SDGs and Labour

A Compendium

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Inside

Foreword

The Sustainable Development Goals (SDGs) and its targets are the successor to the Millennium Development Goals (MDGs). The SDGs cover the entire gamut of human development in five integrated and indivisible themes – People (goals 1–7), Prosperity (8–11), Planet (12–15), Peace (16), and Partnerships (17). India is one among the 195 signatories to the declaration on the 2030 Agenda for Sustainable Development in 2015.

The spirit of the SDGs is inclusion and equitable development of the excluded communities and sections of society i.e. those left behind and the last. Therefore the SDGs are based on the twin principles of 'leave no one behind' and 'reaching the last first'. To be effective – and true to its spirit – the SDG process needs to identify who the 'left behind' are, engage with the institutions and state mechanisms tasked with inclusion and work to reverse the processes of exclusion so that there is truly no one left behind.

In this context Human Rights Advocacy and Research Foundation (HRF) launched SDGWatch Tamil Nadu on 25 September 2017. SDGWatch Tamil Nadu is to ensure inclusion of the excluded communities into the SDGs mindful of inter–sectionality. These excluded and marginalised vulnerable communities range from the Dalits, Adivasis, fishers and other coastal communities with special attention to LGBTQIA+, People with Disabilities (PWDs), especially the women and children among them.

The objective of this consultation is twofold: to examine SDGs through the lens of labour, especially inter–state migrant labour, fisher women, manual scavengers, domestic workers, women in the textile industry, and children and to strengthen processes to monitor fulfilment of SDGs. The one day strategic planning workshop on *SDGs and Labour* will also focus on *Inter– state Migrant Workers: Concerns and challenges of children and families*. It will evolve strategies for multi–stakeholder engagement for enabling policies at the state level, efficient implementation at the grassroots level, and a concrete plan with timeline based on practitioner learning. An explicit goal of this consultation is to *incorporate global standards and perspective*

of business and human rights into the SDGs. The South India initiative is to share the international developments on the SDGs and the national process so that state level processes to track progress towards SDGs can be initiated.

Select domain experts, practitioners and strategic partners, especially those leading or part of statewide networks and coalitions are invited for these deliberations. We hope to build a long–term coalition to monitor the progress towards SDGs comprising communities, civil society, corporations, civil service and the state.

This compilation has been put together by Tamilarasi, Coordinator HRF, assisted by Halcyon and the HRF Team. The consultation is a collaborative effort of the International Justice Mission (IJM), Rights Education and Development (READ) Centre and the Human Rights Advocacy and Research Foundation (HRF).

Annie Namala

Managing Trustee and Director, HRF
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SDGs and Labour

Edwin[1]

The UN Sustainable Development Goals (SDGs) seek to ensure a world where all people are prosperous with peace and justice in harmony with the planet. Among the 17 goals, SDG 8 to *Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all* directly deals with conditions of labour and its purpose. It is one of the cornerstones of the entire SDGs, being intimately intertwined with eradication of poverty (SDG 1–3), highly dependent on SDG 4 for the self and future generations, and to reduce inequality (SDG 10).

The targets of goal 8 are:

8.1 Sustain per capita economic growth in accordance with national circumstances and, in particular, at least 7 percent gross domestic product growth per annum in the least developed countries.

8.2 Achieve higher levels of economic productivity through diversification, technological upgrading and innovation, including through a focus on high–value added and labour–intensive sectors.

8.3 Promote development–oriented policies that support productive activities, decent job creation, entrepreneurship, creativity & innovation, and encourage the formalisation and growth of micro, small & medium– sized enterprises, including through access to financial services.

8.4 Improve progressively, through 2030, global resource efficiency in consumption and production and endeavour to decouple economic growth from environmental degradation, in accordance with the 10Year Framework of Programmes on Sustainable Consumption and Production, with developed countries taking the lead.

8.5 By 2030, achieve full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value.

8.6 By 2020, substantially reduce the proportion of youth not in employment, education or training.

8.7 Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and

[1] Director (Programmes) Human Rights Advocacy and Research Foundation (HRF).

elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms.

8.8 Protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment.

8.9 By 2030, devise and implement policies to promote sustainable tourism that creates jobs and promotes local culture and products.

8.10 Strengthen the capacity of domestic financial institutions to encourage and expand access to banking, insurance and financial services for all.

8.a Increase Aid for Trade support for developing countries, in particular least developed countries, including through the Enhanced Integrated Framework for Trade–related Technical Assistance to Least Developed Countries.

8.b By 2020, develop and operationalise a global strategy for youth employment and implement the Global Jobs Pact of the International Labour Organisation.

India takes its commitment to SDGs seriously, but often seems to be content with perception management as evidenced by its reports to the UN High Level Political Forum (HLPF). The government think tank NITI Ayog asked the Ministry of Statistics and Programme Implementation (MoSPI) to develop the country specific indicators and targets for each of the goals. The nodal ministry to monitor progress towards SDG 8 is the Ministry of Labour and Employment (MoLE). Existing social security schemes and welfare measures of the government have been mapped onto the SDGs.

Productive employment and decent work: A cornerstone of SDGs

Being the one activity that occupies a major chunk of our waking life, work is a large part of our identity and, for many, it gives a purpose in life. Unemployment, under–employment and forced or undignified labour causes loss of self–confidence and self–esteem, poor mental and physical health. It adds to stress within the family and social exclusion. This sometimes leads to substance abuse, conflict with the law and even suicide. Work that affords the person self–respect is the core component of a life with dignity.

The International Labour Organisation (ILO) defines 'decent work'[2] as '*work that is productive and delivers a fair income, security in the workplace and social protection for families, better prospects for personal development and social integration, freedom for people to express their concerns, organise and participate in the decisions that affect their lives and equality of opportunity and treatment for all women and men*'.

Work that delivers fair income not only means that the basic needs such as food, clothing, housing, education, and health care are met, but also ensures that subsidies are unnecessary, eliminating their resultant corruption (called 'leakages', 'rent seeking' and 'patronage'). Without it the time of the best brains in national governments legislate on how much the 'subsidy' for a toilet should be (USD 200) and its dimensions (3'x4'). These decisions can be left to the end–user who is more knowledgeable and competent to make the decision and execute it.

Caste and communal discrimination in employment

Discrimination is rampant in employment, and needs to be addressed if decent work for all is to become a reality. In the private sector, those with Dalit (33%) or Muslim (66%) sounding names (the study covered only SCs and Muslims and did not track STs) are not even called for an interview, even with equivalent educational qualifications.[3]

In the backdrop of calls for inclusive employment in the private sector, the CII undertook a caste census of its members spread across 22 states and union territories in 2010. The survey covered to 8,250 members of the association, which together employ 3.5 million people. Scheduled Castes (SCs) and Scheduled Tribes (STs) make up 19.1% of Maharashtra's population, but their share in private sector human resources is only 5%. In Gujarat and Karnataka, SCs and STs are just about 9% of the staff strength, but account for 22% and 23%, respectively of the state population. In

[2] http://www.ilo.org/global/topics/decent–work/lang—en/index.htm accessed 7 July 2018.

[3] Urban Labour Market Discrimination, Sukhadeo Thorat, Paul Attewell, Firdaus Fatima Rizvi, Indian Institute of Dalit Studies (IIDS) working paper series Vol III Number 01, 2009, with Princeton University.

Madhya Pradesh SCs and STs account for 11% of the private sector's total staff strength, less than a third of their strength in state's population. Only in Kerala and Uttarakhand, the percentage of SCs and STs in the private sector is higher than their share in population. Chhattisgarh is a shade better with more number of factories, but half its workforce comprises SCs, STs, comparable to its total SC, ST population of 43.4%. Delhi and Haryana are relatively egalitarian. Tamil Nadu ranks number one in industrialisation and employment (by number of factories and persons, according to the Annual Survey of Industries 2008–09). SCs and STs account for almost 18% of the industrial workforce and 20% of the state's population. The CII survey of the private sector's human resource composition in Chandigarh, Punjab and Rajasthan shows that SC, ST proportion is 25–50% lower than their strength in the total population.[4]

Dark underbelly: Manual scavenging, modern day slavery

Manual scavenging has been officially abolished several times post–independence, even in the last couple of decades. There is a stubborn unwillingness to acknowledge this crime, reinforced by the lack of political will to address it. There have been deaths in sewage drains of the manual scavengers in districts that were declared manual scavenging free. As recently as 17 April 2018, Government of Tamil Nadu filed a status report in the Madras High Court (Madurai Bench) that manual scavenging has been completed eradicated in the state.[5]

Though the National Safai Karamchari Finance and Development Corporation (NSFKFDC) conducted a survey in 2013–15 and now in 2018 they have been unable to get the right numbers, though Tamil Nadu has the highest recorded deaths of manual scavengers in sewages. There are reports that those who came forward to register were threatened and sent away by

4 SC/STs missing in pvt sector jobs: India Inc's first caste census http://archive.indianexpress.com/news/scsts–missing–in–pvt–sector–jobs–india–inc–s–first–caste–census/739296/0 accessed 7 July 2018

5 'Manual scavenging eliminated in state' https://timesofindia.indiatimes.com/city/madurai/manual–scavenging–eliminated–in–state/articleshow/63791383.cms accessed 7 July 2018.

other officials.[6] Despite funds being provided by (NSFKFDC), and government orders to complete the survey by 31 April 2018, the survey was not conducted in several districts. National Commission for Safai Karamcharis member Jagadish Hiremani had to issue a threat of action one month later on 29 May 2018.[7]

Bonded labour and child labour in their various forms are also either denied or underreported. No case has been registered under the Child Labour Act for 2015[8] in Tamil Nadu. It is unlikely that it has been eradicated in four years since the last census in 2011. This is another indicator of the high societal tolerance for child labour, the impunity of the perpetrators, the complicity of the state mechanisms and the failure of institutions.

There are indications that child labour is being lost in indicators such as enrolment and retention in schools since children now work before and after class and during holidays. Casualisation of labour – part time, apprentice, trainees – has hit children also. Girls in the age group 15–19 from economically disadvantaged communities are particularly vulnerable. Schemes such as 'Sumangali' in the readymade garments sector take advantage of this vulnerability. Girls from Arundathiyar communities in certain regions are particularly at risk.

Decent work and the lifecycle approach

The average life expectancy of an Indian at independence was 31.4 years. The concept, expectations and aspirations of education, work and a life with dignity were different. Now life expectancy is close to 70 years, more than double that. The expectations from life, education and work are different.

Advances in health care and nutrition have doubled life expectancy. Advances in science and technology quickened and made several skillsets

6 Tamil Nadu fails to conduct resurvey of manual scavengers, Times of India 23 March 2018 https://timesofindia.indiatimes.com/city/coimbatore/state–fails–to–conduct–resurvey–of– manual–scavengers/articleshow/63421353.cms accessed 7 July 2018

7 'Complete manual scavenging survey within 10 days or face action' https://timesofindia.indiatimes.com/city/coimbatore/complete–manual–scavenging–survey– within–10–days–or–face–action/articleshow/64360871.cms accessed 7 July 2018.

8 data.gov.in last accessed 5 March 2018.

redundant. Productive lifespans are shrinking at a rapid pace. In several 'sunrise sectors', especially information technology and IT enabled services, there are few opportunities for the above 40s – this when '60 is the new 40'.

At the time of Indian independence, 'child labour' was those below seven years of age. Studying up to grade five was all right when most were illiterate. A young adult would join the labour force in the teens as the norm. They would barely make it to retirement, or just a little beyond.

Now the situation is different. India no longer lives ship to mouth and is a middle income country. Expectations are different. Decent jobs need at least post–graduate qualifications – which means formal education till 25. But the rapid rise is only till 40 for the majority, after which they are no longer in the 'fast lane'. Their skillsets are obsolete and more up to date talent can be acquired by companies at much lower costs. At the age of 50, when the independence generation was getting ready to retire, half the working life still stretches ahead.

Society has yet to reconfigure itself to best benefit from the long childhood or the long sunset years. It is yet to discover or invent ways to harness the energy of the young or the wisdom of the seniors. The challenge of a shortening working life that must support a long preparation (for the next generation) and a long retirement (for the previous generation) grows more acute by the day, exacerbated by automation. Yesteryear models of export led economic growth no longer work. A world without work is a reality for increasing number in their 'most productive years'. It is in this context that the SDGs and labour must be situated.

Jobless 'growth'

Estimates of workers in the formal sector in India range from 5 – 15% of the workforce. The majority of workers still are in agriculture. The unorganised sector workers are by far the majority, with little job security. About half the unorganised sector are self–employed. For them the 'minimum wage' still is the 'maximum pay' and remains a dream for far too many.

The National Rural Employment Guarantee Scheme (NREGS)[9] has been a key source of livelihood for millions of rural households. It guarantees up to 100 days of unskilled work in a year to one member of every rural household and was credited with raising rural household incomes. In 2017–18, a good monsoon year, the scheme provided 45 days of work on an average to a rural household, compared to 49 days in 2015–16, when a widespread drought hit several states.

The rural development ministry reported (3 April 2018) that the scheme saw a record expenditure of Rs 638.87 billion in 2017–18, the highest since it was launched 12 years ago and about Rs 250 billion more than 2013–14. 86% of the payments were made within 15 days.

Despite higher expenses, wages under the scheme continue to be lower than minimum wages for agriculture labourers in 27 of 35 states and union territories. The high demand for work from rural households in a normal monsoon year (2017), despite being below minimum wages, also suggests acute rural distress and a paucity of alternate employment.

The much touted 'formalisation of the economy' fails the test of evidence, apart from methodological infirmities. The 'independent study' of the government that concluded that 7 million new jobs were created was based on the Employees' Provident Fund Organisation's (EPFO's) enrolment numbers. Enrolment into EPFO is done when an enterprise has 20 employees. So enrolment of 20 does not mean 20 jobs were created. Most likely just one or two that would carry the firm over the threshold.

Moreover, the EFPO enrolment has been sharply whittled down for each of the six months where data was released subsequently. The downward revision in net enrolment numbers that range from 6 percent to 21 percent for each of the months between September 2017 and March 2018. Cumulatively, for September–March 2017–18, the total net enrolment has

9 Record government expenditure on MGNREGS underlines rural distress https://www.livemint.com/Politics/FjrVGh1J7DVAQGn4tzrQlL/Record–government–expenditure–on–MGNREGS–underlines–rural–di.html accessed 7 July 2018

been reduced by 12.58 percent or 495,000 to 3.44 million as against 3.935 million estimated earlier, data released on 25 June 2018 shows.[10]

Employment data for the period January–April 2017 and January–April 2018[11] reveals that working–age population in India grew by 2% in January–April 2018 over January–April 2017, the employment rate in the working–age group has fallen – albeit marginally – over the period (from 95.3% to 94.4%). In the younger 15–24 cohort, the employment rate has fallen from 79.8% to 72.9% over the relevant period.

The decline in labour force participation rate in both the 15–24 age group and in the 65+ age group is by 0.5% and 7.2%, respectively, in this period. The decline in labour force participation rate in the 15–24 age group becomes more pronounced when compared with the pre–demonetization period – from 31.7% in January–April 2016 to 23% in January–April 2018. A decline in the labour force participation rate in the 15–24 age group implies a systematic dropping out of youth from the job market.

Dropping out from the labour market by the youth is good if it is for higher studies since it results in increasing the skilled labour force. It is dangerous if the dropped–out cohort comprises those not in employment, education or training (NEET) since it implies low current and future potential. Similarly, the large decline in labour force participation rates among the elderly reduces their overall income and increases consumption proportionately, again posing inflationary challenges.[12]

At the meta–level in the formal sector, entire industries are vanishing and taking jobs with them, making skillsets and knowledge systems redundant. Though jobs are being created it is not for those whose skills have become

10 EPFO data government cited to show job surge is now down https://indianexpress.com/article/india/epfo–data–government–cited–to–show–job–surge–is–now–down–5247751 accessed 7 July 2018.

