ABSTRACT

The exploitation of young female workers is rampant in the spinning and textile units of southern Tamil Nadu, India, under the notorious ‘Sumangali Scheme’, which has features similar to bonded labor. Until now, an increasing number of studies have been conducted to examine the characteristics of this abusive scheme, including the patterns of victimization and its subsequent effect on the physical health of sumangali workers. Yet, very little is known as to how legal procedures, and the roles or actions of legal actors within industrial courts, commonly known as labor courts, impacts the emotional life and psychological well being of these female laborers. In this chapter, we claim that sumangali victims often experience ‘secondary victimization’ as a result of their contact with labor courts, and most often, due to their relative failure to access labor courts. We aim to address these issues from TJ perspectives and provide suitable solutions that may reduce the incidence of secondary victimization (among the sumangali victims).
INTRODUCTION

Therapeutic Jurisprudence (TJ) originated two decades ago in the field of mental health law (Erez, Kilchling, Wemmers, 2011, p. ix). Later, its application was expanded to cover criminal law, as the scholars began focusing on the rehabilitation of criminal defendants (Wemmers, 2011, p. 68). It is only recently that TJ has taken the next developmental step, that is, to bolster the position of victims within therapeutic jurisprudence research agenda. This emphasis on victims, indeed, resulted in wide array of TJ work, amongst which, much of the research focused primarily on crime victims’ participation in criminal justice around the world; the relevance and contribution of TJ for victims’ of labor exploitation, however, lacked the presence on centre stage. Against this backdrop, this chapter is an effort to pioneer the conceptual framework of TJ in the realm of ‘female victims of labor exploitation’ (FVLE). Since, this chapter revolves around the notion of secondary victimization experienced by female laborers in labor courts; we crucially chose to address the well-being of young sumangali workers in Southern Tamil Nadu, India from TJ perspectives.

A growing body of TJ literature on victims’ participation in justice system suggests that victims suffer a tremendous amount of emotional distress due to their failure to understand how prosecution process and court works (Winick, 2011, p. 8). That is to say, victims do not have critical knowledge of law and procedures of justice system. The justice system may appear complex and overwhelming to victims who encounter it for the first time (“CRCVC”, 2007, p. 2). They may not know whom to approach for information to file their legal petition and perhaps more importantly, how to draft a petition in a right manner. This lack of information about the process may further exacerbate the harm that victims suffer following the personal violation and might produce strong feelings of fear, anxiety, stress and depression in them.

While, TJ literature stresses the importance of legal actors, who apply the law - in generating therapeutic outcomes for the victims, it would be greatly unfair if we examine the above issue, merely in light of discussions that relates to legal literacy among victims. In other words, the role of court personnel - to supply desired information to the victims and to express a willingness to answer their question – is an equally important aspect that begs exploration, when needs and interest of the victim becomes an agenda (Winick, 2011, p. 8).

The emergence of Victimology, as an academic discipline, increasingly promoted the status of victims in the justice process (Kury & Kilchling, 2011, p.43). While, it emphasizes on fortifying the victims’ right to protection, its relative concept of ‘preventing secondary victimization’ as a result of victims’ interaction with key actors in justice proceedings has received significant attention from legal professionals around the world. Therefore, what began as a victimological concept, soon translated into legal practice, and eventually became a core agenda for legal reforms in TJ literature. The protection of victims during preliminary proceedings and trial seems fairly compatible with the role of prosecution (Kury & Kilchling, 2011, p. 57). In other words, the degree to which prosecution assists victims during legal proceedings is directly proportional to reduction in risks of their secondary victimization. Therefore, victim lawyers can play a significant role in allowing the victims to achieve psychological benefits otherwise referred to as therapeutic outcomes.

A substantial body of research on perceptions of legal actors with regard to victim protection indicates that victim lawyers can give clients a better feeling of control and help restore their sense of security (Kury & Kilchling, 2011, p. 53). This is to say that, victim lawyers can appreciably reduce the clients’ feelings of helplessness and hopelessness (incapacity) in a court room: by providing them emotional support; informing them of their rights; giving them increased information regarding the proceedings.
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