.G.R.Prasad

for M/s.Row & Reddy

For Respondents

5&6

in W.A.No.933/2009::: Mr.Anand Kumar

J U D G M E N T

THE HONBLE CHIEF JUSTICE

These three appeals arise out of a common judgment and order dated 30th April, 2009 whereby a learned single Judge of this Court dismissed the writ petitions filed by the appellants herein challenging the notification dated 7th November, 2008 issued by the Labour and Employment Department of the first respondent/State of Tamil Nadu fixing the minimum wages for the apprentices engaged in the employment in Textile Mills including Composite Mills, Spinning Mills, Weaving Mills, Open Ended Mills and the various processes in the above mills at the rate of Rs.110/- per day, apart from the Dearness Allowance, as laid down in the said notification. The notification is stated to have come into force with effect from the date of publication thereof in the Tamil Nadu Government Gazette Extraordinary dated 7th November, 2008.

2. The appellant in W.A.No.957 of 2009 i.e., The Southern India Mills Association had filed two writ petitions before the learned single Judge. One was W.P.No.28782 of 2008, which challenged the aforesaid notification. The other was W.P.No.28783 of 2008 challenging the vires of this notification. The challenge to the vires was repelled by the learned single Judge and that challenge is not re-canvassed before us by filing any appeal.

3. The appellant in W.A.No.992 of 2009 i.e., The Southern India Small Spinners Association, Coimbatore, and the appellant in W.A.No.993 of 2009 i.e., The Tamil Nadu Spinning Mills Association, Dindigul had filed W.P.Nos.28805 of 2008 and 28741 of 2008 respectively for the very same purpose i.e., challenging the aforesaid notification. As stated above, all these petitions are rejected by the impugned common judgment.

4. There was no stay of this notification during the pendency of the writ petitions nor has there been any stay during the pendency of these appeals. With the consent of the parties, the appeals have been heard finally at the admission stage itself.

5. Some of the facts leading to these appeals are as follows:-

(i) A scheme appears to have been developed during last few years by some of the textile mills in the State of Tamil Nadu, under which un-married young girls are engaged as apprentices for a period of about three years, and at the end of that tenure they are paid a certain lumpsum amount to meet their marriage expenses. This scheme is conducted under various names, one of which being Sumangali Marriage Scheme. The submission of the workers unions appears to be that this is an exploitative scheme and that there have been cases of sexual harassment as well. As against that, it has been the refrain of the mill-owners that this is a good scheme for the benefit of the unmarried young girls. (ii) The fact, however, appears that in view of the representations of the Federation of the State Textile Workers, the State Government issued a preliminary notification on 8th August, 2006 for inclusion in Part-I of the Schedule to the Minimum Wages Act, 1948 (for short the Act), the employment in Textile Mills including Composite Mills, Spinning Mills, Weaving Mills, Open Ended Mills and the various processes in the above said Mills like Blow Room, Carding, Drawing, Fly Frames, Spinning, Winding, Doubling, Reeling, Packing, Warping-sizing and other processes in the Textile Mills whether carried out singly or together. (iii) Objections were invited to this notification. They were considered and subsequently, the preliminary notification was confirmed without any modification by the Labour and Employment (J2) Department in its G.O.Ms.No.1 dated 3rd January, 2007. Accordingly, the notification was published in the Tamil Nadu Government Gazette including employment in Textile Mills at Sl.No.88 in Part-I of the Schedule to the Act by way of an amendment thereto. This was in exercise of the powers conferred under Section 27 of the Act. It is material to note that the Tamil Nadu Spinning Mills Association challenged this addition of employment in Textile Mills by filing W.P.No.9182 of 2007, which was dismissed by a Division Bench by an order dated 31st October, 2007. (iv) In the meanwhile, the Chief Inspector of Factories had sent a report on 14th February, 2007 to the Government of Tamil Nadu wherein he described the aforesaid system as Camp Coolie System. He stated that some Mills were engaging almost 60% to 80% of their work force through employment of such young women. The Report led the State Government to appoint a Committee on 30th March, 2007 to look into this problem in three Districts of Erode, Coimbatore and Dindigul. On a complaint being made to the National Human Rights Commission, the Commission also sent a notice to the State Government on 10th April, 2007 which led the State Government to constitute a Committee for 17 Districts on 22nd June, 2007 including the earlier mentioned three Districts. (v) Public Interest Petitions were filed by the Trade Unions challenging the constitution of these two Committees by the State Government bearing W.P.Nos. 21868 and 27362 of 2007, which led the High Court to widen the Committee and to constitute a District Monitoring Committees comprising of District Collector, Deputy Chief Inspector of Factories and Deputy Labour Commissioner, one representative of the District Legal Authority and one women NGO. The Committee was to carry surprise inspection of the Textile Mills and to give a report. (vi) This led the State Government to issue a draft notification dated 16th May, 2008 proposing to fix Minimum Rates of Wages to the Apprentices in Textile Mills at Rs.110/- per day apart from the Dearness Allowance. The appellants herein and some other organizations and representatives of the Textile Mills as well as some Trade unions submitted their objections and suggestions. The Government after carefully considering the objections and the suggestions rejected the same by its G.O. (2D) No.61, Labour and Employment (J1)

Department dated 7th November, 2008 confirming the draft notification dated 16th May, 2008. (vii) Paragraphs 3 to 5 of this final notification spells out the process by which the Government arrived at the decision.

