

# **Addressing Modern Slavery in Tamil Nadu Textile Industry - Feasibility Study Report**

*Prepared for the Freedom Fund*

*Association for Stimulating Know How (ASK)  
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## EXECUTIVE SUMMARY

### **Purpose and implementation of the study:**

In response to continued evidence of human rights violations in the textile industry in Tamil Nadu, the Freedom Fund and C&A Foundation decided to carry out a feasibility study focused on issues related to modern slavery within the supply chain in the sector. The objective of this study was to better understand the totality of issues to be addressed and to develop a plan for a potential “hotspot” intervention. The feasibility study was tasked with preparing a recommended design for a potential strategic intervention to progressively and systematically eliminate modern slavery in the Tamil Nadu textile industry. Association for Stimulating Know How (ASK) conducted this study.

The research was conducted from October to December 2014. The methodology included: comprehensive desk research, interviews with non-government organizations, key industry associations based in the region, trade unions, survivors of modern slavery, factory/spinning mill workers, their parents and relatives, government officials, brands and retailers, funding agencies, multi-stakeholder forums, as well as other experts.

### **Findings:**

The study identified that while there have been some improvements, the main forms of modern slavery that persist in parts of the supply chain in the textile industry in Tamil Nadu are bonded labour and forced labour; child labour; and human trafficking. Within the supply chain, the focus of this study was on the textile mills and garment production with special focus on spinning mills. Issues of labour violations in raw cotton production and ginning were not focused on during this study.

The study confirmed that adolescent girls and young women are exploited under various “schemes”, which offer lump sum payments at the end of fixed numbers of years of work, with workers often living in closed hostels. The binding of workers in this way, where they cannot change employers is a form of bonded labour. This practice was much more frequently found in the spinning mills than in the garment factories. Very low wages, excessive and sometimes forced overtime requirements, lack of freedom of movement and of association, as well as verbal and sexual abuse were found. It is extremely difficult to estimate the exact scale of the problem due to the inability to communicate with many of those in the situation, but a very rough conservative estimate suggests there may be at least 100,000 girls and young women in these conditions, with many more in conditions that do not meet India’s legal labour standards.

Apart from spinning mills, bonded labour is also present in the power loom sector in Tamil Nadu. Here, bonded labour operates through cash advances given to rural power loom labourers by owners of workshops, which tie the worker to that employer, at such low wage levels that they are unable to pay back the loan. There is also increasing evidence that adults and children from impoverished regions of India are lured to work in the industry and then face many of the conditions described above. Their conditions are exacerbated by difficulties in interacting with any potential sources of assistance.

In recent years, NGOs, trade unions, business associations, multi-stakeholder initiatives, retailer/brand-led initiatives, funders and government actors have all undertaken efforts to curb abusive employment and labour practices in Tamil Nadu's textile industry. **NGOs** undertake wide-ranging activities, and the predominant focus has been direct assistance to modern slavery survivors (including vocational training and legal support for payments due and for compensation), awareness-raising campaigns in highly-affected areas, provision of educational support to children, as well as advocacy activities. Several **trade unions** have taken up working on the issue of exploitation of young female workers in the spinning mills but more emphasis has been on the concerns of permanent adult workers. Key **business associations** have formulated codes of conduct to address issues regarding working and living conditions but these have not been fully adopted. Many **brands and retailers** have come forward to develop joint action against exploitative practices. They have strengthened their auditing and training of first tier suppliers, but partly due to their limited leverage with suppliers from whom they do not buy directly, these efforts have not led to significant changes further up the supply chain. At the **government level**, there is a robust legal framework at national and state levels, and task forces in place to carry out rescue operations at district level, but in general, there is limited implementation of protections for workers, rights to freedom of association, or sufficient action to address socio-economic vulnerability in source communities.

#### **Gaps:**

The following key gaps were identified in the activities of the different stakeholders:

#### **NGOs:**

- Limited scale and limited focus of NGO interventions, especially due to shortage of funding.
- There is a gap in in-depth group-based work to address the harmful norms that underpin exploitation, or to enable families to explore their assumptions about how to keep girls safe. Local groups, especially of those most affected, are not yet being enabled to take a leading role in working to eradicate modern slavery, including pushing for government safety nets and education provision to perform better for the poorest.
- Some key source areas for modern slavery have not been sufficiently reached.
- They have not yet identified effective ways to challenge the labour broker system, which has often become a mechanism for human trafficking.
- Most survivors have limited practical access to psychological support.
- Livelihood and vocational skills components need to be strengthened in terms of i) market viability, job placements and close linkages with government schemes and certifications; ii) extending them in cost-effective and sustainable ways beyond the survivors and their families, to include other vulnerable families and young people at risk; and iii) consciously linking income generation activities with awareness of modern slavery prevention.
- Efforts with workers so that they have information about their rights and about ways to develop collective negotiation are on a very limited scale, both inside and outside of workplaces. They have not been linked up with trade unions effectively.
- NGO work has not so far sufficiently reached out to inter-state migrant labourers or to power loom workers in bonded labour.
- Most NGOs have not yet found ways to make contact with these extremely vulnerable inter-state migrant workers. Also, these workers are not using the help lines.
- There has been a lack of criminal prosecutions under child labour, bonded labour or trafficking elements of the penal code in this sector.

- There are challenges for groups to work together toward shared advocacy goals and good practices, though Tirupur People’s Forum brings many groups together effectively, and other networks also exist.

#### **Trade unions:**

- Only a tiny fraction of workers in textiles belong to a union. Under 18 year olds (a high proportion of workers) may not legally join a union. The relevant unions have not yet fully rebuilt their strength in the sector, since male workers were replaced with young females.
- Although some advocacy work has been done jointly by NGOs and unions, there are not many jointly-run practical programs at local level to provide labour rights awareness and collective negotiation support to workers and potential workers.

#### **Business associations and brands/retailers:**

- Business associations based in the region tend to be unwilling to admit the presence of bonded labour or child labour, making combined efforts for practical improvement more difficult.
- The associations do not have adequate systems in place for monitoring the implementation of Codes of Conduct and working with members to ensure compliance.
- Brands/retailers have not yet mapped their supply chains, making it hard to target priorities for improvement.
- They have not yet worked closely with their 1<sup>st</sup> tier suppliers to find ways to progressively monitor, support, and take corrective actions further up the supply chain.
- Quality and regularity of auditing varies greatly and findings of audits are not always dealt with efficiently.

#### **Multi-stakeholder Initiatives:**

- Currently there is not enough trust between key stakeholders at the large consultative meetings in order to generate purposeful dialogue.
- In most multi-stakeholder initiatives the focus has been limited to conditions of young women in mills and factories, and not on other forms of modern slavery
- Multi-stakeholder initiatives such as Ethical Trading Initiative and Fair Wear Foundation have developed important work to set up groups inside mills and factories, but this is on a very small scale at present and it has not been able to facilitate trade union rights for the workers.

#### **Government:**

- At national level the law does not permit workers below 18 years to join a trade union
- At state level, there is a need to reduce the permitted apprenticeship period from up to three years to 6 months.
- The effectiveness and frequency of inspections should be improved to ensure that mills and other workplaces are fulfilling key legal obligations. A system for inspection of hostels at mills, to support implementation of the state guidelines should also be established.
- There is a gap in prosecutions of serious legal violations in the sector, and the state is not being sufficiently pro-active in identifying and releasing migrant labourers in conditions of bonded labour.
- More consistent efforts are needed so that village government fully undertakes its responsibilities for improving education and ensuring Right to Education; in addition, the

government's important initiative for village institutions to track migrant workers should be fully implemented.

### **Recommended Programme Strategy:**

Given the context of high prevalence of forms of modern slavery, the small reach and limited range of strategies, and the inability of current coordination efforts to exert sufficient pressure for improvement, the study strongly recommends investment in a significant and concerted initiative designed to drive change in the industry itself and in the context of vulnerability of workers and potential workers. Based on the analysis of the contextual root causes of modern slavery in the industry and the status of current efforts, this study recommends the following programme strategy. Details of the scale of activities are approximate estimates of what could be done within the recommended budget.

**Overall Impact:** Reduction of forms of modern slavery in the textile industry in Tamil Nadu

### **Three-year Goals:**

- Residents in at least 240 targeted highly affected communities within approximately 4 districts prevent vulnerable individuals entering forced labour schemes. They ensure sustainable freedom and well-being of survivors.
- At least 3,000 workers in sites of high exploitation strengthen their resistance against violations of rights and freedoms.
- Spinning mill owners make improvements in worker protections and freedoms.

### **Outcomes to be achieved within communities and workplaces participating in the program:**

(Note: Section 4 highlights activities to be undertaken to generate these outcomes)

#### **Related to the programme component to enable families and affected communities to prevent vulnerable young people entering modern slavery:**

- Parents do not allow young adolescents to go into forced labour schemes. Families and older youth access better sources of information about workplaces and know how to get help through hotlines if needed, in situations of modern slavery.
- The same families work with village self-government bodies to improve education for their children - especially focusing on ensuring that girls complete 10<sup>th</sup> grade or higher – and so that these local government bodies act against fraudulent brokers.
- The most vulnerable families improve their economic circumstances through undertaking new income generating activities, better performance of savings/loan groups, and improving functioning of government safety nets.
- Adolescents (potential workers) spread awareness of workplace rights, protect each other from risky recruitment, and demand increased access to vocational training.
- Survivors stabilize their freedom through new sources of income, getting education, obtaining compensation and accessing entitlements. They also access mental health support.

#### **Related to the programme component to enable action for mutual protection and rights by workers and potential workers:**

- Adult workers, especially in spinning mills, join in workplace improvement groups as well as sharing knowledge gained through groups meeting outside the workplace. Through the village-based work, they access guidance from lawyers and are linked with trade unions.
- Young hostel-based workers will also start to become active in similar workplace-based groups.

#### **Related to the programme component to influence mill owners**

- Spinning mill owners work with 1<sup>st</sup> tier buyers and retailers resulting in a) allowing worker groups to meet; b) creating systems for tracking improvements in working conditions; and c) allowing training of managers in formalizing workplaces.

**Systematic coordination and promotion of standards across the clothing industry:** In order to ensure systematic coordination and promote standards across the textile sector, an overall strategy for regular joint working and communication should be created – with the aim of promoting decent work practices in the textile industry in Tamil Nadu. Part of the aim of the coordination would be to ensure that the programme has a wider effect and exerts greater pressure for improvements beyond the immediate participating communities and workplaces. The proposed coordination approach should be open to all interested organizations, business associations, retailers and buyers, government entities, and trade unions based on their commitment to cooperate towards decent work for all in the industry. It would be important to engage the Tamil Nadu government in this process from the outset. Much of the work of the overall coordination should be carried out in stakeholder-specific consultative groups, for example, for retailers and brands, for funders, NGOs and donors, given their different responsibilities and strengths within the context.



## SECTION 1: INTRODUCTION

India is one of the world's largest producers of textiles and garments. The country has become a sourcing hub due to its abundant availability of raw materials such as cotton, wool, silk and jute as well as its skilled workforce. The textile industry is now one of India's key industries in terms of foreign exchange earnings. It is also the second largest employment-generating industry, after agriculture, with direct employment of over 45 million people, according to the latest estimates.<sup>1</sup> The value chain in the sector consists of spinning, weaving, knitting and garment manufacturing. The state of Tamil Nadu in southern India plays an important role for both the Indian textile industry and for global brands and retailers. Much of the country's spinning capacity and a significant part of the knitwear, powerloom and handloom units are located in Tamil Nadu.<sup>2</sup>

Over the past decade, the garment industry in Tamil Nadu has experienced major growth. Thousands of small and medium sized factories are involved in the complex process of turning cotton into clothing. A considerable proportion of the Tamil Nadu garment industry is export-oriented. Customers include major European and US clothing brands and retailers.<sup>3</sup>

Media reports, NGOs and research studies have highlighted a wide range of issues of exploitation of young women workers, as well as forced and bonded labour, and child labour in the textile industry in Tamil Nadu. These reports have been issued, for example, by Anti-Slavery International, Fair Wear Foundation, Global Studies Unit of University of Sussex, Centre for Research on Multi-national Corporations (SOMO), India Committee of the Netherlands, Dalit Freedom Network, and Fair Labour Association.

### 1.1. Study Background and Objectives

Freedom Fund and C&A Foundation agreed to further explore forms of modern slavery in the textile industry in Tamil Nadu in order to better understand the totality of issues to be addressed and to develop a plan for a “hotspot” intervention in the sector.

The overall scope of this feasibility study was to understand and assess:

- Types of modern slavery prevalent in Tamil Nadu textile industry and the changing trends in the past two decades
- Geographical coverage of modern slavery types (source and destination areas) and hotspots in the Tamil Nadu Textile industry, as well as industrial processes that are most exposed to forms of modern slavery.
- The root causes of the problem

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<sup>1</sup> Source: Ministry of Textiles

<sup>2</sup> FLA Research Report - Understanding the Characteristics of the Sumangali Scheme in Tamil Nadu Textile & Garment Industry and Supply Chain Linkages, 2012

<sup>3</sup> SOMO Research Report, Captured by Cotton, 2011

- Current responses by various stakeholders on the issue and the gaps, including those being implemented by:
  - a) National, state and local government
  - b) NGOs and International Organisations
  - c) Multi-stakeholder forums
  - d) Businesses
  - e) Trade Unions

In addition, the feasibility study was tasked with preparing a recommended design for a potential Freedom Fund “hotspot” strategic intervention. This would focus on key priorities for comprehensive activities to progressively and systematically eliminate modern slavery in the Tamil Nadu textile industry.

The study findings will also be used to enable the Freedom Fund and C&A Foundation to decide whether to fund and implement a planned hotspot intervention.

Association for Stimulating Know How (ASK) was engaged to conduct this study.

## 1.2. Approach and Methodology

In line with the study scope and objectives, the feasibility study consisted of:

- Conducting comprehensive desk research to understand and be aware of work already done by various agencies. Existing literature (research reports and documents) on the issue was reviewed, various stakeholders working on the issue were mapped, websites of relevant NGOs, International Organisations, brands and retailers, government, and multi-stakeholder forums was reviewed.
- Meetings and interviews were conducted with local NGOs engaged in anti-slavery activities in nine districts<sup>4</sup>, multi-stakeholder forums, trade unions and relevant government departments and agencies (See Table 1). In addition, meetings and interviews were also conducted with representatives of industry associations and auditors. Interviews were conducted with survivors of modern slavery and their parents and family members, factory and spinning mill workers, and migrant workers in various locations in Tamil Nadu

**Table 1: Types of Stakeholders Interviewed**

Type of Stakeholder	Organisations/ Representatives Interviewed
NGOs and International Organisations	14 NGOs, 2 International organisations including Solidaridad, SOMO and TdH (Terre des hommes)

<sup>4</sup> Dharmapuri, Salem, Erode, Tirupur, Coimbatore, Dindigul, Madurai, Theni and Pudukottai.

Survivors of modern Slavery	47
Factory and Spinning Mill Workers	93
Government Officials	7 officials interviewed in Tirupur, Dindigul and Coimbatore
Trade Unions	4 Trade Unions <ul style="list-style-type: none"> <li>▪ Tamil Nadu Textiles Common Union (TTCU),</li> <li>▪ All India Trade Union Congress (AITUC)</li> <li>▪ Hind Mazdoor Sabha (HMS)</li> <li>▪ Marumalarchi Labour Front (MLF)</li> </ul>
Business Associations	4 Associations <ul style="list-style-type: none"> <li>▪ South India Spinners Association (SISPA),</li> <li>▪ Tamil Nadu Spinning Mills Association (TASMA),</li> <li>▪ South India Hosiery Mills Association (SIHMA),</li> <li>▪ Southern India Mills' Association (SIMA)</li> </ul>
Multi-stakeholder Forum (MSF)	<ul style="list-style-type: none"> <li>▪ Tirupur People's Forum (TPF)</li> <li>▪ Ethical Trading Initiative</li> </ul>
Retailer and brand representatives	2 retailer representatives (C&A and H&M), plus Fair Wear Foundation
Independent Auditor	1

The list of stakeholders met and interviewed during the feasibility study has been enclosed as **Annex 1**.

### 1.3. Time line

The feasibility study was conducted from October – November 2014. The desk review and other preparatory activities for the study took place during October. The identification and contact with potential participants were undertaken in October while the fieldwork was conducted from 10 – 24 November 2014. Preliminary analysis of the study findings was undertaken during a workshop at the end of the field visit. This workshop was attended by ASK team as well as a Freedom Fund representative.

### 1.4. Limitations

The feasibility study and related field work was undertaken within a tight time-line. As a result, the research team often found that relevant government officials were not available and could not re-schedule interviews within the time period of the research.

Also, the study team found it particularly difficult to get appointments with business associations as well as government stakeholders. The government stakeholders gave limited time for answering an extensive questionnaire and were not able to provide some of the required data. Access to mills and factories was not permitted and so girls living inside hostels could not be interviewed. Information about the current issues within the mills was confirmed through interviews with girls and young women who had recently left work in the mills, as well as from daily workers living outside the mills.

## SECTION 2: FORMS OF MODERN SLAVERY IN TAMIL NADU TEXTILE INDUSTRY

India is the one of the world's largest producers of textiles and garments. The Indian textiles industry accounts for about 24% of the world's spindle capacity and 8% of global rotor capacity. The potential size of the Indian textiles and apparel industry is expected to reach US\$ 223 billion by 2021.<sup>5</sup>

The textiles industry makes a major contribution to the national economy in terms of direct and indirect employment generation and net foreign exchange earnings. The sector contributes about 14% to industrial production, 4% to the gross domestic product (GDP), and 27% to the country's foreign exchange inflows. It provides direct employment to over 45 million people, making it the second largest provider of employment after agriculture. Thus, the growth and all round development of this industry has a direct bearing on the improvement of India's economy.<sup>6</sup>

In the post-liberalization era, Tamil Nadu has emerged as a front-runner in attracting a large amount of domestic and foreign investment in the textile industry. The state has a strong production base and accounts for about one third of textiles production in the country.<sup>7</sup>

Handloom, Power loom, Spinning, Processing, Garment and Hosiery are the various sectors of the textile Industry in Tamil Nadu. A total of 270,768 people are working in 2,023 spinning mills, weaving mills and Export Oriented Units in the state. In addition, the power loom industry accounts for 1,013,360 workers working in 81,530 power loom units.<sup>8</sup> The textile sector in Tamil Nadu is predominantly in the private sector and it is labour-intensive. The state is well known for textile manufacturing industries and exports to such extent that the districts of Coimbatore, Tirupur, Karur, Erode, Namakkal and Salem and the surrounding region are referred to as the 'Textile Valley of India'. However, in recent years, this industry has come under a critical scanner, both nationally and internationally, for violation of basic human rights of some of the workers and weak standards for ensuring basic working and living conditions.

This section maps and describes the most prevalent forms of modern day slavery in the textile industry in Tamil Nadu based on the primary research and desk review findings. It also highlights the changing trends in forms of modern slavery during the past two decades, the geographical hotspots in the state and concentration of various forms of modern slavery, as well as the processes that are most exposed to modern slavery and people and groups most affected.

### 2.1. Definition of 'modern slavery'

For the purpose of this report, modern slavery has been defined in accordance with the Freedom Fund's definition. Modern slavery is a phenomenon where *"Individuals in slavery are paid nothing or below subsistence wages, they cannot walk away and they are subjected to threats or violence. They have their freedom denied; they are used, controlled and exploited by another person for commercial and personal gain."*

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<sup>5</sup> Source: According to a report by Technopak Advisors, [www.ibef.org](http://www.ibef.org)

<sup>6</sup> Source: Ministry of Textiles

<sup>7</sup> Source: <http://www.fibre2fashion.com/industry-article/1/11/an-analysis-of-growth-and-development-of-textile-industry-in-india7.asp> (Last accessed on 10.12.2014.)

<sup>8</sup> Table 177, Growth of Textile Industry in Tamil Nadu, Government of India 2013

## 2.2. Forms of modern slavery existent in Textile Industry

There are thousands of companies involved in the textile industry (spinning mills, cloth manufacture and garment production). In the competitive national and global market, many of these companies come under enormous pressure to reduce costs and to produce extremely high volumes especially during periods of peak demand. This means that there is high pressure on workers in some parts of the industry regarding their wages and overtime requirements. These systemic pressures, without adequate implementation of legal protections, lead to frequent and widespread violations of basic human rights of workers involved in some parts of the industry. At the same time, the state economy and millions of families depend upon the continued success of the industry.

The research identified that the main forms of modern day slavery that persist in the textile industry in Tamil Nadu are bonded labour and forced labour; child labour; and human trafficking.

The focus of this research was on the textile mills and garment production with special focus on spinning mills. Issues of labour violations in raw cotton production and ginning were not focused on during this research.

The different forms of modern slavery found in the spinning mills and, to a lesser extent, in garment production are discussed below:

### **BONDED AND FORCED LABOUR**

The Bonded Labour System (Abolition) Act, 1976 abolished bonded labour in India and freed labourers from any obligation to render bonded labour. Despite this, the practice of bonded labour still exists. Forced labour refers to situations in which persons are coerced to work through the use of violence or intimidation or by more subtle means such as accumulated debt. Most of the primary respondents described conditions of bonded labour affecting adolescent girls and young women as outlined below, with the practice being more frequently found in the spinning mills than in the garment factories.

#### **Lump sum contract for girls in spinning mills**

In spinning mills, girls below the age of 18 years have been exploited under various “schemes”, which offer lump sum payments at the end of fixed numbers of years of work, with workers living in closed hostels. The binding of workers in this way, where they cannot change employers is a form of bonded labour. Despite signing contracts, the girls rarely have a copy of the contract, so they find it hard to even prove they were working in a particular mill or to gain access to any worker-related benefits.

Under these schemes, girls’ parents, usually poor and from the lower castes, are persuaded by brokers to sign up their daughter(s). The scheme promises a lump sum (of between Rs. 30,000 (\$500) – Rs. 75,000 (\$1,250) after completion of a time-bound contract with the factory. To a certain extent, these schemes have been accepted by society as they allow young, unmarried women to make some money, which will go towards their dowry.<sup>9</sup> So from the perspective of poor families, they meet an important need, while for the mill owners, they provide a stable

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<sup>9</sup> In an ordinary Indian arranged marriage, the bride’s parents must provide the groom’s family a substantial dowry, and should bear the expenses of the wedding. If she doesn’t meet the expectation of the groom’s family, the bride is prone to extreme hardships after marriage.

workforce. However, in many cases workers are not able to complete the contract period because their health breaks down and they do not find the work bearable, so they may be allowed to go home. Usually, they then do not receive the lump sum amount that was promised. Some mills now offer smaller annual lump sums, which the workers may be more able to receive.

### **Brokerage system and closed hostel accommodation**

Different factories manage the lump sum contract scheme differently. Once the contract is signed, the girls are under the control of the factory or the broker. During the research, interactions with girls who had recently worked in the schemes, as well as their families, local and international NGOs highlighted a range of types of exploitation faced by workers. One of the main challenges is that workers who are contracted to live in mill hostels cannot easily communicate with the outside world. They have very little freedom of movement and are not allowed to leave the mill compound without permission. They are not allowed mobile phones, and occasional phone calls using the hostel phone may be monitored by hostel staff. It means that it is extremely difficult for the girls to let someone know when their situation has become harmful, if they are being abused, or are desperate to leave. Families, however, are led to believe that their daughters are safe because boys cannot contact them or engage them in love affairs.

### **Low wages**

The current daily wages for spinning mill workers (with deductions for food and accommodation for hostel based workers) range between Rs. 120 – Rs. 180 with higher wages for many garment factory workers. This is much lower even than the present Tamil Nadu government minimum requirement of Rs. 283.80 per day for apprentices.

### **Long hours of work**

Workers often work 12 hours per day (one and a half shifts) on a regular basis. During the peak season, they sometimes also work 16 - 24 hours.<sup>10</sup> Most of the workers are between the ages of 15-18 years and are hired as apprentices, but legal restrictions on work for apprentices are not observed, such as the requirement not to work more than 6 hours per day, with proper breaks. During busy periods, hostel-based workers may also have to work on Sundays. Some of these workers also do not receive an overtime payment and do not have a choice about how much overtime they work. Workers have also reported being woken up in the middle of the night to complete urgent orders.

### **Lack of freedom of association**

Workers, particularly women workers, lack bargaining power and have no freedom to form associations, join trade unions or in some cases, to change employment.

### **Physical and sexual abuse**

Cases of physical abuse<sup>11</sup> and sexual harassment (including demands for sexual favors from supervisors) were also reported in the mills, but the affected women are generally unwilling to talk about these cases or take any action. As part of this research, interactions were held with daily wage women workers as well as girls who had recently worked under contract schemes in

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<sup>10</sup> READ Baseline Study on the Status of Young Women and Girls working under Sumangali Scheme at textile industries in Erode District, 2014

<sup>11</sup> SOMO Reports 2012, 2013, 2014 (last accessed on 11.12.2014)



Dindigul, Coimbatore and Tirupur. These women and girls shared that sexual harassment inside the mills was a common phenomenon and even if they complained about it to the management, they were mostly ignored. Girls living in hostels seemed to be more prone to this form of exploitation and had no mechanism to lodge their grievances. They said that they had “heard of some cases of suicide within the campus” hinting at rape and sexual exploitation.

### **Scale of the problem**

In 2013, a survey conducted by SAVE (Social Awareness and Voluntary Awareness), an Indian NGO found that among 1,574 spinning mills in Tamil Nadu there were approximately about 224,000 women workers.<sup>12</sup> The survey found that an estimated 80% of the women workers were under 18, and 14% - 20% were under 14 years of age. Other studies have also shown that 10 - 20% of the workers on the 'schemes' are child labourers.<sup>13</sup> There are no current estimates for the number of workers contracted on these schemes but the 2011 SOMO report gave an estimate of 120,000 in Sumangali at that time, based on local civil society estimates.<sup>14</sup> Given the conditions described above, and that all the studies reviewed found that the majority of workers are under 18 and that a high proportion of mills have their workers in closed hostels, then a very rough estimate of 100,000 workers in conditions of modern slavery would be conservative.

### **Other forms of bonded labour**

Apart from spinning mills, bonded labour is also present in the power loom sector in Tamil Nadu. Here, bonded labour operates through cash advances given to rural power loom labourers (mostly from dalit and other poor communities) by owners of workshops, which tie the worker to that employer, at such low wage levels that they are unable to pay back the loan. Work in these units involves both men and women, and the workforce is from local villages as well as from other parts of the state and country. Employers are almost exclusively high caste landowners and industrialists.<sup>15</sup>

This form of bonded labour remains largely invisible, partly because it is located away from the final stages of garment manufacturing that receive international attention, and partly because it is geographically dispersed in small units across countless villages.<sup>16</sup>

Workers in the dyeing, bleaching and weaving units of textile production are sometimes also subjected to forced labour.