11 Unemployment Rate in India https://unemploymentinindia.cmie.com/kommon/bin/sr.php?kall=wstatmore accessed 7 July 2018.

12 Population–age ratio and monetary policy, Tulsi Jayakumar. https://www.livemint.com/Opinion/BvMar9Axv445JzJ6IMgomN/Populationage–ratio–and–monetary–policy.html Accessed 7 July 2018

obsolete – and the pace of obsolescence is quickening. Labour intensive sectors, such as agriculture and manufacturing, are seeing rapid job destruction. The textile industry, a labour intensive low skill sector at the entry level, is poised to lose many jobs due to automation. The new jobs being created require much higher levels of investment per job, and much higher levels of skills and training. These effectively increase the barriers of entry. Coupled with the low standard of schooling, the barriers become virtually insurmountable.

The acronym FIRE (Finance, Insurance, Real Estate) aptly sums up the new weapons of mass destruction. The present formal and informal institutions support their consolidation and expansion to the detriment of workers.

Education (SDG 4)

Education is the source in the supply chain for decent work and therefore social equity when institutions are just and partnerships are non–discriminatory. However, the recent experience shows that even token advances need to be zealously guarded.

The Right of Children to Free and Compulsory Education Act 2009 or Right to Education Act (RTE) provides for schooling between the ages of 6–14. However, here there is a gap in the legal ecosystem itself – schooling up to class 8 is hardly sufficient for a self–reliant life of 75, and falls well short of covering the full 18 years of childhood. At this rate, employability remains a cause for concern. Ensuring education for all children up to 18 years helps prevent seven specific child rights violations viz (a) Child labour (b) Child marriage (c) Child sexual abuse (d) Child trafficking (e) Sex work (f) Conflict with the law and (g) Malnutrition all of which have lifelong and intergenerational consequences, including in decent labour and workforce participation. The protection afforded by this Act to young girls is withdrawn just in their most vulnerable age of 15–Several studies have shown that parents are keen on good education for their children. Decent work and pay will ensure that the gaps in the legal ecosystem does not adversely affect the children and have intergenerational consequences.

With 80% literacy overall (Census of India 2011), Tamil Nadu has one of the highest literacy rates in the country. However, this hides wide disparities. The female literacy rate is below 70% in 13 of 32 districts in Tamil Nadu (Dharmapuri, Ariyallur, Villupuram, Krishnagiri, Erode, Salem, Thiruvannamalai, Perambalur, Namakkal, Karur, Dindigul, Pudukkottai, and Theni). In 12 districts the gender literacy gap is more than 20%. The National Family Health Survey 2015–16 (NFHS–4) found that only 50.9% of women (58.6% urban, 42.9% rural) have had 10 or more years of schooling.[13] Just 32% of women aged 15–49 have completed of 12 or more years of schooling, compared to 38% for men. However, it is encouraging to note that there is negligible gender gap in enrolment and retention at the primary and secondary levels.

While scholarships for higher education has increased, persistent delays and even denial for those dependent on government scholarships (the scheduled castes, scheduled tribes, religious and linguistic minorities) has increased in the past four years. The quality of teaching and scholarship is uneven with some going so far as to say that 70% of Indian engineers are unemployable. Several engineering colleges have shut down simply because students refused to go to these converted animal shelters.

India has about 800 universities with over 40,000 affiliated colleges.[14] About 94% of students of higher education study in 369 State universities. However, most of the government funding goes towards Indian Institutes of Technology (IITs), Indian Institutes of Management (IIM) and central universities. About 150 centrally–funded institutions (which cater to less than 6% of students) – corner almost the entire funding by the Ministry of Human Resource Development (MHRD). To make things worse, investment by state governments has been also dwindling each year.

Rashtriya Uchchatar Shiksha Abhiyan (RUSA) is a centrally sponsored scheme launched in 2013 to provide strategic funding to eligible state higher

13 The National Family Health Survey 2015–16 (NFHS–4).

14 A game–changer for higher education https://www.thehindu.com/opinion/op–ed/a–game– changer–for–higher–education/article23366942.ece (accessed 7 July 2018)

educational institutions. There is some change but it is excruciatingly slow. Gross Enrolment Ratio (GER) is 25.2%, faculty vacancies are down to 35%, and the teacher–student ratio is now 1:20. In 2012, 106 state universities and 4,684 colleges were accredited. By 2017, an additional 145 state universities and 5,445 colleges were accredited.

Addressing wage inequality (SDG 10)

Fair income – an essential component of SDG 10 – makes it possible to ensure health and wellbeing (SDGs 1 to 3), acquire knowledge and skills (SDG 4) to break free from the web of poverty, and to ensure that the succeeding generations too acquire such knowledge. Anti–poverty subsidies will not be required. It can be asserted with confidence that without *productive employment and decent work* any progress will be transitory and subsidies, charity and doles will be the norm taking a terrible toll not only on the excluded but on society as a whole.

The National Rural Employment Guarantee Scheme (NREGS) ensured that equal wages were paid to both the men and the women for similar work. This is a major achievement, though it was not a central objective of the Act.

Wage inequality is rising not only globally but also in India. India has the highest number of billionaires per trillion GDP – indicating a high degree of wage inequality in India. A 2018 survey from Equilar, which tracks corporate governance and executive compensation, found that CEOs earned 140 times more than their median workers in general. An AFL–CIO study estimates S&P 500 company executives made about 347 times more than their average employees in 2016, up from 41 to 1 in 1983.

Individual cases are starker. Margo Georgiadis, the CEO of toymaker Mattel – the company behind Barbie, Hot Wheels, and Fisher–Price – makes 4,987 times more than the company's median employee, or, when accounting for a one–time sign–on bonus, 1,527 times more. Greg Creed, of Yum Brands, which owns KFC, Pizza Hut, and Taco Bell, made 1,358 more than the median employee. The CEO of VF Corporation is paid 1,353 times more,

and the CEO of Kohl's 1,264 more. The pay ratio of Philip Morris is 990 to 1; at Marathon Petroleum, it's 935 to 1.[15]

Management guru Peter Drucker called for fixing *the maximum compensation of all corporate executives as a multiple of the lowest paid regular full–time employee* in the Wall Street Journal way back in 1977, as *the most necessary innovation.* Four decades on, neither business nor governments are willing to bite the bullet.

Access to justice (SDG 16)

In Tamil Nadu, construction workers through struggles from 1979 got the Tamil Nadu Manual Workers Act passed in 1982. Due to continuous struggle of the unorganised sector workers, the Tamil Nadu Construction Workers Welfare Board was formed in 1995 and 11 more welfare boards were formed in 1999 and 2000. In 2006, more sectoral welfare boards were formed. Now 17 welfare boards function under the Department of Labour for workers in construction, pottery, hair dressing, dhobis, artists, tailoring, leather industry, transportation (drivers), goldsmiths, power looms, handlooms, handicrafts, street vending, domestic work, palm tree climbing, cooks, manual laborers (55 categories). 17 welfare boards a constituted under other departments for workers in agriculture, fisheries, sanitation, tribals, Narikuravars, transgender, differently abled etc.[16]

However, some remain only on paper. For instance, the transgender welfare board constituted in 2008 – the first in the country – has not been reconstituted since 2011. Labour welfare officers and labour inspectors seldom expose violation of labour standards in the factories they are supposed to monitor.

At the national level, the government brought in legislation designed to move up the 'ease of doing business' rankings compromising workers' rights in the name of labour 'reforms'. The Child Labour (Prohibition and

15 https://www.vox.com/policy–and–politics/2018/4/8/17212796/ceo–pay–ratio–corporate– governance–wealth–inequality accessed 7 July 2018

16 Thozhilalar Koodam (Workers Forum) http://tnlabour.in/news/6669 accessed 7 July 2018

Regulation) Amendment Act, 2016 further dilutes the protections for children, and permits employment of children in 'family enterprises', before and after school and on vacations. In any case, whatever be the law, the right to unionise and collective bargaining is severely curtailed and even sometimes criminalised.

The draft Labour Code on Social Security 2018 which is in an advanced stage of law–making would subsume 15 social security laws including Unorganised Workers' Social Security Act, 2008; Employees' State Insurance Act, 1948; Employees' Provident Funds and Miscellaneous Provisions Act, 1952; Maternity Benefit Act, 1961; Payment of Gratuity Act, 1972 and Building and Other Construction Workers Cess Act, 1996. Several welfare boards are to be closed, services privatised, social security restricted and employer liability diluted under the new labour code – reversing the gains made and moving backwards from the SDGs.

Partnerships (SDG 17)

The lack of data is a major stumbling block. Some of it is due to stigma and criminalisation (for instance sex work) while it is due to social and official denial in others (for instance manual scavenging). In the case of sex work, any identification is an invitation to criminal charges. Acknowledging manual scavenging, even to government enumerators, is an invitation to abuse and victimisation from other government officials.

Some of it is systemic. There is simply no publicly available disaggregated data with the required granularity and desired frequency. The transparency of the government, especially when it comes to unfavourable data leaves much to be desired. For instance, the Labour Bureau under the Ministry of Labour and Employment has been carrying out household surveys somewhat similar to the Employment–Unemployment Surveys (EUS) since 2010–11. They show a decline in worker–population ratio between 2013–14 and 2015–16, suggesting a deteriorating employment situation recently (the

estimates for 2016–17 are apparently withheld).[17] This downfall could be due to the twin blows of the ill–informed demonetisation and ill–implemented Goods and Services Tax (GST). However, other initiatives such as provision of cooking gas and 100% electrification of the nation (clean and affordable energy, SDG 7) will bring in a resurgence of workforce participation apart from removing drudgery. When that happens, the present opacity will cost the government dear.

While the SDGs do promote partnerships, the government understanding of partnerships is Foreign Direct Investment (FDI) and other forms of collaboration of capital and corporations across borders. The collaboration of workers unions across borders is prohibited (no foreign funding is permitted for trade unions), and India has fought strenuously against any social justice, affirmative action or non–discrimination clauses in international trade.

Domestically too, India promotes only partnerships and associations of the rich – of business and trade bodies (such as the chambers of commerce) – and actively discourages and even decriminalises associations, unions and collective action of workers.

The way ahead

The present paradigm of economic growth requires ever greater destruction of livelihoods, as seen in forced eviction of fishers and farmers. The consequence of government intervention – from the Sagarmala project to promoting harbour based fishing, from land acquisition to corporate bad debt write offs, seem to indicate that the government is taking from labour and the communities to give to the rich and the powerful. Rather than creating employment, it destroys even the existing employment. Those thus displaced find that their skills have no value or use outside their ecosystem. Protection of existing jobs, social security, collective bargaining, rule of law, and a

17 The paradox of job growth, R. Nagaraj https://www.thehindu.com/opinion/lead/the–paradox–of–job–growth/article24333417.ece accessed 7 July 2018

pipeline for smooth transition up the value chain, are all imperative, each as important as the other.

As per the worker's charter, the prerequisites for decent work are:

- Rs.15,000 as the minimum monthly wages.
- Social security cover for all (Employees Provident Fund, Gratuity, Employees' State Insurance, Employee's Pension Scheme and New Pension Scheme).
- Enhanced monthly pension of Rs.3,000.
- Enrolment in Trade Union
- Enforcement of labour law.
- Withdrawal of land acquisition
- Containing unemployment
- Stoppage of FDI

Linguistic data from the Census of India 2011 show that South India is becoming the economic centre of India due to the pattern of interstate migration. The linguistic trail shows that interstate migration from the northern and eastern Indian states to Karnataka, Kerala and Tamil Nadu is increasing. This poses infrastructural challenges of schooling in the mother– tongue to health, transportation and social security nets.

Greater engagement with the state mechanisms based on data of their performance and on the implementation of the labour legislations is essential. There is a need for much greater understanding of the global financial meltdown and its consequences among the labour and its leadership. Once the trends are understood, then the SDGs can be leveraged to strategically address potential threats before they actualise. This strategic alignment is necessary to optimally deploy the scarce financial, material and human resources so that the SDGs are fulfilled and that no one is left behind.

Children in Migration

Dr. Bernard D' Sami[18]

There is an increased awareness on inter–state migrants in Tamil Nadu. Inter–state migrants are seen in the construction industry, manufacturing sector, in hotels, in smaller towns, industrial belts and as security men in the private firms and in the individual houses. Some of the migrants come alone and others with families. When they move as families they come with children from infants to young adults. Some of them leave the children with relatives, friends, and grandparents in order to migrate. Whether they are in the source (sending) state/s or destination (receiving) state/s, children are invisible in the different stages of migration. This chapter looks at the macro level migration scenario that unfolds before us and at children in the process/stages of migration.

Nature of migration

Migration in India is primarily of two types: (a) Long–term migration, resulting in the relocation of an *individual* or *household* and (b) Short–term or seasonal/circular migration, involving back and forth movement between a source and destination. Estimates of short–term migrants vary from 15 million (NSSO 2007–2008) to 100 million (Deshingkar and Akter, 2009). Yet, macro surveys such as the Census fail to adequately capture flows of short–term migrants and do not record secondary reasons for migration.

Who migrates?

Women constitute an overwhelming majority of migrants, 70.7 percent of internal migrants as per Census 2001, and 80 percent of total internal migrants as per NSSO (2007–08). About 30 percent of internal migrants in India are youth in the 15–29 years age group. *Child migrants are estimated at approximately 15 million*. Furthermore, several studies have pointed out that migration is not always permanent and seasonal and circular migration is widespread, especially among the socio–economically deprived groups,

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such as the Scheduled Castes (SCs), Scheduled Tribes (STs) and Other Backward Classes (OBCs), who are asset–poor and face resource and livelihood deficits.

The 2011 census also indicates sex differentials in the inter–state migrants. Males dominate in the rural to urban migration accounting for 47%. It is single male migration largely. In rural to rural migration the females are more (38%) compared to males (Aiajz Ahmad 2016).

The pattern of migration

The pattern of migration differs from state to state and sector to sector. Those involved in agriculture move to the cities to work in construction work, their wages are low and they work for more hours. They usually migrate as family and the whole family resides in the construction premises. Vulnerability of children is greater in such conditions. Those who migrate to work in the manufacturing side learn skills and their wages are better than the construction work. Here the migration is more a single male migration. They all live together in rental houses and cook and eat together.

Problems faced by internal migrants

The constraints faced by migrants are many – lack of formal residency rights; lack of identity proof; lack of political representation; inadequate housing; food insecurity, inadequate access to public health, low–paid, insecure or hazardous work; extreme vulnerability of women and children to trafficking and sex exploitation; exclusion from state–provided services such as health and education and discrimination based on ethnicity, religion, class or gender. Limited access to state–provided services such as health and education; extreme vulnerability of women and children migrants to trafficking and sex exploitation (UNESCO/UN–HABITAT, 2012 and UNESCO Internal Migration in India Initiative 2013).

The lead source states are Andhra Pradesh, Bihar, Chhattisgarh, Jharkhand, Madhya Pradesh, Odisha, Rajasthan, Uttar Pradesh, and Uttarakhand. Tamil Nadu is one among the nine key destination states.

State response

Government appointed working group on migration

The Ministry of Housing and Urban Poverty Alleviation of the Government appointed 'Working Group on Migration' headed by Partha Mukhopadhay from the Centre for Policy Research–Delhi was set up a year ago. It has recommended necessary legal and policy framework to protect the interests of the migrants in the country. The 18–member Working Group was constituted by Union Ministry of Housing & Urban Poverty Alleviation (HUPA) in 2015. The panel in its report stated that the migrant population makes substantial contribution to economic growth and so it is necessary to secure their Constitutional rights.