3. The Government have carefully examined the objections/suggestions received from the Southern India Mills Association, the South India Small Spinners Association, Tamil Nadu Spinning Mills Association, the Employers' Federation of Southern India, 302 individual mills and few Trade Unions and also the report of the Commissioner of Labour in this regard. The Government have examined, considered and decided to reject the objections/suggestions made by individual mills, Employers' Associations and Trade Unions. Accordingly, the Government confirm the above preliminary notification.

4. The Government by fixing minimum rates of wages to apprentices in textile mills have acted upon the direction of the Division Bench of the Hon'ble Madras High Court in the interim order dated 3.10.2007 in a writ petition filed by certain Trade Unions in W.P.No.27362 of 2007, to the authorities to take steps to ensure that these apprentices receive wages as per the law.

5. The Government have taken into consideration of various factors like the existing low wages paid to apprentices, the rapid changes in the consumer price index adversely affecting the living conditions of workers, representations made by various trade unions to the Government regarding the plight of apprentices, notice issued by the National Human Rights Commission in this issue and the direction by the Division Bench of the Hon'ble Madras High Court to the authorities to take steps to ensure that these apprentices receive wages as per the law."

(viii) The final notification reads as follows: -

"In exercise of the powers conferred by clause (a) of sub-section (1) of section 3 and clause (b) of sub-section (1) of section 5 of the Minimum Wages Act, 1948 (Central Act XI of 1948), 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 and the various processes in the above said mills like Blow Room, Carding, drawing, fly frames, spinning, winding, doubling, reeling, packing, warping-sizing and other processes in the Textile Mills, whether carried out singly or together, in the State of Tamil Nadu, as Rs.110/- (Rupees one hundred and ten only) per day, the draft of the same having been previously published as required by clause (b) of sub-section (1) of section 5 of the said Act and objections and suggestions received having been considered under sub-section (2) of section 5 of the said Act.

EXPLANATIONS:-

(1) In addition to the minimum rate of wages fixed above, the apprentices shall be paid dearness allowance as specified below:-

(i) The 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 only) shall be paid as dearness allowance per day. (ii) The dearness allowance shall be calculated every year on the 1st April on the basis of the average of the indices for the preceding 12 (Twelve) months, that is, from

January to December. (iii) The first calculation shall thus be effective from the date of publication of this Notification in the Tamil Nadu Government Gazette based on the Average Consumer Price Index number for the previous year. (2) Where the nature of work is the same, no distinction in the payment of wages shall be made as between men and women apprentices. (3) To arrive at monthly wages, the daily wages shall be multiplied by 30.

(4) Wherever the existing wages are higher than the minimum wages fixed herein, the same shall be continued to be paid.

2. This Notification shall come into force with effect on and from the date of publication in the Tamil Nadu Government Gazette Extraordinary, dated the 7th November 2008." (ix) The notification was challenged by filing the aforesaid writ petitions before the learned single Judge, and various grounds were raised before him. The learned single Judge dealt with the grounds of objections, considered the response of the State Government and the Trade Unions and came to the conclusion that the notification was perfectly valid and dismissed the writ petitions.

6. We have heard Mr.A.L.Somayaji, Mr.Sanjay Mohan and Mr.Vijay Narayan, learned senior counsel, in support of these appeals. Mr.P.S.Raman, learned Advocate General along with Mr.J.Raja Kalifulla, learned Government Pleader, has defended the notification on behalf of the State of Tamil Nadu. Mr.N.G.R.Prasad and Ms.D.Nagasaila, learned counsel, have appeared for the contesting Trade Unions and opposed these appeals.

7. Although, a number of grounds have been canvassed in support of the challenge to the notification, principally they can be looked into under the following heads, namely, a)The State has no power to fix the minimum wages for the apprentices.

b)Assuming that the State has any such power, the procedure prescribed by law for fixing the minimum wages was not followed.

c)In any case, in view of the pendency of a reference of an industrial dispute concerning this issue, the State was barred from issuing such notification. d)In the facts of the present case, no such notification was required and that it is a colourable exercise of power.

8. Before we deal with the submissions advanced by all the learned senior counsel, it will be desirable to refer to some of the provisions of the Act with reference to which these submissions have been advanced. They are concerning the definition of Employee in Section 2(i), the power of the State Government for fixing of Minimum Rates of Wages given in Section 3, and the procedure for fixing and revising the Minimum Wages as laid down in Section 5. As far as Section 3 is concerned, Section 3(1)(a), (2A) and Sub-section (3) are relevant for our purpose. Hence, for ready reference only Section 2(i), Section 3(1)(a), (2A) and Sub-section (3) and Section 5 of the Act are re-produced herein below: - Section 2: Interpretation:

2(i) "employee" means any person who is employed for hire or reward to do any work skilled or unskilled manual or clerical in a scheduled employment in respect of which minimum rates of wages have been fixed; and includes an out-worker to whom any articles or materials are given out by another person to be made up cleaned washed altered ornamented finished repaired adapted or otherwise processed for sale for the purposes of the trade or business of that other person where the process is to be carried out either in the home of the out-worker

or in some other premises not being premises under the control and management of that other person; and also includes an employee declared to be an employee by the appropriate government; but does not include any member of the Armed Forces of the Union.