### **Exploitation of migrant workers**

There is also increasing evidence that girls and boys from impoverished regions of India are lured to work in spinning mills in Tamil Nadu with promises of good wages, food and accommodation. For example, a local NGO reports that in June 2012, 15 boys from northern Indian states were released from a spinning mill. They had been forced to work day and night, but had never received any wages. In addition, in 2014, 47 bonded labourers belonging to the states of Chattisgarh and Assam were rescued from spinning mills in Erode.<sup>17</sup> The researchers

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<sup>12</sup> Small Steps, Big challenges, SOMO 2014

<sup>13</sup> Captured by Cotton, SOMO 2011

<sup>14</sup> Ibid

<sup>15</sup> Global Insights Policy brief, University of Sussex, 2013; [http://www.capturingthegains.org/pdf/Bonded\\_labour\\_policy\\_brief.pdf](http://www.capturingthegains.org/pdf/Bonded_labour_policy_brief.pdf) (last accessed on 11.12.14)

<sup>16</sup> Ibid

<sup>17</sup> Times of India, <http://timesofindia.indiatimes.com/india/Tamil-Nadu-records-second-highest-number-of-human-trafficking-cases/articleshow/43120252.cms> The Hindu, <http://www.thehindu.com/todays-paper/tp-national/tp-tamilnadu/bonded-labourers-rescued/article6606349.ece>



were provided with several newspaper reports about the trafficking of boys aged 13 to 18 from Bihar and other parts of the country by groups of brokers.

Apart from girls and boys, adult migrant workers also face exploitation under forced labour conditions in some garment production units and mills. Migrant workers from Bihar, Odisha, Andhra Pradesh, West Bengal, Jharkhand and north-eastern states are brought by the labour contractors as cheap labour for the production units. These labour contractors sometimes serve as supervisors for the groups of workers, and the factory managers deal with the workers through them. While many migrant workers are not in conditions of modern slavery, for others, their conditions cross a line into modern slavery, especially when they face long hours of forced overtime under hazardous conditions earning less than minimum wages, and in situations where they cannot have interaction with the outside world. Some of these migrant workers are provided no social security or health facilities and do not receive the employment benefits of permanent workers, such as Provident Fund or Employees State Insurance. In some cases, living conditions are abysmal, with crowded rooms, poor sanitation and high charges on the workers.

## CHILD LABOUR

The term “child labour” according to the International Labour Organisation (ILO) is defined as work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development. It refers to work that is mentally, physically, socially or morally dangerous and harmful to children; and interferes with their schooling by depriving them of the opportunity to attend school, obliging them to leave school prematurely, or requires the child to attempt to combine school attendance with excessively long and heavy work.

Child labour, especially of under 14 year olds, is on a gradual decline in the state of Tamil Nadu. As of 2011, 151,437 child labourers in the age group of 5-14 years were identified in the state in all forms of work (See Table 2). The research found that in the textile industry, agricultural cotton production and cultivation is where forced child labour is still prevalent even though the numbers have reduced over the years.

**Table 2:**

State	No. of working children between the age of 5-14 years	
	2001	2011
Tamil Nadu	418,801	151,437

Source: Census of India, 2011

Since the Indian Child Labour (Prohibition and Regulation) Act 1986 defines a child as any person who has not completed his or her fourteenth year of age, it starkly differs from the 18 year age criterion set under the United Nations Child Rights Convention (UNCRC) 1990, and other international conventions. This difference in definitions can also lead to differences in the understanding of the scale of the problem between local and international stakeholders.

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The Hindu, <http://www.thehindu.com/news/national/tamil-nadu/47-young-labourers-rescued-from-spinning-mill-in-erode/article5237711.ece>

It is worth noting that conditions in the spinning mills are generally such that it would be classified as a Worst Form of Child Labour for all under 18 year olds under the ILO's Convention 182. Although this convention has so far been ratified by 179 countries, it has yet to be ratified by India.<sup>18</sup>

## HUMAN TRAFFICKING

Although Indian law has now been updated to match the international definition of trafficking, the common understanding of trafficking, focusing on geographic movement, followed by exploitation, is widespread, and the movement of people across geographic spaces into modern slavery in Tamil Nadu is at a high level.<sup>19</sup>

As noted above, many adults, as well as girls and boys are lured for work in the textile industry in Tamil Nadu from other states. In addition, the dalit girls recruited into the lump sum contract schemes are typically taken across districts, away from their families. In many cases, their family has limited or no information of where they are working, their employer or the terms of their employment. Since the girls are sometimes then without a means of communication, it can be difficult to track where they were taken.

### 2.3. Changing trends in modern slavery in the textile industry in Tamil Nadu

This sub-section briefly describes the changing pattern of modern slavery in the Tamil Nadu textile industry. The sector has undergone massive changes since the early 1990s.

In the 1980s, the state government of Tamil Nadu announced a subsidy package for industries to set up their operations in the most backward drought prone regions of Tamil Nadu as the continuous failure of agricultural output had reached an alarming stage. Textile mills and garment factories began to set up in such districts with opportunities for the local population to engage in these mills thereby replacing agriculture as the sole source of livelihood. Initially the mills and factories only hired male labourers.

Subsequently in the early 1990s, the male workers began to form unions to demand higher wages. The workers during this time were mostly hired as permanent staff in the industry.

In the late 1990s, the textile industry began to target a sizeable number of young females through a scheme called "Sumangali" especially for spinning mills. Middle-aged male workers were laid off and replaced by girls aged 13 - 18 who were employed on a three-year contract with the promise of a final lump sum. Huge advertisements and hoardings were plastered on highways and pamphlets were distributed in villages through brokers to lure the families that had girl children. Initially girls between the ages of 12-13 years were chosen to work in the mills. Over the years as the vicious nature of the scheme was exposed through pressure groups in early 2000s, the name of the scheme changed to 'Camp Coolie', 'ThirumagalThirumana', 'Kangani' or

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<sup>18</sup> ILO Worst forms of Child Labour definition: <http://www.ilo.org/ipec/facts/WorstFormsofChildLabour/lang--en/index.htm>

<sup>19</sup>Section 370, IPC Amendments: Whoever, for the purpose of exploitation, (a) recruits, (b) transports,(c) harbours, (d) transfers, or (e) receives, a person or persons, by—First.— using threats, or Secondly.— using force, or any other form of coercion, or Thirdly.— by abduction, or Fourthly.— by practicing fraud, or deception, or Fifthly — by abuse of power, or Sixthly .— by inducement, including the giving or receiving of payments or benefits, in order to achieve the consent of any person having control over the person recruited, transported, harboured, transferred or received, commits the offence of trafficking [http://bba.org.in/sites/default/files/CS\\_TraffickingOfChild\\_14%20Aug%202013.pdf](http://bba.org.in/sites/default/files/CS_TraffickingOfChild_14%20Aug%202013.pdf)

‘Mangalam’. In some cases, the lump sum amount given to the girls at the end of their term was increased and hiring of girls in the age group of 15-18 years was also initiated.<sup>20</sup>

Adult women workers between the ages of 18 – 25 years are also employed in the spinning mills. These are mostly not contracted under the schemes and are employed as daily wage workers. Their daily wages are decided as per their skill level and bargaining power.

Over the years since the 1990s, the industry has seen a reduction in child labour (of those under 14 years of age) which has mainly been attributed to tougher legislation, implementation of the Right to Education (RTE) Act and other factors such as reduction in poverty, improved access to schools and growing pressure from the NGOs.

As noted above, there has also been a shift to bring in migrant workers from other states, though some respondents indicated there was a preference not to do this because of the challenges of working across languages and because of prejudices against workers from other states such as Bihar.

## **2.4. Geographical concentration of modern slavery - processes most exposed to modern slavery and people and groups affected**

### **2.4.1. Geographic concentration**

This section maps out the geographic concentration of source and destination areas for modern slavery in relation to the textile industry hotspot in Tamil Nadu.

#### **Destination Areas**

Tamil Nadu is home to some 2,023 spinning mills, weaving and Export Oriented Units, with a workforce of more than 270,000 workers. The four districts where mills are most heavily concentrated are Coimbatore, Tirupur, Erode and Dindigul (See Table 3).<sup>21</sup> The growing spotlight on districts such as Coimbatore and Tirupur has led business to begin looking for newer areas for the industry. Salem, Namakkal, Karur and Virudunagar have become new destination areas for the industry.

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<sup>20</sup> CEC, Eradication of Bonded Labour, 2007; FLA Protecting Workers' Right, 2010, ASK Verite 2009

<sup>21</sup> FLA-Solidaridad Report 2012,

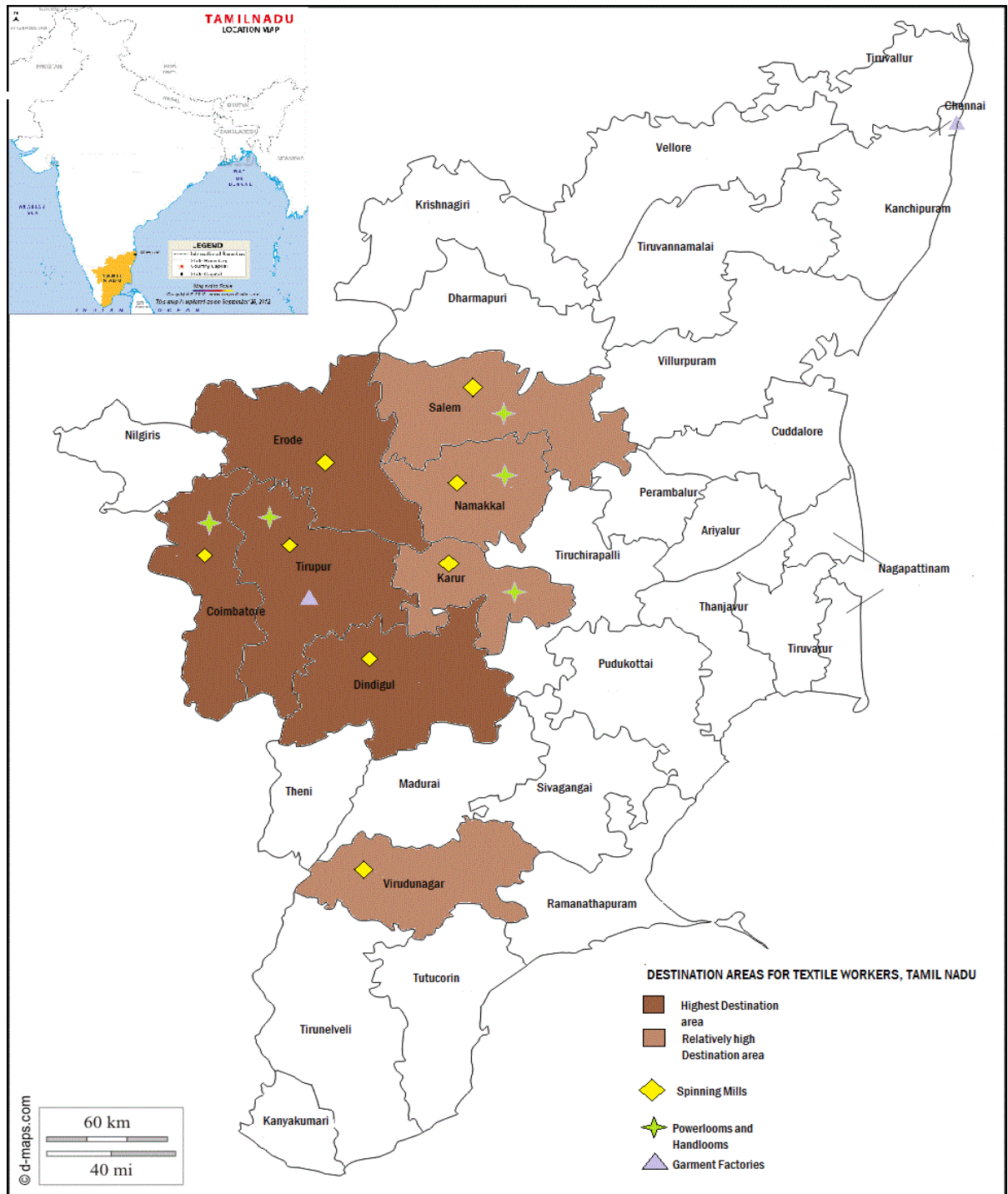
[http://www.solidaridadnetwork.org/sites/solidaridadnetwork.org/files/publications/Understanding\\_Sumangali\\_Scheme\\_in\\_Tamil\\_Nadu.pdf](http://www.solidaridadnetwork.org/sites/solidaridadnetwork.org/files/publications/Understanding_Sumangali_Scheme_in_Tamil_Nadu.pdf)

**Table 3: Key areas of Industry sub-sector in Tamil Nadu**

<b>Type of Sector</b>	<b>Production Hubs</b>
Spinning Mills	<ul style="list-style-type: none"><li>▪ Coimbatore</li><li>▪ Tirupur</li><li>▪ Dindigul</li><li>▪ Erode</li><li>▪ Karur</li><li>▪ Salem</li><li>▪ Namakkal</li><li>▪ Virudunagar</li></ul>
Garment Manufacturing	<ul style="list-style-type: none"><li>▪ Chennai</li><li>▪ Tirupur</li></ul>
Handloom and Powerloom	<ul style="list-style-type: none"><li>▪ Coimbatore</li><li>▪ Erode</li><li>▪ Karur</li><li>▪ Namakkal</li><li>▪ Salem</li></ul>

Source: FLA-Solidaridad Network report 2012, and TASMA

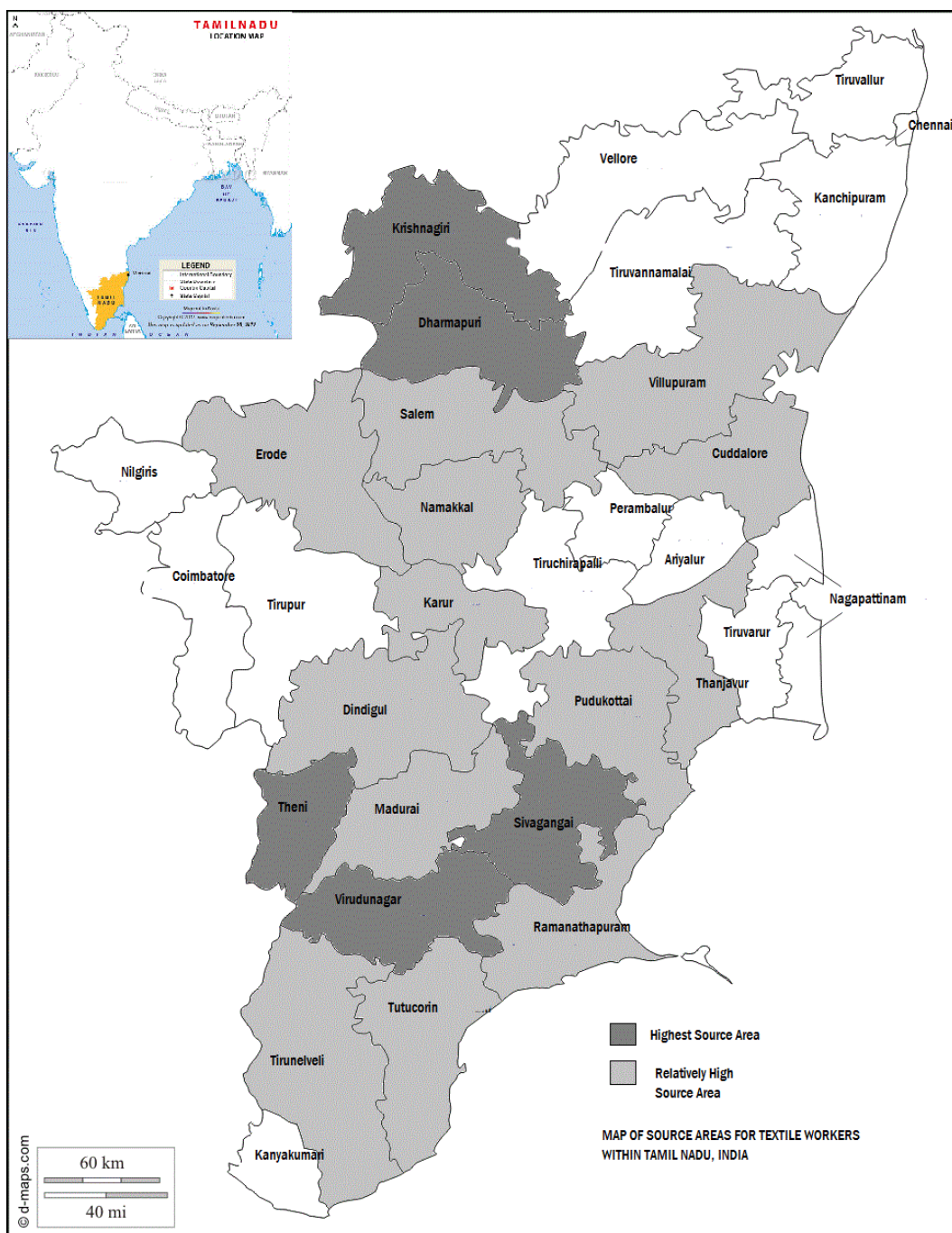
Figure 1: Map of Destination Areas for textile workers in Tamil Nadu



## Source areas within the state

The primary source of local migrants working in mills and garment factories according to respondents are from drought prone regions. The highest migration takes place from Krishnagiri, Dharmapuri, Sivagangai, Virudunagar and Theni. The relatively high source areas of Tamil Nadu are Salem, Erode, Dindigul, Madurai, Pudukottai, Tirunelveli, Cuddalore, Ramanathapuram, Nagapattinam, Villupuram, Thanjavur, Tuticorin, Namakkal and Karur.

**Figure 2: Source areas for textile workers in Tamil Nadu**

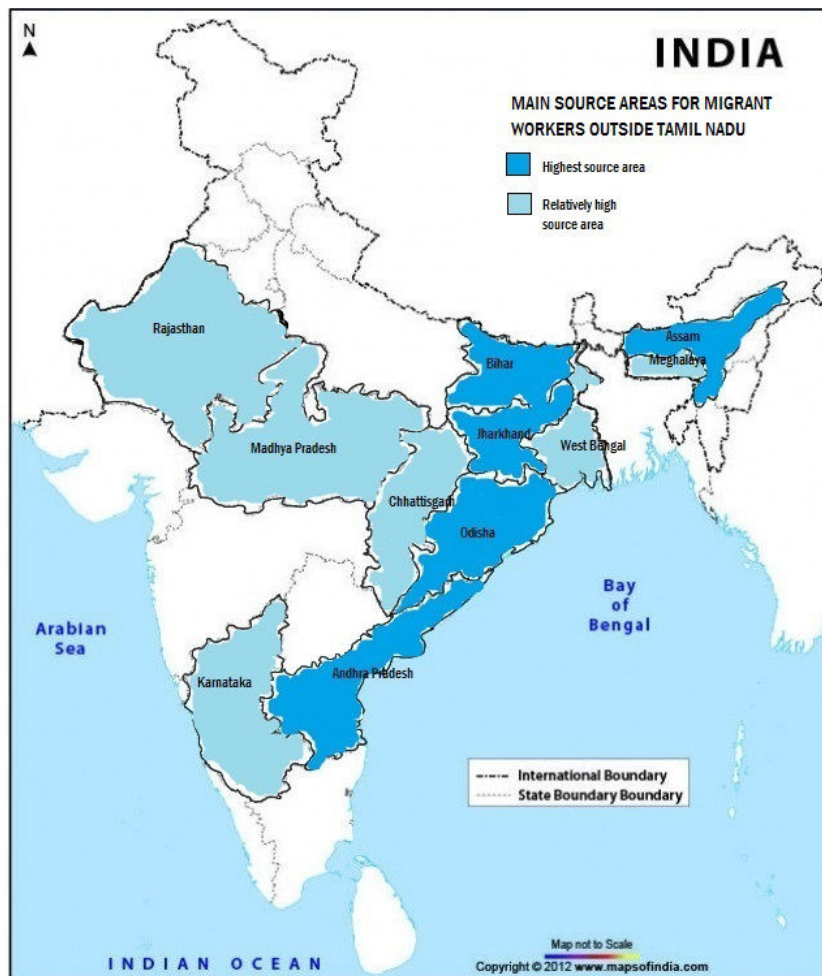




### Source areas outside the state:

Adolescent girls and boys, as well as adult migrant workers of Odisha, Bihar, Assam, Jharkhand, Chhattisgarh, Rajasthan, Andhra Pradesh, Madhya Pradesh, Karnataka, Meghalaya and West Bengal are also hired as daily wage or piece rate workers in spinning mills and garment factories. The highest source areas from where migrant workers come are Odisha, Andhra Pradesh, Assam, Bihar and Jharkhand. While girls are often put in the mills, the boys work as loadmen in the mills, in the cone winding section and oiling of machines according to respondents.

Figure 3: Map of source areas for migrant workers from outside Tamil Nadu



**Most Affected Groups:** According to respondents, the most affected groups are apprentices living in hostels, adolescent girls and boys. The migrant workers from outside the state are also easily exploited due to their difficulties in accessing support and lack of ability to communicate in Tamil.

#### 2.4.2. Parts of the textile supply chain where forms of modern slavery are most concentrated

There are many steps involved in making clothes from cotton. It starts with cottonseed production. After the cotton has been harvested, the fibre is separated from the seed (ginning). After ginning, the cotton is prepared for spinning. The yarn is then woven into fabric. Bleaching

and dyeing are the next step. The last stage in production is the garment manufacturing, which includes all the activities of cutting, stitching and embroidery, buttoning, labeling and packing.

In many cases, the different processes involved in turning raw cotton into garments take place in separate, specialized firms. There are also manufacturers that combine all these activities within their plants. These vertically integrated manufacturers perform all stages of textile and garment production, from processing the cotton to finishing the garments. Horizontal integration is also found among Tamil Nadu garment producers. This means that the same type of production takes place in many different units under a single firm. For example, one company may operate various garment units, under different names.

Details about the size of the workforce, the methods for recruiting workers, whether the workers are lodged in hostels, the location of these hostels, and the number of hostel residents are difficult to obtain.

**The parts of the supply chain most at risk to forms of modern slavery are cotton farming, spinning, weaving and dyeing units, and CMT (Cutting Marking Trimming) units.**

**Given the scale of the number of workers involved, it is likely that the most concentrated areas for attention are the spinning mills and power looms.**

## 2.5. Root Causes of the Problem

The presence of forms of modern day slavery in the textile industry in Tamil Nadu can be attributed to a range of socio-economic factors. This section discusses the root causes of the problem at two levels – a) worker level and b) employer level.

### A. Worker Level

- **Prevalence of high levels of poverty leaves residents in poor communities with few alternatives** and makes them susceptible to exploitative recruitment. For poor agricultural labourers and marginal farmers, one person's income from the mill means there can be food on the table, younger children can get a chance for education, the family can hope to pay off debts, and if lucky, they could use some money to get their daughters married. This lack of local livelihood options further compels poor households to look for employment outside the local area.
- **Socio-cultural factors such as gender-based disparities and cultural norms such as dowry** are important causes of modern slavery. One of the main pressures for girls to find employment is to save money for dowry, while keeping them safe until a suitable marriage is found for them. The social pressure of accumulating sufficient dowry to ensure a good alliance for the daughter is a big factor in parents' decisions to send their girls to work in mills.

Women and girls in villages are not encouraged to have any greater ambition than to get married. And once married, women are perceived as less useful in the workplace, for several reasons: They are less likely to be able to stay in the workplace till late at night, because they may face objections from in-laws. Also, women need to reach home safely in the night, so arrangements have to be made accordingly.



- **Caste discrimination** – According to respondents, almost 60% of the workers under the schemes are from scheduled castes or backward communities. These workers may join the mills due to their poor standing in the community, lack of their own land, as well as the discrimination faced by dalit children in local schools, so they do not develop other livelihood options.
- **Family vulnerabilities:** Young women and children from single parent households, or families with alcohol or gambling problems, families with migrant worker parents, orphans living with grandparents, or those with an adult with disabilities/chronic illness are especially vulnerable to high risk recruitment, leading to forced labour. Existing patterns of exploitation through debts within the village increase the vulnerability of adolescents.
- **Lack of quality education, high level of school drop outs, lack of vocational training skills and guidance** also results in young people going to work in risky situations before completing sufficient education and training.
- **Lack of information about state welfare initiatives as well as the poor functioning of those initiatives** creates economic vulnerability.
- **Natural and man-made disasters** push workers to search for work in the industry.
- **Close nexus between mill owners and locally powerful individuals:** At village level, leaders who might be protecting vulnerable young people are often linked with the owners, sometimes helping with recruitment.
- **Despite India’s relatively robust legal framework, it is not generally resulting in protection of victims of modern slavery** (for example through ensuring compensation and help with recovery), so those who have come out of bonded labour then become vulnerable to further cycles of enslavement.

## B. Employer Level

With regard to the pressures affecting employers, the main root causes leading to modern slavery include the following:

- **Worker shortage and need for continuous running of mills:** Employers need to provide hostels for workers because mills are often in remote areas, and there is a shortage of workers living in proximity to the site. Closed hostels are also one way to prevent workers leaving for other jobs. The risk of excessive working hours is increased due to the need to keep spinning mills running 24 hours and lack of additional workers during peak demand.
- **Downwards pressure on prices:** Spinning processes are “low value added” and need to be price competitive. Mill owners see workers’ wages as the key area to save money.
- **Lack of enforcement of relevant laws by government:** Although officials sometimes carry out raids to rescue children or trafficking victims in collaboration with NGOs, there is a lack of pro-active, regular and stringent inspections of mills and their attached hostels, that would carry serious penalties when needed.

- **Lack of worker collective negotiations:** There is no counter-balancing power within the workplace as workers cannot exercise freedom of association, trade unions are rarely actively present, and young women workers have been culturally primed for exploitation.
- **Lack of reach of retailer/brand efforts toward decent work:** The Western retailers' monitoring and training generally only reaches as far as garment factories and even if it reaches to spinning mills, the auditing processes alone have often not succeeded in overcoming exploitative conditions. Their power is limited because less than 30% of yarn from the mills is used for supply chains of international brands. Retailers' mapping of supply chains has not gone far enough to allow progressive work alongside 1<sup>st</sup> tier factories, with the aim of the factories buying more from spinning mills offering decent work. So far, 1<sup>st</sup> tier producers' idea of compliance has been restricted to their own production.
- **Easily accessible informal brokers** (middlemen paid by employers to hire labourers) often in the form of relatives, friends, van drivers, respected village elders, shopkeepers, sometimes panchayat members and school headmasters, ensure a supply of workers from most needy households to the mills. The process of recruitment is not effectively regulated.
- **Lack of grievance redressal mechanisms in factories and mills.**

## SECTION 3: KEY INTERVENTIONS CURRENTLY BEING UNDERTAKEN BY VARIOUS STAKEHOLDERS IN TAMIL NADU

### 3.1. NGO response towards elimination of modern slavery

As part of this research, the team met with a total of 14 NGOs working across Tamil Nadu on issues related to modern slavery in the textile industry. This section of the report outlines the nature of anti-slavery interventions being undertaken by these NGOs. It includes details of the types of modern slavery and target groups being focused on by these NGOs and also identifies some promising practices. The gaps in the ongoing interventions are also summed up in this section.