Economic Survey of India 2017

In the five years ended 2016, an average of nine million people migrated between states every year for either education or work, according to Economic Survey 2016–17. That's almost double the inter–state migration recorded in 2001–2011 and captured by Census 2011. The survey reveals that states like Delhi, Maharashtra, Tamil Nadu, and Gujarat attract large numbers of migrants from the Hindi–speaking states of Uttar Pradesh, Bihar, and Madhya Pradesh. According to the survey, internal migration rates have dipped in Maharashtra and surged in Tamil Nadu and Kerala, reflecting the growing pull factor of southern states in India's migration dynamics. Language does not seem to be a demonstrable barrier to the flow of people

– a trend reflected in the southern states attracting people from the North. Interstate migration was almost four times that of migration within states, reinforcing the perception that language is ceasing to be a deciding factor in migration. Out–migration rate or the rate at which people have moved out is increased in Madhya Pradesh, Bihar and Uttar Pradesh and dipped in Assam. The survey reinforces the fact that the less affluent states have more out–migrants and the most affluent states are the largest recipients of migrants.

Interstate migrants in Tamil Nadu

Interstate migrants are more seen in Tamil Nadu in the last decade and a half. It was Tamils who went out in large number to Mumbai (then Bombay) to work in the informal sector. The largest slum in Mumbai at Dharavi was

created by the Tamils as a settlement. Several films are taken and stories are written on this Asia's largest slum. They also went to work in Surat in Gujarat and to many other states in India. The reality has changed dramatically by the turn of the 21st century when Tamil Nadu started receiving migrant labourers from other states.

The Government of Tamil Nadu (GoTN) conducted a study in the aftermath of the collapse of a multi–storey building at Moulivakkam after heavy rains on 28 June 2014. Many construction workers were trapped in the debris and many of them died. After this accident the labour department, GoTN, conducted a study on the interstate migrants in Tamil Nadu.

The study revealed that

- Tamil Nadu is home to 1.067 million migrant workers.
- The survey conducted on behalf of the labour department shows that a majority of the migrant workers in the state are unskilled workers.
- About 27% are employed in the manufacturing sector; 14% in textile industries and 11.41% in the construction sector.
- Though the numbers may be under–reported, the data will help migrants to get healthcare. Relatively better wages and employment opportunities in Tamil Nadu draw workers from West Bengal, Odisha, Bihar, Jharkhand and Assam.
- There is demographic change in special economic zones (SEZ). Migration has been so much that Hindi and Bengali have become languages of communication in urban areas.
- Workers from West Bengal have proved their skill in laying granite floors, while those from northern states are sought after for security and hospitality services.
- 20.9% of migrant workers in Tamil Nadu live in Kancheepuram district. Most work in manufacturing companies. Kancheepuram has auxiliary units to the big companies such as Ford, Hyundai, BMW and Nissan. Migrant workers work in the small and medium manufacturing units.
- The top three districts – Kancheepuram, Chennai and Tiruvallur – house 51.3% of the migrant worker population. Real estate projects and the metro rail work have attracted huge migrant labour.

- The second largest number of jobs is offered by textile and allied industries which employ 150,000 workers. Coimbatore has 12.1% and Tirupur has 9% of the state's migrant population.
- There have been several complaints from migrant labourers on delay and non–payment of wages. 'It's unfortunate that most children of migrant workers do not get formal education'.

Some studies conducted by other agencies found that intra–state migrant labourers are found in Greater Chennai. Migrant families are located in Kancheepuram and Tiruvallur Districts. Interstate migrants are working in large number in Kelambakkam, Semmenchery, Mahindra City– Anumandai Colony, Ekkattuthangal and Tiruporur. Nearly 200,000 migrants live in 47 villages in Kanchipuram District including SEZs and work in construction sector. Telugu families and Odisha families live and work in Kelambakkam.

Children in the migration process

Though the issue of migration is a national concern, lack of official study on the child migration either at the micro or macro level leads to the State neglecting to provide statutory services meant for migrant children. There is a huge gap in assessing the actual status of migrant children in the interstate migration process. However, certain studies conducted by civil society organisations such as Aid et Action (AeA), has revealed startling facts on the violation of rights of migrant children.

An assessment done in 2012 by AeA in three locations of Odisha covering 423 worksites with 4,064 migrant families reveal of these, 84% of children (of whom 57% are girls) do not access any formal education and Integrated Child Development Services (ICDS). 38% support their families in worksites as child labourers. 80–90% live in huts in polluted and hazardous conditions and 99% do not have toilet facilities. Children in the age group of 14–18 years are equally engaged in worksites both in construction and brick kilns along with adults.

AeA and BvLF study in Delhi, Chennai, Bhopal, Bhubaneshwar, Jaipur, Patna, Hyderabad and Guwahati paints a grim picture of the children and

their conditions. The assessment indicates 90% of the seasonal migrant children are excluded from accessing ICDS services whereas 80% school going children do not access education near worksites. While 65% of the children suffer from ill health, 40% work as child labour and experience various kinds of abuses and exploitation. The adolescent girls living at the worksites are more vulnerable to abuse and sexual violence.

While the scenario of family migration is growing, considering the facilities available in destination states like Tamil Nadu where the school education opportunities are comparatively better than the source states, child migration is as inevitable as adult migration.

When the adult labour has come under the purview of Labour and Factories Act, child dependants of migrant labourers are not monitored by any legal body at the destination areas as CLPRA and other child protection mechanisms does not cover the children at the worksites.

Early childhood care, education and protection of children is not seen as the responsibility of the State or the employer but seen as the responsibility of the concerned migrant family. And the migrants do not have voting rights at the destination states due to which they are not directly covered under states schemes budget and programmes. ICDS and immunisation remains remote to them as direct interventions from government are dormant.

Food insecurity is one of the major issues for interstate migrants, particularly for women and children and as a result 100% anaemia is reported in almost all brick kiln and construction sites. The Public Distribution System (PDS) is not accessible as the migration is seasonal and public health systems are not available at worksites hence remain unreachable to migrant children.

There are more adolescent migrant girls than adolescent boys as parents bring them along. They are employed in work sites and brick kilns. Their health and nutrition is uncared for by the state system. Protection against sexual abuse is not addressed as single male migrants could be a potential threat to adolescent girls who are in labour.

The migrant population are neither covered by policies and schemes of the source state nor destination states to claim their citizenship rights and entitlements particularly children who are considered as invisible citizens. Thus they lack access to any support system. This leads to a situation of vulnerability, abuse, deprivation of their survival, development, participation and protection rights. In such a situation, civil society intervention is seen as major breakthrough in creating systems, especially in the fields of child care and schooling, in the recent past.

Interventions

Some progressive government interventions did target internal migrants and children in India. The *Sarva Shiksha Abhiyan* (SSA), Department of School Education and Literacy, Government of India (GoI) devised guidelines for setting up seasonal hostels, providing special trainings and education for the migrant children both at source and destination. The Ministry of Women and Children's flagship programme on ICDS having a mandate to cover migrant children in urban locations.

The National Commission for Protection of Child Rights (NCPCR) guidelines to make education and child care accessible for migrant children in destination and the Ministry of Labour and Employment (MoLE) initiatives promoting interstate MoUs, inclusion under the labour welfare board for social security, protection and basic services for migrant workers are some of the programmes and interventions by the GoI.

AeA has collaborated with SSA Tamil Nadu to ensure education for the children of migrant workers in rice mills and construction sites. In 2013, SSA Odisha, in association with AeA, retained about 5,000 children through seasonal hostels in the Bolangir, Nuapada and Bargarh districts of Odisha.

Education volunteers are appointed on a seasonal basis and are paid jointly by AeA and SSA of the destination states. Additionally, text books are provided by SSA Odisha for Odia migrant children studying in Tamil Nadu and Andhra Pradesh. After the children return to their source villages, education volunteers receive transfer certificates for the children from the

respective SSAs at the destination. SSA Odisha reintegrates these children into the schools nearest to their home villages. The education volunteers assist the parents in reintegrating children into the village school.

Children of the migrants who are 0–3 receive the facilities extended to the local children in the anganwadis. They get either cooked food or dry rations. Pregnant women, lactating mothers and young adolescent girls also get these facilities. AeA has started CCLCs (Child Care Learning Centres) in Bangalore, Hyderabad and Chennai. These centres have a full–time teacher and a caretaker to take care of the children in the construction and brick–kiln sites. Children between 3–6 are retained in the CCLCs and after 6 years they go to the nearest government school for regular education.

These interventions by the government and civil society organisations (CSOs) are limited because the volume of migration has increased several fold. Interventions cover only a small fraction of the migrants who migrate to the Southern states with children.

Challenges in mainstreaming migrant children

1. Tracking and mapping of migrant children at source and destination

There is no system for tracking the migrant children. In the absence of any estimate it is difficult for the government and CSOs to offer effective interventions. A tracking system has been introduced in the form of village registers from the source areas in their respective panchayats. This system remains unknown and underutilised by the migrants. Tracking system in the receiving states is absolutely nil.

2. Access to child care, health, nutrition, creche and anganwadi at worksites

Urban planning for effective delivery of basic services and entitlements is crucial to reach out to migrants in inaccessible and temporary worksites. As the construction sites and brick–kilns fall far away from the urban centres and towns physically reaching the children become difficult.

3. Inclusive access and right to education of migrant children

Some efforts are made in the receiving states in South India for education of children through SSA. The effort has to be enhanced several fold to include migrant children for education.

4. Decent housing and healthy environment at worksites for migrant families

Migrants and their families live in the worksites (construction sites and brick kilns) and lack facilities like housing, access to water and toilets and sanitation. This basic right has to be fulfilled by the receiving states.

5. Abolishing child labour and safety and security of adolescent girls living in worksites

In the construction sites and brick–kilns children continue to work. The employers use them for doing odd jobs to regular work. The separation of housing from work sites becomes imperative because children, particularly when they are between 12–18, are involved in the work in construction sites. In the brick kilns the families work.

6. Portability of government entitlements and service

Migrant families do get their entitlements when they move out of their villages to another state. PDS is one thing they are not getting access to. This and other benefits (social security) should also be extended to migrant families.

7. GO–NGO partnership for the welfare of migrant and children at worksites

Partnership between government line departments (women and children, social welfare, education, health, Adi–Dravida and tribal welfare, labour, education) and NGOs is needed to address the increased volume of migration from the northern states to the southern states.

Children of Migrant Workers – Invisible and Unreached

Daniel Umi[19]

The numbers

Children migrate within and across the state and national boundaries under varying circumstances, for different reasons, voluntarily or involuntarily and with or without family. Economic, socio–political and environmental factors often influence children and their parents' decision to migrate. As per Census of India 2011, close to 400 million people in India are migrants. Of these, around 100 million are seasonal migrant labourers. According to the Economic Survey of India 2016–17, the annual interstate labour mobility in India averaged 5–6 million people between 2001 and 2011, yielding an interstate migrant population of about 60 million and an inter–district migration as high as 80 million. There are no specific data available on child migration in India. However, UNESCO estimates 15 million migrant children in India.

Their condition

Children of migrant workers live a pitiable life full of distress. Half their life is spent in inhospitable, unhygienic, hazardous worksite environments particularly in premises of building construction, brick kilns, stone quarry, plantations and other informal sectors. As a result, migrant children of all ages become virtually invisible, go unnoticed and get alienated from accessing child care, education, nutrition, health, protection and are exposed to child labour and sexual exploitation.

Although there are number of laws, policies and entitlements to protect the rights and entitlements of children, they are rendered hapless. Due to lack of inclusive policies, implementation glitches, poor convergence and coordination mechanism at source and destination, the migrant children continue to suffer and remain unreachable.

[19] Regional Director– Migration & Education, Aide et Action International – South Asia

Southern India has been the hot destination for large number of migrant workers coming from eastern, north east and northern region of India. The migrant children accompanying their family members are also fast increasing and are mostly found in brick kilns, stone crushing, building construction, rice mills and plantations.

The Sarva Shiksha Abhiyan (SSA), Department of School Education and Literacy, GoI, devised guidelines for setting up seasonal hostels, provide special trainings and education for the migrant children both at source and destination. The SSA, GoTN has done pioneering work to reach out education to interstate migrant children in Tamil Nadu. Tiruvallur and Kanchipuram districts have witnessed innovative interventions with migrant children on making ICDS and education accessible.

CSOs in Tamil Nadu have also responded positively on the needs of migrant children in Tamil Nadu and grounded a number of programmes for the migrant children. Notably, the Aide et Action's model CCLC (Child Care and Learning Centre) has been instrumental in business, government and civil society collaboration in reaching out to interstate children in brick kiln and construction industries.

The trends

The mobility of workers from rural to urban area is on the rise. More and more migrants prefer moving with their family for seasonal and short duration migration. Sectors like brick making, rice mills, stone crusher and some construction industry today prefer to accommodate families of migrant workers so that the worker and extra working hands are always around in the worksite as captive workers.

Seasonal migrations adversely impact the lives of children. From infancy to adolescence, migrant children are denied a number of opportunities, entitlements and facilities which hampers their natural growth and development. Access to protection, nutrition, health care, healthy environment, food, shelter and safety are the prime requisites and are considered as their rights.

Key recommendations

To achieve the SDGs for the migrants and particularly the migrant workers, some key recommendations which may address the vulnerability and help in creating inclusion of migrant children in urban destinations are given below.

- Periodic survey and mapping of migrants living at the worksites should be carried out by the departments of labour, education, women and child development.
- The migration receiving states should prepare additional budget and create inclusion of migrant children into various child rights entitlements and government schemes.
- Crèches for children and women is crucial for every worksite. Government should make it mandatory for setting up crèches inside informal worksites.
- Sending states should prepare a database of migrants and their families at the source and share the information with the destination states.
- Legal issues pertaining to the abused migrant children, sexually abused girls and adolescents should be reported at the place of occurrence and protection and legal support should be provided to the victim at the source. Effective interstate and intra state mechanism is crucial.
- In case of rescue of vulnerable migrant children, an effective coordination between the enforcement and child rights organisations should be done. It is imperative to rehabilitate the child effectively at the source to prevent further migration.
- Amendment of Interstate migrant workmen Act 1979 should be done to accommodate issues of women and children in the Act.
- A national protocol should be formulated on the rights of internal migrant children (accompanied and unaccompanied children)
- Panchayat level registration of seasonal migrant workers should be taken on priority and an online portal like 'Madad' can be designed for migrant workers.
- The source and destination states need to work together to protect the rights of migrant children and issue necessary directions to the government line departments and CSOs for addressing the issue.
- Seasonal hostels under the SSA may be planned at the high migration source area to prevent child migration.

- Formal schools in destination states should impart education to migrant children in their mother tongue. Transport facilities should be provided to the migrant children so that they can attend schools regularly.
- There should be an agreement with the major stakeholder (employer) to provide basic needs to the migrant workers and education to the children
- States should take proactive steps to eliminate child labour and sexual and child abuse in the worksites.
- Participation of Public Sector Units (PSU) and corporates in addressing the issues of children of migrant workers is crucial.
- Migrant children need to be enrolled in formal schools in destination states and school enrolment certificates should be again accepted in their source village schools.
- PRI members in both source and destination area should be sensitised to the need for better treatment and welfare of migrants.
- Government welfare programmes need to be specifically designed to meet the needs of migrants to reduce their vulnerability and distress.
- Quality reintegration, rehabilitation and protection of children rescued under operation 'Muskan' should be given emphasis.