3. Fixing of minimum rates of wages -

(1) The appropriate government shall in the manner hereinafter provided -

(a) fix the minimum rates of wages payable to employees employed in an employment specified in Part I or Part II of the Schedule and in an employment added to either Party by notification under section 27 :

Provided that the appropriate government may in respect of employees employed in an employment specified in Part II of the Schedule instead of fixing minimum rates of wages under this clause for the whole State fix such rates for a part of the State or for any specified class or classes of such employment in the whole State or part thereof;

(2A) Where in respect of an industrial dispute relating to the rates of wages payable to any of the employees employed in a scheduled employment any proceeding is pending before a Tribunal or National Tribunal under the Industrial Disputes Act 1947 (14 of 1947) or before any like authority under any other law for the time being in force or an award made by any Tribunal National Tribunal or such authority is in operation and a notification fixing or revising the minimum rates of wages in respect of the scheduled employment is issued during the pendency of such proceeding or the operation of the award then notwithstanding anything contained in this Act the minimum rates of wages so fixed or so revised shall not apply to those employees during the period in which the proceeding is pending and the award made therein is in operation or as the case may be where the notification is issued during the period of operation of an award during that period; and where such proceeding or award relates to the rates of wages payable to all the employees in the scheduled employment no minimum rates of wages shall be fixed or revised in respect of that employment during the said period.

(3) In fixing or revising minimum rates of wages under this section -

(a) different minimum rates of wages may be fixed for -

(i) different scheduled employments;

(ii) different classes of work in the same scheduled employment;

(iii) adults adolescents children and apprentices;

(iv) different localities;

(b) minimum rates of wages may be fixed by any one or more of the following wage periods; namely :

(i) by the hour

(ii) by the day

(iii) by the month or

(iv) by such other larger wage-period as may be prescribed;

and where such rates are fixed by the day or by the month the manner of calculating wages for a month or for a day as the case may be may be indicated :

Provided that where any wage-periods have been fixed under section 4 of the Payment of Wages Act 1936 (4 of 1936) minimum wages shall be fixed in accordance therewith.

5. Procedure for fixing and revising minimum wages

(1) In fixing minimum rates of wages in respect of any scheduled employment for the first time under this Act or in revising minimum rates of wages so fixed the appropriate government shall either -

(a) appoint as many committees and sub-committees as it considers necessary to hold enquiries and advise it in respect of such fixation or revision as the case may be or

(b) by notification in the Official Gazette publish its proposals for the information of persons likely to be affected thereby and specify a date not less than two months from the date of the notification on which the proposals will be taken into consideration.

(2) After considering the advice of the committee or committee appointed under clause (a) of sub-section (1) or as the case may be all representations received by it before the date specified in the notification under clause (b) of that sub-section the appropriate government shall by notification in the Official Gazette fix or as the case may be revise the minimum rates of wages in respect of each scheduled employment and unless such notification otherwise provides it shall come into force on the expiry of three months from the date of its issue :

Provided that where the appropriate government proposes to revise the minimum rates of wages by the mode specified in clause (b) of sub-section (1) the appropriate government shall consult the Advisory Board also.

9. State has no power to fix Minimum Wages for the Apprentices

As far as this ground of attack is concerned, the submission was the apprentices are not specifically included in the definition of employee . It is contended that where the legislature intended to include apprentice into the concept of an employee or workman, it has specifically done it so. Thus, the definition of workman under the Industrial Disputes Act, 1947 specifically includes an apprentice , as against which, the definition of an employee under this Act does not specifically include apprentice . Reliance was placed in this behalf on the judgment of the Apex Court in E.S.I Corporation v. Tata Engg. & Loco. Co. reported in 1976 (1) L.L.J 81 wherein in para-7 of the report, the Apex Court has referred to the above proposition namely, where the legislature intended to include the apprentice in the definition of a workman, it has expressly done so in the Industrial Disputes Act, 1947. The other observations of the Court in that judgment were also pressed into service. In para-4, the Apex Court has observed as follows: - 4. The word apprentice is not defined in the Act (i.e., E.S.I Act) nor is it specifically referred to in the definition of employee by either inclusion or exclusion. We are unable to hold that in ordinary acceptance of the term apprentice a relationship of master and servant is established under the law . In para-5 of the said judgment, the Apex Court has observed as follows: -

5. The heart of the matter in apprenticeship is, therefore, the dominant object and intent to impart on the part of the employer and to accept on the part of the other person learning under certain agreed terms. That certain payment is made during the apprenticeship, by whatever name called, and that the apprentice has to be under certain rules of discipline do not convert the apprentice to a regular employee under the employer