#### 3.1.1. Nature of NGO interventions

The most commonly carried out activities were: **Awareness raising, legal assistance, provision of educational support to children, vocational support for survivors, and advocacy.** Skills training and income generation assistance to survivors take up a large proportion of NGO budgets.

The activities being undertaken by the NGOs were broadly categorized under the following headings a) Prevention, b) Prosecution and protection, c) Rehabilitation and reintegration and d) Advocacy. Table 4 below presents an overview of the nature of interventions being undertaken by the NGOs interviewed during the study.

**Table 4: Nature of the interventions of NGOs**

Nature of Intervention	Number of NGOs undertaking such interventions
<b>A. Prevention</b>	
Awareness creation	12
In-depth work to help potential workers be better prepared, more knowledgeable about rights before they enter the workplace	9
Training support to village leaders to enable them to identify and prevent risky recruitment/ migration	8
Helping out of schoolchildren to re-enroll, or providing non-formal education for children who are out of school	10
Vocational training and income generation with young people to help prevent risky entry to workplace	6
Income generation (including microfinance) for adults in high risk communities	6
<b>B. Prosecution and Protection</b>	
Raids and Rescues	9
Filing Legal complaints & Legal Aid	11

Provision of shelter to victims	3
Helplines (running hotlines such as childline etc)	1
<b>C. Rehabilitation and Reintegration</b>	
Psycho-social support	11
Vocational training and income generation to help reintegrate survivors of workplace exploitation	10
<b>D. Advocacy</b>	
Advocacy with government with regard to workplace issues	10
Training of government officials and other stakeholders	5

The geographic area of work and nature of activities being undertaken by the NGOs interviewed during this study is presented in **Annex 2**.

## A. PREVENTION

In terms of prevention, the NGO interventions were mostly related to **awareness creation** followed by **helping out of school children to re-enroll** into school in order to prevent child labour.

**Awareness creation:** One of the key interventions being undertaken as part of prevention of modern slavery is awareness creation activities. 12 of the 14 NGOs have been undertaking awareness creation activities at community level especially in the districts of Western and Southern Tamil Nadu (Dindigul, Tirupur, Coimbatore, Theni, Madurai, Pudukottai, Dharmapuri, Krishnagiri, Salem and Erode). In these activities, they target vulnerable communities and reach out to potential workers, adolescents and their families as well as former workers.

In undertaking awareness raising, the NGOs often engage with and educate *aanganwadi*<sup>22</sup> workers, village panchayats and sensitize them about the effects of child labour and bonded labour. They explain the risks of young people entering the “schemes”. Sensitization happens through workshops at community level and encouragement to form vigilance groups. The hope is that these village-level stakeholders in turn spread awareness on these issues in the community. In some instances, NGOs have engaged former workers who have faced exploitation to sensitize families of potential workers through sharing their personal experiences.

NGOs also directly reach out to potential workers, adolescents and former workers but they do not generally use a door-to-door approach. NGOs particularly focus on vulnerable households: Girls from dalit families or those experiencing family problems, children from single parent households, and out of school children.

NGOs are also organizing:

- Local and state level public outreach campaigns with support of civil society groups, NGO networks, Farmer Associations, and Consumer Rights Forums<sup>23</sup>. They do this by observing special days such as Child Labour day, Sumangali Women’s day etc.

<sup>22</sup> A typical *Anganwadi centre* provides basic health care in Indian villages. It is a part of the Indian public health-care system. Basic health-care activities include contraceptive counseling and supply, nutrition education and supplementation, as well as pre-school activities in villages. A person who works in this centre is called an *Aanganwadi worker*.

<sup>23</sup><http://www.thehindu.com/todays-paper/tp-national/tp-tamilnadu/students-join-campaign-against-exploitation-of-poor-girls/article3944576.ece>, <http://www.deccanchronicle.com/140917/nation-current-affairs/article/sumangali-scheme-ills-highlighted>  
<http://www.newindianexpress.com/cities/chennai/2014/11/21/%E2%80%98Ratify-UNCRC-in-Complete-Form%E2%80%99/article2534513.ece>

- Sensitization workshops for parents of potential workers and current workers in targeted villages of source and destination areas,
- Mobile exhibitions on the issue of child labour, lump sum schemes and bonded labour, as well as organizing street plays and puppetry shows in schools,<sup>24</sup>
- Mobilizing public opinion by distributing leaflets highlighting the high level of exploitation in the textile mills and garment factories,
- Demonstrations against worker exploitation,<sup>25</sup>
- Young Leader programmes within the districts to empower children, formation of children sangams at village and block levels,
- Promoting children's movements at district level and children's federation at state level to address issues of child labour and child rights.

Interestingly, NGOs such as READ in Pudukottai district and Satyamangalam in Erode district have also reached out informally to brokers/middlemen involved in recruitment of workers and sensitized them on these issues. In order to understand the nature of brokers within the communities, READ conducted a study to find out who the brokers were and how they hired local people for mills. It was found that brokers included local shopkeepers, priests, van drivers, teachers etc. The study helped in understanding the identity of brokers.

Documentaries in Tamil and English are being made on the issue to reach out to a wider audience. For example, events are organized in schools and colleges where NGOs screen documentaries on 'lump sum scheme for young girls' to promote awareness. In addition, a special documentary was screened for local Members of the Legislative Assembly. Following the screenings, the local leaders took more CDs of the documentary to distribute in their political circles and also requested the district administration to screen them in every school of the district.

NGO campaign networks have been established targeting these issues such as Tirupur People's Forum, Campaign against Child Labour, Campaign against Camp Coolie System (see notes below on advocacy). But these campaigns are only focusing on two types of modern slavery: the schemes affecting adolescents, and child labour. There are other forms of modern slavery that have not yet been highlighted.

NGOs are also specifically targeting risky migration that becomes human trafficking. 9 out of the 14 NGOs were giving training to village leaders (e.g. panchayat, teachers, health workers, etc) to enable them to identify and prevent risky recruitment.

**But currently, these awareness-raising efforts do not have sufficient reach, compared to the scale of the problem.** Awareness raising activities are more visible in the destination areas such as Coimbatore, Tirupur, Salem, Madurai and Dindigul. Chronically poor source areas (mentioned in Section 2) are not being sufficiently reached through community based awareness raising.

In addition, few efforts are being made to address the risks of bonded labour amongst adult migrant workers from outside Tamil Nadu. Despite the influx of migrant workers and the exploitation they face, very few awareness creation activities are being undertaken with these

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<http://www.thehindu.com/news/cities/Madurai/yatra-against-bonded-labour/article6454549.ece>

<sup>24</sup> <http://www.thehindu.com/todays-paper/tp-national/tp-tamilnadu/puppet-show-highlights-problems-of-girls/article6182161.ece>

<sup>25</sup> The Hindu, <http://www.thehindu.com/news/cities/Madurai/plea-to-ban-all-forms-of-bonded-labour-in-tamil-nadu/article4976950.ece>

workers. One of the key reasons is the language and cultural barrier. NGO interventions should begin to include the adult migrant workers living in colonies or slums.

**Income generation activities and bank linkages:** As a way to reduce vulnerability, three NGOs have successfully undertaken income generation activities with marginalized farmers through soil and water conservation and sustainable agriculture projects. One NGO in particular approached financial institutions for assistance, as well as the state empowerment program for women. As a result, 384 landless families were supported to start viable income generation activities through an entrepreneurship development programme – tailoring, mobile phone servicing etc. 80% of beneficiaries stated an increase in their annual household income. Beneficiaries belonged to 20 village communities in Dindigul district. NGOs say that such interventions can prevent at-risk families from working in exploitative conditions in mills and factories. **However, only 3 NGOs were undertaking such projects on any significant scale.** More such interventions are required to be undertaken in the source and destination districts in the state mentioned in Section 2.

Apart from skill development and vocational training, many NGOs work with existing women's self help groups (SHGs)<sup>26</sup>, and in one case, an NGO has formed a women's trade union to promote the rights of women workers as well as enhance income generation activities. Many former women mill workers are now part of these groups. Their work could be enhanced through capacity building so that they can lead the SHGs. In general, the emphasis should be put on improving the functioning of existing SHGs rather than creating new ones. The focus should be on ensuring that SHGs are serving the poorest and most vulnerable, as well as systematic work to access rights, become well-informed and change harmful social norms.

Of the NGOs interviewed, 6 out of 14 NGOs are undertaking vocational training with young people to help prevent risky entry to the workplace. Most are only assisting around 20 – 30 young people in this way, as a preventive measure.

**Education support to children - Provision of non-formal education, bridge schools and tuition for dropouts:** 10 out of 14 NGOs run this kind of intervention. Educational support is also being provided to children by enrolling them into government schools and NGO-managed schools as well as enrolling children into government hostels so they can continue their education. Children are also being trained in life skills including problem solving, teamwork and self-motivation. Several of these NGOs reach between 20 – 50 girls through non-formal education, while one NGO reaches almost 300 girls with non-formal education services.

In view of the socio-economic vulnerabilities of the scheduled tribe households, some NGOs provide activities for tribal children to ensure their overall development and reduce risk of enslavement. Free education material and nutrition programs are being provided by NGOs.

Crèches are also being run by NGOs for babies of internal migrant workers working in factories.<sup>27</sup> Agape Foundation and CSED are running crèches in Dharmapuri district.

**Worker rights awareness:** In addition to general awareness raising, some NGOs work directly with groups of workers. For example, SAVE's Labour Resource Centre (LRC) in Tirupur serves as a data bank for the workers, trade unions and for researchers. The LRC also forms workers education groups in areas where workers are living, and has created training modules on labour standards and workers rights, health and hygiene, labour legislation, occupational safety,

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<sup>26</sup> <http://www.savengo.org/women.html>

<sup>27</sup> <http://csedngo.org/program.html>



personality development, history of trade unions, and capacity building programs for the workers. SAVE provides on site trainings for workers, sometimes linked to initiatives of brands and retailers. Information on the current scale of these activities was not provided. The LRC is primarily used by members of SAVE's NGO network.

#### **GAPS IDENTIFIED:**

At present most of the focus of prevention activities is on awareness raising and sensitizing potential workers as well as village leaders on their rights as well as risks of modern slavery. But in general, families with direct experience of the effects of modern slavery are not enabled to do long-term work to create resistance to modern slavery in the communities. Efforts are tending to be channeled through existing leaders, who may not have a common interest in developing solutions to the same extent as the affected families.

Very few interventions are being undertaken to address the socio-economic root causes of modern day slavery. Only 6 out of the 14 NGOs interviewed are engaged in providing vocational training and income generation support to youth to prevent risky entry into workplace. Similarly only 6 organisations are engaged in income generation activities (including microfinance) in high risk communities. Even these activities are at quite a small scale.

Also, at present, there is also a gap in group-based work to address the harmful norms that underpin exploitation, such as caste and gender. Programmes are not enabling families to explore their assumptions about how to keep girls safe. There is a need for an in-depth approach which questions caste and gender based stereotypes in the high-risk communities.

In a handful of workplaces, and within some communities, current workers are brought together to try to improve their working conditions and prevent vulnerability to modern slavery, but the scale of the work is very small, and the workplace-based groups tend to function within the constraints of the topics deemed to be safe by the owners, so issues such as minimum wages or access to trade unions are rarely considered. Especially in spinning mills, owners are very cautious of allowing such groups to exist, so the speed with which they can be multiplied is quite limited.

At present, there are only a few interventions that target labor brokers, managers and supervisors of mills to sensitize them about the risks of not following labour laws. As noted in Section 3.3, there is a strong need for further efforts in this direction, alongside retailers, brands and first tier suppliers.

Lastly, despite the influx of migrant workers and the exploitation that they face, very few awareness creation activities are being undertaken with these workers. There is need for more work with migrant workers.

## **B. PROTECTION AND PROSECUTION**

In terms of protection and prosecution activities, NGOs are mostly undertaking **legal work to secure civil compensation for injury or to obtain the promised lump sums** from past employers. To a lesser extent, they also identify locations of suspected modern slavery and

conduct raids and rescues, along with the authorities. Childline (the national helpline for children in crisis) seems to have an important role as the channel for young people to access assistance and to get released. Prosecution of criminal cases against perpetrators is not being carried out to any significant extent through the NGOs

**Identification:** 9 NGOs out of 14 carry out visits to sensitive areas, suspected locations and interact with labourers, employers, agents and community members. In some instances, NGOs also respond to media reports or on the tip-offs received from other organizations.

**Raids and rescues:** 9 out of 14 NGOs interviewed are involved in rescuing forced labourers from factories. In most cases, these rescues are being conducted along with local government and police as part of the government task force (consisting of government, revenue development officer/Child Welfare Committee, police) after receiving a tip-off, or after a call is made by the child to Childline. One district-level Childline office alone reported triggering rescues of 120 – 150 under 18 year olds per year, through about one raid each month.<sup>28</sup>

**Shelter homes:** The rescued victims are either put in NGO-run short-stay homes or referred to shelter homes maintained by other organizations or government. Only 3 of the 14 NGOs interviewed are running short-stay shelter homes for victims.

**Filing legal complaints for survivors:** 11 of the NGOs interviewed are actively involved in filing cases and legal complaints against the perpetrators. These NGOs engage with local police and Labour Department to initiate legal action.

An NGO interviewed shared that once a case of bonded labour had come to light where a woman worker “*was chained and locked up inside a factory*”. Upon hearing about her condition through a local person, the NGO filed a case against the perpetrators and ensured she was liberated. Lump sum scheme survivors interviewed during this study also shared that some NGOs had helped them get compensation through legal means.

In certain cases, NGOs have filed cases and petitions in the state High Court against malpractices in the Tamil Nadu textile industry in order to try to stimulate the government to take action.<sup>29</sup>

The legal cases won have mostly been on obtaining compensation from employers but have not generally been seeking criminal convictions against perpetrators. In these interventions, NGOs hire advocates to take up the cases of workers, and cases are sometimes taken up through the district legal authority cell or free legal aid cells.<sup>30</sup> According to NGOs, many of the cases fail due to lack of evidence, since workers rarely have any documentation of their employment. Sometimes in cases of deaths, accidents and suicides, the families are offered compensation by the factory or mill owner, so these cases do not go through the courts.

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<sup>28</sup> 138 bonded (child) labourers found working in spinning mills in Tamil Nadu, TPF, Oct 22, 2012, <http://www.indianet.nl/pdf/121022e.pdf>; BBA conducts raids along with police officials in Tirupur <http://www.thehindu.com/todays-paper/child-labour-problem-still-cause-for-worry-in-tirupur-district/article4954668.ece>  
<http://www.bba.org.in/?q=content/5-children-rescued-garment-factory-tirupur>  
<http://www.bba.org.in/?q=content/22-child-labourers-rescued-garment-factories-tamil-nadu>  
<http://www.bba.org.in/?q=content/18-released-grip-traffickers-tirupur>

<sup>29</sup> <http://indiankanoon.org/doc/1102952/>; <http://www.thehindu.com/todays-paper/tp-national/tp-tamilnadu/legal-services-authority-asked-to-form-panels-for-inspection-of-textile-mills/article1923491.ece>

<sup>30</sup> 5S website, <http://ssssdindigul.org/mamacash.html>



Free legal awareness camps have been held in districts by the NGOs in association with the local government.<sup>31</sup> The camps are organized every year but not on a regular basis. These camps help people file cases, if needed.

**Helplines/hotlines:** Helplines can be an effective tool through which victims and other concerned individuals can inform the enforcement officials and NGOs about abuses taking place. Childline (1098) is a helpline used to report cases related to forced labour of children and all cases of children in difficult circumstances. Currently Childline is an important channel for triggering rescues of children and there may be more scope for building up the institutional response linked with Childline, and ensuring that whenever possible it leads to prosecutions in criminal cases.

Along with the presence of state sponsored Childline 1098 and women's helpline 1091, NGOs such as CSED<sup>32</sup> and International Justice Mission<sup>33</sup> have also started helplines on bonded labour and sumangali scheme but these are tending not to be frequently used. CSED reported that they had received 37 calls on their toll free number since July 2014, of which 19 were about lump sums not being paid to workers. Three cases had been resolved by December 2014. Some of the respondents believe that instead of launching more helplines, it would be better to strengthen the capacity and accessibility of existing helplines.

The above interventions were noted to be more common in Tirupur, Coimbatore, Dindigul, Dharmapuri, Krishnagiri, Salem, Erode, Madurai, Theni, Pudukottai, Virudhunagar. These areas were identified by NGOs as source and destination areas for modern slavery.

#### **GAPS IDENTIFIED:**

There have been some successes to obtain compensation, but no successes in securing criminal convictions under child labour, bonded labour or trafficking elements of the penal code. Access to justice could be helped by building up a strong cadre of lawyers in targeted districts who have specialist training in relevant labour rights and can be passed cases by all the groups in those districts working against modern slavery. If there were active village-based groups, they could have a crucial role in enabling victims to sustain their long-term struggles to get justice through the courts.

Although Childline often responds to children in crisis related to modern slavery, there are not similar well-understood mechanisms for identifying and rescuing adult migrant workers who need assistance.

It could be important to undertake further consistent work to take cases through the High Court, to stimulate the state government to carry out its responsibilities (for example for inspection of premises or reduction of the current 3-year apprenticeship period).

<sup>31</sup> <http://www.thehindu.com/todays-paper/tp-national/tp-tamilnadu/free-legal-aid-awareness-camp-held/article6322708.ece>

<sup>32</sup> <http://www.deccanchronicle.com/141019/nation-current-affairs/article/helpline-launched-sumangali-scheme-staff>

<sup>33</sup> <http://www.thehindu.com/todays-paper/tp-national/tp-tamilnadu/bonded-labour-helpline-receives-good-response/article6417571.ece>

## C. REHABILITATION AND REINTEGRATION

In terms of support for the recovery of survivors of modern slavery, the main activity of the NGOs is **support for economic needs**, including through vocational training and provision of materials for earning a livelihood. They also provide some counseling assistance and guidance to the families. After they are released or leave the work, the survivors need comprehensive assistance as their physical, mental and economic condition can be extremely poor. Typically they leave the work, after some years of labour in very harmful conditions with no additional marketable skills than when they entered the job. Caring for these survivors can be an additional burden on families who are least able to cope. The interventions being undertaken in this category are as follows:

**Provision of psychosocial support:** The research found that 11 out of 14 NGOs interviewed have set up counseling services for survivors of bonded labour, forced labour and child labour but apart from three, the other NGOs have set these services up in their office headquarters with counselors visiting if survivors are able to come there for support. Don Bosco Nest and READ have linked up with NIMHANS (National Institute of Mental Health and Neuro Sciences) based in Bangalore, Karnataka for specialized counseling support for children but details of this arrangement were not provided.

Overall, it seems there is a lack of investment in in-depth training for field staff who could then directly undertake psychological support using a carefully selected and appropriate method for non-clinical counselors as part of their work with survivors. In many cases it is not practical for survivors in need of psychological support to regularly come to the NGO offices.

**Provision of skill development, vocational training and placements:** The majority of NGOs are providing survivors with opportunities to learn new skills. **A high proportion of the NGO budgets were being used to undertake this work.** Of the NGOs interviewed, 9 out of 14 NGOs are providing vocational training and income generation to help reintegrate survivors of workplace exploitation. Numbers reached range from approximately 100 – 500 participants.

The vocational training provided includes a range of subjects such as IT (computer oriented office management, computer hardware, computer and software automation), cutting and tailoring, beautician courses, embroidery and needlework, electrical technician, bag making, broom making, organic farming, watershed management etc.<sup>34</sup> These courses run for between 3 - 6 months.

10 NGOs are also creating linkages with industry for placements for survivors with better wages. Training certificates in computer software as well as tailoring, beautician courses etc are being provided by NGOs and the survivors are sometimes placed in jobs. There are instances where a few locals are being hired as supervisors in textile industry after undertaking short training courses. It is not clear whether the certification from these NGOs could provide well-paid employment for survivors because the courses are not accredited by the government. In such cases, livelihood interventions routed through self-help groups could prove to be beneficial as these groups are recognized by the government and therefore are more able to access credit for their members.

Tailoring skills have been a special focus for the NGOs providing vocational training for adolescent survivors, and it is a skill that survivors often request. Usually after such training, the

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<sup>34</sup>Tirupur People's Forum website <http://www.tpforum.in/activities.html>; LAW website <http://www.lawtheni.org/skills.html>, PEACE Trust Annual Report 2013

workers may either access loans in order to buy their own sewing machine (and then undertake independent village-based work) or may go to work in the apparel industry, but often in a better situation than previous jobs as spinning mill workers. Some of these jobs may still be exploitative and involve excessive overtime. Independent work in the village has provided decent income for some, but for others it is not successful.

The NGO respondents suggested that providing alternative opportunities for education and employment would result in a brighter future for the workers and would significantly reduce the chances of them going back into the abusive work environment of spinning mills and garment factories. More detailed tracking of the outcomes of investment in education and vocational training are needed, in terms of actual livelihoods and income earned, and if a future programme were to focus on income generation for survivors (and for those at risk), then in-depth research should be undertaken to suggest a range of economic activities that could provide decent and reliable income within the context.

**Child activity learning centers and children's parliaments:** Child activity learning centers are being run for affected children and survivors of modern slavery, with the help of trained motivators. In addition, children's parliaments and federations have also been promoted by NGOs to make them aware of child rights and learn leadership skills. There are about 10,000 children's parliament groups in the Tamil Nadu Neighbourhood Community Network (NCN).<sup>35</sup> At village level, the groups meet twice a month. These groups send representatives to a district level meeting once a month, and there is also a state level meeting three times a year. With the right NGO support, the groups can be quite active and are demonstrating specific achievements. For example, the Dindigul District Parliament of Children was instrumental in pressing the government to build a much-needed bridge costing Rs 5,400,000 (approximately \$90,000).<sup>36</sup>

**National Child Labour Project schools in association with NGOs:** Educational integration of former child labourers and those who have dropped out of school is also being addressed by running bridge schools (non-formal education for children under 14 years) with the support of National Child Labour Project (NCLP). Through the NCLP project, 3,537 child labourers were mainstreamed back into formal education in Tamil Nadu in the year 2012-2013.<sup>37</sup> There are 17 districts where the special schools are operational in Tamil Nadu - Chidambaram (Tuticorin), Coimbatore, Dharmapuri, Vellore, Salem, Tiruchirapalli, Tirunelveli, Krishnagiri, Chennai, Erode, Dindigul, Theni, Kanchipuram, Thiruvannamalai, Tiruvallur, Nammakkal and Virudhunagar.<sup>38</sup> There are currently 422 NCLP schools, benefiting around 20,000 children across Tamil Nadu.<sup>39</sup>

Some NGOs also sponsor the tuition and travel fees of former workers or current workers who wish to study further and take their 10<sup>th</sup> and 12<sup>th</sup> standard examinations. According to survivors interviewed for this research, the sponsorship of education has achieved some good results, as some of the survivors had passed their 10<sup>th</sup> grade exams and were now preparing for the next set of exams. They appreciate the tuition being provided.

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<sup>35</sup> NCN is a non-governmental organisation committed to promoting the concept of neighbourhood children's parliament. NCN works through an alliance of NGOs, CBOs, institutions and interested individuals especially those working among the most marginalised, excluded and discriminated communities in the states of Tamil Nadu, Pondicherry, Kerala, Karnataka, Andhra Pradesh & Maharashtra.

<sup>36</sup> [http://www.presentationsistersunion.org/news/view\\_article.cfm?id=814&loadref=16](http://www.presentationsistersunion.org/news/view_article.cfm?id=814&loadref=16)

<sup>37</sup> Source: Lok Sabha Starred Question No. 191 dated 11.3.2013, <http://164.100.47.134/intranet/childlabour.pdf> (last accessed on 22.12.2014)

<sup>38</sup> PIB, 2013; <http://pib.nic.in/newsite/PrintRelease.aspx?relid=97788>

<sup>39</sup> <http://www.tnchildlabour.tn.gov.in/nclptn.htm>

**Linkages with government schemes:** NGO respondents also shared that the rehabilitated survivors and their families are also being assisted to access state government schemes and benefits. According to Care-T, during one year, 1,109 families were linked to such schemes. All 14 NGOs were working to create linkages for survivors with government schemes. The NGOs have helped the survivor groups and communities to access:

- The Marriage Benefit Scheme. This is a state entitlement, where if girls complete 10<sup>th</sup> grade or 12<sup>th</sup> grade education, they receive substantial support towards the costs of their marriage. NGOs help survivors to complete and submit the documents required for these schemes and the NGOs then follow up with the government offices<sup>40</sup>.
- Livelihood schemes such as National Rural Livelihood Mission (NRLM) (see below).
- (In a few cases): Compensation for freed bonded labourers of Rs.20,000 (\$333) through which capital for income generation activities can be provided.<sup>41</sup> NGOs have to fight hard over long periods to obtain such rehabilitation grants, and labourers are highly vulnerable during this period.
- Rescued child labourers are linked to the NCLP scheme, Right to Education and mid-day meal scheme.
- Small educational scholarships for tribal or dalit students. Children up to age 14 are given footwear, uniform, bag and books by the government.
- National Rural Employment Guarantee Act (NREGA), which provides 100 days of paid work. NGOs commented that this cannot ensure complete rehabilitation of survivors.

In 2013, concerned over the prevalence of bonded labour in the country, the central government decided to focus part of the work of the major National Rural Livelihood Mission (NRLM) towards rehabilitation and alternative livelihoods for bonded labourers. 10 critically vulnerable districts around the country were selected for the initial three-year pilot program, including Kanchipuram and Vellore in Tamil Nadu. The government intends to carry out surveys to identify the bonded labourers, and then provide comprehensive assistance, especially through linkages with women's self-help groups.<sup>42</sup> To undertake the work, the Tamil Nadu Corporation for Development of Women (TNCDW) will coordinate with International Justice Mission (IJM), which has prepared a detailed plan for medical care, housing and psychosocial rehabilitation of freed labourers. The project has not yet been undertaken on ground.<sup>43</sup>

#### **GAPS IDENTIFIED:**

While many NGOs are undertaking vocational training of survivors (sometimes including other vulnerable individuals), further research is needed regarding the market viability of the skills provided, and the programs might be strengthened through focusing more on job placement for trainees.