Women Workers in the Garment Industry – A Study

Dr. S. Udhayakumar[20]

Introduction

The textile industry is the largest and most labour intensive workforce after agriculture in Tamil Nadu. This is due to the large number of medium and small manufacturing units located in 18 districts. About 1600 mills employ up to 400,000 workers, drawing on village labourers, mostly young girls between 13–18 years of age from financially poor and Dalit communities. 11% of the country's export earnings in terms of foreign exchange are fetched through textile export.[21] The textile industry plays a significant role in the country's economy and contributes to 14% of industrial production. The textile industry of Tamil Nadu is the forerunner in industrial development and in providing massive employment in the state. It is predominantly spinning and garment–oriented. The Government of India (GoI) and the Government of Tamil Nadu (GoTN) are convinced that the textile industry is the key to growth and development.

With the increasing domination of giant retailers and brands in textile trade, the production chain is undergoing drastic structural changes. Among the global leaders, there is a race to be big and to sell at the lowest cost, with serious consequences on labour deployment and remuneration. New labour practices get tacit government support given the logic of gaining 'investor confidence', while workers are left without any legal or union protection.

That Prevention of Child Sexual Offense (POCSO) Act 2012, The Child Labour Prohibition Act 1986 and its amendment in 2016 prohibiting the employment of children below the age of 14 in 13 occupations, Factories Act 1948, and Minimum Wages Act, 1948, The Maternity Benefits Act 1961, The Contract Labour Act 1970, The Bonded Labour System Abolition Act 1976,

[20] Rights Education and Development Centre (READ). This is the Executive Summary of a Study on Condition of Female Spinning and Garment Company Workers related to Working Environment, Health, and Benefits with reference to READ Intervention Area, in Erode District, Tamil Nadu.

[21] Textile Ministry working group report.

Industrial Disputes Act 1947, The Workmen Compensation Act 1923 and The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 will help female workers get speedy trial, seek rehabilitation and aid the government to constantly monitor working conditions, human rights abuses and abolish bonded labour system and modern slavery permanently. While Indian law provides a strong regulatory environment, enforcement is weak, leaving young female workers unprotected and vulnerable.

The textile mills mostly employ young women because they are docile and can be paid lower wages than men. The majority of the textile and garment workforce are women and children in Tamil Nadu.

In the Tamil Nadu garment and textile industry, there is a marked shift from the employment of child labour. But the transformation has been to a system of contractual employment of young, adolescent girls. This practice of employing young female workers, locally known as the 'Sumangali Scheme', contravenes international standards, as established in the Palermo Protocol. Exporters strongly deny the existence of Sumangali practices in the textile/ garment sector, while admitting to hostel based migrant workers, which is a camp coolie system. As Sumangalis/camp coolies, young women workers are virtually under forced labour conditions, as apprentices, forced to work for long hours, not paid the statutory wage, poor working and living conditions and poor health and safety standards.

India Garment Workers Report 2014 by the International Federation for Human Rights (FIDH) disclosed that labour rights abuses and grave human rights violations, including bonded labour, prevail in India's garment factory work floors. The workers are overworked (alternating between three different shifts, clocking an average of 12 hours a day), intimidated, and subjected to sexual harassment.

Based on the above scenario, READ conducted a study on the condition of female workers related to working environment, health and benefits with reference to READ intervention area, in Erode District, Tamil Nadu.

The issues and challenges

The adolescent girls and women are engaged in the spinning mills and garment companies from the rural and semi–urban areas. Tirupur, Coimbatore and nearby districts of Erode and Dindigul have grown rapidly in recent years. This has increased the cost of living and created a labour shortage as the mills and garment factories in those areas compete for workers with other industries. The interstate migrant workers (ISMW) are engaged to combat the above situation of labour shortage.

By and large, the female mill workers face forced labour system, compulsory overtime, late night shifts, excessive working hours without rest and leisure, paltry sum for overtime work, no weekly holidays, sexual harassment at work place, and restriction of free movement.

Social composition

Almost 60% of the garment workers belong to Dalit community, the lowest group in western districts of Coimbatore, Tirupur, Erode and Dindigul where the textile and garment industry is mainly located. The Dalit girls are lured with false promises made by the companies.

Health and psychological problems of female workers

The women workers face numerous health problems while working including injuries, occupational hazards and cuts on their fingers due to the management not following safety measures nor supplying adequate safety equipment to be worn by the workers.

Most suffer from physical illness, psychological problems, poor mental health, and low reproductive health. About 84% of the female workers had health problems after working in the mills. About 88.6% of the respondents strongly felt that they have some sort of psychological problems after they started working in the mills. The accidents, discrimination, interaction ISMWs have affected them badly in these firms.

Problems related to hostels and workers from other states

The hostels, where these young girls stay, are poorly equipped and the maintenance of the hostels has not been up to the standards. The toilet facilities, adequate water supply and proper arrangements for napkin

disposal are very important for their personal hygiene and health, especially at the time of menstruation period, but that had been neglected by the management. A recent survey of 743 spinning mills across the region, found more than half of the mills were illegally restricting the free movement of resident workers (Hostellers). The inmates (hostel based workers) face more problems than home based workers. Their rights are denied, employee benefits and welfare provisions are denied. Workers from other states are paid lower, suppressing the wages of the home based workers.

Objectives of the study

This study focuses on the conditions of female workers in Erode district, Tamil Nadu in the spinning mills and textile industry. The broad objectives of the study are to

- Understand the personal profile of the female workers.
- Understand their working environment in the selected mills and companies
- Study their physical, mental and reproductive health.
- Investigate the status of the contract system, labour benefits, compensation, and rights of labourers in the mills /companies
- Analyse the status of workers from other states in the selected mills and companies.
- Identify labour and child practices in the selected mills and companies.

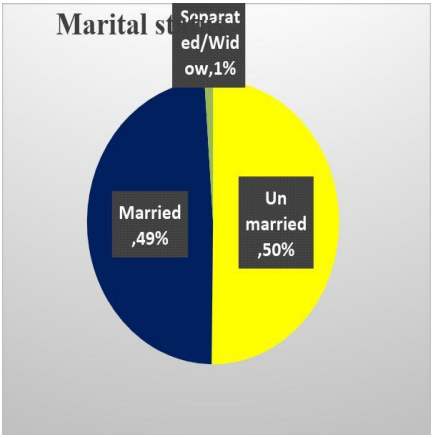
Selection of the study area, respondents and methodology

The study has covered the female workers who are residing in blocks of Sathyamangalam, Gobichettipalayam, Bhavani Sager, Thalavadi, Perundurai, TN Palayam, Nambiyur, in Erode district, Tamil Nadu State, About 70 spinning mills, 110 garment companies are included. About 550 Female workers (currently working and worked/ex–workers) added as respondents. The study team has finalised the interview schedule after pre– test of study tools. About 10% of the respondents were interviewed to finalise interview schedule. The data collection period was three months. The study followed Descriptive Research Design to discuss the conditions of Dalit

female mill workers. Moreover, the formulated objectives and results were described in details.

Results and findings

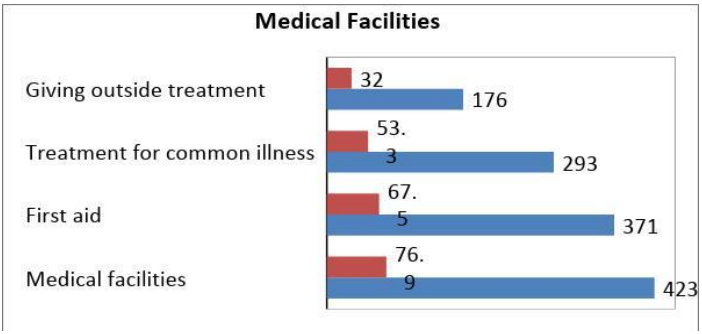
Profile of the Respondents: About 36.2% of the respondents are the age group of 18–20 years and 31.5% belonged to age group of 21–23 years in this study. According to UNCRC below 18–year person considered as children, therefore 10.5% of the children are working in these mills. Half of the female workers are unmarried (50.2%) and 48.7% are married. The majority of the respondents (68.7%) are nuclear family, whereas 28.4% are extended family. Majority of the respondents (85.3%) are working in Garment Company, whereas 14.7% are spinning mills in this study. About 56.5 % of the respondents are ex–workers whereas 43.5 % are currently working in the mills and companies. The study included ex–workers as respondents to know real situation of working condition and its impact.



Working conditions: About 59.1% of the respondents (female workers) are engaged in Day–Shift method, whereas, 37.6% are engaged in Day and Night Shift method. The majority of the female workers (64.4%) are engaged for 8 to 12 hours. 12 hours duty adversely affects their physical and mental health. In the garment companies, the female workers are doing tailoring (34.4%), helper (27.1%), and checking (16.5%). The majority of the respondents (80.9%) are working from their home. 19.1% of the female workers are hostellers.

Medical Facilities: About 49.6% of the respondents reported that their salary amount was deducted for treatment by the management. The study found 76.9% availability of medical facility in the mills or companies. About

48.4% of the respondents (workers) expressed that medical expenses are not compensated by the mills / companies.

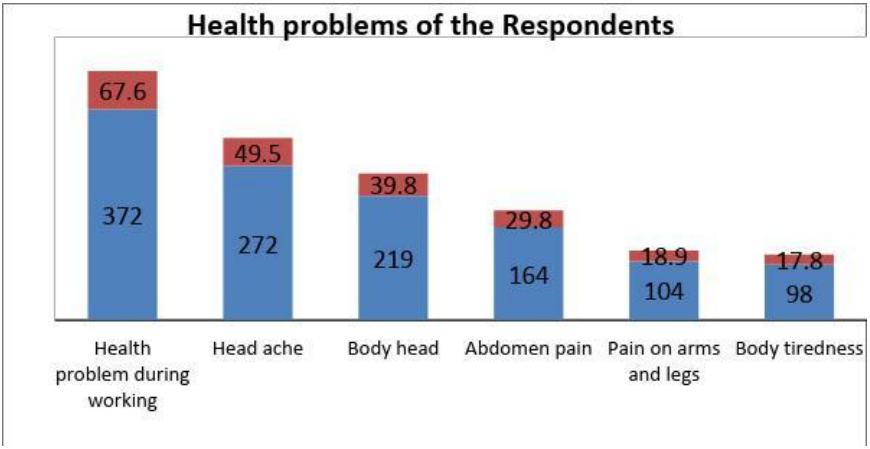


Safety equipment: The study concludes that 5% to 67% of the respondents had any one type equipment in another side 33% to 95% have not received any one of equipment while working. There is need to supply of safety equipment to the workers. The workers may get any injuries, physical hazards due to unsafely conditions. Only 29% to 35% of the workers had training for their safety. 65% to 71% of the workers have to get safety training like first aid, and fire prevention training.

Internal Complaints Committee: The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 mandates an Internal Complaints Committee (ICC) to resolve sexual harassment issues for female workers. ICC is playing a bridging role between the management and workers who are affected by problems and disputes. 35% of the respondents had knowledge of the ICC, its availability, and the complaints (reporting) system in the working place. 65% of the respondents are unaware of ICC functions. The Industrial Disputes Act 1947 expresses need of grievance redressal committee to solve workers problem.

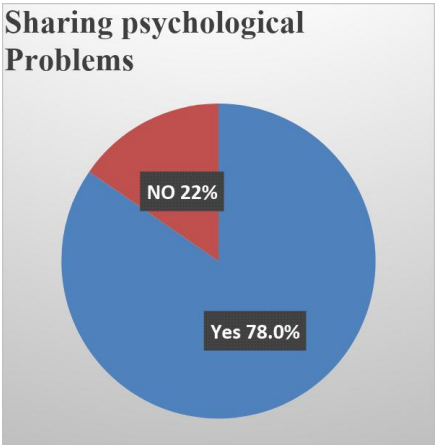
Overtime and process: About 57.1% of the female workers are regularly getting overtime work (OT). Sometimes it is compulsory doing overtime work. About 45.5% of the workers regularly get overtime work for 1–3 days per week and 17.6% get OT work for 4–6 days per week. The Minimum Wages Act 1948 mandates double wages for OT work. Only 35.8% of the

respondents get double wages for OT work. Of them, only 27.6% get it from the mills or companies.



Salary/Wage: Majority of the workers (71.7%) get Rs. 150–250 per day. 28.3% of the respondents get Rs. 251–350 per day as their wage. 70.7% of the respondents felt that the wage was not sufficient. Half the respondents (54.7%) get only cash payment, which should be avoided. About 69.8% of the respondents have submitted some important documents.

Health status: About 67.6% of the respondents are affected by health problems while working due to heavy workload, bus travel, and poor economic condition. About 58% of the respondents felt that their health condition/status was affected due to the working environment. Moreover, 28.9% of the workers are seriously affected by health problems. About 23.3% of the female workers do not get rest between working hours. Rest is compulsory in between hours. The majority of the respondents (75%) expressed that lack in facilities during the rest hours. Here, 21.1%



of the female workers are unable to take leave from the company/mills. About 20.7% of the respondents expressed that they were pressed to work when ill.

Psychological status: The female workers (46%) had been affected psychologically. There is need for a programme for removal of psychological problems through counselling, recreational activities, life skill education and psychosocial care. The study found that nearly 20% of the female workers are not sharing their emotions/feelings with others. The psychological problems should be rectified with various interventions through counselling, recreational events for emotional intelligence development. In another side, the study found that 25.3% of the workers faced psychological impact due to their working conditions.

Discrimination: All the respondents are Dalit workers. They face discrimination from the supervisors and others. About 15% of the Dalit female workers faced stigma and discrimination in the working place.

Reproductive health: About 20% of the respondents said that the management did not allow them to take rest and forced them to do work during menstruation. About 30% said that there is a need to ensure reproductive health of female workers.

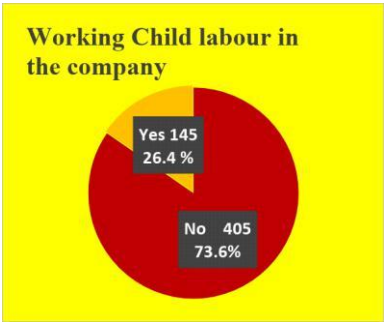
Benefits and holidays: Majority of the respondents (64.5%) did not get any appointment order from the company. About 42% of the respondents said that there were workplace accidents but only 15% claimed compensation. The remaining 27% did not have any claim and compensation. The management should give compensation and provide welfare measures according to the intensity of the accident. About 38.4% did not have voice against denial of rights and benefits due to fear of deduction of the salary (7.3%) and fear of loss of job (22.4%). About 12% of the female workers did not want to work in the company but had to due to family responsibilities. 25.6% of the workers reported that there is no leave in the company for national festivals. About 56% of the workers reported that there was no leave during national holidays.

69.6% of the respondents did not have any mediclaim benefits. About 15% of the female workers had faced caste discrimination and 13.6% faced discrimination by other labours. About 7.1% of the respondents are contract labour in their companies. Among them, 2.5% received contract job appointment order.

Workers mobility: Among the hostel respondents, the majority of the respondents (93.3%) replied that it was not easy to go outside and their mobility was restricted by the management. The study found that the management has excessive control over female workers in the hostel, due to which the female workers face mental/psychological related problems.

Status of interstate migrant workers: About 61% of the female workers replied that ISMWs work in these units. About 52% of the workers mentioned that ISMWs stay and work in the company. About 26.8% of the respondents felt that there were too many ISMWs staying and working. 39.3% workers reported that there were below 100 ISMWs in their company.
12.7% reported that there were 101 to 500 ISMWs working in these firms.

Labour system: About 26.4% of the female workers reported that there was child labour system in the units. 21% reported that up to 50 child labours are working in these companies and mills. 36.7% of the companies/mills practice either bonded labour or child labour in their companies.



Recommendations

Based on the findings the following recommendations are given o the various stakeholders.

Textile industry management

- About 37.6% of the female workers are working day–night shift. The night shift has to be avoided. The management has to facilitate welfare measures to the workers.