10. Now what is material to note is that in that matter, the Apex Court was concerned with the question, is an apprentice an employee under the Employees State Insurance? That is now the judgment begins and the definition of employee under Section 2(9) of the Employees State Insurance Act is quoted and then it was observed as follows: - 9. We may, therefore, turn to the definition of employee under S.2(9) of the Act. So far as it is material, S.2(9) reads as follows: - employee means any person employed for wages in or in connection with the work of a factory or establishment to which this Act applies and

(i)who is directly employed by the principal employer on any work of, or incidental or preliminary to or connected with the work of the factory or establishment, whether such work is done by the employee in the factory or establishment or elsewhere; or . It is clear that in order to be an employee a person must be employed for wages in the work of a factory or establishment or in connection with the work of a factory or establishment

11. Thus, we have to read the observations of the Apex Court in the context of the question that was there before the Court. As far as the definition of employee with which we are concerned goes, it specifically includes even a out-worker to whom any articles or materials are given out by another person to be made up, cleaned, washed, altered, ornamented, finished, repaired, adapted or otherwise processed for sale for the purposes of the trade or business of that other person where the process is to be carried out either in the home of the out-worker or in some other premises not being premises under the control and management of that other person. Thus, the definition under the Minimum Wages Act covers not merely the contract of employment, but a contract for employment and includes even such out-worker. Besides, at the end of it, the Section states that it does not include any member of the Armed Forces or Union. On the other hand, the Section reserves the power with the Government to include an employee declared to be an employee by the appropriate government in this behalf.

12. The other judgment which is pressed into service, with much emphasis, is the one in the case of [U.P.State Electricity Board v. Shiv Mohan Singh and](#) another reported in 2004 (8) SCC 402. In this case, the Apex Court examined the nature and status of Apprentice appointed under the Apprentices Act, 1961 as distinguished from a workman under the U.P.Industrial Disputes Act, 1947, the provisions of which are pari materia with the Industrial Disputes Act, 1947. Section 18 of the Apprentice Act, 1961 was pressed into service, which reads as follows: - 18. Apprentices are trainees and not workers

Save as otherwise provided in this Act, --

(a)every apprentice undergoing apprenticeship training in a designated trade in an establishment shall be a trainee and not a worker; and (b)the provisions of any law with respect to labour shall not apply to or in relation to such apprentice.

After considering the relevant provisions, the Apex Court held in para-51 that by virtue of Section 18 the apprentice trainees are not workers. It clearly lays down that if an apprentice

trainee is undergoing apprenticeship training in a designated trade in an establishment, he shall be a trainee and not a worker. It further contemplates that the provisions of labour laws shall not apply in relation to such apprentice.

13. Now, what is material to note is that, as stated above, the above judgment was rendered in the context of the Apprenticeship Act, 1961. The respondent therein namely, Shiv Mohan Singh was appointed as an Apprentice Boiler Attendant under the Apprenticeship Act, 1961 by the appellant U.P.State Electricity Board for a period of three years, at the end of which he was awarded a certificate of proficiency as a Boiler Attendant, and his services were terminated. He contended that he had been retrenched and sought benefit of Section 25-F of the Industrial Disputes Act, 1947 or Section 6-N of the U.P.Industrial Disputes Act, 1947, which benefit obviously could not be given.

14. (i) The matter before us is concerned with the power of the State Government to fix the Minimum Rates of Wages. The Preamble of the Act states that it is an Act to provide for fixing Minimum Rates of Wages in certain employments. Now that is no longer an issue since an amendment has been brought into force in the Schedule to the Act by the State of Tamil Nadu to include the employment in Textile Mills therein, and the challenge to this inclusion was also repelled by this Court. Once, the employment in Textiles is a scheduled employment, it comes amongst those employments for which minimum rates of wages can be fixed. Section 3 of the Act gives the power to the State to fix the minimum rates of wages and sub-section 3 thereof specifically lays down that in fixing or revising minimum rates of wages under the Section, different minimum wages may be fixed, and amongst categories of persons for whom these wages can be fixed, adults, adolescents, children and apprentices are specifically covered under sub-section (iii) of Section 3(3)(a) of the Act. Thus, apprentices are specifically mentioned in Section 3(3)(a)(iii) of the Act with respect of whom, the State Government has been given the power to fix the minimum wages. The Minimum Wages Act is a specific Central Act governing the subject of framing of minimum wages for certain employments. Section 18(b) of the Apprentices Act, 1961 which provides that the provisions of any law with respect to labour shall not apply to or in relation to the apprentices cannot be read to take away the specific provision and the power of the State Government to provide minimum wages for the apprentices when they are specifically covered under Section 3(3)(a)(iii) of another Central Act. The judgment in U.P.State Electricity Board (supra) has been rendered in the context of a dispute arising out of the claim of apprentices that they were retrenched. The issue does not discuss nor does it deal or refer to the application of minimum wages to the apprentices. The observations of the Apex Court in para-51 of the judgment, which is referred to above, will have to be read in this context. (ii) The power to fix the minimum wages given to the State by a specific Act in 1948 cannot be said to be whittled down by the phrase provisions of any law with respect to labour occurring in Section 18(b) of the Apprentices Act which is passed in 1961. Such an intention cannot be attributed to Parliament in making the provisions in Apprentices Act, 1961. The Minimum Wages Act is applicable since 15th March, 1948 and it specifically gives the power to the State under Section 3(1) read with Section 3(3)(a)(iii) of the Act to fix minimum wages for apprentices. The minimum wage is supposed to be just sufficient to meet the bare necessities of a family. The responsibility to fix the minimum wages flows from the directive principles contained in Article 43 of the Constitution of India as held by a Constitution Bench in [Bijay Cotton Mills v. State of Ajmer](#) reported in AIR 1955 SC 33 wherein the Court specifically held that an employer cannot be heard to say that he will engage the labourers for wages less than minimum. In para-4, the Court observed as follows: - It can scarcely be disputed that securing of living wages to labourers which ensure not only bare physical