As well as increasing this work with the survivors, there is a need for investment in expanding

<sup>40</sup> Marriage Assitance Scheme –I: Rs.25, 000/- (in the form of cheque)+ 4 gm ( ½ sovereign ) gold coin 22 carat is provided for making 'Thirumangalyam'. Scheme-II Rs.50,000./- ( in the form of cheque) + 4 grams gold ( ½ sovereign) 22 carat gold coin for making 'Thirumangalyam' Tamil Nadu Social Welfare Website:

[http://www.tn.gov.in/miscellaneous/pdf/important\\_link/socialwelfare\\_2.pdf](http://www.tn.gov.in/miscellaneous/pdf/important_link/socialwelfare_2.pdf) (last accessed on 22.12.2014)

<sup>41</sup>National Human Rights Commission website, [http://nhrc.nic.in/documents/LibDoc/Bonded\\_Labour\\_D.pdf](http://nhrc.nic.in/documents/LibDoc/Bonded_Labour_D.pdf) (last accessed on 22.12.2014)

<sup>42</sup> [http://www.livemint.com/Politics/nCKH4mDsBUifvaSJv9ADiM/Govt-to-rehabilitate-bonded-labourers-Jairam-Ramesh.html?utm\\_source=copy](http://www.livemint.com/Politics/nCKH4mDsBUifvaSJv9ADiM/Govt-to-rehabilitate-bonded-labourers-Jairam-Ramesh.html?utm_source=copy)

<sup>43</sup> TOI, March 2014: <http://timesofindia.indiatimes.com/city/chennai/State-govt-steps-in-to-help-rescued-bonded-labourers/articleshow/31574264.cms>

economic empowerment initiatives for other potential young workers, so that they have realistic alternatives to early and risky entry to mills and factories. Given the lasting harm caused by enslavement of these workers and the high costs for proper support for recovery, a strategic focus should be on investment in prevention.

One of the gaps is to ensure that as far as possible these vocational programs are partnered with government skills promotion schemes and certifications, as well as with local SHGs for access to credit and mutual support.

Training in an appropriate approach to non-clinical treatment and care of mental health problems should be provided to field staff, so that more survivors can be assisted towards recovery. To allow the time for this care to be provided, the fieldwork of the NGOs may need higher staffing levels.

#### D. ADVOCACY

**Anti-slavery Campaigns:** Apart from prevention, protection and rehabilitation activities, all 14 NGOs interviewed have also been actively advocating on the issues of bonded and child labour, especially focusing on exploitation through various “schemes”. They have carried out advocacy at local, state, national and international levels.<sup>44</sup> A number of campaigns have been undertaken by the NGOs in the region. Examples of networks for advocacy include:

- Tirupur People’s Forum (further detailed information about this forum for concerned NGOs and trade unions is provided in the section 3.5, on multi-stakeholder initiatives)
- Campaign against Sumangali Scheme
- Campaign Against Child Labour
- Federation to Promote Children’s Parliament (consisting of children’s groups across Tamil Nadu)
- Campaign against Camp Coolies

NGOs working specifically on human rights legal cases such as SOCO Trust have organised conferences for judges and ministers from Tamil Nadu to make them aware about the exploitative practices and also debate the current legal provisions.

Some NGOs have also come together to highlight issues of modern slavery through policy advocacy and seeking to influence the political parties to address these issues.<sup>45</sup> Pressure from NGOs, led the All India Anna Dravida Munnetra Kazhagam (ruling political party in Tamil Nadu) to file a petition in the state High Court on banning the lump sum schemes in the textile industry. The matter is currently sub-judice.

**Engaging with the media:** 14 NGOs have engaged with the media with the aim of raising awareness among the general public and enabling civil society to advocate on behalf of the affected workers. Media reports are also a key factor in alerting government officials and others such as the judiciary. A regular stream of reports has resulted in increased dialogue on bonded

<sup>44</sup> [http://trade.ec.europa.eu/doclib/docs/2013/june/tradoc\\_151380.pdf](http://trade.ec.europa.eu/doclib/docs/2013/june/tradoc_151380.pdf)

<sup>45</sup> <http://www.thehindu.com/todays-paper/tp-national/tp-tamilnadu/organisations-demand-ban-on-child-labour-up-to-18-years/article6184566.ece>

labour and child labour, though issues of adult bonded labour have received much less coverage.<sup>46</sup>

#### **GAPS IDENTIFIED:**

Owners of mills and garment factories do not directly respond to these advocacy campaigns by seeking to improve workers' rights. But the local governments that are sensitized are more willing to carry out rescue operations, and the advocacy could lead to improved general workplace and hostel inspections, as well as requirements for paying and documenting payment of minimum wages or reduction in apprenticeship periods. So a greater coordination of advocacy and media outreach, to focus on key demands of the workers and NGOs could be more productive.

Although the NGOs' research has often been of high quality, ways have not yet been found to involve any industry representatives in the initial design of such research, and as a result, industry representatives tend to dismiss the results.

Tirupur People's Forum is bringing many groups together toward common goals, and other NGOs have also helped to connect smaller local groups to outside funding and shared practices, but there has been a tendency toward isolation of other groups, or to believe that they do not have much to learn from each other. This fragmentation and in some cases disunity of civil society groups dilutes the effectiveness of their efforts.

Few efforts have been made to research or advocate on the issue of inter-state migrant labourers especially men and adolescent boys, who are increasingly victimised.

### **3.1.2. Interventions showing Results**

In most cases, NGOs were not able to give detailed feedback on which of their interventions are showing the greatest results toward reduction of modern slavery in the region. They have tended to document and report on services provided to beneficiaries rather than outcomes achieved either for those beneficiaries or in terms of reduction in prevalence of modern slavery related to areas where they are working. Some types of activities that seem to be showing significant results or potential for significant results are as follows:

1. **Local and international sustained advocacy and media efforts** against forms of bonded labour associated with lump sum schemes have enhanced international attention and led to more intense auditing and scrutiny of garment factories by some buyers, though this has so far had little effect further up the supply chain.
2. These **advocacy campaigns** sometimes lead to more active responses from officials. For example, the Deputy Commissioner of Tirupur has ordered the introduction of migrant registers at the village panchayat level to make them more accountable and responsible about the whereabouts of their own community members. This is now due to be implemented in 498 panchayats in Tamil Nadu.

<sup>46</sup> <http://www.ijmindia.org/wp-content/uploads/2014/07/Annual-Report-Final-Web-Version.pdf>



3. Although the assistance provided to survivors to help them recover may only indirectly contribute to eradication of forms of modern slavery, **support for survivors** is vital and effective for many of the beneficiaries and their families, and it should be strengthened and expanded.
4. Local organizing to **make government entitlements perform** seems to be important in reducing socio-economic vulnerability to enslavement.
5. Children's actions to get help through **Childline** are getting results, in terms of triggering raids, but it is not known how many other children have not been sufficiently aware or able to make contact and get help in this way.
6. **Income generation activities** in high-risk communities have been able to improve the economic status of vulnerable individuals and likewise **vocational training of young people** seems to make a valuable contribution, but these activities have been on a small scale, and it is not clear how closely they have been tied to building resilience to slavery. Most NGOs have not adopted economic empowerment activities on a significant scale due to lack of resources and technical support. In future, there may be important opportunities to link such activities with programs like the National Rural Livelihoods Mission, to ensure there is local scope for expansion of this component.

### 3.1.3 Summary of Key Gaps in NGO Interventions

There are numerous interventions being undertaken by NGOs in various districts of Tamil Nadu on the issues of modern slavery. However, as highlighted above, there are some challenges and key gaps in these interventions:

- **Gap in the scale and reach of NGO interventions.** They are only reaching a tiny fraction of the most affected villages.
- Specific **research gaps** are: lack of clear data on the level of bonded labour in the power loom sector; lack of prevalence studies done at village level to establish the level of migrant workers (children/adults) leaving the village and suspected in situations of modern slavery; and on the prevalence of modern slavery among inter-state migrants. Due to lack of access to young workers living in hostels clear data on prevalence of modern slavery is limited at present. The only time of year when they are accessible is during the Diwali holiday, which despite the difficulties might be an important time for learning more about the extent of exploitation and best ways to help those needing to be released.
- **Awareness and advocacy gaps** include: lack of advocacy on modern slavery issues affecting inter-state migrant labourers; lack of sustained awareness raising within key source areas for modern slavery; and lack of focus on how the broker system in the textile industry has often become a mechanism for human trafficking.
- **Gaps in quality of vocational skill programs:** Training provided to survivors (and to some vulnerable individuals) could be strengthened in terms of market viability, job placements and close linkages with government schemes and certifications.
- **Gaps in legal response:** There has been a lack of criminal prosecutions under child labour, bonded labour or trafficking elements of the penal code. Access to justice could be helped



by linking with lawyers in targeted districts who can be passed cases by all the groups in those districts working against modern slavery. These lawyers can then pool their case information, so that evidence of patterns can be used for NGO advocacy.

- **Gap in formation of common interest groups of families who are most affected:** Such families are not being brought together in groups to identify reasons for vulnerability and tackle the root causes. Likewise, there is a gap in group-based work to address the harmful norms that underpin exploitation, or to enable families to explore their assumptions about how to keep girls safe.
- **Gap in addressing socio-economic causes of modern slavery:** Local advocacy for key entitlements in dalit and tribal communities is not consistently being supported, and likewise, sustainable income generation initiatives are not always being linked to awareness of prevention of modern slavery.
- **Gap in formation of worker groups and linkages with trade unions:** Workers have very little information about their rights or of ways to develop collective negotiation. Links with trade unions, even with daily workers who are bused into work, are quite rare.
- **Gap in access to psychological support for survivors:** Most survivors in remote villages cannot regularly access office-based therapy, and there is a need for fieldworkers to be trained to provide an appropriate and safe therapeutic method to assist with mental and emotional recovery.
- **Gap in outreach to inter-state migrant workers:** Most NGOs are not yet finding ways to make contact with these extremely vulnerable workers, and they are not using the available helplines.
- **Gap in communication and coordination:** There are two clear gaps in coordination in relation to NGOs. Firstly, there is not a communication system that consistently channels grassroots evidence towards the retailers and brands in the supply chain that can take some actions to seek improvements. Secondly, between NGOs there have been major challenges for groups to work together toward shared advocacy goals and good practices, though TPF brings many groups together effectively, and other networks also exist.

## 3.2. Role of the government in elimination of modern slavery

This section describes the legal, policy and programme response of the government to modern slavery in the Tamil Nadu textile industry, including relevant anti-slavery programmes.

### 3.2.1. National response towards modern forms of slavery

#### A. Policy and legal framework

India has a federal structure of government, with legislative and executive powers separated between the Central government and the states. Each state can pass laws on subjects deemed to be state subjects or concurrent subjects. In addition, laws passed by the Central government on central subjects apply in the states.

The central government is also responsible for ratification of national and international laws related to modern slavery. Some of the main modern slavery-related national laws are mentioned in **Annex 3**:

#### B. National agencies to deal with modern day slavery

Various national agencies have been empowered to deal with the issues of modern forms of slavery including bonded labour, trafficking and child labour. These agencies and their specific roles are described in **Annex 4**.

### 3.2.2. State and district legal response towards modern forms of slavery

The State government is responsible for implementing national laws related to modern slavery and making additional specific laws as needed. The legal and policy response of the government of Tamil Nadu on combating modern slavery is summed up in Table 5 below:

**Table 5: Legal and policy response of Tamil Nadu to combat modern forms of slavery**

**The Tamil Nadu Industrial Establishments (National and Festival Holidays) Act 1958:** This Act provides for national and festival holidays to persons employed in industrial establishments in the state. The Act provides for the grant of paid holidays for five festival and four national holidays.

**The Tamil Nadu Handloom Workers (Conditions of Employment and Miscellaneous Provisions) Act 1981:** The Act prohibits employment of children who have not completed 16 years of age in handloom work.

**Fixing of Minimum Wages for the Apprentice:** In 2008, the Government of Tamil Nadu issued a draft notification on fixing minimum wages for **apprentices** employed in textile mills. The amount of the minimum wage was recently updated to Rs. 283.80 including dearness allowance.<sup>47</sup>

<sup>47</sup> <http://www.thehindu.com/todays-paper/tp-national/tp-tamilnadu/notification-on-minimum-wages-for-textile-workers/article1267798.ece>

**Government Order (G.O.) (2D) No.59, 5.11.2012:** Revised minimum rates of wages for employment in **Cotton Ginning and Pressing and Employment in Cotton Waste** to Rs 123 per day for skilled and Rs. 105 for unskilled workers, plus dearness allowance. This G.O. confirmed that there will be no distinction in the payment of wages between men and women employees where the nature of work is the same.

Under various other Government Orders:

A committee was also constituted for revision of minimum rates of wages for employment in **Hosiery Manufactory**. So far, it is still under revision.

The State Government also decided to constitute a committee to hold enquiries and advise them in the matter of fixation of the minimum rates of wages for the employment in **Knitting Industry**.

The State Government updated the minimum rates of wages for employment in **Powerloom Industry**.<sup>48</sup>

### 3.2.3. Institutional framework - roles and responsibilities of key officials

#### A. State level

Agency responsible	Main Roles and Responsibilities
Department of Labour and Employment, Tamil Nadu <sup>49</sup>	<ul style="list-style-type: none"> <li>• <b>Conciliation:</b> Resolving industrial disputes</li> <li>• <b>Enforcement:</b> Ensuring protection to labour in working conditions, health, safety and welfare in establishments other than factories</li> <li>• <b>Quasi Judicial:</b> Deciding claims for non-payment, under-payment, delayed payment of wages, non-payment of minimum wages and equal wages, deciding claims under Workmen’s Compensation Act, Payment of Wages Act and Minimum Wages Act</li> <li>• <b>Trade Union Registration:</b> Registration of workers associating themselves into trade unions</li> <li>• <b>Social Security to Organised and Un-organised workers:</b> Tamil Nadu Labour Welfare Board provides various social security measures to the workers engaged in different employments.</li> </ul>
Directorate of Industrial Safety	<ul style="list-style-type: none"> <li>▪ <b>Health, safety and working conditions in factories:</b></li> </ul>

<sup>48</sup> [http://cms.tn.gov.in/sites/default/files/gos/labemp\\_e\\_32\\_2013\\_2D.pdf](http://cms.tn.gov.in/sites/default/files/gos/labemp_e_32_2013_2D.pdf)

<sup>49</sup> The department comprises of Minister of Labour, Principal Secretary, Labour Commissioner, Joint Labour Commissioners and two Deputy Labour Commissioner in Wages and Inspections, Assistant Labour Commissioners. At the regional and district level, the Labour department comprises of Joint Labour Commissioners at the regional level, regional deputy labour commissioners, Assistant Commissioners of labour, labour officers and labour inspectors. These officials are responsible for administering the mandate of the department at the field level. Source - <http://www.labour.tn.gov.in/Labour/organisationchart.jsp#>

and Health	<p>Responsible for ensuring safety, health, welfare and working conditions of workers working in factories and in construction works by effectively enforcing the provisions of the Factories Act, Child Labour (P&amp;R) Act and other labour legislation.</p> <ul style="list-style-type: none"> <li>▪ <b>Inspections:</b> Responsible for conducting inspections in the supply chains of textile industry in the state.<sup>50</sup> Also responsible for inspecting cases of child labour, bonded labour or any forms of malpractice in their social audits.</li> <li>▪ For example, in Dindigul district, a minimum of 14 surprise inspections are conducted every month in the spinning mills, according to the Joint Director, and mill owners have also been charged with Rs. 10,000 or more in case the violations have been proved in court.</li> </ul>
Department of Social Defense, Tamil Nadu:	<ul style="list-style-type: none"> <li>• <b>Protection of women and children:</b> Ensuring protection and development of children and women from significant harm through institutional (e.g. shelter-based), non-institutional and outreach programmes.</li> <li>• <b>Co-ordination and networking</b> with allied systems like Police, Judiciary, Civil society, NGOs, Corporate sector, to ensure protection and development of children and women living in vulnerable condition.</li> <li>• <b>Running and Maintaining of child care institutions</b> like Observation Homes, Special Homes, Shelter Homes, drop in centres, children's homes etc., either on its own or in collaboration with NGOs.</li> <li>• <b>Running and Maintaining of other institutions</b> like Rescue Shelters, Vigilance Institution / Protective Homes etc. either on its own or in collaboration with NGOs.<sup>51</sup></li> <li>• <b>Linking vulnerable rescued children to various schemes</b> such as the marriage scheme, the SC/ST education schemes, vocational training and NCLP of the state government to ensure their proper rehabilitation<sup>52</sup>.</li> </ul> <p>Most local NGOs help survivors to access benefits provided through this department. For example, in 2011/12, 870 children benefited from the vocational training programmes in Tamil Nadu under this department.<sup>53</sup></p>
Tamil Nadu Labour Welfare Board:	<p>The Board implements various welfare schemes for the benefit of the workers who contribute to Labour Welfare Fund. A total of 71 Labour Welfare Centres are functioning in Tamil Nadu for the welfare of labourer families who contribute to the fund. These centers consists of Tailoring Section, Pre-school and Reading Room etc.<sup>54</sup></p>

<sup>50</sup> Director of Industrial Safety and Health, Senior Additional Director of Industrial Safety and Health, Additional Director of Industrial Safety and Health, Joint Director of Industrial Safety and Health, Deputy Director of Industrial Safety and Health are the key officers involved in conducting inspections. Similar positions of Joint Director, Additional Director are held in each district of Tamil Nadu with the chief of all the districts based in Chennai.

<sup>51</sup> <http://socialdefence.tn.nic.in/Activities.htm>;

<sup>52</sup> <http://socialdefence.tn.nic.in/vocational.htm>

<sup>53</sup> <http://www.tnsocialdefence.com/downloads/Performance%20Budget%20%20English%20-2012.pdf> (last accessed on 26.12.2014)

<sup>54</sup> [http://www.tn.gov.in/rti/proactive/labour/handbook\\_e\\_LWB.pdf](http://www.tn.gov.in/rti/proactive/labour/handbook_e_LWB.pdf)

National Child Labour Project (NCLP) in Tamil Nadu:	<p>The NCLP is the major child labour project being taken up in 16 districts of the state. The Project rescues child labourers and enrolls them in NCLP centers (schools run in order to rehabilitate child labourers).</p> <p>In 2011-2012, out of the 63,178 Out-of-School-children, 55,758 out-of-school-children were covered through various interventions in the age group of 6 to 14 years. The total number of out-of-school children in Krishnagiri district tops the list with 5645 children followed by Coimbatore (4077) and Dindigul (3569). The remaining children are included for coverage during 2012-2013.<sup>55</sup></p>
Anti-Human Trafficking Units:	<p>The primary objective of the unit is to monitor railway stations, bus stands, factories, industrial units, eateries and places with scope for bonded labour and child labour, alms-seekers to prevent trafficking of children and to monitor and prevent trafficking of girl children and woman to prevent sex trafficking.</p> <p>By January 2013, there were a total of 12 such units across Tamil Nadu.<sup>56</sup> AHTU works with the NGOs and Child Welfare Committees to conduct joint rescues. In March 2011 to June 2012, AHTU in the state had rescued 1,152 victims. ASK could not get an exact record of how many of these victims rescued were from the textile industry.<sup>57</sup></p>

## B. District level

**Role of Childline:** Childline is India's largest child protection network providing emergency phone (1098) outreach service for children in need of care and protection. Childline is presently operational in 26 out of 32 districts in Tamil Nadu.<sup>58</sup> Childline also regularly organizes workshops to sensitize Child Welfare Officers (CWO) in Tamil Nadu towards handling children in difficult circumstances. With support from the Education Department, Childline has been conducting large-scale awareness programmes among students and teachers. Childline also promotes its services through hoardings at railway stations, bus stands, hospitals, police stations, schools and colleges. Auto-rickshaw drivers have been asked by the district police in Tamil Nadu to mention Childline number on their auto-rickshaws.<sup>59</sup> Besides, a joint task force has been formed in all districts specifically to rescue child labourers under the aegis of the Childline and department of women and child development (CWCs) and social welfare. Childline is the official partner of the government when it comes to child rights and child protection.

<sup>55</sup> <http://www.ssa.tn.nic.in/schemes-e.htm>, <http://www.ssa.tn.nic.in/Docu/GenEduStat.pdf>, <http://labour.gov.in/upload/uploadfiles/files/Divisions/childlabour/NSSOEstimateofChildLabourinMajorIndianStates.pdf> SALEM case study, NCLP <http://www.idachennai.in/beta/idaadmin/upload/IDAREP38-NCLP%20Salem%20District%20ReportI.pdf>

<sup>56</sup> <http://www.thehindu.com/todays-paper/tp-national/tp-tamilnadu/antihuman-trafficking-unit-of-coimbatore-city-police-launched/article4342993.ece>

<sup>57</sup> <http://mha1.nic.in/par2013/par2013-pdfs/rs-181213/1469.pdf>

<sup>58</sup> <http://www.thehindu.com/todays-paper/tp-national/tp-tamilnadu/childline-1098-to-ring-in-three-more-districts/article4297016.ece>

<sup>59</sup> <http://www.childlineindia.org.in/pdf/Hello-Childline-February-2013.pdf>

**Role of the District Magistrate:** Under the Bonded Labour Act, powers of a Judicial Magistrate to make rulings on Bonded Labour are vested in the District Magistrate. The Bonded Labour Act also provides for constitution of Vigilance Committees at the district and sub-divisional level for implementing provisions of the law. The responsibility of identification, release and rehabilitation of bonded labour has been assigned to the Vigilance Committees constituted at District and Sub-Divisional level.<sup>60</sup>

In Tamil Nadu, there is a bonded labour vigilance committee in each district. The head of the Committee is the Collector (equivalent to the District Magistrate). The Committee conducts meetings every quarter to review complaints received from NGOs, individuals and other stakeholders. On the basis of the complaint, directions are given to conduct surprise raids in factories, based on preliminary evidence. These vigilance committees are meant both for bonded labour and child labour issues, according to the Tirupur District Magistrate.

**Role of the Revenue Divisional Officer (RDO):** RDOs of each district in Tamil Nadu have been given the power to identify, release and rehabilitate bonded labourers. They are a part of the task force during raids and rehabilitation of bonded labourers rescued from spinning mills and garment factories. The task force assigned to raid the mills and factories consists of Police, Revenue Divisional Officer, Joint Director of Industry Health and Safety. The work of RDOs is also monitored by the DM. In Coimbatore region, according to the DM and RDO, cases of bonded labour have significantly reduced. According to them, in 2014, no case of bonded labour has been registered in either Tirupur or Coimbatore<sup>61</sup>. The last investigation was carried out in 2012.

**Rehabilitation scheme for freed bonded labourers:** Under the scheme, rehabilitation assistance of Rs. 20,000 (\$333) per bonded labourer is supposed to be provided which is provided equally by the Central and State Government.

**Role of Child Welfare Committee:** Under the Juvenile Justice (Care and Protection of Children) Amendment Act, 2006 one Child Welfare Committee must be established in each district to dispose of cases for the care, protection, treatment, development and rehabilitation of children (anyone not completing 18<sup>th</sup> year) in need of care. A child can be brought before the committee by a police officer, any public servant, Childline personnel, any social worker or public spirited citizen, or by the child himself/herself.<sup>62</sup> The child welfare committee has also been given the additional responsibility of ensuring the new guidelines for hostels are being implemented in all districts of Tamil Nadu. The 23 point guidelines issued by the Chief Minister outlines the infrastructure requirements and security for privately run homes and hostels.<sup>63</sup> According to government officials, there are random inspections held in the mills but it is difficult to ascertain how effectively these inspections are carried out.

**Role of District Child Protection Unit:** The DCPU coordinates all child rights and protection activities at district level. At the block level, block level child protection committee takes similar responsibilities and at the village level, village level child protection committees have been

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<sup>60</sup>NHRC, Know your rights pg 405; <http://nhrc.nic.in/Documents/Publications/KnowYourRights.pdf>

<sup>61</sup> <http://www.ilo.org/legacy/english/dialogue/ifpdial/lg/ch6/ex3.htm>,

<http://www.thehindu.com/todays-paper/tp-national/tp-tamilnadu/sensitisation-campaign-against-bonded-labour-held/article6389761.ece>

Women and Child Development RTI Information on RDOs, <http://wcdsc.ap.nic.in/RTIAct/Punishments.html>

<sup>62</sup> <http://www.childlineindia.org.in/child-welfare-committee.htm>, [http://ncpcr.gov.in/view\\_file.php?fid=461](http://ncpcr.gov.in/view_file.php?fid=461)

<sup>63</sup>The Hindu, <http://www.thehindu.com/news/national/tamil-nadu/government-frames-comprehensive-guidelines-for-homes-hostels/article6154516.ece>



established though it was not possible to verify how well these committees are functioning. The different units are due to hold regular quarterly meetings and reviews.<sup>64</sup>

**Role of City Advisory Committee:** In some districts, this committee is the name given to the bonded labour vigilance committee and task force for child labour. It consists of police, Childline, member of National Child Labour project, Child Welfare Committee, District Child Protection Officer, Joint Director of Industrial Safety, doctor in cases of child labour. In cases of adult bonded labour, the RDO replaces Childline and NCLP. According to district government respondents, they conduct raids, rescues and undertake rehabilitation programmes. In some places, these seem to be quite active, especially at the request of Childline, so this is an area where added emphasis could be quite productive, and if well documented could contribute to advocacy.

**Labour Courts:** Conciliation officers are appointed in each district to conciliate labour disputes and **12 labour courts and one industrial tribunal** to adjudicate on disputes referred to them. In addition, **Special Industrial Tribunals** are formed for special areas like textiles and plantations when necessary. In 2008, a bill was passed which gave the labour courts the power of the civil courts in Tamil Nadu.<sup>65</sup> The courts have given verdicts in favour of the ‘scheme’ victims but the general complaint is that it takes a long time to get justice. They can also rule on compensation for labourers in case of industrial accidents.

**Role of government appointed doctors:** These doctors play an important role in providing the medical age verifications used by mill owners to employ under 18 year olds (to “prove” they are over 14). There is wide acknowledgement by auditors and civil society organizations that these age verifications are sometimes signed in bulk by doctors without actually seeing the young person, and the manager then fills in the person’s details as needed. Due to this corruption and to the fact that medical examinations (even x-rays of teeth) are a poor measure of age, the state and the industry should require that a second source of evidence is used, either birth certificate or school verification of completion of the appropriate school grade, probably the externally examined 10<sup>th</sup> grade certificate.

**Role of Panchayati Raj Institutions (village self-government):** The Sarva Shiksha Abhiyan is a major national government programme which aims to provide useful and relevant elementary education to all children aged 6 - 14, and bridge the social, regional and gender gaps. In states, this is enforced through the Village and Block Education Committees and Parent-Teacher Associations. Village government leaders are responsible for these committees, and so the village self-government institutions (PRI) play an important role to ensure education of children under the programme.<sup>66</sup> They are responsible for ensuring that new schools are opened or expanded as needed; that there are sufficient teachers; and that quality education, including lifeskills, is provided, with special attention to girls and those with special needs.