- About 64.4% of the female workers are engaged for 8 to 12 hours. If workers work more than 8 hours, it should be considered overtime and compensated through double wages, and statutory and health benefits.
- Nearly half of the workers (49.6%) reported deduction of medical expenses from their wages. This is illegal and should cease immediately.
- About 8% of the female workers are not paid for overtime work. While imparting workers' education, the workers have to be made aware that they are entitled to get paid for overtime work and of the procedures for claiming it.
- According to the Minimum Wages Act, each worker/employee should get Rs.320 per day/shift. In the study sample, 71.7% of the workers reported getting Rs.150 to Rs.250 / day. It should be rectified.
- About 54.7% of the workers get salary by cash payment. The cash payment may lead to misuse and exploitation. It should be totally avoided by the management.
- Only 29% to 35% of the workers had safety training. The rest should get safety training on first aid and fire prevention.
- Taking leave/weekly off is basic rights of each workers/ employees in the mills/companies. Here 21.1% are unable to take leave due to hard rules of the mills/companies. It should be regulated through proper orientation and mechanism.
- 46% of the female workers are affected psychologically due to various causes. Moreover, 20% of the respondents are not sharing emotions and psychological related feelings with others. There is a need to extend psychological care and support through counselling, recreational activities, celebration of personal days, award activities, tours/picnics, emotional ventilation activities/games.
- The mills/companies have to follow anti–discrimination policy to protect Dalit female workers in the working place.
- Nearly 30% of the female workers are facing problems related to reproductive health system. There is a need for immediate medical interventions, treatment for reproductive health and health education.
- Almost two thirds (64.5%) do not get an appointment order. Appointment orders should be given to all employees. The appointment order is required to get benefits/compensation also.

- All workers should be issued identity cards by the company. This helps them claim benefits when leaving or being relived from the company.
- Each mill and company have to implement EPF, ESI, and other relevant benefits to all the workers according to the Minimum Wage Act 1948 and the Maternity Benefit Act 1961.
- The brands should allow voluntary organisations to orient workers on their rights and employee welfare throughout the supply chain.
- Most of the companies are running company–based hostel within company compound. According to Tamil Nadu Government Hostel and Homes Regulation Act 2014, each company/mill hostel should be registered in the district social welfare office. It is compulsory for the welfare of the inmates.
- The Interstate Migrant Workmen Regulation Act 1979 makes it mandatory to register all ISMWs. It should be followed by all the mills and companies who engage ISMWs.
- About one half to three–fourths (50% to 79%) of the workers face physical health problems due to the working environment. The management should ensure regular onsite medical check–ups, specialised health camps, referral services, and pay for health expenses, health insurance, accident insurance and other welfare schemes for the welfare of the female workers.

Internal Complaints Committee

- ICC should be formed in all mills/companies. It is mandatory in all mills/ companies, with 10 or more employees according to the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013.
- The ICC should include local civil society/NGOs in ICC.
- Information on the functions of the ICC and its role should be prominently displayed. ICC information should to be visible to all the workers in the company or mills.
- ICC meetings should be conducted quarterly.
- About 65.3% of the female workers failed to register their complaints with the ICC. The ICC and management should jointly take action for the effective functioning of the ICC.

Government

- About 64.4% of the female workers are engaged for 8 to 12 hours of work. For work more than 8 hours, benefits need to be provided. The government should ensure that overtime work is compensated through double wages, statutory benefits, and health benefits.
- Nearly half of the workers (49.6%) reported that the amount was deducted for rendering medical treatment. There should be strict action against this illegal practice.
- About 18% of the respondents (female workers) are unable to avail medical facilities. Ensure availability of basic medical facilities and health welfare measure to the female workers.
- Nearly 30% of the female workers are facing problems related to reproductive health system. There is a need for immediate medical interventions, treatment for reproductive health and health education.
- Most of the companies are running company–based hostel within company compound. Ensure worker safety by ensuring that the hostels are registered with the district social welfare office according to Tamil Nadu Government Hostel and Homes Regulation Act 2014.
- Ensure all mills and companies engaging ISMWs register them as is mandatory under the Interstate Migrant Workmen Regulation Act 1979.
- Ensure the ICC is formed in all mills/companies with 10 or more employees as mandated in the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013.
- Some of the mills/companies are following child labour, bonded labour and forced labour systems. Closely monitor all mills and companies to eradicate above labouring system.

Policies

- Most of the mills/companies engage ISMWs. Policies for the protection and welfare of ISMWs need to be developed.

Civil Society Organisations

- CSOs and trade unions need to raise their voice against deduction of medical expenses from worker's payments.
- While imparting workers' rights education, workers need to be made aware of the issue of medical expenses.
- Workers should be made aware of the functions of the ICCs.

- While imparting workers education, they need to be made aware of their right to get overtime pay and the mechanism to claim it. The negotiation and campaigning should be made for welfare of the female workers.

Respondent/mill workers

- 38.4% of the female workers are unable to raise their voice in the mills/ companies. A rights–based approach is needed to secure workers' rights.

Conclusion

The young women and girls in the readymade garments industry and textile mills face numerous physical and psychological issue from the family and society. They gain very little in benefits and welfare from the companies. There is need for rigorous law enforcement to regulate their wages and secure their welfare with the support of the ICC and management. Those running hostels should arrange, and be accountable for, quality facilities for the hostel–based workers. Most of the workers are young girls and many are unmarried. Their health, reproductive health and good personal hygiene should be ensured. Meaningful civil society intervention is essential to ensure welfare of Dalit mill workers in Erode district, Tamil Nadu.

References

Annie Delaney and Tim Connor, (2016), Forced Labour in the Textile and Garment Sector in Tamil Nadu, South India: Strategies for Redress.

Mala, (2016), 'Socio–Economic profile of women working in textile units of Tiruppur district in Tamil Nadu', International Journal of Multidisciplinary Research and Development Volume 3; Issue 1; January 2016; Page No. 304–308; Online ISSN: 2349–4182 Print ISSN: 2349–5979 www.allsubjectjournal.com

Gomathi Palanikumar, (2013), 'The textile mills of Tamil Nadu and that weird employment offer', Action Aid Report. https://www.actionaidindia.org/blog/the–textile–mills–of–tamil–nadu–and–that–weird–employment–offer/

Peter Bengsten, (2018), Modern day slavery Workers held captive in Indian mills supplying Hugo Boss, Global Development, the Guardian, international edition.

Brief Report of Textile Industry in India, March 2012.

Status of Women Fish Vendors in Tamil Nadu

A.Gandimathi[22] *and R.Shanthi*[23]

The coastal areas of India straddle both land and water and contain multitudes of people and history. Four million (4,056,213) people from the traditional fishing community live along India's 8118 kilometre coastline, averaging 1 village every 2 kilometres of the coastline, not including the islands. Traditional fishworkers are defined as those who are fishers by birth and for whom fishing is their ancestral occupation. Fishing is not just an occupation, but also the fulcrum around which the communities' identities, cultures, daily lives and sustenance revolves. 86.6 % of India's total fish catch potential is available in waters of 100 meters depth. That becomes 92% if extended to 200 meters in depth. These waters, well within reach of the fishing communities, have fostered generations of local food systems and afforded nourishing food to coastal communities. But resource–intensive industrial development on the coast, exacerbated in the last three decades, has infringed upon the space of the natural resource–dependent fishing communities, while the outcome of the development has infringed upon the resource in itself.

About 60% of India's coastal areas are under rural/semi–built up urban areas, implying that the coastal commons and the fishing communities' hutments occupy the largest slice of coastal real–estate. Considering that policy and the state machinery are constantly attempting to reconstruct geographies and redefine identities control to this land for greater private investment is central to the country's continuing neoliberal capitalist expansion.

Tamil Nadu with a coastal length of 1076 kms is in South East India. 13 of 32 districts of Tamil Nadu are coastal districts. The marine fisher population is 985,000, living in 608 fishing villages. Fishery resources of Tamil Nadu are categorised as marine, inland and brackish water resources. The total fish production of Tamil Nadu during 2016–17 is estimated to be 669,000 tons. Tamil Nadu ranks fourth in the total fish production of the country, exporting

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79,336 metric tons (MT) of marine products and earning foreign exchange worth Rs.39.144 billion during 2016–17.

In Tamil Nadu, an estimated brackish water area of 56,000 ha is under capture fisheries and an area of 7,100 ha is under coastal aquaculture production, mainly shrimp aquaculture. 15% of the fish caught is lost in post–harvest phase, which is a colossal waste of natural wealth that otherwise could have been put to better use.

The Government of Tamil Nadu (GoTN) governs up to 12 nautical miles using Tamil Nadu Marine Regulation Act 1993. From 12 to 200 nautical miles is governed by the Government of India (GoI). The 'Blue Economy' adopted by GoI has proposed 14 mega cities along the coast and introduced nearly 415 projects to promote industrial and infrastructure projects by linking roadways, railways, inland waterways and seaways. The Sagarmala programme aims to create a harbour based industrial model that proposes to increase India's GDP by 2% in the next 20 years. The coastal economic zones (CEZs) are also meant to generate four million direct jobs and six million indirect jobs for coastal communities.

The people, profession and poverty

There were 214,064 active fishermen of whom 198,856 were fulltime fishermen, 13,078 part–time and the rest are engaged in fish seed collection. About 51% of fishers, excluding children, were occupied with active fishing (38%) and fishing allied activities (13%). There were 71,541 fishers engaged in fishing allied activities, 33,212 women involved in vending, 2,528 in repairing nets, 6,135 in curing and processing, 3,717 labourers and 2,554 others (includes auctioneers, ice breakers, collectors of bivalves and other shells, seaweed and ornamental fish).

Only 6% of the fisher families belong to the Scheduled Castes (SC) or Scheduled Tribes (ST). The rest are administratively classified as most backward class (MBCs).

In a majority of the fisherwomen families, the major share of income comes from selling the dry fish. About half (48.6%) their income is from dry fish trade if their spouse is a wage earner in fishing activities. The supplementary income from dry fish trade is improving their standard of living. The majority of fisherwomen involved in dry fish production process in Tamil Nadu belong to middle age group.

There were 127,245 (66%) families below the official poverty line. Among the coastal districts, the largest proportion of fisher families below poverty was found in Villupuram district (99.9%) followed by Kancheepuram (99.6%), Thanjavur (99.3%), Thiruvallur (96.0%) and Chennai (95.2%) districts. Kanyakumari district (18.9%) had the least.

Types of fish vendors

Fish vendors can be broadly classified under the following categories:

1) Stationary vendors who vend on a regular basis at specific locations

Many vendors sell in designated wholesale or retail markets. They often transport the fish from the landing centre to these markets in trucks or mini– vans, which they hire. Some buy from wholesale markets and sell at retail markets, while some others are wholesale suppliers themselves. Vendors may also procure fish from the landing sites for sale at roadside markets ('natural markets'), where they have been traditionally congregating and vending fish for years. Many fish vendors sell fish at the landing sites themselves at harbours and beaches.

2) Peripatetic vendors who walk from place to place to sell their fish

These are usually women fish vendors who purchase fish directly at auctions that take place at the village/wholesale markets/landing centres, and sell fish door–to–door, travelling on foot, and carrying their fish in bamboo baskets or aluminium vessels. They are a major source of fish supply to consumers within, and close to, coastal areas.

Problems faced by women fish vendors

The nature of the product handled by women fish vendors causes a certain stigma that fishermen themselves do not generally face. Unlike men, whose

labour is largely confined to the sea, river or lake, fish vendors have to travel with their product to market places. They have to interact with the public and the law. In the process, they are often forced to deal with inbred prejudices and problems of various kinds. They face the following key problems.

1) Distances and lack of basic facilities at harbours and landing centres:
With greater mechanisation and motorisation, harbours and fish landing centres have become more centralised. Women vendors thus have to travel long distances to access fish. This may even mean staying overnight at harbours and landing centres, in order to be present for the early morning fish landing and auctions. Transportation to landing sites/harbours is sometimes unreliable, and basic facilities (toilets, storage, lights, waiting areas, night shelters) are absent. Under these circumstances, women often find themselves vulnerable to sexual abuse and harassment.

2) Poor access to credit, exorbitant interest rates
Technology–induced changes to fishing operations have meant larger catches. Women, with poor access to credit and capital, are rarely able to compete with large–scale traders, and commission and export agents. To access fish even in small quantities, they have to procure credit from middlemen and moneylenders, often at exorbitant rates of interest.

3) Lack of public transport to markets
While a few women sell the fish at the landing centre or harbour itself, for the rest, the next major challenge after procurement is to transport the fish to the market place. As the distances involved may be considerable, women need to use some form of transport. In many situations, vendors are usually denied access to public transport, given the nature of the product they are dealing with. This means hiring autorickshaws, or other forms of transport, a significant expense in itself. Male fish vendors, with access to their own transport, are at a comparative advantage.

4) Lack of ice and proper storage facilities
Fish is a highly perishable commodity, and if vendors are to prevent spoilage and get a better price, they need to preserve the fish. They need access to ice

and iceboxes. During the peak season, when ice is in short supply, it is often monopolised by large traders and intermediaries.

5) Problems at marketplaces

At the market itself, vendors face other kinds of problems. Fish vending spaces are either not recognised or just do not exist. Vendors are often harassed into paying 'informal taxes' in order to continue vending fish at a particular spot. With the absence of legitimate vending zones, those vending fish on city pavements and other areas are perceived as encroachers on public spaces. They are constantly harassed and threatened with eviction by the police and civic authorities.

6) Poor market infrastructure

Where there are existing markets, basic facilities for storing, processing, and selling fish; clean toilets; access to potable running water; and adequate waste disposal measures are usually not available. Such facilities are essential for the hygienic handling of fish, for the health and wellbeing of vendors, for consumer health, and for enabling women to engage in their occupation in a dignified manner. Appropriately designed vending carts, fish storage containers and ice boxes for head–load vendors are some necessary requirements for itinerant vendors.

Sectoral issues affecting the livelihoods of fishing communities		
No.	District	Issues
1	Thiruvallur	• Kamaraj port • Petro chemical industries • Desalination plant • North Chennai Thermal Power Plant (expansion phase –II & III) • Express highway from Ennore (6 ways) • Shrimp industries • Tourism • CRZ violation as per CZMP 1996
2	Chennai	• Real estate • Tourism • CRZ violation as per CZMP 1996
3	Kancheepuram	• Shrimp industries • Kalpakkam Nuclear Thermal Power Plant • Cheyyur Ultra Mega Thermal Power Plant • Kovalam tourism • Desalination project

Sectoral issues affecting the livelihoods of fishing communities		
No.	District	Issues
		•CRZ violation as per CZMP 1996
4	Vizhupuram	• Shrimp industries • Coastal erosion •CRZ violation as per CZMP 1996
5	Cuddalore	• Shrimp industries • Petro chemical industries • Pharmaceutical industries • Cuddalore port •IL&FS Thermal Power Plant • Nagarjuna Oil Corporation • SIMA Dyeing industries •SIPCOT – phase II • Chemplast industries • NLC • Sea erosion •CRZ violation as per CZMP 1996
6	Nagapattinam	• Sea erosion • Coastal eviction • Shrimp industries •13 Thermal Power plants • Captive Ports • Modernisation of Harbour •Sethusamudram Shipping canal project •CRZ violation as per CZMP 1996
7	Thiruvarur	• Degradation of mangroves • Shrimp industries • SSCP • Tourism • Sand mining •CRZ violation as per CZMP 1996
8	Thanjavur	• Tourism • Shrimp industries • SSCP •CRZ violation as per CZMP 1996
9	Pudukottai	• Shrimp industries • SSCP •CRZ violation as per CZMP 1996
10	Ramanathapuram	• Shrimp industries • SSCP •Uppur Thermal Power Plant •Denial of right to sea weed collection by MoEF&CC •CRZ violation as per CZMP 1996
11	Tuticorin	• Sterlite •Land conversion for industrial purpose

Sectoral issues affecting the livelihoods of fishing communities		
No.	District	Issues
		•Denial of right to housing • SSCP
12	Thirunelveli	• Kudankulam Nuclear Power Plant •Garnet and Illuminate Sand mining •CRZ violation as per CZMP 1996
13	Kanyakumari	• Sagarmala National Plan • Enayam/Kovalam International Container Transhipment Terminal •CRZ violation as per CZMP 1996 •Generating CZMPs as per the guidelines of annexure I of 2011 and NGT order in Appeal No.86/2014, 141/2014.
Common issues for all the 13 coastal districts • Campaign against CZMP map released in April 2018 for CRZ 2011 • Advocacy and actions against draft CRZ 2018 • Campaign against Sagarmala (Ports, Coastal highways, Exclusive Economic Cities, Petro chemical projects, Thermal Power Plants, Tourism industries, Militarisation of coastal zones etc., within Coastal Regulation Zones).		