existence but also the maintenance of health and decency, is conducive to the general interest of the public. This is one of the Directive Principles of State Policy embodied in Article 43 of our Constitution. It is well known that in 1928 there was a Minimum Wages Fixing Machinery Convention held in Geneva and the resolutions passed in that convention were embodied in the International Labour Code. The Minimum Wages Act is said to have been passed with a view to give effect to these resolutions. Vide [South India Estate Labour Relations Organisation v. State of Madras, AIR 1955 Mad 45 at p.47; 1954-I Mad LJ 518 \(A\)](#). If the labourers are to be secured in the enjoyment of minimum wages and they are to be protected against exploitation by their employers, it is absolutely necessary that restraints should be imposed upon their freedom of contract and such restrictions cannot in any sense be said to be unreasonable. On the other hand, the employers cannot be heard to complain if they are compelled to pay minimum wages to their labourers even though the labourers, on account of their poverty and helplessness, are willing to work on lesser wages. The parliament will have to be held as aware of this legal position. The provision in Section 18(b) enacted in 1961 to exclude application of labour laws to apprentices cannot be read as taking away the power of the State. Here, we are concerned with the responsibility and the power of the State under Section 3 of the Act. It cannot be held to be curtailed by this position in the Apprentices Act, 1961.

15. The procedure contemplated under the Act has not been followed : -

The next ground of attack raised by the appellants was that the procedure contemplated under the Act for fixing minimum wages has not been followed. As far as this submission is concerned, it is submitted that normally the State Government appoints Committees under sub-section (1)(a) of Section 5 of the Act, while fixing the minimum rates of wages for the first time. Even when the minimum rates of wages are fixed by the other method of inviting objections, when it comes to revision of the minimum rates of wages, the State Government consults the Advisory Board. Section 9 of the Act requires equal representation of the employees and the employers in such Committees as well as in the Advisory Boards and the views of such bodies are given due weightage. According to the appellants in the instant case, it has not been so done while fixing minimum wages and the method adopted is bad.

16. Now as far as this submission is concerned, it is clear from Section 5(1) of the Act that even when minimum rates of wages are being fixed for the first time there are two methods which are available to the State Government. One is, of course, appointment of Committees as laid down in sub-section 1(a). The other method provided under sub-section 1(b) is to issue a notification publishing the proposal for the information of the affected persons two months in advance before the proposal is taken into consideration. Sub-section (2) of Section 5 of the Act empowers the State Government to fix the minimum wages by notification, after considering the representations, which are received subsequent to the publication of the proposal. In the instant case, such objections have been considered by the State and thereafter, the impugned notification has been issued. It is true that when it comes to revising the minimum wages even by the method prescribed under sub-section 1(b), the State Government has to consult the Advisory Board as laid down in the proviso to Section 5(2). However, as far as fixing the minimum wages on the first occasion is concerned, the State Government does have the liberty to proceed by the notification method under sub-section (1)(b) and at that stage, the Advisory Board does not come into picture. In the circumstances, there is nothing wrong in the procedure adopted by the State Government. It has also been laid down by the Apex Court in [Chandra Bhawan Boarding and Lodging v. State of Mysore](#) reported in AIR 1970 SC 2042 that it is the discretion of the Government to choose any of the

two methods which are available under Section 5(1) of the Act. 17.State was barred from fixing minimum wages in view of Section 3(2A) of the Act: -

It is submitted on behalf of the appellants that, in the instant case, a reference of the demands of the workmen for revision of their wages was pending before the Industrial Tribunal. The demands were referred for adjudication on 15th September, 2001 and Demand No.16 thereof was as follows: - Demand No.16. Whether the demand that the workmen should be classified as permanent and learners only; that permanent complement of workmen should be fixed based on the number of machines, that there should be leave reserve of 10% of permanent complement and that the learners should be paid Rs.50/- per day for the first three months and increased by Rs.10/- per day once in 3 months is justified? If not, to what relief they are entitled?