### 3.2.4. Key gaps

The research confirmed that India and Tamil Nadu have a robust legal and institutional framework in place to combat modern slavery in the textile industry. However, there are many implementation challenges, which jeopardize the effectiveness of the government response. The

<sup>64</sup> <http://www.kanyakumari.tn.nic.in/socialdef.html>

<sup>65</sup> <http://www.thehindu.com/todays-paper/tp-national/tp-tamilnadu/labour-courts-to-get-powers-of-civil-court/article1258812.ece>

<sup>66</sup> Overview of community mobilization [http://www.indg.in/primary-education/overview\\_on\\_community\\_mobilisation.pdf](http://www.indg.in/primary-education/overview_on_community_mobilisation.pdf) (ast accessed on 26.12.2014)

coordination structure proposed in the next Section intends to reach out to the state government and district government as leading partners in an integrated effort toward a thriving industry, based on decent work. The goal should be for government to put its weight behind the better performers in the industry and be prepared to act decisively against those who flout the law and abuse the human rights of citizens – posing a threat to the industry and workers.

Even with the best will on the part of government, systemic mechanisms for sustaining the government’s commitment should be put in place: For example, it will be important for civil society, especially NGOs and trade unions, to unite behind a few immediate advocacy priorities. Likewise, the coordination with leading retailers and brands means that these selected priorities could also be incorporated in their dialogue with suppliers. The recommended “Common Interest Groups” of affected families can also have a key role in advocacy, especially for improved performance of key entitlements. Also, village panchayats, sensitized on the issue, can make sure (especially at election time) that local political representatives commit to clear actions. Additionally, the suggested coordination structure includes enhancing existing district level structures (like the City Advisory Boards), making sure that all the local key stakeholders are working together to assist victims and enforce the law.

While there are already substantial laws in place, there are a few issues on which key stakeholders in Tamil Nadu could link with national efforts for legal improvements:

- A high proportion of workers in the textile industry are below 18 years, but despite currently having to work as hard and face the same hazards as adult workers, they are not legally permitted to join a trade union in India. National efforts to protect young workers from risk must include updating the law to allow them to have freedom of association.
- The Bonded Labour Act, with the existing clarifications through Supreme Court Directives, makes good provision for state action for prosecution, release and rehabilitation, but the regulations that guide its implementation need to be updated, clarifying the exact requirements on officials to take action; the amount of the compensation amount needs to be increased; and firmer accountability for state-level implementation needs to be undertaken by the Union Government.
- The process of amending the Child Labour Act should be concluded and vital protections put in place for under 18 year olds, such as those currently working in spinning mills in Tamil Nadu. According to ILO and other international conventions, hazardous labour of children aged between 14 and 18 is prohibited. But in practice, Indian law is not adequately protecting children aged 15 – 18 from hazardous work. For example, textile mills hire adolescents between the age of 15-18 as apprentices but make them work as adult workers

Organizations working against modern slavery in Tamil Nadu would have vital experiences and insights to bring to bear on these national advocacy efforts.

A specific policy change within Tamil Nadu would be to reduce the permitted apprenticeship period from three years to 6 months.

Some of the gaps and challenges in implementation that should be tackled are:

### Addressing vulnerability:

- **Ensuring socio-economic entitlements function effectively:** Tamil Nadu and district governments should hold local officials accountable for key provisions actually reaching poor and socially excluded groups (e.g. Employment Guarantee, food distribution, pensions, schemes for disability assistance, Smart Cards for health etc). In particular, it should ensure that the Marriage Assistance scheme reaches eligible girls, changing the restriction that limits the benefit to one girl in the family. Respondents highlighted that the state allows 33% of the budget allocation for girls and women, but currently, it is under-spent.
- **Extending vocational training and income generation/credit assistance to those at risk of modern slavery:** Government training and accreditation programs should be targeted more effectively to vulnerable groups, in partnership with local NGOs. The piloting of the National Rural Livelihoods Mission is an important opportunity to see whether this can be used effectively to reduce cases of bonded labour.
- **Village government to track its own migrant workers:** Panchayati Raj Institutions should follow guidance already issued to maintain computerized registers about local workers, with records of the name of the factory, working hours, contract type etc.

### Addressing responsibilities of factory/mill owners:

- **Ensuring mills and other workplaces are fulfilling basic obligations** especially during regular site inspections:
  - That all workers can produce **documentation of their employment**, including a contract and regular formal payslips, and that wages are paid through bank accounts. Such documentation is vital for enforcement of all other rights, so that workers can prove they even worked at the site.
  - That **freedom of association** of workers is being safeguarded and workers are permitted to join trade unions without risks of retaliation. Tamil Nadu government should revoke restrictions of trade union proximity to factories and mills.
  - That both apprentices and adult workers are **receiving minimum wages**. Tamil Nadu government should also update, confirm and publicise minimum wage levels, ensuring that they conform to Central Government daily floor levels.
  - That adequate **proofs of age** can be produced for all young workers, including proofs in addition to medical certificates that are not now regarded as reliable evidence.
  - That **Provident Fund and Employees State Insurance** are being provided to workers, including migrant workers.
  - That workers are not being required to provide **excessive or compulsory overtime**, and that those deemed to be apprentices are not working more than 6 hours per day.
  - That **migrant workers are accorded their rights** as described in the Inter-State Migrant Workmen's Act and are connected with sources of support and protection.
  - That workers have a means to **safely communicate their grievances** and obtain assistance and advice.

- **Prosecuting in cases where the law is flouted:** It is hoped that the preventive measures listed above will support proper observance of basic worker rights, but in cases of bonded labour and child labour, the challenges to prosecution should be overcome. In cases where children are found working or workers are unable to change employers or are forced to work, criminal prosecutions should be initiated and legal support and physical protection offered to victims and their families. Release certificates should be promptly issued so that victims can obtain compensation without delay.
- **The State government's guidelines on hostels should be upheld:** In addition to the Directorate for Industrial Safety inspections, the Social Defense Department should work with Child Welfare Committees to arrange unannounced inspections of hostels at mill sites, as well as providing pro-active and supportive guidance to such hostels about how to meet the requirements of the guidelines.

In addition, although the Departments of Women and Child Development, Social Defense, Labour and Employment, Health, and Education have all been extensively involved in responding to the needs of the survivors of modern day slavery, it requires more coordinated efforts and convergence for skill building, vocational and economic development opportunities for the survivors, in order to help prevent their return to forms of modern slavery.

### 3.3. Role of Business in eliminating modern slavery

The key business actors in the Tamil Nadu textile industry consist of the factory and mill owners, business associations and brands and retailers and the various initiatives that are closely supported by brands and retailers (see Table 6). Independent buyers acting for these businesses also have an important role, and auditors are a crucial link in the accountability and improvement systems.

**Table 6: Key Business Actors in the Tamil Nadu Textile Industry**

Actor Type	Key Actors in the TN Textile Industry
Business Associations	<ul style="list-style-type: none"> <li>▪ South India Mills Association (SIMA)</li> <li>▪ Tamil Nadu Spinning Mills Association (TASMA)</li> <li>▪ Tirupur Exporters Association (TEA)</li> <li>▪ South India Hosiery Manufacturers Association (SIHMA)</li> <li>▪ South Indian Spinners Association (SISPA)</li> </ul>
Brands and Retailers	<p>Key brands such as GAP, C&amp;A, H&amp;M, Primark, Hennes, Ted Baker.</p> <p>Brand/retailer linked initiatives e.g. Ethical Trading Initiative, Business Social Compliance Initiative, Fair Wear Foundation, Fair Labor Association, Social Accountability International, Brands Ethical Working Group</p>
Auditors	Auditors and firms of auditors are contracted by owners, brands, retailers and initiatives of brands/retailers
Factory and Mill owners	<p>2023 spinning mills across the state of Tamil Nadu</p> <p>Garment manufacturers and linked production units</p> <p>Power loom units</p>
Buyers	Buyers who act for businesses arranging supply of goods throughout the industry

This section provides an overview of the ways in which business associations along with brands and retailers are working to eliminate modern slavery from the industry and the key gaps in their efforts.

#### 3.3.1. Business Associations in Tamil Nadu Textile Industry

During the research, an effort was made to reach out to the key business associations in the Tamil Nadu textile industry, and meetings were held with SIMA, SISPA, SIHMA and TASMA. The following section has been drafted based on interactions undertaken with business associations, other stakeholders such as NGOs, auditors, as well as through the desk review.

## A. Southern India Mills' Association (SIMA)

The Southern India Mills' Association (SIMA) has 500 members including approximately 339 spinning mills associated with it. All leading textiles mills including several spinning, weaving, processing, composite, knitting, garmenting, made-ups and technical textiles units in South India and also a few leading textile giants from north India are members of SIMA. The Association plays a lead role in all the textile policy making bodies of Central Government and State Governments in South India.<sup>67</sup>

During the interview, SIMA officials shared that they are creating awareness among their members on best practices with regard to worker recruitment and other employment practices. They mentioned that they have developed the “*Guidelines and Code of Discipline for Women Employment in Textile Industry.*” These guidelines include provisions such as: Working hours to be 8 hours per day and not to extend beyond 48 hours in a week; leave with wages as per Factories Act; one day weekly holiday; complaint committee headed by a woman; Provident Fund, ESI and bonus; appropriate medical and washroom facilities; no sexual harassment; provision of wage slips and deduction in wages shown according to the Minimum wages Act 1978.<sup>68</sup> The SIMA officials did not highlight concerns about labour conditions in the textile mills.

In a May 2012 report, SIMA said it was misleading to say that the textile industry is promoting or thriving on bonded labour as SIMA has strict compliance controls in place with a third party (German firm TUV Rheinland) which conducts regular audits to certify key employment standards. “*The Southern India Mills Association (SIMA) says the term 'Sumangali' has been done away with, and that some 120 mills under it are offered an 'apprentice scheme with hostel facility'. It is misleading to label the scheme as bonded labour. German-firm TUV Rheinland audits our mills to certify women employment standards,*” secretary general K Selvaraju said in a newspaper interview.<sup>69</sup> Likewise, during the interview for this research, SIMA respondent pointed out that the presence of “Sumangali system” in mills has reduced over the years and it “*would not be appropriate to mention Sumangali in the present tense*”. According to SIMA, since the apparel industry faces 120% attrition of labour force, it is a natural practice to employ migrant labourers from outside and provide them with hostel facility.

The SIMA official also shared that in case of violation of the guidelines, strict actions would be taken against the members but did not specify the nature of action. SIMA also reported its role in ending discrimination against women workers in the textile industry regarding working night shifts. They shared that it was due to their intervention and efforts that women were allowed to work in night shifts. In 2000, the Madras High Court upheld the right of R Vasantha, a woman worker in a textile mill in Dharmapuri district of Tamil Nadu, to work the night shift on the condition that her employer ensured her safety and security at the factory, provided transportation facilities to and from work and supervision of their shift by women supervisors.<sup>70</sup>

SIMA also reported that they have worked with the Government of Tamil Nadu to ensure implementation of minimum wages for apprentices and they also have a Monitoring Committee in place to ensure that all member employers adhere to this. SIMA is a member of the State Labour Advisory Board and have so far conducted 300 events for mill owners, personnel heads, supervisors and trade unions educating them on labour rights and compliance issues. SIMA

<sup>67</sup> <http://simatexpo.org/farmtofinish/abouttheorganiser.html>

<sup>68</sup> Understanding the Characteristics of the Sumangali Scheme in Tamil Nadu Textile & Garment Industry and Supply Chain Linkages, Pg 31, 2012, FLA & Solidaridad, [http://www.fairlabor.org/sites/default/files/understanding\\_sumangali\\_tamil\\_nadu\\_0.pdf](http://www.fairlabor.org/sites/default/files/understanding_sumangali_tamil_nadu_0.pdf) (last accessed on 11.12.2014)

<sup>69</sup> The Economic Times, 2011 [http://articles.economicstimes.indiatimes.com/2011-11-16/news/30405697\\_1\\_child-labour-labour-shortage-labour-issues](http://articles.economicstimes.indiatimes.com/2011-11-16/news/30405697_1_child-labour-labour-shortage-labour-issues)

<sup>70</sup> Business standard, 2014, [http://www.business-standard.com/article/current-affairs/women-on-night-shift-a-lesson-from-tamil-nadu-11408120027\\_1.html](http://www.business-standard.com/article/current-affairs/women-on-night-shift-a-lesson-from-tamil-nadu-11408120027_1.html)



engineers visit mills to improve working conditions and provide technical support. The Association has also made key suggestions to the mills to maintain medical support systems and keep a record of minor and major accidents and appoint a lady doctor.

## **B. Tamil Nadu Spinning Mills Association (TASMA)**

TASMA has 507 spinning mills as its members. Most member mills are exporting yarn or supplying yarn to exporters of garments/fabrics. It was set up specifically to address issues of concern related to the spinning mills within Tamil Nadu. TASMA officials did not meet the research team (though they had earlier met with two Freedom Fund representatives) but shared their responses in writing regarding the research questions.

In his response, the Chief Advisor of TASMA mentioned electrical power as the major challenge for the industry in the state. From 2008 onwards, power has become scarce with mills operating on an average of 40% - 60% power cuts for the past 6 years. This makes Tamil Nadu mills less competitive with their counterparts in the rest of India. Labour availability is another challenge. Due to this scarcity of labour, migrants from other States like Bihar, Orissa, and Chhattisgarh etc come to work in the mills. Mills are taking proactive steps to retain the labour force. TASMA believes that at present such migrant labour is being wrongly treated as “bonded labourers” by the authorities and, with the aim of releasing these workers, the government is unnecessarily disturbing the mills.<sup>71</sup>

TASMA issued a Code of Conduct in 2011 in order to create a better industrial relationship between management and workers and to ensure better compliance with labour laws. Some of the key provisions in this Code of Conduct are: Discouraging the engagement of agents to arrange supply of labour, and workers should be recruited directly by the management; members can recruit persons of age below 18 years if they are in robust health; recruitment of children below 14 years of age is banned, and employment of under 18 year olds is subject to certain restrictions on working hours and work places. Further, age proof, medical fitness certificate, provision of welfare and medical facilities inside the mills, proper working hours, appointment of grievance redressal committees are all described in the Code of Conduct. The Code also provides for separate guidelines for hostels, which mention that residents should not be allowed to work overtime except in exceptional circumstances. 8 hours work, 8 hours rest and 8 hours leisure time should be ensured for all workers. It is also mentioned that there will not be confinement of workers in any manner.<sup>72</sup>

TASMA is one the few associations that has proactively engaged with other stakeholders such as local NGOs and trade unions to address workers’ issues. It is also part of the Ethical Trading Initiative (ETI).

TASMA rejected the idea of bonded labour in mills. According to the TASMA Chief Advisor, *“Comparing the slavery conditions of Europe or any other developed country with those of India is comparing two un-equals as equals. Any condition prevailing is specific to a nation and therefore, it has to be analyzed in the law of the country and not with International standards. The term bonded labour or forced labour is not properly understood by NGOs and other such agencies. Hence, with some different motives, the employment is being equated to bonded labour or forced labour. In an environment of vigilance by media, forced labour is no more a*

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<sup>71</sup> TASMA Interview, November 2014

<sup>72</sup> Code of Conduct for Members of TASMA in the matter of Employment of Labour at their Mills and a Hand Book of obligations under various Labour Legislations, April 2014

*practice available anywhere. However, the NGOs alone are creating such myth in the media for their own vested interests”*

In April 2009, the association was involved in a case that deliberated on the need for minimum wages for apprentices in the spinning mills in Tamil Nadu. The Madras High Court held that the State government had the power to fix minimum rates of wages even for apprentices.<sup>73</sup> The updated minimum rate of wages payable to the apprentices engaged in the employment in textile mills in the State of Tamil Nadu is currently Rs. 283.80 including dearness allowance.<sup>74</sup>

### **C. Tirupur Exporters Association (TEA)**

TEA is the key association representing the garment manufacturers and exporters of Tirupur. TEA has a membership of 929 life members and 155 associate members. The Association focuses on growth of the industry and exports; development of infrastructure in the area; cooperation with the workforce; and improvement of quality of life in Tirupur.

TEA has been involved with brands and retailers, focusing on social and environmental compliance aspects. The association rejects the presence of exploitation under the schemes in the garment industry and believes that the *“women are hired as daily wage workers and at wages higher or equivalent to minimum wages”*.

In response to reports and media campaigns on schemes and the forced labour issues in the industry, TEA has responded by initiating a locally-based multi-stakeholder initiative - **Tirupur Stakeholder Forum (TSF)** in September 2010. *“The primary objectives of this forum is to openly and collectively address broad, industry-level issues and challenges pertaining to the workforce & working conditions in the apparel export sector of Tirupur, and thereby find & implement sustainable solutions for resolving the same and to support for the sustainable growth of the industry. TSF comprises of four major stakeholder groups, namely the Tirupur Knitwear Industry (represented by TEA), International clothing and fashion brands/retailers sourcing their merchandise from Tirupur (represented by the Brands’ Ethics Working Group), 7 major Trade Unions and 4 reputed Non-Governmental Organizations active in the Tirupur region.”*<sup>75</sup>

According to TEA, the frequency of meetings is largely decided by the needs relating to working conditions issues and challenges facing the industry.

TSF produced a set of guidelines for migrant women workers living in hostels and for the recruitment process for spinning mills/garment factories relating to the terms of employment, working hours, and payment of wages.<sup>76</sup>

TEA is in the process of setting up a monitoring committee from among the board members of TEA to guide, implement and monitor the progress of the guidance document through regular inspections.

However, through interviews conducted with NGOs and trade unions, it was suggested that for the past year the TSF has been largely inactive. No major meetings have been held of the Forum.

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<sup>73</sup> The Hindu, Minimum wages for apprentices can be fixed <http://www.thehindu.com/todays-paper/tp-national/tp-tamilnadu/state-can-fix-minimum-wages-for-apprentices-court/article285073.ece>

<sup>74</sup> FLA report, [http://www.fairlabor.org/sites/default/files/understanding\\_sumangali\\_tamil\\_nadu\\_0.pdf](http://www.fairlabor.org/sites/default/files/understanding_sumangali_tamil_nadu_0.pdf), pg 29. Last accessed on 12.12.2014)

<sup>75</sup> <http://www.tsf.org.in/about/>

<sup>76</sup> Tirupur Stakeholders forum Website, [http://www.tsf.org.in/documents/TSF\\_GUIDELINE\\_VERSION\\_1\\_0\\_ENG.pdf](http://www.tsf.org.in/documents/TSF_GUIDELINE_VERSION_1_0_ENG.pdf) (last accessed on 26.12.2014), The Hindu, 2011: <http://www.thehindu.com/todays-paper/tp-national/tp-tamilnadu/guidance-document-for-tirupur-knitwear-cluster/article2425235.ece>

#### **D. South India Hosiery Manufacturers Association (SIHMA)**

The Association currently has 600 members supplying the domestic market covering 300,000 workers directly, of which 30% are women. SIHMA focuses on the Indian textile market and the association mostly deals with the later stages of garment production. In the hosiery sector, 60% of workers are piece rate workers and 40% are permanent.

The Association explained that it assists the workers in getting financial assistance from the banks and financial institutions. In 2012, SIHMA along with other business associations such as TEA and SIMA entered an agreement regarding wages in the garment sector with labour unions, in the presence of the Deputy Commissioner of Labour, Coimbatore for a period of four years, and the agreement would be revised every four years. Members of all associations are supposed to adhere to these wage guidelines but this decision is not binding on any member.

#### **E. South Indian Spinners Association (SISPA)**

SISPA has a member base of 500 small spinning mills in Tamil Nadu. During the research interview, the SISPA official described the present challenges of the textile industry. There is a shortage of labour in the industry resulting in migrant workers coming from outside to work. According to the SISPA official, creating hostel facilities for workers was a good practice by the industry as it ensured the retention of labour. They also believe that a few incidents are being projected by the NGOs as gross violation of rules in the industry.

Another challenge cited by the SISPA official is the lack of fixed wages for workers in the spinning mills. In order to address this problem, SISPA has proposed the idea of fixed wage of workers in spinning according to size of the mill, so that smaller mills could remain competitive.

SISPA also regularly sends out circulars to inform its member mills to attend programs focused on abolishing child labour, conducted by the government in various districts.<sup>77</sup>

### **3.3.2. Brands and Retailers**

Meetings with brands and retailers were not undertaken as part of this research, although the Freedom Fund discussed initial findings with staff of two leading brands, as well as meeting with Fair Wear Foundation staff, which represents European brands seeking more ethical supply chains. The analysis of the ways in which brands and retailers are working to eliminate modern slavery from the industry is mainly based on desk review (information available in public realm) and interactions held with key stakeholders during the research.

Alerted by sustained national and international campaigns of organizations such as SOMO/ICN and Anti-Slavery International, many brands have come forward to develop joint action against exploitative practices. Global brands such as C&A, H&M, Gap, Hennes etc. have created pressure on their first tier Indian suppliers which has to some extent improved labour conditions in garment factories. In addition, international attention and denunciation of the Sumangali scheme has led to certain improvements such as increased awareness, increased lump sums, setting up of hostel guidelines and significantly reduced employment of workers between the age

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<sup>77</sup> SISPA Circular, 2014

of 12-14. Overall, the concrete and lasting improvements at industry level, further up the supply chain, have been limited.<sup>78</sup>

The brands and retailers have brought their first tier suppliers under the purview of social audits but, with a few exceptions, the second and third tiers of textile and garment production are still outside the scanner of brands, and as described earlier, it is in these spinning mills and weaving units that most exploitative practices take place.<sup>79</sup> One of the challenges is that, through their 1<sup>st</sup> tier suppliers, these brands may only be using a very small percentage of the product of particular mills and powerlooms, so their leverage is quite limited.

The role of auditors in improving the situation is significant, especially at the 1st tier level, but the quality of audits varies enormously, from perfunctory tours and checking of paperwork, to multi-day in-depth reviews, including off-site informal discussions with workers. There is a recognition by committed sourcing staff of the brands and by some auditors that additional approaches are needed - approaches that can match the ability of local NGOs to carry out basic research which often finds abuses that should have been put right by audits and by follow up to audits.

In 2011, brands like Gap, C&A, H&M and Primark warned their Indian suppliers to stop sourcing raw material from mills that employ girls under the Sumangali scheme.<sup>80</sup> Also, a number of these brands are working inside their own supply chain and through collaborative initiatives to improve compliance, and in some cases have cut off ties with suppliers that would not change their practices. For example, H&M and Ted Baker have expressed their decision to blacklist those mills engaging in malpractices.<sup>81</sup>

C&A has come out completely against the system of Sumangali. In 2007, their independent operating auditing partner SOCAM (Service Organisation for Compliance Audit Management) found evidence of such a system at a supplier in South India. The account was suspended immediately and when it became evident that the supplier was not willing to change this practice, the account was eventually closed. In 2010 Anti-Slavery International completed a study in India which clearly showed that bonded labour was present in the earlier parts of the supply chain and was not being satisfactorily addressed through existing auditing systems. To help eliminate severe labour violations, C&A joined several initiatives: For example within Europe C&A has been an active participant in a forum under the auspices of the Ethical Trade Initiative (ETI), seeking a collaborative approach with other brands and NGOs to abolish the system of Sumangali in India. Within India, C&A is part of the Brands Ethical Working Group, itself part of the Tirupur Stakeholder Forum. In addition, the company has consistently funded NGO work in the region, including funding a Terre des Hommes project to provide young women with an alternative to working under this system through education.<sup>82</sup>

According to Gap, *“The Sumangali scheme is a violation of GAP’s COVC (code of vendor conduct), and we do not approve apparel factories that use this practice. Knowing that addressing systemic issues requires an industry-wide, locally inclusive approach, GAP has taken a leadership role in establishing an industry working*

<sup>78</sup> FLA, [http://www.fairlabor.org/sites/default/files/understanding\\_sumangali\\_tamil\\_nadu\\_0.pdf](http://www.fairlabor.org/sites/default/files/understanding_sumangali_tamil_nadu_0.pdf), pg 26

<sup>79</sup> Behind the Showroom: the Hidden reality of Indian garment workers, FIDH report 2014 Pg 35-36 and SOMO report 2012 pg 1-6 (last accessed on 11.12.14)

<sup>80</sup> Economic Times, [http://articles.economictimes.indiatimes.com/2011-11-16/news/30405697\\_1\\_child-labour-labour-shortage-labour-issues](http://articles.economictimes.indiatimes.com/2011-11-16/news/30405697_1_child-labour-labour-shortage-labour-issues)

<sup>81</sup> <http://www.wwd.com/business-news/government-trade/report-links-brands-to-slavery-in-indian-mills-8009336>

<sup>82</sup> C&A Foundation, [http://www.c-and-a.com/uk/en/corporate/fileadmin/mediathek/uk-uk/Pressreleases/CSR\\_Site/Sumangali\\_in\\_India\\_illegal\\_and\\_unacceptable.pdf](http://www.c-and-a.com/uk/en/corporate/fileadmin/mediathek/uk-uk/Pressreleases/CSR_Site/Sumangali_in_India_illegal_and_unacceptable.pdf)  
[http://www.c-and-a.com/uk/en/corporate/fileadmin/mediathek/uk-uk/Pressreleases/CSR\\_Site/C\\_A\\_Foundation\\_Supports\\_the\\_Fight\\_Against\\_Sumangali\\_Schemes.pdf](http://www.c-and-a.com/uk/en/corporate/fileadmin/mediathek/uk-uk/Pressreleases/CSR_Site/C_A_Foundation_Supports_the_Fight_Against_Sumangali_Schemes.pdf) (last accessed on 11.12.14)

*group through the Ethical Trading Initiative. GAP has helped bring together international brands and retailers, the local and national government, manufacturers and mills, non-governmental organizations, and trade unions to discuss the issue and identify a locally-driven way forward.*<sup>83</sup>

In Section 3.4, more information is provided about many of the collaborative initiatives in which retailers have had a key role.

### 3.3.3. Textile Mills, Powerloom owners and Garment Factory Owners

The growing awareness about the presence of child labour, forced labour and bonded labour in the Tamil Nadu textile industry in the international arena and increased pressure from global brands has led to some positive changes in the last few years. Mills and garment factories have been asked to put up signboards of “no child labour”, “ESI Dispensary”, “Sunday Holiday” and “Overtime is Voluntary” near the campus gates. Some have put up their own code of conduct and quality policy on the websites in order to demonstrate that they are taking the necessary steps to curtail malpractices.<sup>84</sup> However, one of the problems in addressing the situation is the general assumption by 1<sup>st</sup> tier producers that their responsibility for compliance ends with the conditions of their own workers. They have not yet understood that they should be ensuring they are themselves buying from legally compliant suppliers.