Structural issues faced by women fish workers

- The coast is targeted for industrial and infrastructure projects by the ongoing mechanisation, commercialisation and modernisation dynamic. Women in small scale fisheries are the worst affected. The result is that there is feminisation poverty, labour and violence.
- India is a signatory to ASEAN, EU agreements and NAMA. It has allowed retail trade with foreign investment and import of fish.
- Shoreline fisheries are being replaced with harbour based fisheries and capture fisheries is replaced by culture fisheries.
- Though women fish workers are part of the production chain they are not recognised as workers.
- The CRZ Notification of 1991 which protected the livelihood space and options has been replaced with new ones which have taken away these rights. The proposed CRZ 2018 attempt to convert many of the designated areas of CRZ III to CRZ II thereby allowing the commercial interests to occupy the traditional spaces of coastal communities adding further vulnerabilities to women's lives and livelihoods.
- GO 172 gives the state the right to reclaim the land titles given to the community during tsunami reconstruction. With this GO, the

community will lose their original habitats and have to surrender the land if the state opts to acquire it. These are the added hardships.

Gender issues faced by women fish workers

- Sexual harassment during auctioning and street vending.
- There is no physical and social security for single men.
- Drudgery in the household chores.
- High incidence of domestic violence.
- Prevalence of child marriage.
- Violence against single women.
- Sexual harassment at the work place.
- Alcoholic violence by men in both private and public domain.
- Declining child sex ratio.
- Adolescent girls migrate to other places for contract jobs.
- Increase in women headed households due to the migration of men in search of employment.

Instruments supporting women vendors

- Unorganised Workers Social Security Act 2008.
- Street Vendors Act 2014.

Salient Features of the National Policy on Urban Street Vendors

- Demarcation of vending zones.
- Representation of vendor associations in town vending committees (TVCs) at the town/city level.
- Registration of vendors after photo census and survey (Provision of identity cards, revenue collection for registration, monthly maintenance, and fines, and other charges).
- Provision of civic facilities (waste disposal, toilets, electricity, drinking water, protective covers for wares, storage facilities).
- Schemes for vendors (Preventive and curative healthcare, education and skills training, credit and insurance, social security (old–age pension), space allocation, vendors' organisations, child vendors' rehabilitation).
- Self–regulatory norms for vendors (with respect to hygiene, revenue payment and space sharing)

Unorganised workers' Social Security Act, 2008

The Act defines the 'unorganised sector' as '...an enterprise owned by individuals or self–employed workers and engaged in the production or sale of goods or providing service of any kind whatsoever, and where the enterprise employs workers, the number of such workers is less than ten...'

The Act provides for framing of schemes relating to life and disability cover; health and maternity benefits; old–age protection; and any other benefit as may be determined by the Central government. State governments are authorised to formulate and notify suitable welfare schemes for unorganised workers, including schemes related to provident fund, employment injury benefits, housing, educational schemes for children, upgrading skills of workers, funeral assistance, and old–age homes.

In a fisheries context, the National Scheme for Welfare of Fishermen and Training and Extension includes three main components, i) development of model fisher villages ii) group accident insurance for active fishermen, savings–cum–relief scheme, and iii) training and extension.

Issues arising out of non–implementation of above legislations

- Denial of permanent patta (title deeds) and surrender of land for government projects.
- Inadequate allocation of financial and human resources for effective functioning of the welfare board. There is no database on the eligible beneficiaries for various schemes under the welfare board.
- Eviction of coastal communities from their traditional places.
- Pollution of water bodies and land resources due to the construction of industrial and infrastructural projects along the coast.
- Proliferation of shrimp industries leading to salination of land and water resources resulting in scarcity of drinking/ potable water.
- Lack of facilitation of community participation by the State in developing village development plans (VDP) to be integrated in the CZMP of CRZ 2011.
- No regulatory mechanism on the use of destructive gears and crafts resulting in depletion and over exploitation of marine resources.

- Non–functioning early warning system resulting in loss of life and livelihood.
- The contingency plan is not updated and no participation of the communities leading to exacerbating the vulnerability of the community in subsequent disasters.
- There is no policy for disaster management in Tamil Nadu leading to loss of habitats, livelihoods, resources, and infrastructure and displacement of coastal communities.
- There is no rehabilitation package or restoration measures to reduce the vulnerabilities of coastal communities.
- The rights of the small scale fishers are at stake due to natural and manmade disasters which have pushed them almost to the status of internal refugees.

Issues and concerns

The *demonetisation of November 2016* had a major impact on the small scale fisheries on the coastal districts. The self–employed categories of fish vendors and head loaders used cash for business transactions. They never had access to instruments such as cheques and ATMs. They borrow money from moneylenders daily as cash for buying fish. The fishermen were paid in cash by the boat owners. Both were left with no access to cash, sudden loss of income and no access to livelihood. They could not borrow money to address food and health care expenses. The unorganised sector, including fisheries, who contribute more than 35% to the GDP thus faced poverty, violence and pauperisation. The government is attempting to formalise the unorganised sector to serve corporate needs by demanding that cash be transformed to electronic currency which is not accessible to the working class. The impact was acute for more than 6 months, with dubious results.

The Government of Tamil Nadu (GoTN) has introduced a fishing ban of 60 days and they can't go for fishing for lean season of 90 days. The women face other related livelihood issues like denial of access to drinking water and lack of access to infrastructure amenities, and the public distribution system (PDS).

The *shift from shore based fishery to harbour based fishery* and from capture to culture fishery displaces women from the industry as trade becomes more centralised and mega players get involved. There are 5 major fishing harbours and 4 medium fishing harbours, in Chennai, Tuticorin, Kannyakumari and three more fishing harbours being constructed in Poompuhar, Thengaipattinam and Mookkaiyur.

60% of the Tamil Nadu coastline is inhabited by traditional fishers who are dependent on shoreline fisheries. Devastation of the coast by industrial and infrastructural projects has reduced opportunities of the women vendors who rely on their traditional landing centres as fish catch is declining.

There is a push towards the monetisation of land where the collectively governed commons are brought under private property and market regimes. When the idea of port–led development complemented with industrial areas leads the idea of Blue Economy in India, acquiring large tracts of coastal land becomes central to the framework. This is evident in coastal economic zones as part of Sagarmala, industrial and manufacturing clusters and special economic zones in Gujarat or Special Tourism Areas under the National Tourism Policy of 1992. Accompanying this is the financialisation of natural resources for conservation–through Marine Protected Areas and Blue Carbon– where nature is thought of as being a capital to generate rent for mankind. Both aim to reduce land and seascape to very narrow definitions of economic value, a necessary by–product of neoliberalism.

This process of enclosures requires a whole range of political and democratic dilutions and adjustments to complete the attempted redistribution. The role of the state recedes to being that of a broker which through successive rounds of exclusions and enclosures redistributes coastal lands. Accompanying this is a shift in the practices of governance where para–statal bodies and project implementation agencies are handed over functions of planning and regulation, thereby reducing the functioning space of local self–governments (panchayats).

These processes are accompanied by the dilution of environmental laws and clearances as in the case of inland waterways and the tourism industry. The slow and steady erosion of the coastal regulation zone notification and environmental impact assessment circumvents existing due processes when acquiring land.

The developmental and policy interventions assume that coastal lands are empty lands devoid of existing livelihoods and associated civil, political, economic, social and cultural interactions. While coastal industrialisation in the form of aquaculture, tourism and infrastructure negate the existence of place–specific thriving local livelihoods, the National Marine Fisheries Policy, 2017 attempts to transform the current shore–line fishing activity into a deep–sea harbour–based fishery.

Within the Blue Economy, the State has decided what the future of the fishing community should be; without consultation and without seeking to strengthen existing practices that conserve the ecology. Read together, the different papers indicate that the coastal lands are only useful in so far as they are industrialised and act as launch pads for a new age of ocean–based exploitation. Fishworkers are important only insofar as they contribute to the GDP earnings of the country. And nature is only conserved when it becomes a tradable commodity devoid of people.

Perhaps then, the biggest threat from the Blue Economy is its attempt to sanitise dispossession. By co–opting the demands of the fishing communities for coastal protection and food sovereignty, it pitches these as business opportunities for International Financial Institutions, Trans and Multi– national Corporations. However, for the livelihoods at stake the Blue Economy is merely ushering a new regime of dispossession, this time disguised under the combined global narratives of ocean health, sustainable development, poverty alleviation and food security.[24]

[24] Occupation of the Coast – BLUE ECONOMY IN INDIA – PSA, 2017.

Conclusion

From the above discourse it is clear that in the absence of a human rights–based approach, it is unlikely that we will reach the SDGs by the target date of 2030. The 2030 development agenda should be grounded in the international human rights framework, entrenching human rights principles and standards in a global strategy for development. The goals need to be framed in terms of international human rights standards, linked to national and international human rights mechanisms for accountability consistent with the international human rights obligations to which nations around the world have committed themselves.

References

Occupation of the coast – Blue Economy in India – published by PSA, 2017

Marine Fisheries Census 2010 – Tamil Nadu by CMFRI & Dept. of Animal Husbandry, Dairying and Fisheries.

A Human Rights Lens on Full Employment and Decent Work in the 2030 Sustainable Development Agenda – Diane F. Frey and Gillian MacNaughton, SAGE Open April–June 2016: 1–13

National Policy on Marine Fisheries, 2017 – MINISTRY OF AGRICULTURE AND FARMERS WELFARE (Department of Animal Husbandry, Dairying and Fisheries), New Delhi, the 28th April, 2017.

Women Fish Vendors in India– ICSF, 2010.

All Schemes by Ministry of Micro, Small & Medium Enterprises, India.

Employment Generation and Inclusive Growth in the BRICS – An ILO perspective – First Meeting of the BRICS Employment Working Group, 27–28 July, Hyderabad, India.

Tamil Nadu Fisheries Policy (2017–2018).

No One Should be Left Behind – The Bonded Labourers and SDGs

Reni K Jacob[25]

Understanding bonded labour

Bonded labour is an oppressive form of forced labour where, due to a debt or other obligations ─ either customary, caste–based or economic ─ the labourer is forced to forfeit their rights and freedoms guaranteed under the Indian Constitution.[26] Often victims accept a petty cash in advance from employers, agreeing to pay back it through their services. However, once they move to the worksite/s their freedoms are curtailed. They are being paid a much lower remuneration than the prescribed national minimum wage rate. In many cases remuneration is in kind.

What makes the bonded labour system an unmistakable form of 'modern day slavery' is the lack of opportunity for the victims to engage in any other forms of income generating activities to supplement their wages in order to save more, for a faster repayment of their debts and restoration of lost freedoms. Abysmally low wages, exorbitant interest rates and falsified account keeping, ensure that the illiterate labourer is trapped forever and most often for generations.

The Bonded Labour System (Abolition) Act, 1976 (BLSA), defines a 'bonded labourer' as one who, on account of debt incurred, or an obligation, is forced to forfeit one or more of the following rights or freedoms:

- Right to receive the legal minimum wage.
- Freedom to seek employment elsewhere.
- Right to move freely throughout India.
- Right to sell goods and services at market value.

As per the provisions of the BLSA, if any one of the four rights or freedom is curtailed, due to debt or other such reasons such as customary, caste,

[25] Director (Strategic Partnerships), International Justice Mission (IJM).

[26] The Ministry of Home Affairs (MHA), Government of India, lists bonded labour as one of the various forms of Human Trafficking, which is the acquisition of people either by force, fraud or deception, with the aim of exploiting them. It is a serious crime punishable under section 370 of the Indian Penal code. In many cases where individuals have been trafficked for labour, the conditions are similar to that of bonded labour.

economic consideration, or succession, it is then considered to be a case of bonded labour.[27]

Bonded labour is a human rights violation prohibited by the BLSA, and by Article 23 of the Constitution of India: 'Traffic in human beings and beggar and other forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law'. (Constitution of India, Art 23(1), 1949).

Bonded labour: social issue or crime?

The crime of bonded labour is often portrayed as a social issue rather than a challenge of the criminal justice system. This approach to bonded labour a social phenomenon rather than a crime could be attributed to the British and the legacy of colonial activity in India. The economic and legal policies of the time broadened and enforced pre–existing trends of caste–based discrimination, including debt bondage as a means of securing slave labour, an issue that endures even today.

Indian scenario: statistics

In 2016 the Minister of Labour and Employment, in a statement tabled in the parliament, illustrated the achievements made by the government in combating bonded labour. It was stated that the total number of bonded labourers released and rehabilitated till March 2016 stood at 282,429. (India Today, 2016)

In yet another statement in the Parliament, in July 2016, the ministry stated that the highest number of bonded labourers had been released and rehabilitated in Tamil Nadu (65,573), followed by Karnataka (58,348), Odisha (47,313), Uttar Pradesh (37,788) and Andhra Pradesh (31,687) (First Post, 2016).

[27] Once a labourer is rescued from bondage, the debt or obligation that caused the bondage is extinguished. Any property that had been seized is to be returned. The BLSA protects labourers from all current and future liabilities to repay bonded debts, and provides rehabilitation to labourers who have been victims to the system.

The annual crime statistics published by the National Crime Records Bureau for the year 2015 shows state–wise progress in combating the crime of bonded labour throughout India. According to this, there was a 31.4% increase in crime of bonded labour in 2015 compared to 2014, however, a total of only 92 cases were recorded with 426 victims (NCRB, 2015, p. 52).

- Uttar Pradesh had the highest number of cases (31), in which 49 victims were rescued.
- Tamil Nadu had 15 cases, in which 254 victims were rescued, the majority belonging to OBC (Other Backward Class).
- 109 arrests were made in 2015 in relation to bonded labour cases nationwide, of which 73 arrests were of individuals between the age group of 30 – 45 years, and a further 22 arrested between the age group of 45 – 60 years.
- Tamil Nadu Minister for Labour, Dr. Nilofer Kafeel, stated in the assembly on 29th June 2018 that the Labour and Employment Department had freed 276 bonded labourers from bondage during 2017– 18 (The Hindu 2018, June 30th)
- As per the database of International Justice Mission (IJM)[28] from January 2010 to May 2018 there were a total of 160 bonded labour cases registered, 4612 labourers (including children) rescued, and release certificates issued to 3059 labourers.
- According to IJM's data, in 2016, the total number of people rescued was 1018, of which 692 people (68%) got release certificates; by comparison, in 2017 the number of people rescued was 114 and release certificates were given to 55 people (48%). Thus far in 2018 (till May) a total of 265 labourers have been rescued, out of which 130 people (49%) have received release certificates.