It is contended that in view of the pendency of this demand before the Industrial Tribunal, the State was barred from issuing a minimum wage notification under sub-section 2A of the Act, and therefore, the final notification dated 7th November, 2008 was bad in law as it would amount to overreaching the Tribunal, which is not permissible under the Statute.

18. (i) In this context, as can be seen from this demand, it sought a decision on the question whether the workmen should be classified as permanent and learners. The demand was that the permanent complement of workmen should be fixed based on the number of machines and that there should be leave reserve of 10% of permanent complement and further that the learners should be paid Rs.50/- per day for the first three months and increase by Rs.10/- per day once in three months. It is material to note that these demands were made way back in the year 1999 and thereafter they were referred for adjudication by reference order dated 13th September, 2001. Mr.Prasad and Ms.Nagasaila appearing for the Trade Unions representing the Apprentices pointed out that the draft notification proposing to fix minimum wages at Rs.110/- per day for the apprentices was issued by the State Government on 16th May, 2008. The demand for payment of Rs.50/- per day for the first three months to the learners made way back in the year 1999 had lost its relevance, in view of the long pendency of the reference. Further, in view of the State Government proposing to revise the minimum rate of wages to the apprentice at the rate of Rs.110/- per day on 16th May, 2008, the trade unions were expected to respond to that notification. Once the minimum wages were fixed by the State Government, it would become obligatory for the employers to pay them and it was no longer necessary for the workmen to canvass the demand for Rs.50/- per day raised in 1999 before the Tribunal. The Unions therefore applied to the Tribunal for withdrawal of this demand on 3rd July, 2008. The workmen have supported the fixing of minimum rates of wages in their representations to the State Government in response to the draft notification. The proposed fixation of minimum wages was opposed by the employers associations and only after considering all the representations the final notification was issued on 7th November, 2008. When the State was offering Rs.110/- per day, there was no reason to seek wage of Rs.50/- per day in the year 2008, which was the demand made way back in the year 1999. (ii) The judgment of the Apex Court in the case of [Shivraj Fine Arts Litho Works v. State Industrial Court, Nagpur and others](#) reported in AIR 1978 SC 1113 is relevant in this behalf. A reference for fixation of fair wages for certain industrial concerns was pending before the Tribunal since 1961. The notification fixing the minimum wages in this matter came to be published on 31st December, 1964, and a reference to the Industrial Court for some more concerns including the petitioner came to be made just a few days later on 7th January, 1965. From paragraphs 17 & 18 of the judgment, it is clear that the dispute pending before the Tribunal was for fixing the fair wages, yet the Government was requested by the

employees to fix the minimum wage. On the facts of that case, the Supreme Court did approve the classification made by the Industrial Court as upheld by High Court. However, in para-30 of the judgment, the Apex Court specifically dissented with the view of the High Court that an industrial minimum should be fixed by the Tribunal, even though it was fixed by the Government under the Act.

19. It will have to be seen that in the facts of the instant case, the demand of the workmen for the minimum wage of Rs.50/- per day was pending for a very long time from the year 1999 and in view of the draft notification being issued by the State Government revising the minimum wages at a higher rate of Rs.110/- per day, the workmen placed an application before the Industrial Tribunal stating that they are not pressing the demand of Rs.50/- per day before the Tribunal any longer. This being the position, the State could not be faulted in issuing the notification fixing the minimum wages on 7th November, 2008 nor can the employees be denied the benefit of the minimum wages fixed by invoking the provision under Section 3(2A) of the Act.

20. In the facts of the present case, no such notification was required and that it is a colourable exercise of power.

(i) The last ground of attack of the appellants has been that all throughout the wages in the Textile Mills in Tamil Nadu have been framed by various agreements and awards from time to time. Mr.Vijay Narayan, learned senior counsel appearing for the Tamil Nadu Spinning Mills Association (Appellant in W.A.No.993/2009) informed us that historically wages have been fixed bilaterally and they have been revised from time to time depending upon the number of spindles on which the workmen were required to work. He also informed us that there have been awards of the Tribunals from time to time and therefore, fixing of minimum wages by a notification was not called for. (ii) It was also submitted on behalf of the appellants that there are certain parameters which are required to be taken into consideration while fixing the minimum wages as laid down by the Apex Court in the case of [Workmen of Reptakos Brett and Co. Ltd v. Management](#), 1992 (1) LLJ 340. It was submitted that under this judgment a distinction has been made between the minimum wage, which is for bare subsistence and is at poverty-line level. A little above minimum wage is the fair wage and thereafter the living wage. Reference was also made to the wages fixed in other industries and other employments in the State of Tamil Nadu and other States. It was submitted that Rs.110/- per day would be a fair wage and not a minimum wage. It was also submitted that fixing of wages has taken place because of the pressure of the Trade Unions and a wrong picture being given about the Sumangali Marriage Scheme and that this was a colourable exercise of power of the State. The learned Advocate General has stoutly refuted all these allegations. He has placed the material on record to explain as to how Rs.110/- per day was justified as minimum wage after considering all relevant factors, and we also do not see the fixation of minimum wages at that rate as in any way unreasonable. The learned Advocate General pointed out that the term Camp Coolie has been accepted by the High Court in its order on the two writ petitions referred to earlier. It was, in fact, being pointed out that these female workers are treated as bonded labourers. Almost 60% of the work force in the textile industry in the State is engaged by this method and the State Government had to therefore act. We have to keep in mind that Article 23 of the Constitution prohibits traffic in human beings and beggar and other similar forms of labour and the Apex Court did refer to the mandate of this Article and Minimum Wages Act while dealing with bonded labour in [Bandhua Mukti Morcha v. Union of India](#) reported in 1984 (3) SCC 161. The problem faced by the apprentices, which included mostly the girls bonded in a particular manner, had to be