Most mills have denied the presence of “Sumangali” or child labour in their mills.<sup>85</sup> After the SOMO report of 2012, the Eastman Group denied the presence of child labour or “Sumangali” and said that they were paying fixed wages to workers according to labour laws and extra for overtime, and that they strictly adhere to the laws of the land.<sup>86</sup>

Respondents for this research, such as NGOs, stated that it was difficult to access spinning mills and to ascertain whether they had really made improvements. NGO respondents were of the opinion that the situation has improved over the past decade on the issue of “Sumangali” for example some mill owners have raised the lump sum amount given to girls in the scheme and certain employers have reduced the years from 3 to 1. However, they say that the exploitation still continues. The researchers could not interview the garment factory and mill owners. ASK researchers spoke to daily wage workers and to recent returnees who confirmed that many are still on “schemes” and that a large number of workers are still suffering conditions similar to those reported in recent research. There is strong direct evidence from the feasibility study that there is a major issue to address.

### 3.3.4. Key Gaps

There are certain gaps that were found to be common amongst business associations, retailers and brands, and factory/mill owners.

- All of the Tamil Nadu based industry associations **denied the presence of any forms of modern day slavery such as bonded labour, child labour, or forced labour**. While some associations acknowledged the presence of “sumangali” in the past, the common ground has been that they are following the best practices for the welfare of the workers. This claim that there are no more problems has been mostly contradicted by

<sup>83</sup> <http://www.gapinc.com/content/csr/html/human-rights/forced-labor.html>, GAP Social and Environment responsibility report 2011-2012

<sup>84</sup> FIDH report, 2014 on India garment workers, pg 34-36

<sup>85</sup> <http://www.thehindu.com/business/Industry/super-spinning-mills-denies-hm-charge/article6541847.ece>

<sup>86</sup> Eastman Group circular, 3 August 2012



international campaigns through a series of investigative reports based on robust local evidence. This apparently deep unwillingness to admit a remaining problem is a very large challenge for collaborative efforts toward eliminating human rights violations. While the business associations have formulated guidelines and Codes of Conduct for their members, the associations and manufacturers do not have adequate systems in place for monitoring and improvement, reporting about specific audit findings, corrective action plans and progress against those plans. Lack of access to spinning mills and factories makes it difficult to verify if industry guidelines are being implemented or adhered to, though recently returned workers provide consistent evidence about significant violations.

- The research has shown that there is a **large gap of trust** between various stakeholders making it difficult to work together to combat malpractices and ensure workers' rights. The business associations suggested that NGOs give misleading information to the media, while NGOs and trade unions continue to question the commitment level of business to ensure worker rights.
- So far, although some of the leading brands are making some concerted efforts, there are a number of key gaps in the response of most brands and retailers:
  - They have only generally been able to reach out to their direct suppliers (i.e garment factories), while the spinning mills which are more heavily affected by modern slavery, still do not generally come under the purview of third party social audits. There is a strong need for more brands and retailers to accept a broad definition of supply chain responsibility beyond the end assembly phase, including the spinning and weaving phases. **Consequently, they should negotiate with their suppliers to progressively push social auditing, monitoring and corrective actions up the supply chain.** Or perhaps directly commission part of the production of certain better performing spinning mills for use by their 1<sup>st</sup> tier suppliers.
  - **They have not fully mapped their supply chains**, so they have not equipped themselves to understand where there may be problems, or to work with 1<sup>st</sup> tier suppliers to increase purchases from better mills/suppliers
  - They have not yet been willing to be **publicly transparent** about their supply chain
  - **Quality and regularity of auditing varies greatly** and findings of audits are not always dealt with efficiently. Retailers are not so far willing to **share audit findings** with other retailers.
  - Brands are not consistently helping the **management staff of suppliers to get trained in key issues**, to help create confidence in making improvements or to insist on **workers being trained in their rights**.
  - It seems that only a minority of brands actively participates in collective efforts toward improvement.
- Freedom of association and collective bargaining are key to ensuring that workers' rights are fulfilled. However, at present trade unions remain weak. There is a strong need for the **local manufacturers to respect trade union rights** so that unions can play their role. Manufacturers should also allow local trade unions and representatives of local NGOs to have access to workers.



### 3.4. Role of Trade Unions

This section provides an overview of the role played by trade unions in elimination of modern slavery in the Tamil Nadu textile industry.

#### 3.4.1. Key trade unions in the textile industry

A total of six trade unions were found to be active in the textile industry in Tamil Nadu. It is important to note that under the Indian Trade Unions Act, 1926 workers aged 15 - 18 may not join a trade union. This adds to the vulnerability of young workers. Table 7 below provides an overview of the key trade unions active in the region.

**Table 7: Trade unions and estimated membership**

Name of the Union	Estimated Membership base in India	Estimated Membership base in TN textile industry
AITUC	14,200,000	50,000
CITU	5,700,000	N/A
TTCU	250	250
INTUC	33,300,000	N/A
HMS	9,200,000	18,000
MLF	4,562	4,562

*Source: Trade Union Interviews and Economic Times<sup>87</sup>*

During the research, interactions were undertaken with four trade unions namely – All India Trade Union Congress (AITUC), Hind Mazdoor Sabha (HMS), Tamil Nadu Textile and Common Labour Union (TTCU), and Marumalarchi Labour Front (MLF)

According to the International Federation for Human Rights (FIDH) report and Centre for Research on Multinational Corporations (SOMO) report as well as through the evidence of this current research, the trade unions are not very strong in the textiles and garment sector. There is a very low level of unionization among textiles and garment workers, in particular among girls and young women. According to respondents interviewed for this research, only 8% of the total workers were unionized, and most of them are male workers. The clear perception of women workers interviewed was that unions are for men. Trade unions have little or no access to workers or workplaces in this sector. Tamil Nadu government's ban on trade unions holding protests or gathering near the factory gates is a glaring example of violation of freedom of association.

The local chapters of national trade unions CITU and TTCU have taken up working on the issues of exploitation of female workers in the textiles and garments industries in Tamil Nadu.

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<sup>87</sup> [http://articles.economicstimes.indiatimes.com/2013-04-06/news/38327411\\_1\\_india-trade-union-congress-membership-indian-railways](http://articles.economicstimes.indiatimes.com/2013-04-06/news/38327411_1_india-trade-union-congress-membership-indian-railways)

<sup>88</sup> FIDH, "Behind the showroom: the hidden reality of India's garment workers", May 2014 <<http://www.fidh.org/en/asia/india/15273-behind-the-showroom-the-hidden-reality-of-india-s-garment-workers>>.

<sup>89</sup> SOMO 'Flawed Fabrics', October 2014

### 3.4.2. Role and Nature of interventions undertaken by Trade Unions

#### A. All India Trade Union Congress (AITUC)

The AITUC was formed in 1920 in Mumbai with the original mandate to organize and work towards protection of labour rights in the cotton mills. Originally it consisted of workers from cotton mills and then eventually membership shifted to tobacco industry workers. When the textile industry built its base in Tamil Nadu in the 1980s, workers in the state became members of this union and it spread to all other regions where garment factories and mills were located. However, currently, the trade union has only a small number of members, for example, approximately 2,400 workers as members in Pudukottai district and 3,000 textile workers associated with AITUC in Dindigul.

There are significant difficulties in gaining access to mills: For example, AITUC indicated that of the 160 mills present in Dindigul, only 10 mills allow access to trade unions. AITUC now mostly provides legal assistance to workers for compensation and it also conducts strikes regarding wage disputes. The union has raised the issue of revocation of anti-labour government orders and pressed for setting up a wage board for mills.<sup>90</sup>

According to AITUC, one of the main issues related to labour rights violations in the textile industry is the increasing hiring of ‘contract labour’. By engaging labour on short-term contracts, employers avoid taking any responsibility towards workers rights and workplace conditions. The low wages paid to workers is another major issue. The Coimbatore District Mill Workers’ Union, affiliated to the AITUC, appealed to the Union Government to constitute a wage board for the textile mill workers and urged that casual and temporary workers who had been employed for a number of years should be made permanent.

#### B. Tamil Nadu Textile and Common Labor Union (TTCU)

TTCU is the first women’s trade union in Tamil Nadu consisting of members who are largely daily-wage workers and Sumangali scheme survivors. The Union was registered in 2012 with support from Serene Secular Social Service Society (5S), an NGO working in Dindigul district. TTCU is registered to work across the state and has a membership of 250.<sup>91</sup>

TTCU has been actively taking up the cases of exploitation of girls in the spinning mills. In order to further elaborate upon the nature of work being undertaken by their Union, TTCU shared a case study.

#### *Case study*

During field visits and interactions held with the community, TTCU were told that school going boys and girls aged 14 were taken to work in the Shiva Mills (Unit of Bannari Amman I & II Group of Mills) during the summer holidays and were now being forced to continue their employment. Based on this information, TTCU and SSSSS undertook joint investigations, which revealed that children aged 13-16 were working in the mill. These children were middle school students and were taken to work in Shiva mills during their summer vacation (May/June), by the labor brokers.

<sup>90</sup> The New Indian Express, [http://www.newindianexpress.com/states/tamil\\_nadu/Textile-Workers-Call-for-Setting-Up-of-Wage-Board/2014/08/01/article2358723.ece](http://www.newindianexpress.com/states/tamil_nadu/Textile-Workers-Call-for-Setting-Up-of-Wage-Board/2014/08/01/article2358723.ece)

<sup>91</sup> <http://timesofindia.indiatimes.com/city/madurai/Trade-union-for-women-working-in-textile-units-formed/articleshow/21568517.cms>

They found that these children were promised a daily wage of Rs. 220 and made to work for nearly two months. It was reported that in June 2014, when the children wanted to leave the mill and join their school, they were not allowed to do so by the management. According to them, the management withheld their wage and made them continue work in order to get their wage. When the parents of these children approached the management, they were also informed the same.<sup>92</sup>

Upon finding this case, the TTCU and SSSSS jointly filed a petition in the Department of Education to ensure that appropriate action is taken so that the children could continue their education. Complaints were also made to the District Administration and Inspector of Factories. As a result of these efforts, the concerned departments took action and 18 children were released. After the TTCU and SSSSS took up this issue, UNICEF, National Child Labor Program (NCLP), SSA and Inspector of Factories initiated action against the mill. But the employers of the mill have so far not been prosecuted.

### C. Centre of Indian Trade Unions (CITU)

CITU is a national level trade union with a presence in the state. In 2006, CITU filed a writ petition in the Madurai high court about the exploitative practices of the “schemes”. As a result, the court ordered the government to set a minimum wage for apprentices. Consequently, the Government fixed the minimum wages payable to apprentices in mills, which currently increased to Rs.283.80 (\$4.70) per day including Dearness Allowance.<sup>93</sup>

CITU-affiliated unions recently called for an inquiry into misuse of the Provident Fund Scheme. According to these unions, some employers deduct PF contributions from the workers’ wages without remitting the amount to the PF office. Only at the time when a worker claims the PF benefits, does he or she come to know that the remittances were not made properly.<sup>94</sup>

### D. Indian National Trade Union Congress (INTUC)

INTUC works on the issues of bonded and forced labour. Fair wages for workers is also a key issue being raised by the union. The roles played by INTUC include:

- a) Individual legal assistance to workers who are denied wages.<sup>95</sup> However, this assistance is limited to workers who possess employment documents.
- b) Trying to unionize unorganized workers.
- c) Forming a joint action council of trade unions to bring impetus to workers issues. Along with other trade unions, INTUC has raised the wage board issue in the textile industry, pressuring government for a comprehensive textile policy.<sup>96</sup>
- d) Put pressure on management to amicably settle workers’ issues.

<sup>92</sup> <http://www.indianet.nl/pdf/ForcedChildLabour-ShivaMills.pdf>

<sup>93</sup> <http://indiankanoon.org/doc/1102952/>,

<http://www.thehindu.com/todays-paper/tp-national/tp-tamilnadu/textile-mill-owners-agree-to-pay-minimum-wages-to-all-workers/article839058.ece>

<http://www.frontline.in/static/html/fl2420/stories/20071019508010700.htm>

<sup>94</sup> The Hindu, “Concern over factory and labour rule violations in textile units”, 24 February 2014

<<http://www.thehindu.com/todays-paper/tp-national/tp-tamilnadu/concern-over-factory-and-labour-rule-violations-in-textile-units/article5720900.ece>>

<sup>95</sup> The INTUC respondent in Pudukottai was not able to give any statistics on the number of cases wherein such assistance was provided by them in last one year. In Dindigul, the respondent mentioned that they have filed 7 cases related to workman compensation in textile industry in the past one year, of which 2 cases have been resolved.

<sup>96</sup> The Hindu 2009, <http://www.thehindu.com/todays-paper/tp-national/tp-tamilnadu/ensure-wage-revision-for-textile-workers-says-intuc/article236091.ece>

- e) Hold rallies, strikes and campaigns on workers' rights
- f) Educate the parents of girls employed in mills under the schemes about their rights, advise parents to demand more wages.

The union is also part of multi-stakeholder forums such as Tirupur People's Forum, Tirupur Stakeholders Group, and Ethical Trading Initiative. It has also participated in various workshops on modern slavery in mills.<sup>97</sup>

### E. Hind Mazdoor Sabha (HMS)

HMS was formed in 1948 in Calcutta.<sup>98</sup> HMS represents 18,000 textile workers in Tamil Nadu. Many local federations are affiliated to HMS. They are also part of the Joint Action Council of Trade Unions.

The Hind Mazdoor Sabha (HMS) has passed resolutions in their executive committee meetings in Tamil Nadu urging the Union Government to take steps to ensure a minimum wage of Rs.10,000 (\$166) per month for all workers. HMS also highlighted the fall in the percentage of permanent workers from about 80% to 20% per cent of the total workforce, and have demanded that workers should be regularized in permanent positions.

HMS has pleaded for national social security cover for the unorganised sector workers, as well as for a halt to the hike in prices of essential commodities, implementation of all labour welfare acts, and for the government to initiate serious action against the officials who failed to implement these protections.<sup>99</sup>

### F. Marumalarchi Labour Front (MLF)

MLF was established in 1958 and currently has 4,562 members mostly garment workers from the textile industry. 15% of MLF members are women.

In 2010, MLF had demanded that basic pay for textile workers be revised upward by 50% and they demanded for a house rent allowance component and social security benefits for workers.<sup>100</sup> It has also raised its demand for increasing the bonuses for textile mill workers.<sup>101</sup>

### 3.4.3. Key gaps

- **Only a tiny fraction of workers in textiles belong to a union.** Most trade union membership is limited to workers who possess employment documents. There is a strong need for unions to reach out to workers to increase their membership. Also, as some of these are national unions, they might also be in a better position to reach out to inter-state migrant workers in Tamil Nadu.
- **There is a gap in trade unions joining hands with NGOs** to provide labour rights awareness and collective negotiation support to groups of women workers, in particular

<sup>97</sup>The Hindu, 2012 <http://www.thehindu.com/todays-paper/tp-national/tp-tamilnadu/campaign-against-sumangali-scheme-to-be-intensified/article3823328.ece>

<sup>98</sup><http://www.hindmazdoorsabha.com/about-hms.php>

<sup>99</sup>The Hindu, May 2012 <http://www.thehindu.com/todays-paper/tp-national/tp-tamilnadu/ensure-minimum-wage-of-rs10000-per-month-hind-mazdoor-sabha/article3444633.ece>

<sup>100</sup>The Hindu, 2010

<http://www.thehindu.com/todays-paper/tp-national/tp-tamilnadu/trade-unions-demand-hike-in-salaries/article953355.ece>

<sup>101</sup>DNA, 2009, <http://www.dnaindia.com/money/report-bonus-for-cooperative-textile-mills-sought-in-tamil-nadu-1297405>

through outreach in home communities. In various multi-stakeholder forums, NGOs and trade unions have often had a difference of opinion in terms of their nature and style of functioning: While negotiating and reaching a compromise seems to be the union's way of working, NGOs adopt a more rights-based approach seeking to highlight fundamental violations of law.

- The **close links of the trade unions with the political parties** further limits their independence.

### 3.5. Role of Multi-stakeholder forums, international campaigns and donor agencies in elimination of modern slavery in Tamil Nadu textile industry

Joint actions like multi-brand or multi-stakeholder partnerships amplify impact and create sustainable opportunities to combat modern slavery in global supply chains. These initiatives offer each stakeholder an opportunity to learn from others about good practice within a specific sector or across industries. Multi-stakeholder initiatives can also address legal and regulatory requirements that can change labour conditions in the industry.<sup>102</sup>

#### 3.5.1 Interventions by multi-stakeholder forums in Tamil Nadu textile industry

The following are the major multi-stakeholder initiatives and their respective activities:

**Apparel Export Promotion Council (AEPC) of India:** AEPC is the main industry body for the promotion of the apparel export industry. Recently, it has developed a common compliance code for the sector called Driving Industry towards Sustainable Human Capital Advancement (DISHA). The aim is to eliminate overlapping compliance processes and associated costs. DISHA is being coordinated and monitored in liaison with the Ministry of Textiles. *“The initiative attempts to educate apparel exporting members on a code of ethics that covers all critical social and environmental concerns like child labour, health and industrial safety. DISHA will not only give the opportunity for the industry to negate international claims against child labour promotion in the garment industry, but will also help to improve the overall image of the industry on the global front and not the least, to win more international business”.*

Under this programme so far, root cause analysis and guidance has been given to businesses by a team of experts. A toolkit has been prepared based on the Common Compliance Code by which the units enrolled in the programme have been undergoing a training program. When going through a DISHA program, each member is assessed with regard to its implementation of the DISHA Code of Conduct and the SA8000 standard. The AEPC CCC certification process is improvement oriented, including training, facilitation and support needed to move to the next level. Factories are awarded certificates according to their degree of compliance to the standard.<sup>103</sup> As of 2013, 320 units have been reached out to for training and implementation under the DISHA project. 167 companies have completed the first phase of training and are undergoing assessment. The training programme held in 2012 and 2013 was aimed at capacity building and greater awareness for the effective implementation of the programme.<sup>104</sup>

The Textiles Ministry allocated about Rs 60 million (\$1 million) in the first year (2011-12) of the programme to cover 400 units in different parts of the country. The government has set a target of bringing 2,900 garment factories in 2012-17 under DISHA.

<sup>102</sup> ASK Verite 2010. <http://www.verite.org/helpwanted/toolkit/brands/multistakeholder-multibrand-engagement/tool-1> (last accessed on 15.12.2014)

<sup>103</sup> DISHA Code of Conduct, [http://search.standardsmap.org/assets/media/DishaCommonCodeofConductCCC/English/AtAGlance\\_EN.pdf](http://search.standardsmap.org/assets/media/DishaCommonCodeofConductCCC/English/AtAGlance_EN.pdf) (last accessed on: 15.12.2014), AEPC Website

[http://aepcindia.com/app/webroot/files/apparel/apparel\\_657246383\\_1404976172.pdf](http://aepcindia.com/app/webroot/files/apparel/apparel_657246383_1404976172.pdf)  
<sup>104</sup> DISHA Press release, PIB, 2013 <http://pib.nic.in/newsite/erelease.aspx?relid=100362>  
<http://www.citiindia.com/pdf/MS%20Chandrima%20Chatterjee%20CITI%20PPt.pdf>



However, it was observed that DISHA has not been quite successful as the international buyers have not fully recognized it.

**Social Accountability International (SAI):** Social Accountability International (SAI) is a multi-stakeholder NGO that describes its mission as follows: advancing human rights at work, driven by diverse perspectives to navigate evolving labour issues. The SA8000 Standard is the central tool of SAI's work. It is an auditable social certification standard for decent workplaces, across all industrial sectors.

*“The SA8000® certification system has been used by leading textile companies in India for over a decade. As a certifiable standard based on ILO Conventions, SA8000® provisions include: prohibition of forced labor – including restrictions on movement with threat of loss of wages or work; prohibition of contracting practices that denies legally-required benefits to workers; requirements for payment of living wage; and requirements for respect of workers’ freedom of association and collective bargaining rights”.*

In addition, SAI published in 2011 a SA8000 Guidance Supplement for the textile industry in Tamil Nadu, with information on pre-audit preparation (stakeholder engagement), audit protocol (reviewing hiring practices and job posting circulars; off-site interviews; reviewing supply chain management practices; how to audit freedom of association and collective bargaining rights), and post-audit verification (additional stakeholder engagement; SA8000 complaints process). These guidelines are part of the BSCI's instructions for auditors. Furthermore, SAI worked with BSCI on a Position Paper on Sumangali, published in April 2014.<sup>105</sup>

While certification systems are an important tool, the fact that SA8000 certification covered some of the mills found to have serious labour rights violations in the most recent SOMO report shows that certification is not always a guard against bad practice.

**Business Social Compliance Initiative (BSCI):** The Business Social Compliance Initiative (BSCI) is a business-driven corporate social responsibility initiative. BSCI currently has over 1,200 participants globally, most from the textile and garment sector. The BSCI Code draws on important international labour standards protecting workers' rights such as ILO conventions, and Organization for Economic Co-operation and Development (OECD) guidelines. It sets out 11 core labour rights, which the participants and their business partners commit to monitor within their supply chains. The 2014 version has been reinforced with new principles such as 'No Precarious Employment' and 'Ethical Business Behaviour'. In India in 2013, 339 full audits and 113 re-audits were conducted.<sup>106</sup>

According to BSCI, “The BSCI Code also places greater emphasis on the engagement of workers and their representatives, as well as establishing grievance mechanisms as a key means to promote improvements in working conditions.”<sup>107</sup>

In April 2014, BSCI released a position paper that outlined BSCI's understanding of and approach to the practice of Sumangali as well as action taken to ensure protection for at-risk workers. It recently redefined its position to the Sumangali Scheme. First Sumangali was called a 'cultural practice', now BSCI 'does not endorse Sumangali under any guise'. BSCI is member of Tirupur Exporters Association (TEA) through its Indian representative office and was instrumental in elaborating the “*Guidance for Migrant Women Workers in Hostel & Recruitment Process*

<sup>105</sup> SAI Website, <http://www.sa-intl.org/index.cfm?fuseaction=Page.ViewPage&pageId=1463>

<sup>106</sup> BSCI Annual Report 2013 (last accessed on 18.12.2014)

<sup>107</sup> BSCI Code of Conduct 2014; <http://www.bsci-intl.org/our-work/bsci-code-conduct>

– *Spinning/Garmenting Factories*?. BSCI is in close contact with the Tamil Nadu Multi-stakeholder Programme (TNMS) coordinated by the Ethical Trading Initiative (ETI)<sup>108</sup>.

Recently, BSCI jointly organised a roundtable event with Solidaridad and TEA in Tirupur, This included over 80 delegates representing international brands and buying houses as well as trade unions, NGOs and certification agencies. The aim of the meeting was to discuss ways to make the South Indian textile supply chain more sustainable and to find solutions for challenging labour issues. Special mention was made of efforts to eradicate exploitative practices against young women workers in textile spinning mills. The event culminated in a call for the formation of a platform including domestic and international support to improve the perception of the industry<sup>109</sup>. However, the consultation once again showed the gap in the viewpoints of NGOs and businesses, with limited real dialogue.

**Ethical Trading Initiative – Tamil Nadu Multi-stakeholder Group (ETI-TNMS):** The Ethical Trading Initiative (ETI) is an alliance of companies, trade unions and NGOs that promotes respect for workers' rights around the world. All corporate members of ETI agree to adopt the ETI Base Code of Labor Practice, which is based on the standards of the ILO. ETI provides members with access to roundtables for knowledge sharing, as well as trainings and tools.<sup>110</sup> ETI is now working on a comprehensive programme with 17 member companies such as Primark, H&M, C&A etc (major high street brands and retailers) that source garments and textiles from Tamil Nadu and are committed to supporting local industry to uphold national and international labour standards.

The TNMS project has three key elements:

- Supplier engagement and leadership: This will address the rights of young women in the workplace, improving their ability to be properly represented and have their rights respected. ETI is working with local organisations to create worker groups in mills, starting by addressing health issues and moving on to other issues of concern. So far, only a very small number of groups have been set up.
- Grassroots outreach: ETI seeks to address the issue of social awareness of the risks for young women working in the mills. Their intervention in this area currently has limited funding. They are working in communities to spread awareness about bonded and forced labour conditions of workers through eight local NGOs in eight districts.
- Supporting a regulation, inspection and services model: This seeks to address poor implementation of regulations, as well as making services such as counselling available to vulnerable women. They work with suppliers (both fabric mills and apparel factories) and local government to create a supportive environment for female garment workers in Tamil Nadu.<sup>111</sup>

The BSCI (see description above) has encouraged its members importing from South India to join the TNMS Group.

<sup>108</sup>BSCI Position paper on Sumangali 2014, <http://www.bsci-intl.org/resources/bsci-positions> (last accessed on 15.12.2014)

<sup>109</sup> <http://www.bsci-intl.org/news-events/improving-sustainability-indian-textile-industry>

<sup>110</sup> ETI Website <http://www.ethicaltrade.org/about-eti>; <http://www.bsci-intl.org/tamil-nadu-multi-stakeholder-tnms-project>; FLA Report Pg 27-28 (last accessed on 15.12.2014)

[http://www.fairlabor.org/sites/default/files/understanding\\_sumangali\\_tamil\\_nadu\\_0.pdf](http://www.fairlabor.org/sites/default/files/understanding_sumangali_tamil_nadu_0.pdf) pg 27-28

<http://timesofindia.indiatimes.com/India/Women-tied-to-bonded-labour-in-Tamil-Nadu-Survey/articleshow/33866723.cms>

<sup>111</sup> ETI Website <http://www.ethicaltrade.org/in-action/programmes/garments-and-textiles-india>;

<http://www.corporatejustice.org/Garment-brands-not-transparent-on.html>

**Verité:** Verité is a US-based NGO whose mission is to ensure that people worldwide work under safe, fair, and legal conditions. Verite services help companies and other stakeholders fully understand labour issues, overcome obstacles, and build sustainable solutions in their supply chains. Verité launched a “Fair Hiring Toolkit” for brands, suppliers, governments, investors, anti-slavery or labor-rights organizations, social auditors, or certifiers. This Fair Hiring Toolkit offers tools, guidance, and approaches to support the responsible recruitment and hiring of migrant workers in global supply chains.<sup>112113</sup>

**Fair Wear Foundation:** Fair Wear Foundation (FWF) is an independent, non-profit organisation that works with companies and factories to improve labour conditions for garment workers. FWF’s 80 member companies represent over 120 brands based in Europe.