Sustainable Development Goals

At the global context, the United Nations and the international community has set in motion a plan aimed to build a more prosperous, equal and secure world by 2030, through the 17 Sustainable Development Goals (SDGs). The

[28] IJM Chennai works closely with the government of Tamil Nadu in the eradication of bonded labour, focusing on four districts namely Thiruvannamalai, Tiruvallur, Vellore and Kanchipuram.

17 goals and their 169 targets are part of the 2030 Agenda for Sustainable Development adopted by 193 Member States, including India, at the UN General Assembly Summit in September 2015, and which came into effect on 1 January 2016 (UNGA Res 70/1, 2015).

Of the 17 SDGs, four goals and five targets relate specifically to bonded labour and human trafficking among other forms of modern day slavery:

- SDG 5 – Achieve gender equality and empower all women and girls (Target 5.2)
- SDG 8 – Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all (Targets 8.7 and 8.8)
- SDG 10 – Reduce inequality, within and among countries (Target 10.7)
- SDG 16 – Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels (Target 16.2)

Policy developments

Rehabilitation funds

- From 17 January 2017, the immediate cash assistance granted to rescued bonded labourers has been enhanced from Rs 5,000 to 20,000 under the District Bonded Labour Rehabilitation Fund. (Indian Express, 2017).
- Under the new rules of the Central Sector Scheme for Rehabilitation of Bonded Labour (2016), which is the first revision to the scheme since 1999, the total financial assistance has also been increased from Rs 20,000 to Rs 100,000 per adult male beneficiary and Rs 200,000 for special category beneficiaries including women, children, orphans and those rescued from organised begging rings or other forms of child labour (Ministry of Labour and Employment, 2016).
- The total financial assistance has increased to Rs 300,000 in cases of bonded labour involving extreme cases of deprivation or marginalisation such as transgenders, or woman or children rescued from ostensible sexual exploitation such as brothels, massage parlours, placement agencies etc., or trafficking, or in cases of differently abled persons, or in situations where the District Magistrate deems fit. (Ministry of Labour and Employment, 2016).

- The government will also ensure that bonded labour cases are tried and the judgements delivered on the same day. (Economic Times, 2017).
- Under this new policy, the government will increase the scheme's annual budget to 470 million rupees from initially 50 million rupees. (Economic Times, 2017).

New initiatives: draft bill on anti–trafficking

The Government drafted the new comprehensive anti–trafficking bill (Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill, 2018), which introduces punitive measures for all kinds of trafficking, from using victims as bonded labour or as child soldiers to forced begging. (Indian Express, 2016).

The draft bill lists the offences of trafficking for the purpose of bonded labour, begging, bearing a child, under the pretext of marriage, using as a human shield or child soldiers. The penalty for these crimes can range from a fine of Rs 100,000 to Rupees one million and a jail term between seven years to life imprisonment (Indian Express, 2016)

Challenges in policy implementation

Budget

Under the Ministry of Labour and Employment's '*Outcome Framework for Schemes 2017–18'*, the scheme for '*The Rehabilitation of Bonded Labourers (BL)*' has a budget of Rupees one billion only, with an output aim for the 'release of 500 bonded labourers and awareness generation' (Ministry of Finance, GoI, 2017, p. 79).

When respectively placed in comparison, the budget for the rehabilitation of bonded labourers is inadequate and unsatisfactory. A realistic and sufficient budget must be available to properly combat the crime of bonded labour, if the government is to realistically achieve its goal to identify, release and rehabilitate 18.4 millionbonded labourers in the country by 2030, as well as strengthen the prosecution and conviction, and prevent re–bondage.

Central sector scheme – Bonded Labour Rehabilitation Fund

Section 5 (xiii) of the Central Sector Scheme details a Bonded Labour Rehabilitation Fund. It states that a permanent corpus of at least Rupees one

million shall be at the disposal of each District Magistrate and that this fund should be used for extending immediate help to released bonded labourers.[29] Following this, Section 5 (xiv) outlines how Rs. 5,000 (revised to Rs.20,000 with effect from 17 January 2017) is to be provided to each rescued person out of the mentioned rehabilitation fund. However, the state has not yet deposited any corpus funds for bonded labour victims in each district. It is not unusual for more than 200 individuals to be rescued from one facility, and as such, more corpus funds must be deposited in districts with a high prevalence of bonded labour.

Rehabilitation linked with conviction

Nobody has received the full amount of rehabilitation assistance stipulated in the Central Sector Scheme, despite almost two years having passed since it came into effect.

In an answer to the question raised by Smt. Kanimozhi MP '(C) whether it is a fact that since the new scheme was introduced in 2016, no labour has been given full compensation and (D) if so the details thereof?', Minister of State (IC) for Labour and Employment (Shri. Santhosh Kumar Gangwar) gave the reply, '(C) and (D) Under the Central Sector Scheme for Rehabilitation of Bonded Labourer, 2016 the release of the rehabilitation assistance has been linked with conviction of the accused. However immediate assistance up to Rs.20,000 is provided to the rescued bonded labourers by the district administration irrespective of the status of conviction proceedings. The central government has not received any such proposal from the states for release of full amount of rehabilitation assistance'.[30]

Linking of rehabilitation with conviction is a matter of dispute as an identified victim of bonded labour has already been issued with a Release Certificate (stating that the person is released from bondage) by the

[29] Ministry of Labour and Employment, Government of India, 'Central Sector Scheme for Rehabilitation of Bonded Labourer – 2016', (2016) F. No.S–11012/01/2015–BL

[30] Government of India, Ministry of Labour and Employment. Rajya Sabha. Unstarred question No.4238 answered on 04/04/2018.

responsible authorities, after due process including enquiry by the sub collector/RDO as per the BLSA, 1976.

Recommendations and suggestions

1. The State should prioritise effective implementation of the Bonded Labour System (Abolition) Act of 1976 and establish proper accountability mechanisms at the State and District levels, which will ensure eradication of this widespread crime, such as maintenance of a proper database.
2. Often the rescue of bonded labourers happens in large numbers and a corpus fund of Rupees one million per district for immediate cash assistance to rescued labourers is not sufficient. The Ministry should provide written clarification on timelines for reimbursement by the Centre for initial rehabilitation assistance given and documents required from state government for the same at the earliest.
3. The link between the disbursement of rehabilitation funds and conviction of the offender is defeating the purpose of the Central Sector Scheme. It will take many years for the completion of legal process, during which time bonded labourers are unable to receive the benefits and support due to them. Delinking rehabilitation and conviction is a matter of urgency.
4. The State should enforce the minimum wage for each industry and create more sustainable opportunities for employment and safeguards for labourers working to support themselves and their families.
5. Immediate passing of the omnibus bill against human trafficking.

Conclusion

Sadly this practice of slavery continues despite the fact that both bonded labour and child labour are prohibited by the Indian Constitution 1949, the Bonded Labour System (Abolition) Act 1976 and several binding international legal instruments. In spite of being passed 42 years ago, the BLSA, 1976 has not been effectively enforced to eradicate the bonded labour system in India completely.

The Sustainable Development Goals should not remain as ideals, but rather need to be translated in to practical realities for the suffering millions

especially those in slavery–like situations. It is important that corresponding legal frameworks with policies and schemes for every SDG be identified, and that the gaps thereof are addressed through targeted and focused action plans that have been prepared by listening to the voices of the masses in the margins. This is the only way to ensure that no one will be left behind.

Works cited

Bonded Labour System (Abolition) Act, 1976. Chapter 1, Article 2. Constitution of India, Art 23(1). (1949). Constitution of India. Republic of India Economic Times. (2017). India's bonded labour assistance to include transgender people, boost payouts. Retrieved February 9, 2018, from: http://economictimes.indiatimes.com/news/economy/policy/indias–bonded–labour–assistance–to–include–transgender–people–boost–payouts/articleshow/52327901.cms

First Post. (2016, July 20). Government to release and rehabilitate bonded labour by 2030. Retrieved February 7, 2018, from: https://www.firstpost.com/business/govt–to–release–and–rehabilitate–1–84–cr–bonded–labourers–by–2030–2906748.html

India Today. (2016, July 16). Govt looks to rehabilitate 1.84 cr bonded labourers till 2030. Retrieved February 7, 2018, from India Today: https://www.indiatoday.in/pti–feed/story/govt–looks–to–rehabilitate–1.84–cr–bonded–labourers–till–2030–643916–2016–07–20

Indian Express. (2017, February 14). Centre hikes immediate assistance for bonded labour to Rs 20,000. Retrieved Feburary 8, 2018, from: http://indianexpress.com/article/india/centre–hikes–immediate–assistance–for–bonded–labour–to–rs–20000–4524935/

Indian Express. (2016). Indian Express, 'Government Drafts New Anti–Trafficking Bill' . Retrieved February 8, 2018, from Indian Express: http://indianexpress.com/article/india/india–news–india/government–drafts–new–anti–trafficking–bill–women–child–forced–labour–3030188/

Ministry of Finance, GoI. (2017). 'Output–Outcome Framework for Schemes 2017–18, – Demand No 60: Ministry of Labour and Employment', p.79. New Delhi: Ministry of Finance, GOI.

Ministry of Labour. (2016, May 18). Central Sector Scheme for Rehabilitation of Bonded Labourer – 2016. Retrieved February 7, 2018, from: https://labour.gov.in/sites/default/files/OM_CSS_Rehab_BL_2016_1.pdf

National Crime Records Bureau. (2016). Crime in India: 2015,. New Delhi: Ministry of Home Affairs.

The Hindu (2018, June 30th), '276 Bonded Labourers freed last year'. Retrieved 30th June from The Hindu: https://www.thehindu.com/todays–paper/tp–national/tp–tamilnadu/276–bonded–labourers–freed–last–year/article24295770.ece

UNGA Res 70/1 . (2015, September 25). Transforming our world: the 2030 Agenda for Sustainable Development. Retrieved February 7, 2018, from www.un.org: http://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_70_1_E.pdf

Tamil Nadu Child Labour Data as per Census of India, 2011			
No	District	Number of Child Labourers	Child labour percentage
1.	Ariyalur	3,054	2.29
2.	Chennai	30,831	4.60
3.	Coimbatore	13,841	2.82
4.	Cuddalore	14,530	3.23
5.	Dharmapuri	6,684	2.44
6.	Dindigul	12,624	3.60
7.	Erode	8,481	2.63
8.	Kanchipuram	20,293	3.32
9.	Kanyakumari	6,687	2.32
10.	Karur	2,780	1.67
11.	Krishnagiri	11,855	3.43
12.	Madurai	13,698	2.74
13.	Nagapattinam	4,430	1.62
14.	Namakkal	6,093	2.35
15.	The Nilgiris	2,436	2.05
16.	Perambalur	2,972	2.97
17.	Pudukkottai	5,835	2.04
18.	Ramanathapuram	7,220	3.10
19.	Salem	10,803	1.86
20.	Sivaganga	6,287	2.82
21.	Thanjavur	5,763	1.45
22.	Theni	4,846	2.35
23.	Thoothukkudi	5,552	1.86
24.	Tiruchirappalli	8,950	2.03
25.	Tirunelveli	9,947	1.91
26.	Tiruppur	10,772	2.98
27.	Thiruvallur	21,958	3.71
28.	Tiruvannamalai	11,920	2.87
29.	Thiruvarur	4,521	2.22
30.	Vellore	16,725	2.49
31.	Viluppuram	19,870	3.21
32.	Virudhunagar	8,744	2.68
Prepared by P. Joseph Victor Raj, National Convener, Campaign Against Child Labour (CACL)			

Data Challenges and SDG Monitoring: Some Key Challenges

Dr S. Venkatraman[31]

In 2015, 193 heads of state and government agreed to work towards ensuring that our world is on a path to a more sustainable future. To achieve this, 17 Sustainable Development Goals (SDGs) of the 2030 Agenda for Sustainable Development ('2030 Agenda') was formed. These goals are predominantly quantitative: aiming to eradicate poverty and forms of deprivation, provide quality education for all, prevent environmental degradation and level inequalities by 2030. To achieve this, a comprehensive list of targets and indicators have been developed which require high quality, systematic and comprehensive data.

However, much of the data required to monitor the SDGs is not readily available or not accessible. To achieve this level of evidence based monitoring one must address data issues relating to quality, reliability, timeliness, human and financial capacity, and standardised methodologies. Lack of such data at national level for all SDGs is likely to hinder the process of effective monitoring and tracking of all the 17 goals.

Achieving SDGs also requires an evidence–based approach to governance. Governments and other stakeholders/partners need to have access to reliable evidence to systematically utilise data for planning, decision–making, and program implementation. They need current data on all critical issues and historical data to understand the trends and progress which will help in making realistic projections on future directions of policy and programmes.

Reliable and timely data is critical for achieving the SDGs. Most of the agreed–upon targets can only be achieved concurrently in the Indian context. The indivisibility that characterises the Sustainable Development Agenda requires a comprehensive policy approach.

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To achieve the global targets, a framework of 232 global indicators has been adopted, which should be complemented by additional indicators at national level for measuring progress towards the SDGs and their associated targets.

The global indicators framework has one major challenge: many targets in the 2030 Agenda are composite and multidimensional. Some targets are more conceptual than specific quantifiable ones; they reflect a variety of intentions and ambitions. The challenge is to develop indicators, which are meant to be quantifiable, measurable, and limited in number in order to increase the feasibility of data collection.

All 232 indicators are grouped under 3 Tiers based on the possibility of collecting them and availability of data. Only 83 out of the 232 indicators (36%) are currently classified as 'Tier I'. That is, an indicator in this Tier has an established methodology and data is regularly produced at the national level. While 'Tier II' is about having established methodology, but no regular data collection, 'Tier III' are those with no established methodology. The actual capacity to collect data varies widely even for Tier I indicators. This means that it will require significant time and resources before we can monitor a majority of these indicators.

Three key challenges related to readiness for monitoring the implementation of SDGs remain.

- The first is *capacity of the concerned ministry, agency or department to respond to the demand for disaggregation*. This requires more resources, new technical developments, integration of new data sources with traditional ones, and the strengthening of the sub–national (district level) statistical systems. These improvements will allow us to monitor whether long–time neglected populations such as tribal, marginalised populations, women and children, etc, from rural/remote areas, are indeed having access to all opportunities.
- The second challenge has to do with the *integration of social, environmental and economic indicators*. India suffers from the lack of an articulated statistical system that would allow for the analysis of how situations in a given domain affect outcomes in a different domain. This

cross–sectional use of data requires not only methodological coherence, but also provision of incentives for statistical experts to work together.

- The third challenge has to do with promoting a culture of use of evidence in the design, implementation, monitoring and evaluation of public policies aimed at the attainment of the Sustainable Development Agenda. In general, not all statistical evidence is used in the process of policy–making. The adequate use of information can be of great help in the design of more efficient interventions and their improvement in subsequent implementation phases.

SDGWatch Tamil Nadu: A Process Note

Tamilarasi[32] *and Edwin*[33]

Background

The 17 Sustainable Development Goals (SDGs) and its targets were introduced by the UN as the successor of the Millennium Development Goals (MDGs). The SDGs were accepted by 195 countries in 2015 as the primary developmental programme for 15 years till 2030, calling it Agenda 2030. The SDGs cover the entire gamut of human development in five integrated and indivisible themes – people (goals 1–7), prosperity (8–11), planet (12–15), peace (16), and partnerships (17). The people centric approach and principles of accountability, transparency and participation ensures that the SDGs are a model of holistic development. The integrated human rights framework provides incentive for collaboration. The integrated agenda and time frame provides a multi–faceted opportunity for civil society for long–term collaboration based on an integrated human rights approach and evidence based engagement. India signed the declaration on the 2030 Agenda for Sustainable Development, comprising of seventeen Sustainable Development Goals (SDGs) at the Sustainable Development Summit of the United Nations in September 2015.