attended and which is what the State has done by giving them the minimum rates of wages through the impugned notification so that they don't have to enter into any such arrangement under the Scheme. (iii) In this connection, we must note that fixing of the minimum wages is in the nature of a legislative exercise as has been decided by a Division Bench of the Andhra Pradesh High Court in [Tourist Hotel v. State of Andhra Pradesh](#) reported in 1975 (1) LLJ 211 and therefore, no such motive can be attributed to such legislative exercise nor can we call it a colourable exercise in the facts of the case. Besides, as held by the Apex Court in *Bijay Cotton Mills Ltd.* (supra) it is a mandate of Article 43 of the Constitution that the State should endeavour to secure by suitable legislation or economic organization or in any other way, to all workers, agricultural, industrial or otherwise, work, a living wage, conditions of work, ensuring a decent standard of life. Fixing of minimum wages is just a first step in that direction. Besides what should be the minimum wage for an employment is for the State to decide and in the present case the State has justified its notification on facts. As observed in [Ministry of Labour and Rehabilitation v. Tiffin](#) s Barytes Asbestos and Paints Ltd., reported in 1985 (2) LLJ 412, the notification fixing the minimum wages cannot be lightly interfered with in exercise of writ jurisdiction by the High Court, except on most substantial grounds. Action taken pursuant to social welfare legislations to further the directive principles of State policy cannot be struck down on mere technicalities. The employer has to pay the minimum wages fixed by the State after following the due procedure of law. As observed in para-13 of *Reptakos Brett and Co. Ltd* (supra) if he cannot pay minimum wages he has no right to engage labour and no justification to run the industry.

21. The learned single Judge has dealt with the objections raised by the appellants in an elaborate and well considered judgment. For the reasons stated above, we are in entire agreement with him and we have no reason to interfere with the impugned judgment. In our opinion, fixing of minimum wages at Rs.110/- per day for the Apprentice by the impugned notification dated 7th November, 2008 is quite timely and fully justified. All the appeals are therefore dismissed. Consequently, miscellaneous petitions are closed. There will be no order as to costs.

pv/-

Copy to:

1. The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Labour & Employment J1 Department,
Fort.St.George, Chennai 600 009.
2. The Union of India,
Rep. by its Secretary to Government,
Ministry of Labour,
New Delhi

PRIMARY CENSUS ABSTRACTS FOR TIRUNELVELI, THOOTHUKUDI, VIRDHUNAGAR AND SIVAGANGAI DISTRICTS

<http://census2001.tn.nic.in/pca2001.aspx>

Home		Directorate of Census Operations - Tamil Nadu		Help
Primary Census Abstract - Census 2001				
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Taluk	Urban			<input type="radio"/> Anywhere
Town			Get Data	
			Download PDF	
			Dynamic Chart Dynamic Map	
Total - Tirunelveli District				Search

TIRUNELVELI-TOTAL

Parameter	Total	Male	Female	Percentage	Sex Ratio
Population	2723988	1333939	1390049	100	1042
Population (0-6)	320175	163624	156551	13.32	957
Scheduled Castes	481052	233605	247447	20.01	1059
Scheduled Tribes	8358	4080	4278	0.35	1049
Literates	1829064	997278	831786	76.09	834
Illiterates	894924	336661	558263	23.91	1658
Workers	1281117	737911	543206	47.03	736
Main Workers	1120752	665057	455695	41.14	685
Main Cultivators	130816	95464	35352	11.67	370
Main Agricultural labourers	277669	166399	111270	24.78	599
Main Workers in household industries	247921	27126	220795	22.12	8140
Main Other Workers	464346	376068	88278	41.43	655
Marginal Workers	160365	72854	87511	5.89	819
Marginal Cultivators	6700	3595	3105	4.18	864
Marginal Agricultural labourers	78386	38328	40058	48.88	1045
Marginal Workers in Household industries	34361	3042	31319	21.43	10296
Marginal Other Workers	40918	27889	13029	25.52	467
Non Workers	1442871	596028	846843	52.97	1421
Households			661944		

Home		Directorate of Census Operations - Tamil Nadu		Help
Primary Census Abstract - Census 2001				
		District/Taluk/Town/Village		
State	Total			
District	Rural	Thoothukkudi		All Parameters
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Town				<input type="button" value="Get Data"/>
				<input type="button" value="Download PDF"/>
				<input type="button" value="Dynamic Chart"/> <input type="button" value="Dynamic Map"/>
Total - Thoothukkudi District				<input type="button" value="Search"/>