Gender based violence, forced labour, and payment of living wages remain the main focuses of Fair Wear Foundation’s work in India. Although FWF does not certify their member companies, they rate them according to their “Brand Performance Check Guide for Affiliates” (issued in May 2014). This rating primarily considers the systems that the brands have put in place, rather than trying to check on the actual outcomes for workers in terms of wages, working conditions etc. In 2012, FWF started to offer factory trainings, especially for line supervisors, in South India. Also, the FWF Workplace Education Programme focuses its trainings in India on workplace standards, factory grievance mechanisms (including running a hotline), on gender based violence and the establishment of functioning anti-harassment committees at suppliers of FWF affiliates. FWF works with local organisations and organises roundtable meetings with their local partners such as SAVE, Centre for Education and Communication (CEC) and trade unions like HMS, and international organisations like SOMO, India committee of Netherlands (ICN), ETI and Anti-Slavery International.<sup>114</sup> So far, as with ETI, the reach of its workplace-based groups of spinning mill workers is limited to a very small number of groups, though this is an important piloting of the method, showing how it is valuable from the businesses’ point of view as well.

**Tirupur Stakeholders Forum (TSF):** The TSF was set up by Tirupur Exporters Association (TEA). It is primarily an initiative of businesses, with members invited from unions such as INTUC, HMS, as well as NGOs such as SAVE, CARE-T and Prakruthi. It was formed in 2006. It has been working with various stakeholders like TPF, FWF and SA8000 on critical issues like Sumangali.<sup>115</sup> However, according to primary research findings, this group has not been meeting regularly.

**Fair Labor Association (FLA):** The mission of the Fair Labor Association is to combine the efforts of business, civil society organizations, and colleges and universities to promote and protect workers’ rights and to improve working conditions globally through adherence to international standards. FLA has undertaken studies on Sumangali scheme in Tamil Nadu and conducted assessments for factories in the state textile industry.

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<sup>112</sup> Verite Website <http://www.verite.org/helpwanted/toolkit>; <http://www.skollfoundation.org/verite-releases-fair-hiring-toolkit/>

<sup>113</sup> Note: ASK is Verité’s partner in India

<sup>114</sup> Fair Wear Study on Tirupur <http://www.fairwear.org/ul/cms/fck-uploaded/documents/companies/CountryStudies/indiatirupurnew-developmentsfwfcountrystudy.pdf>; last accessed on 15.12.2014

Fair Wear Country study 2013

<http://www.fairwear.org/ul/cms/fckuploaded/documents/countrystudies/india/countrystrategicplanindia20131.pdf>

<sup>115</sup> Solidaridad report,

[http://www.solidaridadnetwork.org/sites/solidaridadnetwork.org/files/publications/Understanding\\_Sumangali\\_Scheme\\_in\\_Tamil\\_Nadu.pdf](http://www.solidaridadnetwork.org/sites/solidaridadnetwork.org/files/publications/Understanding_Sumangali_Scheme_in_Tamil_Nadu.pdf) (last accessed on 15.12.2014)

**Solidaridad Network:** Solidaridad is an international NGO that facilitates development of socially responsible, ecologically sound, and profitable supply chains. Solidaridad is working with factory and mill owners in India to address social and environmental problems. Their approach focuses on training, technical support, developing skills and increasing capacity.

The multinational retailer, H&M, has partnered with Solidaridad in 2014 to start a programme for garment factory workers in India, to develop better management practices and systems in order to promote worker rights and responsibilities. The information tool of the programme aims to increase worker-management communication through a participatory approach.<sup>116</sup>

They have also undertaken research to address the exploitation under the Sumangali scheme in Tamil Nadu along with FLA in 2012.

**Tirupur People's Forum:** Tirupur People's Forum (TPF) is a multi-stakeholder forum that is currently being convened by Care-T NGO. 45 local organizations based in 25 districts of Tamil Nadu belong to the Forum and they have worked with relevant unions. They sensitize community members on the importance of girl children's education, negative impact of lump sum schemes for young women workers, and prevention of the recruitment of girl children in the textile industry. TPF also undertakes statewide campaigns, and according to TPF, more than 50,000 concerned people have endorsed their demands including Members of the Legislative Assembly, Presidents of village panchayats, Parent-Teachers Associations, state leaders of trade unions etc. They also lobby local and state government and have filed petitions to state and national level Human Rights' Commission and Child Rights Protection Commission. Between 2013 and 2014, TPF has organised a sensitization programme in 28 blocks through its network NGOs. They have completed 11 regional level district conferences through a wide range of member NGOs.

TPF has undertaken 6 major fact finding missions regarding the deaths of young women workers. TPF has submitted petitions regarding these cases and demanded an official inquiry besides providing legal support to the families.

100 individual cases of recently affected victims of labour violations have been documented in various districts across the state.

TPF also carries out capacity building programmes of its own members where UNICEF child specialists, legal experts, child protection committee experts, and researchers are core participants.

### 3.5.2 Interventions of international campaigns in Tamil Nadu textile industry

Several agencies have created international campaigns linked with the global textile industry, and with a focus on Tamil Nadu.

**The Centre for Research on Multinational Corporations (SOMO):** SOMO is an independent research and network organisation working on social, ecological and economic issues related to sustainable development. In recent years, it has worked closely with locally-based NGOs to undertake research on worker conditions in the textile industry in Tamil Nadu. By providing information about the overall conditions in the industry and highlighting

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<sup>116</sup> Solidaridad Website, <http://www.solidaridadnetwork.org/news/information-videos-launched-to-address-worker-rights-in-garment-industry-in-asia>

information about violations in businesses in the supply chain of retailers and brands, SOMO has kept attention on the need for improvements and provided valuable recommendations on how the industry could make progress towards worker protections.

**India Committee for the Netherlands (ICN):** ICN focuses on social justice for the underprivileged poor in India and it has worked closely with SOMO. In particular it has helped publicize the findings of the SOMO reports and sought responses from politicians in the EC.

**Clean Clothes Campaign (CCC):** The Clean Clothes Campaign is a global initiative dedicated to “*improving working conditions and supporting the empowerment of workers in the global garment and sportswear industries*”. CCC has a partner network of more than 200 organizations and unions in garment-producing countries that identifies local problems and objectives, and helps CCC develop campaign strategies focused on consumers of the western purchasing countries. In Tamil Nadu, CCC has partnered with SAVE, basing its work on SAVE’s local experiences and campaigns.

**Stop the Traffik – Make Fashion Traffik free campaign:** Stop the Traffik is an international campaign targeting brands that source garments from the Tamil Nadu Textile industry. The campaign is being run to end the trafficking of young women and girls in the cotton industry. They have been campaigning and lobbying with retailers and brands to take action by: mapping and reporting on their supply chain; and committing to the Make Fashion Traffik-Free protocol.<sup>117</sup> The campaign has also produced documentaries on the conditions of young women workers to make people in western countries more aware.<sup>118</sup>

### 3.5.3 Role of Donors to eliminate modern slavery in Tamil Nadu Textile Industry

**Terre des Hommes (TdH):** Terre des Hommes aims to stop child exploitation in developing countries. TdH works with local project partners and is active in 15 countries including India. TdH has been funding in Tamil Nadu since the early 1990s, especially on the issue of child labour. TdH has partnered with many local NGOs especially on the issue of Sumangali. TdH has funded Care-T, Don Bosco, CSED and others, and their support assists with community-based work including:

- Awareness within communities about the reality of the factory work
- Linking the poorest families to government schemes
- Working with vulnerable families to overcome the mindset of the acceptability of bonded labour.
- Working with the village councils because they can speak out against dishonest brokers.
- Building adolescent peer groups and groups of former Sumangali survivors and helping them spread awareness.
- Livelihoods work with families and youth, and systematic workers’ rights training

TdH has worked hard to help members of TPF to strengthen their efforts as a coalition. Since 2007, TdH has also carried out research on Sumangali and put pressure on government for enforcement. One of the challenges TdH has faced in Tamil Nadu is the scale and nature of the problem compared to the existing resources available for supporting NGO responses.

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<sup>117</sup> Stop the Traffik Website: <http://www.stopthetraffik.org/campaign/fashion>

<sup>118</sup> Ibid, <http://www.stopthetraffik.org/campaign/fashion/page/sumangali-film>



**Dalit Solidarity Network – United Kingdom (DSN-UK):** DSN UK is working with READ, a local NGO in Tamil Nadu. In their current three year programme, they aim to address the forced labour of girls and young women in mills, aiming to benefit up to 5,000 girls and young women, including preventing 1,000 at risk children from entering the mills. The project will work at many levels including making poor families aware of the reality of the schemes, and pressuring the state government to enforce labour laws. The project will engage with spinning mills, working with management and owners to improve their practices with the aim of establishing five ‘model mills’ which are free from child labour with good pay and conditions. Very young and vulnerable girls will be provided with training for alternative employment or reintegrated into the school system<sup>119</sup>

In addition donor and campaigning organisations such as Action Aid and Anti-slavery International have also written extensively highlighting the issue of forced labour among girls in the textile industry.

### 3.5.4. Key Gaps

The dialogue with most of the key stakeholders described above has highlighted a range of shortcomings and gaps in the present collaborative efforts for improving human rights in the industry:

- One of the gaps cited by different stakeholders was that most of the forums end up as discussion exercises where the **exchanges do not contribute to future joint practical efforts**. They feel that the dialogues in these forums take place but there is no continued action or communication on the decisions taken until the next consultation occurs. The forums have not been used as an on-going opportunity to share research, examples of business good practices, or to show examples of NGO activities to reduce vulnerability. Likewise, no individual seems to have been charged with regular informal communication between meetings, especially with those agencies that feel least comfortable with the pressure for improvements.
- Some local NGOs have played an important role in research that then brought international attention to the continued problems in the industry. Some business associations have interpreted this as harmful to the industry’s interests and have therefore used multi-stakeholder meetings to air their frustrations with NGOs. The Associations have not been willing to talk openly about the remaining challenges. For these reasons there has been **distrust between these key stakeholders**, and it has been hard to generate purposeful dialogue at such forums.
- Through these multi-stakeholder approaches, buyers and retailers have **not yet found effective ways to strongly engage spinning mills and sub-contracting units** further up the supply chain in improving their labour practices. As noted in Section 2, these mills and weaving units sell only a small proportion of their product to suppliers of western retailers, and even then, their sales are typically indirect, so it is a challenge for retailers to use their influence. Yet, as mentioned in Section 3.3, some retailers are ready to work with their 1<sup>st</sup> tier business partners to find ways to improve standards further up the

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<sup>119</sup> TRAIID Website, <http://www.traid.org.uk/projects/ending-sumangali-thittam/>  
DSUK Website, <http://dsnuk.org/what-we-do/corporate-sector/ending-the-sumangali-scheme/>



supply chain. The multi-stakeholder approach would be a good opportunity for leading retailers to present a united and specific series of steps they intend to take to move towards an improved supply chain (such as working with 1<sup>st</sup> tier suppliers to commission supply from mills with better standards, or fully mapping their supply chain, or expanding support for worker groups in mills).

- At present, the actual **factory owners of garment units or spinning mills are mostly not directly involved** in these multi-stakeholder efforts, but in some cases are represented through the presence of some of the industry associations.
- In most multi-stakeholder initiatives the focus has been on conditions of young women in mills and factories, and **there has not been much focus on other forms of modern slavery** such as bonded labour of migrant workers from other states and of local workers in power loom units. This is partly because the data available through the NGOs and other research is limited. As information becomes more available regarding these issues, it would be good to integrate these in the coordinated efforts of multi-stakeholder initiatives.

## SECTION 4: RECOMMENDATION FOR A COMPREHENSIVE STRATEGIC INTERVENTION

### 4.1. Overview

This feasibility study has confirmed labour rights violations in the Tamil Nadu textile industry, leading to cases of exploitation and abuse of workers in conditions of modern slavery. A range of stakeholders have responded by creating initiatives, as outlined in the previous section of this report. Despite this, the feasibility study shows the need for more concentrated interventions to successfully combat exploitative practices.

Overall, there is a gap in the scale and reach of NGO interventions. They are only reaching a tiny fraction of the most affected villages, and then only with a program that is mostly reactive. There is a clear need not only to help those enduring abuse, but also to assist those most vulnerable to being coerced into modern slavery to understand the risks and have the practical means to choose safer options. Similarly, there is a need for more systematic interventions to influence owners, managers and labour brokers, especially those linked to spinning mills.

Given this context of high prevalence of forms of modern slavery, the small reach and limited range of strategies, and the inability of current coordination efforts to exert sufficient pressure for improvement, the study strongly recommends investment in a significant and concerted initiative designed to drive change in the industry itself and in the context of vulnerability of workers and potential workers.

- The program described below would be **feasible** due to:
  - Close attention to the main root causes identified through the research, with the active participation of a wide range of local committed agencies;
  - Presence of capable NGOs already in the area;
  - Plans to incorporate specific trainings and hotspot-wide initiatives such as legal services, mental health services training, and creation of an information feedback system connected to source communities;
  - The context of India's Right to Education policy, its existing laws against forms of modern slavery, and important safety net entitlements;
  - Renewed momentum and enthusiasm for systemic and coordinated approaches, especially coming from leading progressive retailers.
- It would be **sustainable** due to:
  - The design of each element of the program to produce lasting results and ownership of the work by each participating community and agency;
  - Committed institutional support by the Freedom Fund.
- It would be **relevant** due to:
  - Basing the program strategies on the lived experience of affected workers and communities, and a realistic appraisal of the constraints and pressures on producers and retailers.
- It would **add value** especially because:
  - Current efforts are reaching a tiny fraction of the areas of greatest need, and have not fully addressed the root causes of the problem;

- It enlists and seeks to channel constructively the energy of key retailers and brands to improve standards in key areas of the industry;
- It recognizes and would complement the existing work of government, industry and civil society in the sector;
- It would show measurable results – as well as highlighting key challenges – aiming to create reinforcing cycles of investments, partnerships and improvements.

This section of the report recommends strategic interventions on key priorities and areas of focus for the activities of a potential Freedom Fund hotspot to end modern slavery in the Tamil Nadu textile industry.

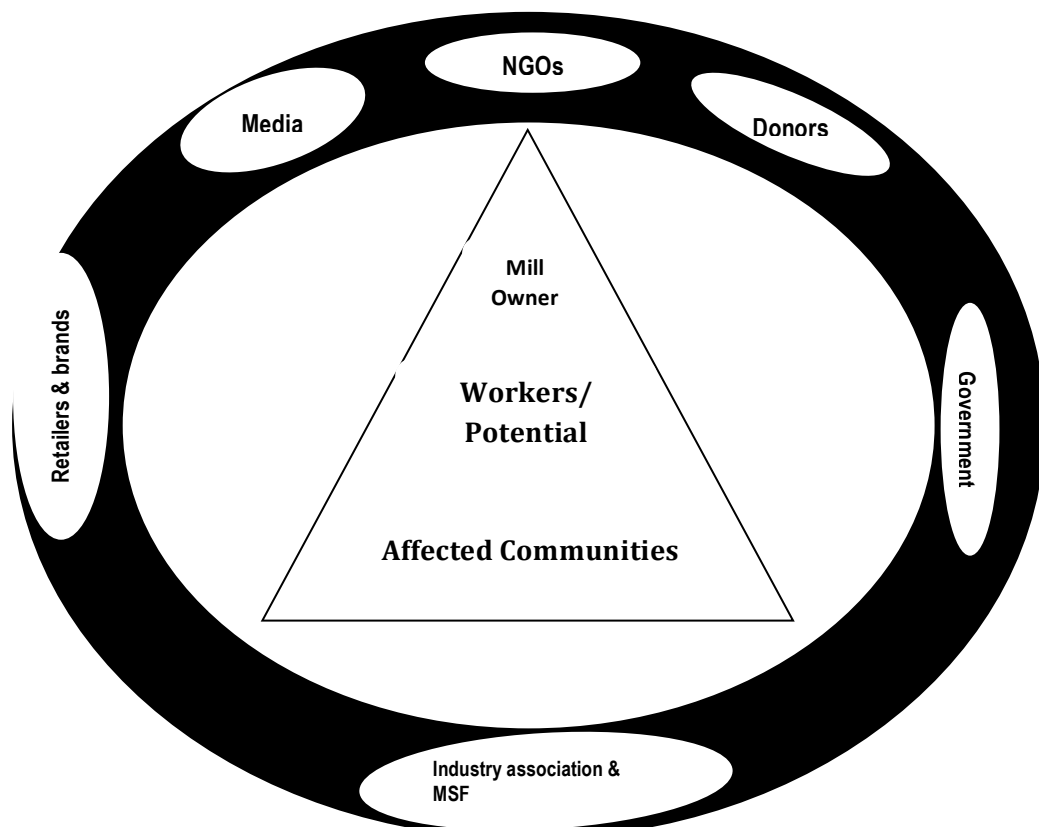
## 4.2. Proposed Strategy and Activities

In order to reduce forms of modern day slavery in the textile industry of Tamil Nadu, a range of sustained efforts are required to generate lasting change. A multi-level approach and multi-stakeholder engagement is essential. As shown in the Change Strategy diagram (Section 4.5.), and based on the analysis of the contextual root causes of modern slavery in the industry, there is a need to invest in several inter-linked strategies and focus on improving actions at three levels namely:

- At the level of families/community members in the most affected communities and areas
- At the level of workers in sites of high exploitation
- At the level of spinning mills

In order to work with the vulnerable communities, workers and mill owners, and bring about these changes, liaison with key actors such as government, multi-stakeholder forums, brands, donors and media will also form a core part of the strategy.

**Figure 4: Liaison and Networking with Key Actors**



\*MSF= Multi-stakeholder Forums

The following activities are proposed. Given the budgeted amounts, we are suggesting very approximate estimates of the scale and range of activities that could be carried out, bearing in mind that local NGOs should be enabled to plan their own work within the broadly specified outcomes, and the scale of activities and priorities may then vary significantly.

#### **I. Programme component to enable families and affected communities to prevent vulnerable young people entering modern slavery**

**Overall behaviour change:** Residents in at least 240-targeted highly affected communities within approximately 4 districts prevent vulnerable individuals entering high-risk work situations and ensure sustainable freedom and well-being of modern slavery survivors.

The programme intervention should target highly affected communities where large numbers of workers are recruited for spinning mills under the various “schemes” – and where many day workers are going from the same communities.

**Intermediate Outcome 1:** Parents do not allow young adolescents to go into forced labour schemes. Families and older youth access better sources of information about workplaces and know how to get help through hotlines if needed, in situations of modern slavery.

**Activities: Formation, training and sustaining of Common Interest Groups (CIGs) of highly affected families:**

- The programme should organize and develop Common Interest Groups of highly affected and vulnerable families. These groups should not just focus on in depth awareness of the group members but also provide mutual protection and support to each other. These groups should also be utilized as an entry point for livelihood development of the group members.
- Use participatory, narrative-based materials to help parents and other residents to consider the needs of children and young people, the actual risks they face at work, and question the myth of safety in the hostels.
- The groups could set priorities according to their local needs regarding issues such as pushing for schools and health services to function better, and for access to other government anti-poverty entitlements. Information should be shared regarding the various entitlements they have and how to access them. Further facilitation should be provided so that families can access these entitlements, including the Marriage Assistance Grants for girls completing school.
- They could work together on problems families face due to alcohol addiction, gambling or domestic violence.
- They should monitor and act against harmful recruitment brokers.

- The program should also identify an appropriate information sharing system for families and potential workers to access feedback about particular workplaces. Such a system would need to be very carefully considered so the information is accurate, can be safely provided by workers and former workers, and is accessible to potential workers.

**Intermediate Outcome 2:** The same families work with village self-government bodies to improve education for their children and ensure that girls especially complete 10<sup>th</sup> grade or higher – and so that these local government bodies act against fraudulent brokers.

**Activities:** **Work with Common Interest Groups to promote action by the village self-government (Panchayat) bodies and other relevant groups so that they:**

- Act against exploitative brokers and keep a register of migrants from the village.
- Work with Village Education Committees and School Management Committees to improve the quality of education, including keeping a register of children under their responsibility under Right to Education.
- This may require formation of Panchayat level task forces.

**Intermediate Outcome 3:** The most vulnerable families improve their economic circumstances through undertaking new income generating activities, better performance of savings/loan groups, and improving functioning of government safety nets.

Feasible and viable livelihood options should be identified and comprehensive livelihood development packages designed and implemented for the vulnerable communities. The programme will explore proven strategies for economic strengthening of vulnerable families: establishment of self-help groups for savings and loans within the group market-based vocational training and credit support for business development.

**Activities:** **Provide cost-effective alternative livelihood options through skill development trainings with accreditation, linkages with markets and fair sources of credit, and including state sources of training.**

- Improve the functioning of (or form new) SHGs in approximately 240 locations.
- SHGs should include some of the survivors needing economic empowerment and some older members of adolescent peer groups.
- Improve incomes and developing financial independence for families.

**Intermediate Outcome 4:** Adolescents (potential workers) spread awareness of workplace rights, protect each other from risky recruitment, and demand increased access to vocational training.

**Activities:** **Form or work with approximately 240 existing youth groups, especially focusing on adolescent girls, as future workers.** Train the groups using a curriculum focusing on:

- Having clear expectations of their rights and protections in the workplace and how to get help – especially through trying to use hotlines, if they are confined in closed hostels.

- How to help protect each other from fraudulent recruitment.
- How to gather information about particular workplaces.
- Creating demand for and access to vocational training, including IT and English language.

**Intermediate Outcome 5:** Survivors of modern slavery stabilize their freedom through new sources of income, getting education, obtaining compensation and accessing entitlements. They also access mental health support.

**Activities:** **Identify and work with approximately 1,600 survivors of forms of modern slavery to comprehensively support their reintegration.** This will include:

- Enabling them to participate in livelihoods and vocational training activities (often through SHGs), and gain qualifications if appropriate.
- Integrating them either in Common Interest Groups or adolescent groups, depending on their age and interest.
- Providing legal support to push for compensation and other lump sum payments due. The program should create a collective hotspot legal system for channeling and negotiating such claims and pursuing prosecutions. This would include having a lawyer in each district with extra training and guidance, available for use by the NGOs, and a central management system for giving them guidance and tracking progress of each case.
- Provide psychological and family reintegration support, through training NGO field workers in a specific method. Following a field assessment of types of mental health and emotional support needs among survivors, the specialist psychological support agency should prepare training for field staff, so they are equipped with an appropriate method to safely help survivors move toward healing.

## II. Programme component to enable action for mutual protection and rights by workers and potential workers:

**Overall behaviour change:** At least 3,000 workers in sites of high exploitation strengthen their practical resistance against violation of rights and freedoms.

**Intermediate Outcome 6:** Adult workers, especially in spinning mills join in workplace improvement groups as well as sharing knowledge gained through groups meeting outside the workplace.

**Intermediate Outcome 7:** Young hostel-based workers will also start to become active in similar groups.

### **Activities in support of Outcomes 6 & 7:**

Note: The program should scale up the number of workplace-based groups, but this relies on the success of retailers and brands in working with their garment producers (1<sup>st</sup> tier suppliers) to negotiate sufficient access for groups to be set up in spinning mills. ETI and Fair Wear Foundation struggled for some time to achieve this, but the positive feedback now being achieved by their groups may lead more owners to be willing to allow such groups to exist. The coordination structure for the initiative includes a process for a group of committed retailers and



brands to create a joint “project” including pursuing this objective of working with their 1<sup>st</sup> tier suppliers for upstream improvements.

- The program would run in-depth “train the trainer” sessions in up to 60 mills focusing initially on immediate concerns such as positive and professional relationships between supervisors and workers, health and safety issues, but also then seeking to bring basic working conditions up to legal standards, such as through reducing excessive or unpaid overtime. (See further workplace improvement steps below).
- Outside the workplace, the program should work with young people to make them aware of their rights before entering the workplace (see youth groups, above).
- Outside the workplace, within the same communities where other activities are taking place, the program should arrange training and mutual support group sessions with daily workers, seeking to involve trade unions as much as possible. Training should focus on workplace rights such as minimum wages, legal awareness and ideas of collective negotiation. It would also inform them about the hotline being supported through the program (whether through additional training for district Childline operators or further support for one of the 2 existing worker hotlines) through which they can reach out for assistance on behalf of themselves or another worker. Outreach to workers in the villages by lawyers working with the program and legally-trained NGO staff will be essential.

### III. Programme component to influence mill owners

**Overall behaviour change:** A range of spinning mill owners will make important improvements in worker protections and freedoms.

Note: Progress toward this behaviour change will rely on indirect pressure, especially through buyers of their products introducing them to sources of guidance and methods for improvement. A changed context for their operations should be created through these **business connections**, through **government enforcement** (due to advocacy by civil society), and through **media attention** – as well as through changing the **expectations of workers**, linked with group work described above. This will be a central component of the program, relying on action inside and outside Tamil Nadu, though the expenditure required on this would not be as significant as for those activities that engage large numbers of individuals in source communities.

**Intermediate Outcome 8:** A larger number of spinning mill owners work with 1<sup>st</sup> tier buyers and retailers resulting in a) allowing worker groups to meet; b) creating systems for tracking improvements in working conditions; and c) allowing training of managers in formalizing workplaces.

**Activities:** In addition to continuing to approach Tamil Nadu-based industry associations to offer assistance to improve conditions and strengthen the industry, the program should:

- Work with a group of progressive **retailers** (both within Tamil Nadu and through staff based outside TN) to jointly undertake action research to push labour rights compliance to a range of spinning mills. Alongside their 1<sup>st</sup> tier suppliers, the process could create systems for improvement; train mill managers in key standards; and encourage opportunities to set up worker groups (as above). This work might include use of the Verité toolkit including improvement of practices of brokers.

- Work with the same **retailers** in a shared commitment to exchange audit findings about businesses in their supply chain and map the businesses connected to their 1<sup>st</sup> tier suppliers – aiming to agree with those 1<sup>st</sup> tier suppliers to progressively select 2<sup>nd</sup> and 3<sup>rd</sup> tier suppliers that meet essential standards.
- Support advocacy, especially through Tirupur People’s Forum, to improve **government action** to protect workers, especially promoting:
  - Regular unannounced inspection of workplaces and hostels;
  - Ensuring wages (at least minimum wage) are paid via bank accounts and documented in payslips;
  - Use of prosecutions following rescue operations;
  - Reducing the length of so-called apprenticeship periods for young workers to a maximum of 6 months.
- Support development and operation of **district level coordinating groups** (linked with any existing government-led task forces) to strengthen actual enforcement at local level.
- Train **journalists** within the hotspot, to generate more and better coverage of abuses when they arise, as well as of positive initiatives being taken.
- Strengthen **NGOs** (and Common Interest Groups/SHGs) to trigger rescue operations when they become aware of young people in crisis (working with Childline and local government); and when they become aware of inter-state migrant workers in forced labour. Train NGOs in how to take strong legal action in these circumstances, and ensure access to program-supported lawyers. This will help prevent substituting of exploitation of one group by exploitation of a different group.