However, with all the positive signs of this paradigm shifting global developmental agenda, there are concerns as to its reach and impact on the traditionally marginalised and socially excluded communities. It needs to be emphasised that the SDGs are primarily for the excluded communities and sections of society i.e. those left behind and the last. Therefore the SDGs are based on the twin principles of 'leave no one behind' and 'reaching the last first'. To be effective – and true to its spirit – the SDG process needs to identify who the 'left behind' are, engage with the institutions and state mechanisms tasked with inclusion and work to reverse the processes of exclusion so that there is truly no one left behind.

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[33] Director (Programmes), HRF.

In this context Human Rights Advocacy and Research Foundation (HRF) launched SDGWatch Tamil Nadu on 25 September 2017. It is a joint civil society initiative of 53 organisations to ensure the fulfilment of Agenda 2030 by engaging with all sections of society in a systematic, sustained process. SDGWatch Tamil Nadu is to ensure inclusion of the excluded communities into the SDGs mindful of inter–sectionality. These excluded and marginalised vulnerable communities range from the Dalits, Adivasis, fishers and other coastal communities with special attention to LGBTQIA+, People with Disabilities (PWDs), women and children among them. Those with multiple vulnerabilities will be prioritised to ensure that no one is left behind and the last is reached first.

The time–frame provides space for a generational change in civil society, nurturing a new leadership in CSOs over 15 years. Hopefully, dynamic young women in the 30–35 age group now, and 45–50 in 2030, will be at the forefront of the process, with the guidance and mentoring of seniors, becoming the torch–bearers of a life with dignity for all.

The need

Timeliness

Though over two years have passed since adoption, the national indicators are still being developed and the official state process has not started.

Inclusion

The SDGs are to leave no one behind and to reach the last first. The official process has been top down, in denial of the processes of exclusion and therefore does not identify who the ‘left behind’ or ‘last’ are, and largely self– adulatory in reporting, There is a need to develop the indicators and agree on the national targets in an inclusive and participatory process that is lacking in the official action thus far. SDG Watch TN is a joint initiative of CSOs from or working with vulnerable communities (Adivasi, Dalit, children, women, coastal communities, migrant labour, urban and rural poor. In contrast, this initiative is led by the excluded and left behind communities themselves or with CSOs working with them from a human rights, solidarity and empowerment perspective.

Multi–stakeholder partnerships

The enormous challenge of agenda 2030 requires partnerships – from the grassroots to the global. The initiative thus far has not only brought together a wide diversity of CSOs, but also engages with the government and industry. Legal expertise, experience of capacity building, nurturing coalitions, research, advocacy and multi–stakeholder engagement and the required organisational ethos are all available within the broad coalition. Thus it is uniquely positioned for enabling this total system engagement for sustainable change.

Political commitment and accountability

There is a need for larger commitment and accountability from the state, across the political spectrum. This engagement will include the state machinery, the government and legislature but go beyond them to include other political formations and social movements.

Evidence based engagement

The engagement needs to be based on hard data. The official government data will be used as the base. In addition, there will be field level verification of data to ensure that the engagement is constructive and beyond blame.

Proactive: Regular monitoring of implementation

The engagement needs to be proactive rather than being a post–mortem. Therefore there has to be a regular, systematic monitoring of the implementation and the gaps. Where necessary, new and innovative policy instruments will need to be designed and deployed.

Empowering and sustainable process: Accountability to local government

The local government has largely been bypassed in this endeavour. However, for sustainability and efficiency, accountability to the local government is a necessity since the implementation of all the social security measures converge at the village level. Empowering village communities and the local government will ensure that the development is sustainable and will continue in perpetuity. Given the demographic shift and the recommendations of the fourteenth finance commission, empowerment of local government institutions has the potential to fundamentally change governance.

SDGWatch Tamil Nadu: The participatory and inclusive journey so far

SDGWatch Tamil Nadu is a state level initiative of the marginalised and excluded sections of society in Tamil Nadu to monitor and fulfil the SDG goals in Tamil Nadu. It is a joint initiative of civil society organisations (CSO) from, or working with, the vulnerable communities – Adivasis, Dalits, women, children, PWD, fishers, urban poor, migrant labour and LGBTQIA+ so that the excluded communities determine the development agenda to ensure that they are not left behind but reached first.

Brainstorming meet

To share the idea, and to collectively plan the initiative, a brainstorming session was held on 12 August 2017 at HRF in which a cross–section of CSOs from Tamil Nadu attended. The brainstorming session was to ensure that the initiative is inclusive and collective right from the beginning. It also ensured that there would be a collective ownership of the process, and inclusion – reaching the last first – would be at the heart of the initiative.

CEO Forum & SDGWatchTN Launch

A three day CEO Forum was organised from 25–27 September 2017 at Chennai in which 53 organisations from 26 of 32 districts of Tamil Nadu attended. The meeting was held in the backdrop of India submitting its first National Voluntary Review Report on the status of fulfilment of the SDGs at the UN in July 2017 and the second anniversary of SDG adoption at the UN. SDGWatch Tamil Nadu was launched on the final day, to initiate a civil society process to monitor the fulfilment of the SDGs and possible way forward for achieving the inclusive agenda of SDGs in all sectors. It was decided to enhance the capacity of the civil society in Tamil Nadu to monitor the SDGs. Seven thematic groups (Children, Women, Migrant Labour, Urban Poor, Coastal community, Dalit and Adivasi) were set up to go deeper into the indicators, suggest the ones that could be monitored, and to build the specific capacity of organisations in their particular thematic areas. Thematic leads for Disability and Sexual Minorities were identified and they would set up the working groups later. In addition there is also a working group on SDGs and local government that would engage with the local self–

government. The idea is to start with the existing capacity but progressively have comprehensive monitoring of all the goals and indicators and proactively work to fulfil them in partnership with other stakeholders.

SDGWatchTN Sourcebook 2017 Release

The SDGWatchTN Sourcebook 2017, the first compendium on the SDGs in Tamil, was released on 25 September 2017. This book provides basic material on the SDGs, indicators and possible monitoring mechanisms for grassroots organisations to dialogue with state mechanisms to support progress towards the fulfilment of SDGs in India. It is based on the global indicator framework developed by the UN's Inter–Agency and Expert Group, the national indicators developed by the Ministry of Statistics and Programme Implementation (MoSPI), Government of India, and those suggested by CSOs.

Seven thematic working groups

All thematic groups (children, women, migrant labour, urban poor, coastal communities, Dalits and local government) had several rounds of indicator development meetings by November 2017. For coastal, urban poor, migrant labours and local government one meeting each was conducted to come to a common understanding and develop the indicators. In child rights and gender three meetings each were held. The thematic working groups helped bring more organisations into the process.

Multi–stakeholder engagement: The state, political parties, social movements, students

The SDGs not only have partnerships as a goal, but need partnerships for its fulfilment. SDGWatch Tamil Nadu made conscious effort to reach out to the state, political parties and social movements. Colleges were invited, and faculty and students attended. There is also commitment from the colleges to help in monitoring the SDGs. Representatives from the Tamil Nadu State Planning Commission were present on all three days of the launch. There was representation from the state government (SRCW for women under social welfare department – the nodal department for SDG5) for the capacity

building workshop on women and SDGs. A separate meeting was held for representatives of political parties on 16 December 2017. About 32 representatives of 12 political parties and social movements participated. The indicators developed by SDGWatch Tamil Nadu have been used by the government in suggesting the official list of indicators.

Thematic status reports (children, Dalits, labour, women)

Thematic status reports were brought out on the Status of Children in Tamil Nadu (covering all SDGs) and on the implementation of the SCs and STs (Prevention of Atrocities) Act in Tamil Nadu (covering SDG 16).

1. Data speaks: Status report of children in Tamil Nadu 2018

The status report of children in Tamil Nadu 2018 was released at the state level convention on the Status of Child rights in Tamil Nadu on 21 March 2018 at Chennai. There were 63 participants from 40 organisations and 20 districts. They included 3 Colleges, 4 Child Welfare Committee (CWC) members and Juvenile Justice Board (JJB) members from Chennai, Thiruvallur, Cuddalore, Thiruvannamalai and Vellore districts. Ms. Nirmala, Chairperson, Tamil Nadu State Commission for Protecting Child Rights (SCPCR) was the chief guest and released the status report. Ms. Vasanthi Devi (Former Vice Chancellor, MSU) and Mr. Rajagopalan (Eminent Educationist) were guests of honour.

The report has five parts. Part I is the Overview, Part II Thematic notes, Part III Functioning of different child rights law and mechanisms in Tamil Nadu, Part IV District scorecard on select indicators and Part V Data tables. This status report brings together data from multiple sources to identify precisely where the gaps are, how and in which dimensions society is failing them. This status report makes simple, district wise data available to the human rights defenders at the grassroots level to facilitate informed dialogue and engagement. The objective was to incontrovertibly identify who and where the 'left behind' children are. By identifying the needy areas and communities based trend analysis and high quality data, customised interventions that address their specific needs can be designed and delivered based on a nuanced understanding and calibrated. Only then can the

engagement of the affected communities themselves be assured to ensure sustainable development. This report is compiled from official, publicly available data. However, much of it is scattered and inaccessible to the common citizen. District–wise disaggregated data, especially of Dalits, Adivasis, LGBTQIA+, fishers, linguistic and religious minorities, people with disabilities and crime was harder to get especially for the more recent years. Functioning of state mechanisms was another. Though we could get the latest data on child sex ratio and meta data on son preference at the state level, we could not get the disaggregated Sex Ratio of the Last Child (SLRC) at the district level.

2. Status report on the implementation of the SCs and STs (Prevention of Atrocities) Act in Tamil Nadu

The report was released at a Strategic Multi Actor Roundtable (SMART) attended by 56 participants. They included government representatives, retired civil servants, academics, human rights defenders (HRDs), civil society organisations (CSO), and social movements. Five Deputy Superintendents of Police (DSP) from the Human Rights and Social Justice Wing of the Police Department, Government of Tamil Nadu, were among the participants. P.S. Krishnan (Former Secretary to Government of India, Ministry of Welfare) delivered the presidential address and received the first copy of the report. The SMART is for a constructive discussion among different actors – the state, activists, HRDs, researchers, CSOs and social movements – in the search for solutions to ensure social justice.

The Institute for Human Rights Advocacy and Research analysed the government data and reports, though there was discrepancy in the data received from different government sources, reports and departments. The report brought out the fact that the Act was hardly implemented in letter or spirit, and did not meet SDG 16, let alone standards of objective and impartial implementation.

At the end of the roundtable a state level implementation monitoring group was formed to monitor the implementation of the Act in all the 32 districts. This group will be trained and supported for continuous monitoring. The

toolkit will be updated and educational material will be developed for the purpose. An annual report will be prepared for multi actor engagement.

3. Status reports on SDG labour and women

These reports are under preparation. The status report on interstate migration, the data and information used is of an ongoing study. The status report on women will be drawn from the latest National Family Health Survey (2015–16) and the Tamil Nadu Human Development Report 2017.

Budget training

Since accountability is integral to SDGs, additional effort was put into enhancing the financial literacy of the CSOs, starting with child rights budgeting. The Institute of Human Rights Advocacy and Research organised a two day training on child budget analysis and monitoring tools and techniques. The basic training on child rights budgeting was conducted from 22–24 March 2018 at Chennai. There were 31 participants from 19 organisations and 15 districts. This is first in a three part series of demystifying the budget. It starts with the absolute basics – the terminology – and covers the budget making process, the budget itself, some analysis, the administrative process for implementation and audit. The basic course will be followed by an intermediate and advanced training to the same participants in the course of the year.

At the end of the training the participants formed a statewide network to monitor budgets regarding children. A smaller working group will be formed to immediately analyse the state and central budgets on an annual basis. The expertise of the working group and the network will be deepened in future to include gender and Dalit budgeting, and include more departments so that people's budget monitoring and analysis will be expanded to include elected local government representatives and communities (grama sabhas).

This course material is developed so that those with basic comprehension skills will be able to understand and monitor the budget at the panchayat level – whether they be in class 8 or in local government as grama sabha members or elected constitutional functionaries. Ideally, by the time they are

in class 8 children should be able to monitor the budget items that directly concern them. Simplifying the budget to that degree is our goal.

Review by theme leaders

All theme leaders met on 23 January 2018 to take stock of the progress and plan the way ahead. It was obvious that the thematic meetings widened the constituency both in terms of numbers and sectors, however, there is a need to broaden the involvement of more knowledge institutions and other sectors. It was felt that there is considerable momentum and interest that should be sustained while at the same time enhancing the capacity of the participants.

Tasks going forward

a) *Finalise indicators*: The thematic groups will finalise indicators and another meeting of the theme leaders will be held to agree on common definitions and the common indicators.
b) *Capacity building*: Done thematically, capacity building will use the common definitions and indicators agreed by the theme leaders. Skill sets needed for engagement and execution of various responsibilities based on core competence will be part of the package. The workshops will concurrently be platforms for multi–stakeholder engagement.
c) *Monitoring*: This will be followed by ground level monitoring and collection of secondary data.
d) *Annual status report*: A Tamil Nadu SDG Status Report will be released on 25 September 2018. The status report will be a baseline and help in multi–stakeholder engagement. A mechanism for systematic and regular engagement and dialogue also needs to be set up.
e) *Continuous engagement*: There will be continuous engagement with the state so that the initiative is proactive. The capacity of the members to systematically and regularly engage will be enhanced through training, initiating multi–stakeholder platforms, and rigorous evidence.
f) *Implementation*: Each organisation will work in its area of core competence. However, SDGWatch TN as a collective will endeavour to empower and work with constitutional functionaries in local self–government to proactively ensure fulfilment of the goals. Support to

them will be in the form of skill sets, data, facilitating engagement with the state and the SDG process at different levels.

Added value

This system–wide, human rights based approach, rooted in the community is the most comprehensive, efficient, effective and sustainable means of ensuring human rights. It is led by the excluded and left behind communities themselves and is a broad coalition of CSOs working with them.

The data is rigorous (from government sources) on an agreed upon global framework (SDGs). Pulling together government data from different departments breaks the data silos and makes comprehensive analysis possible. Where it is generated by CSOs, it is akin to field verification of government data. Adding data enhances evidence based advocacy. We aim to provide appropriate indicators to the government where the official indicators are absent, and supplement them with ones more suited to the community where appropriate.

The SDGWatch process of working with multi–stakeholders in simultaneous partnerships is a systems engagement that includes the community, the state and civil society. At different times, it would be facilitating, capacity building and monitoring, with different roles by the same actors according to need. It is a wide enough platform for convergence of various actors, making critical collaboration possible.

The tools and manuals developed for the process (thematic status reports, budget analysis) can all be used by a wider audience who can embed it into their work, and modify/adapt it as required. The SDG watch process thus complements, enriches and strengthens existing initiatives making them more efficient and effective.

– oO(end of document, but just beginning of the story ….

Notes

Occupying a major chunk of our waking life, work is a large part of identity and gives a purpose in life for many. Unemployment, under-employment and forced or undignified labour causes loss of self-confidence and self-esteem, poor mental and physical health. It adds to stress within the family and social exclusion. This sometimes leads to substance abuse, conflict with the law and even suicide. Work that affords the person self-respect is the core component of a life with dignity.

This compilation is preliminary attempt to examine the UN Sustainable Development Goals (SDGs) through the lens of labour, especially interstate migrant labour, fisher women, women in the textile industry, and children and to strengthen processes to monitor fulfilment of the SDGs. We hope to build a long-term coalition to monitor the progress towards SDGs comprising communities, civil society, civil service, corporations, and the state to incorporate global standards and the perspective of business and human rights into the SDGs in SDGWatch Tamil Nadu.

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