THOOTHUKKUDI-TOTAL

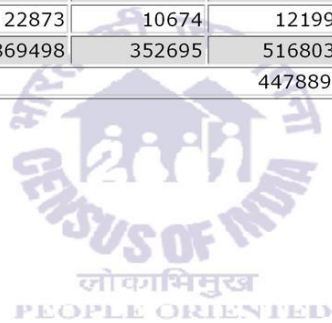
Parameter	Total	Male	Female	Percentage	Sex Ratio
Population	1572273	766823	805450	100	1050
Population (0-6)	184411	94431	89980	13.29	953
Scheduled Castes	288954	143013	145941	20.82	1020
Scheduled Tribes	3494	1762	1732	0.25	983
Literates	1131406	593868	537538	81.52	905
Illiterates	440867	172955	267912	18.48	1549
Workers	678811	431784	247027	43.17	572
Main Workers	588596	395937	192659	37.44	487
Main Cultivators	67307	44665	22642	11.44	507
Main Agricultural labourers	123988	65921	58067	21.07	532
Main Workers in household industries	35483	9497	25986	6.03	2736
Main Other Workers	361818	275854	85964	61.47	735
Marginal Workers	90215	35847	54368	5.74	1232
Marginal Cultivators	6511	2882	3629	7.22	1259
Marginal Agricultural labourers	43914	15984	27930	48.68	1747
Marginal Workers in Household industries	11657	1148	10509	12.92	9154
Marginal Other Workers	28133	15833	12300	31.18	777
Non Workers	893462	335039	558423	56.83	1667
Households			382260		



Home		Directorate of Census Operations - Tamil Nadu		<input type="button" value="Help"/>
Primary Census Abstract - Census 2001				
District/Taluk/Town/Village				
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District	Rural			
Taluk	Urban			
Town		<input type="button" value="Get Data"/>		
<input type="button" value="Download PDF"/>				
<input type="button" value="Dynamic Chart"/> <input type="button" value="Dynamic Map"/>				
Total - Virudhunagar District				<input type="button" value="Search"/>

VIRUDHUNAGAR-TOTAL

Parameter	Total	Male	Female	Percentage	Sex Ratio
Population	1751301	870376	880925	100	1012
Population (0-6)	209147	106803	102344	13.56	958
Scheduled Castes	332297	164930	167367	21.55	1015
Scheduled Tribes	2357	1158	1199	0.15	1035
Literates	1136574	641062	495512	73.7	773
Illiterates	614727	229314	385413	26.3	1681
Workers	881803	517681	364122	50.35	703
Main Workers	802521	488935	313586	45.82	641
Main Cultivators	79429	48226	31203	9.9	647
Main Agricultural labourers	153228	74737	78491	19.09	488
Main Workers in household industries	43975	14589	29386	5.48	2014
Main Other Workers	525889	351383	174506	65.53	1141
Marginal Workers	79282	28746	50536	4.53	1386
Marginal Cultivators	6183	2414	3769	7.8	1561
Marginal Agricultural labourers	44420	14891	29529	56.03	1983
Marginal Workers in Household industries	5806	767	5039	7.32	6570
Marginal Other Workers	22873	10674	12199	28.85	1143
Non Workers	869498	352695	516803	49.65	1465
Households			447889		



Home		Directorate of Census Operations - Tamil Nadu		Help
Primary Census Abstract - Census 2001				
District/Taluk/Town/Village				
State	Total	Sivaganga	All Parameters	<input checked="" type="radio"/> Beginning
District	Rural			<input type="radio"/> Anywhere
Taluk	Urban			<input type="button" value="Get Data"/>
Town				<input type="button" value="Download PDF"/>
			<input type="button" value="Dynamic Chart"/>	<input type="button" value="Dynamic Map"/>
Total - Sivaganga District				<input type="button" value="Search"/>

SIVAGANGA-TOTAL

Parameter	Total	Male	Female	Percentage	Sex Ratio
Population	1155356	566947	588409	100	1038
Population (0-6)	132891	68062	64829	13	952
Scheduled Castes	188857	92590	96267	18.47	1040
Scheduled Tribes	1083	536	547	0.11	1021
Literates	738000	414755	323245	72.18	779
Illiterates	417356	152192	265164	27.82	1742
Workers	513502	316419	197083	44.45	623
Main Workers	408015	272437	135578	35.32	498
Main Cultivators	166271	101152	65119	40.75	644
Main Agricultural labourers	79857	41449	38408	19.57	519
Main Workers in household industries	9577	5038	4539	2.35	901
Main Other Workers	152310	124798	27512	37.33	532
Marginal Workers	105487	43982	61505	9.13	1328
Marginal Cultivators	21866	9285	12581	20.73	1355
Marginal Agricultural labourers	63852	23321	40531	60.53	1738
Marginal Workers in Household industries	3424	926	2498	3.25	2698
Marginal Other Workers	16345	10450	5895	15.49	564
Non Workers	641854	250528	391326	55.55	1562
Households			267888		

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