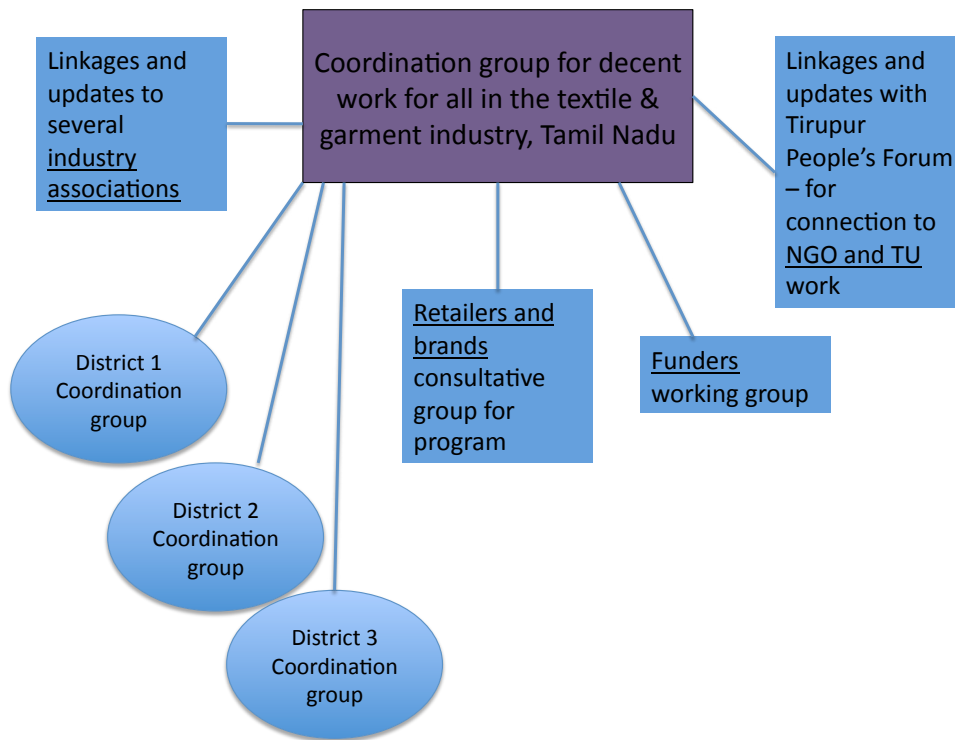
#### **IV. Systematic coordination and promotion of standards across the clothing industry**

In order to ensure systematic coordination and promote standards across the textile sector, an overall strategy for regular joint working and communication should be created – with the **aim of promoting decent work practices in the textile industry in Tamil Nadu**. The proposed coordination approach would be open to all interested organizations, business associations, retailers and buyers, government entities, and trade unions who want to cooperate towards decent work for all in the industry. It would be important to engage the Tamil Nadu government in this process from the outset. Overall, this support structure would try to build on and bring together existing networks and collaborations, holding meetings as needed, but also simply communicating about new developments individually where that is more efficient.

It is recommended that the coordination structure would share information on initiatives, government programs, and new regulations seeking to strengthen decent work and to reduce risks throughout the supply chain. It should share emerging initiative results, good practices for worker welfare, as well as any high quality research studies completed. The aim would also be to focus combined effort on specific common challenges.

Much of the work of the overall coordination should be carried out in stakeholder-specific consultative groups, for example, for retailers and brands, for funders, NGOs and donors, given their different responsibilities and strengths within the context.

**Figure 5: Proposed Structure for Coordination and Promotion of Standards**



The retailers and brands consultative group could be linked with ETI and other multi-stakeholder groups, being a self-selecting group of international buyers that want to prepare and implement common strategies, and that the Freedom Fund would regularly update on other areas of progress through the initiative, encouraging their input and suggestions.

In addition, a funders' working group could regularly inform each other about the initiatives they are supporting (e.g. Dalit Solidarity Network, TdH, and Freedom Fund). This would facilitate learning from each other in terms of what is working well as well as avoiding duplication.

In addition, the coordination structure should establish linkages with Tirupur People's Forum (TPF) by means of a MoU, so that the TPF members' community-based work and advocacy would have regular communication and connection with the Coordination group.

Linkages would be established with Tamil Nadu based industry associations so as to ensure that they are kept informed and given updates.

In key districts of Tamil Nadu, support could be provided to create and sustain district coordination groups for decent work, with an open membership. These district coordination groups should be linked to existing coordination groups in the districts such as City Advisory

Boards for labour issues. In districts where the Freedom Fund is implementing its programme, Freedom Fund could take the responsibility of promoting and supporting these coordination groups, in collaboration with local NGOs and district officials.

Freedom Fund has already had initial positive discussions with a range of relevant agencies to explore their interest in such a structure, but further detailed groundwork would be needed, especially to create a joint ownership, sustained engagement and responsibility. While the Freedom Fund's main focus could be on those parts of the supply chain where conditions are most strongly related to modern slavery, the Fund should also take close responsibility for ensuring the overall coordination is sustained.

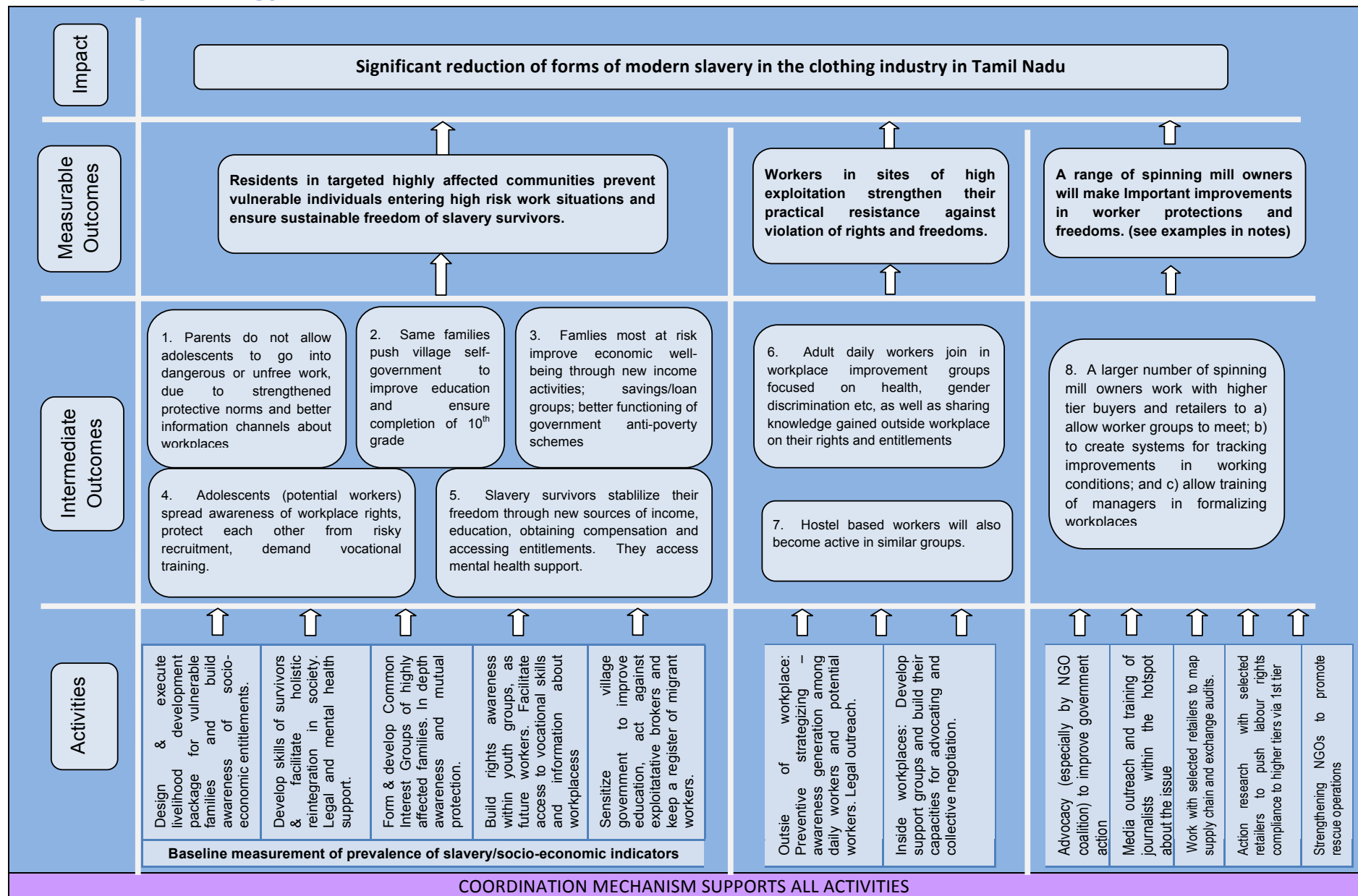
### **4.3. Recommended geographic locations for an intervention**

Based on the findings of the feasibility study, it is recommended that the program adopt the following criteria for selection of districts – and then within those districts, the clusters of villages:

- High levels of movement of young people into conditions of modern slavery.
- Presence of large numbers of daily workers going into spinning mills.
- Interest of relevant district government in collaboration (if possible).
- Presence or immediate proximity of NGOs with existing relevant work and already demonstrated commitment to transformative and accountable community-based animation and organizing. NGOs with existing skills in at least one or two of the activity components and openness to learning new methods (e.g. increasing their legal capacity or skills in psychosocial care).
- Complementarity with other on-going program interventions, supported by funders such as TdH and DSN.

The program set-up phase will further examine likely locations and whether they meet the criteria above. It is likely that given the present level of funding, and the strategy to work at a sufficiently concentrated level in each district in order to make an overall systemic change, the initiative should focus on 3 – 4 districts, resisting inevitable pressure to provide small funds to all the active NGOs in the space.

## 4.4. Change Strategy



## 4.5. Further research requirements

In addition to the due diligence research on suitable agencies for funding, and finalizing geographic areas, the following issues need further research, some of which are built into the design of the program above:

- Identifying **which of the trade unions are most committed to developing engagement with the women workers** in the sector and are willing to participate in the organizing of workers from a base in their home villages, alongside the NGOs, at the same time as the program builds pressure to enable unions to organize within the workplace.
- Further clarify **how to manage the coordination work within Tamil Nadu**, so that it is best positioned to generate and sustain engagement of all key stakeholders, maximizing the practical steps that each of them takes within their own mandate. While the staffing for this coordination and communication work within Tamil Nadu is recommended to be managed by Freedom Fund through its program implementation partner, Geneva Global, it would also be helpful to identify an expert Indian organization with a track record in this field, from whom the staff could be seconded and that would assist in steering the work.
- Understanding the **mental and emotional recovery needs** of girls and young women in particular, who have come out of forms of modern slavery in the context, and then identifying which of the current range of tested mental health interventions would be most suitable and safe for delivery by non-clinician field workers.
- Collection and analysis of narrative accounts of families affected by modern slavery, in order to **prepare the indicators to be used by local NGOs** in measuring the most relevant factors for reducing vulnerability and rebuilding lives – and to prepare contextually-based group animation and action planning materials for low-literacy participants – both adult family members and youth groups.
- Market analysis and resource/capacity analysis focused on recommending the **most feasible types of vocational training and income generation** investments for revolving funds within strengthened Self-Help Groups – with participation of survivors.
- On-going collection and analysis of **state government statistics about trends in location of spinning mills and power loom units**, as well as coordination with the upcoming state government **analysis of migrant labour** in the state, so that the program can remain guided by current information on areas of greatest need.
- Sharing of good practices between NGOs on **how to reach out to migrant workers** from northern states, both to prevent enslavement and to identify and rescue those clearly in modern slavery.
- Research to develop an understanding of the **context affecting power loom workers** and ways to incorporate strategies to assist workers in bonded labour in these units within the existing community-based and industry-based outreach.

## 4.6. Risk Assessment

Overall, the program risk level is assessed as **medium**. It faces a range of risks:

- **Risks to continuity:** The program could not expect to fully accomplish its overall long-term goal within three years, and further progress will rely on gaining continued and expanded



funding. The completion of a three-year independent evaluation process by a highly-regarded independent research institution would contribute to addressing this need.

- **Fall in demand for clothing from South India:** The program’s contribution to a thriving industry in the region faces potential risks from purchasers transferring their business to other lower cost areas, such as Myanmar or Bangladesh. The proposed hotspot collaboration in Tamil Nadu should be seen within the wider context of the global apparel industry seeking sustainable, lower risk supply chains. Over the long-term, this makes it likely that any large-scale “race to the bottom” could be matched by the South Indian industry being more attractive to some purchasers, due to Tamil Nadu developing more ethical supply chains.
- **Lack of influence on parts of the supply chain:** A further risk is that the part of the supply chain where most labour abuses are found is only partly reliant on those businesses that have a core concern for labour protections, and even that connection is not direct. The program should work with concerned retailers to see how far their influence can be pushed and to systematically learn from that effort.
- **A shifting target:** Much of the resources of the program should be committed to eliminating modern slavery linked with specific high risk communities in Tamil Nadu, but on the current level of funding, the program could only reach a proportion of the communities where work is needed (though it would expect to have a significant effect within the districts where it is most active). The concern then is that mill owners would draw their workers into similar abusive conditions either from other districts or other states. This is recognized as a real potential problem, but the comprehensive design of the program should help to mitigate this risk: It includes the use of legal measures that challenge the impunity of owners who are adopting the most egregious practices; it consciously focuses business efforts on selection of better 2<sup>nd</sup> and 3<sup>rd</sup> tier suppliers; it engages government in scaling up their local enforcement effort. In itself, the building up of a large and committed constituency of those most affected within the communities lends legitimacy and persuasive power to the wider work of civil society against modern slavery in the region. It will demonstrate that predatory behavior against these communities need not be treated as normal and tolerated: It can be eliminated.

## 4.7. Collaborators, Stakeholders and Potential Partners

The feasibility study research has identified sufficient local NGOs in the region with capacity to implement the described programme strategy. Once funding approval has been secured, the Freedom Fund should undertake selection of final grant recipient partners, and ensure alignment with other funded and Indian state programs in the area.

Apart from NGOs, other stakeholders such as business associations, government offices, retailers, and trade unions are also active in the region with whom the program should develop specific forms of collaboration.

## Annex 1: List Of Stakeholders met during the Feasibility Study

Note: several other organizations were met after the period of research was completed.

NAME	ORGANISATION	LOCATION
<b>NON GOVERNMENTAL ORGANISATIONS (NGOs)</b>		
1. Mr. James Victor	Director, Serene Secular Social Service Society (SSSSS)	Dindigul
2. Mr. R Karruppuswamy	Director, Rights Education and Development Centre (READ)	Erode, Puddukottai
3. Mr. A. Aloysius	Director, Social Awareness and Voluntary Education (SAVE)	Tirupur
4. Mr. S.M. Prithviraj	Founder and Director, Care Trust	Coimbatore
5. Mr. Paul Bhaskar	Director, PEACE Trust	Dindigul
6. Mr. K Dass	Executive Director, People's Organisation for Liberation and Education (POLE) Trust	Salem
7. Mr. C Nambi	Director, Centre for Social Educational Development (CSED)	Avinasi near Tirupur
8. Fr. Bhakiaraj and Sister Victoria	Director, Don Bosco Nest and Marialaya	Tirupur
9. Dr. Mahmood Batcha	Director, Society for community Organization (SOCO) Trust	Madurai
10. Mr. Antony Alexander	Founder and Director, Agape Foundation	Dharmapuri
11. Mr. N. Palanichamy	Secretary, HOPE (Human Organization and Progressive Education)	Dindigul
12. Mr. G Venkatesan	Secretary, Literates Welfare Association (LAW)	Theni
13. Ms. V Selvarani	Managing Trustee, National Integrated Welfare and Development Trust	Salem
14. Dr. John	Society for People's Education and Economic Change (SPEECH)	Madurai
<b>INTERNATIONAL NGOS</b>		
Ms. Marieke Weerdesteijn	Solidaridad	-
Ms. Martje Theuws	SOMO	-

Ms. Barbara Kueppers	TdH (Terres de Homes)	Telephonic Interview
Mr. Dan Viederman & Ms. Lydia Long	Verité	-
<b>TRADE UNIONS</b>		
Mrs Roselyn	President, Tamil Nadu Textiles Common Union (TTCU)	Dindigul
Mr. Jayamani	Secretary, All India Trade Union Congress (AITUC)	Dindigul, Pudukottai
Mr. Rajamani	Secretary, Hind Mazdoor Sabha (HMS)	Coimbatore
Mr. Muthukumarswamy	Secretary, Malumlarchi Labour Front (MLF)	New Tirupur
<b>BUSINESS ASSOCIATIONS</b>		
Mr. V Prabhu	South India Spinners Association (SISPA)	Tirupur
Dr. K Venkatachelum	Chief Advisor, Tamil Nadu Spinning Mills Association (TASMA)	Dindigul
Mr. Ramakrishna	SIHMA (South India Hosiery Mills Association)	Tirupur
Dr. Selvaraj	SIMA (Southern India Millers' Association)	Tirupur
<b>MULTI-STAKEHOLDER FORUMS (MSFs)</b>		
Mr. Prithviraj	Tirupur People's Forum	Coimbatore
Mr. Peter McAllister, Ms. Debbie Coulter, Mr. Martin Buttle, Mr. Hedvees Christopher	Ethical Trading Initiative	London and Tirupur
<b>GOVERNMENT OFFICIALS</b>		
Mr. Balasubramaniam	Labour Officer, Department of Labour	Coimbatore
Mr. Marimuthu	Commissioner of Labour	Coimbatore
Mr. Thangavelu	Deputy Commissioner of Labour	Coimbatore
Mr. Govindraj	District Collector	Tirupur
Mr. Dinakaran	Joint Director, Industrial safety and health	Dindigul

Mr. B Manovaram	Joint Director, Industrial safety and health	Tirupur
Mr. Jagadisan	Joint Director, Industrial Safety and Health	Coimbatore
<b>OTHERS</b>		
Auditor	Independent Auditor	Tirupur
Survivors and Factory Workers	Spinning mills	Dindigul, Tirupur, Salem, Pudukottai, Theni
Broker	Composite mill	Salem

## Annex 2: Geographic Area of Work and nature of Interventions of NGOs interviewed during the Feasibility Study

Name of the NGO	Geographic area of operation	Types of Interventions													
		Helping OUT OF SCHOOL to re-enrol, or providing non-formal education for children who are out of school	Vocational training and income generation with YOUNG PEOPLE to help prevent risky entry to workplace	Vocational training and income generation to help reintegrate SURVIVORS of workplace exploitation	Income generation (including microfinance) for adults in high risk communities	In-depth work to help POTENTIAL WORKERS be better prepared, more knowledgeable about rights before they enter the workplace	Training support to village leaders to enable them to identify and prevent risky recruitment/migration	Provision of shelter to victims	Advocacy with government with regard to workplace issues	Training of government officials and other stakeholders	Awareness creation	Raids and Rescues	Filing Legal complaint & Legal Aid	Helplines (running hotlines such as childline etc)	Psychosocial support
SAVE	Tirupur	Y	N	Y	N	N	N	N	Y	N	Y	Y	Y	N	Y
CARE-T	Coimbatore	Y	Y	Y	N	Y	Y	N	Y	N	Y	Y	Y	N	Y
CSED	Tirupur	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

SOCO Trust	Madurai	N	N	N	N	N	N	N	Y	Y	N	N	Y	N	N
PEACE Trust	Industrial areas in and around Dindigul	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	N	Y
LAW	Theni	N	N	Y	N	Y	N	N	Y	N	Y	N	Y	N	Y
READ	Satya-mangalam, Erode	Y	N	Y	Y	Y	Y	N	Y	N	Y	Y	Y	N	Y
POLE	Salem and surrounding villages	N	N	Y	N	N	N	N	N	N	Y	Y	Y	N	N
SSSS	Vedasandu r and Ayalur, Dindigul	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	N	Y



HOPE	Ayalur region, Dindigul	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	N	Y
Don Bosco Nest and Marialaya	Tirupur	Y	N	N	N	N	N	Y	N	N	Y	Y	N	N	Y
SPEECH	Virudhnagar, Tiruchuli	Y	Y	N	Y	Y	Y	N	Y	N	Y	Y	Y	N	N
READ	Pudukottai	N	N	Y	Y	Y	Y	N	N	N	Y	N	N	N	Y
NIWAD Trust	Salem and surrounding villages	Y	N	N	N	N	N	N	N	N	N	N	N	N	Y

## Annex 3: India's main national laws related to modern slavery

**The Immoral Traffic (Prevention) Act (ITPA), 1956:** The Act prohibits trafficking of girls and women for commercial sexual exploitation and lays down specific penalties for related offences.

**Bonded Labour System (Abolition) Act 1976:** This Act enables prosecution of employers of bonded labourers and provides for assistance to released bonded labourers.

**The Factories Act of 1948:** This Act prohibits the employment of children below the age of 14 years in any factory. The law also placed rules on when and how long pre-adults aged 15–18 years can be employed in any factory.

**The Minimum Wages Act 1948:** The Act prescribes minimum wages for all employees in all establishments or to those working at home in certain sectors specified in the schedule of the act.

**Industries Disputes Act, 1947, amended 2010:** This Act lays down the provision for payment of compensation to the workman on account of closure or lay off or retrenchment.<sup>120</sup>

**The Contract Labour (Regulation and Abolition) Act, 1970:** This Act is used to prosecute the principal employer in cases where the engagement of child labour has been done through a contractor.

**The Workmen's Compensation Act 1923:** This Act provides for the payment by employers to their workmen of compensation for the injury by accident arising out of their employment.

**Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act 1979:** This Act regulates employment of migrant workers, providing for their conditions of service including access to minimum wages, written details of employment conditions, suitable accommodation etc.

**The Equal Remuneration Act, 1976:** The Act provides for the payment of equal remuneration to men and women workers and for prevention of discrimination on grounds of gender, against women in matters of employment.

**The Apprentices Act, 1951:** As per this Act, a person shall not be qualified for being engaged as an apprentice unless he is not less than 14 years of age.

**The Child Labour (Prohibition and Regulation) Act, 1986:** The Act prohibits the employment of children below the age of 14 years in hazardous occupations identified in a list by the law.

**The Juvenile Justice (Care and Protection) of Children Act, 2000:** This law made it a crime, punishable with a prison term, for anyone to procure or employ a child in any hazardous employment or in bondage.

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<sup>120</sup> The Act also lays down procedure for prior permission of appropriate Government for laying off or retrenching the workers or closing down industrial establishment and unfair labour practices on part of an employer or a trade union or workers.

**The Right of Children to Free and Compulsory Education Act, 2009:** The law mandates free and compulsory education to all children aged 6 to 14 years. The Department of School Education is responsible to ensure Right to Education is implemented in each district through District Education officers.

**Indian Penal Code:** The penal code criminalizes many activities related to modern slavery and in 2013, Section 370 was updated to clearly define trafficking and increase the relevant sentences for perpetrators.

In addition to the above Acts, India also formulated a **National Policy on Child Labour in 1987**. This Policy seeks to adopt a gradual and sequential approach with a focus on rehabilitation of children working in hazardous occupations. It envisioned strict enforcement of Indian laws on child labour combined with development programs to address the root causes of child labour such as poverty. In 1988, this led to the *National Child Labour Project (NCLP)* initiative.<sup>121</sup>

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<sup>121</sup>Source: Department of Labour <http://labour.gov.in/upload/uploadfiles/files/FAQ/FAQ%20child%20labour.pdf>

## Annex 4: Relevant National Agencies and their roles

Agency	Role
National Human Rights Commission (NHRC)	<ul style="list-style-type: none"> <li>▪ To inquire suo motu or on a petition presented to it, and submit recommendations to the authority/State Government/Central Government on which actions needs to be taken.</li> <li>▪ Responsible for undertaking and promoting research in the field of child rights, child labour, human trafficking, civil complaints on police, bonded labour, commercial sexual exploitation.</li> <li>▪ Constituted a Core Group on Bonded Labour, which is responsible for suggesting strategies to the State/Central Government for elimination of bonded labour in the country.</li> <li>▪ In several instances, NHRC has taken up complaints of labour exploitation in textile industry in Tamil Nadu and issues notices to the state government to respond.</li> <li>▪ NHRC has its state units called the State Human Rights Commission (SHRC), which are being used by local NGOs to intervene in cases of human rights violations.</li> </ul>
National Commission for Protection of Child Rights (NCPCR)	<p>The Commission takes up specific complaints that come before it for redressal of grievances and also takes up suo moto cases, summons the violators of child rights, gets them presented before the Commission and recommends to the Government or the Judiciary, action based on an inquiry.</p> <p>In 2011, the NCPCR members inspected various child homes in Ramanathapuram and Madurai districts and forwarded their recommendations to the Social Welfare department on improving the homes for children.<sup>122</sup></p>
National Advisory Committee to Combat Trafficking	<p>The mandate of the committee is to combat trafficking in women and children and commercial sexual exploitation as well as rehabilitate victims of trafficking and commercial sexual exploitation and improve legal and law enforcement systems. It also includes suggesting welfare programmes for care, protection and rehabilitation of women and child victims of trafficking.</p>
Ministry of Home Affairs' Anti-Trafficking Nodal Cell	<p>Acts as a focal point/monitoring cell for communicating various decisions and follow up on actions taken by the State Governments.</p> <p>At the state level, Anti Trafficking Nodal Officers have been nominated and Anti-Trafficking nodal cells have been created at district level headed by Superintendents of Police of the District.</p>
Federal anti-trafficking unit	<p>The Central Bureau of Investigation established a Federal anti-trafficking unit, whose police officers have nationwide investigative authority. The unit is designated to combat the crimes relating to</p>

<sup>122</sup> NCPCR, 2011 [http://ncpcr.gov.in/view\\_file.php?fid=46](http://ncpcr.gov.in/view_file.php?fid=46)

human trafficking that mainly affect women and children.
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**Convergence strategy of Ministry of Labour for eradication of child labour:** A Core Group on convergence of various welfare schemes of the Government was constituted in the Ministry of Labour and Employment in order to coordinate activities with other Ministries and bodies. Ministry of Women and Child Development supplements the efforts of this Ministry in providing food and shelter to the children withdrawn from work. Ministry of Human Resource Development works through the provision of lunch to National Child Labour Project (NCLP) school children, as well as teacher training, supply of books, etc. and mainstreaming of NCLP children into the formal education system. Convergence with Ministries of Rural Development, Urban Housing and Poverty Alleviation, and Panchayati Raj ensures inclusion of NCLP children under their various income and employment generation schemes.

The Ministry of Labour has also established a special Child Labour Division, which is responsible for ensuring the implementation of the National Policy on Child Labour. A number of Committees and Bodies have also been set up to implement the policy namely Child Labour Technical Advisory Committee (CLTAC), the Central Advisory Board (CAB) on Child Labour and the Central Monitoring Committee (CMC) and the National Authority for Elimination of Child Labour (NAECL).<sup>123</sup>

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<sup>123</sup>ILO Website, India: Child labour; [http://www.ilo.org/labadmin/info/WCMS\\_156047/lang--en/index.htm](http://www.ilo.org/labadmin/info/WCMS_156047/lang--en/index.htm)