



International
Labour
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The social life of industrial disputes: Exploring workers-centred industrial relations in India's garment labour regime



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First published 2023



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ISBN: 9789220387764 (Print)
ISBN: 9789220387771 (Web PDF)

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Printed in India

▶ **The social life of industrial disputes: Exploring workers-centred industrial relations in India's garment labour regime**

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with Rakhi Sehgal



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► Abbreviations

AEPC	Apparel Export Promotion Council
ALF	Alternative Law Forum
COVID-19	Corona virus disease
CW	Code on Wages
ESI	Enterprise State Insurance
GC	General Castes
GGSC	Global Garment Supply Chains
IDA	Industrial Disputes Act
ILO	International Labour Organization
IRC	Industrial Relations Code
MFA	Multi Fibre Agreement
NCR	National Capital Region
OBC	Other backward castes
OSH&WC	Occupational Safety and Health and Working Conditions Code
PF	Provident Fund
PPE	Personal Protective Equipment
READ	Rights Education and Development Centre
SME	Small and Medium Enterprise
SSC	Social Security Code
TEA	Tiruppur Export Association

► Acknowledgements

This study would have not been possible without the hard work of the three teams who sampled and explored the industrial disputes in each location during a highly distressing period, when the coronavirus (COVID-19) pandemic was still raging across India and the world. We hope we have done justice to their dedication and findings. We would like to thank the Gurugram, Bengaluru and Tiruppur research teams, on whose findings part of this analysis is based. Our special thanks to Ananya Basu; Lekha Adavi and Swathi Seshadri; and Shyamala, who led the teams in each location. Our thanks also to Karuppusamy, the director of READ.

We'd like to thank Igor Bosc and Neha Wadhawan, Chief Technical Adviser and National Project Coordinator, Work in Freedom Programme, International Labour Organization (ILO). Our thanks also to Mahandra Naidoo, Insaf

Nizam and Elena Gerasimova, specialists in the ILO Decent Work Team South Asia for reviewing the report and Vaibhav Raaj, Programme Officer for his suggestions.

We'd like to express our gratitude to our team of expert advisers; Shyam Sundar, who also provided crucial information and analysis around the new labour codes; Gayatri Singh and Ashim Roy. We'd like to thank Chitra Joshi and Prabhu Mahapatra, who oversee the digitization of the [archive of industrial disputes collected at the V.V. Giri Institute of Labour History](#) in New Delhi so that it may be consulted by all those interested in – or fighting against – labour abuse in the Indian garment industry.

Most of all, thanks to workers and unions, who shared their time with our team during an incredibly distressing international pandemic.

► Foreword

Industrial relations are central to the world of work. The peaceful resolution of labour disputes and existence of grievance redressal mechanisms underpins decent work and sustainable development, and conversely, unresolved social tension disturbs the realisation of sustainable business and decent work.

The garment sector is significant to the Indian economy as it provides direct employment for 14-15 million workers, and indirect employment for millions more. While large export-oriented factories are mostly located in three clusters in Tamil Nadu, Karnataka and the national capital region around Delhi, production is multi-layered and characterised by a significant proportion of micro and small enterprises and high degree of informal employment scattered throughout the country. The growth of each of these three export-oriented production clusters has had its own unique historical trajectories and routes of entry into garment production for local markets and for export. Industrial relations in these production clusters are important because they can shape and influence labour relations beyond their geographical boundaries and sectoral limits. While wages have increased in the sector over time, working conditions remain poor in general, including long and intense working hours, poor occupational safety and health, and violations of fundamental rights at work. The great heterogeneity and localisation of the sector, its continuous export potential and incorporation into global markets, and the presence of problematic labour practices call for analyses of industrial relations which centre workers and their agency whilst at the same time taking into consideration regional differentiation. This even more so in the aftermath of the COVID-19 pandemic, which has further amplified labour issues in the sector, overall and in India.

This study establishes an intimate connection between the evolution of regional labour regimes and the social history of industrial relations and grievances in the garment industry in India. It aims at exploring industrial relations from a workers-centred perspective, focusing on labour agency in contexts where mass mobilisation may not take place, but where workers still put

in place strategies to have their voice heard, and sets the labour court as an important realm to map the evolution of industrial relations.

In practice the study analyses 25 industrial disputes in three garment export clusters: Gurugram, Bengaluru and Tiruppur, for a total of 75 disputes. It also highlights the dominant patterns of industrial relations in each cluster by analysing the disputes and explores the varied trajectories through which group grievances in formal, semi-formal and informal, and collective or individual take place. Finally, the study analyses further in-depth disputes concerning the COVID-19 pandemic.

Overall, the study finds that most disputes concern illegal terminations and factory closures. However, there are important contextual differences across clusters. In Bengaluru, sexual harassment is a key source of industrial grievances, which however are not necessarily addressed by either old or new labour legislation as central to industrial relations. In Tiruppur – and to an extent also in Gurugram – piece rate payments increase likelihood of wage theft and pinpoint at the need to monitor overtime carefully. In Gurugram industrial relations appear as the most tense and confrontational. While the new labour codes may hopefully reduce the lengthy social life of industrial disputes, they do curtail the right to strike, and this is likely to have negative repercussions in the sector given which grievances emerge as successfully fought by workers. They also open up to more contract labour, which is already on the rise across all clusters.

The key conclusions and implications of the study are that policy approaches to labour standards locally must necessarily start from the social history of the place. In India, different regional contexts may indeed need to prioritize different policies to improve local industrial relations. The most successful grievances filed by workers are formal, collective and filed via unions. Informal/semi-formal ones provide at best only partial compensation. The most serious threat to the effectiveness of the new labour codes is the ongoing rise in migrant contract labour (likely to neutralise codes' effects with respect to

enforcing a universal minimum wage) and the preference of take-home wages by this group of workers (which may erode efforts towards flexicurity). The evolving policy context, curtailing the right to strike, may have a negative effect on freedom of association, hence amplifying this type of labour unfreedom. While formal mechanisms at dispute are the most effective, informal and semi-informal mechanisms could support them. They shall never substitute formal processes, yet they could work synergistically. Given the relevance of sexual harassment in the industry, policy efforts should consider ways in which labour codes and gender-based violence regulations¹ could be integrated for a gender-transformative model of industrial relations. Indeed, in the future, one of the most difficult labour freedoms to address may be workers' freedom of association. National and international policy efforts should increasingly focus on upholding this fundamental labour right.

The authors of this paper have drawn upon a study based on empirical findings conducted by the Rights Education and Development Centre in collaboration with research teams in Gurugram, Bengaluru and Tiruppur under the guidance of a team of specialized advisers. Cases collected during the study and analysed in this paper have all been digitized and are available online for reference via the National Labour Archives at the V.V. Giri Institute of Labour History, Delhi. This study was supported by the Work in Freedom Programme that aimed at reducing vulnerability forced labour in the garment sector while addressing interrelated fundamental principles and rights at work. It is one of a few other studies on industrial relations undertaken by the programme the last of which was: *Industrial relations in the ready-made garment sector in Jordan*.

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¹ Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 otherwise known as PoSH Act.

► Executive summary

This study explores the links between the historical trajectories of regional labour regimes in the Indian garment industry and the evolution of industrial relations in the sector. It does so with the objective of comparing patterns of labour precarity and vulnerability in the sector – further heightened by the coronavirus (COVID-19) pandemic – and to provide a roadmap to identify, understand and tackle regional industrial relation challenges in complex labour-intensive sectors, which falls significantly short in delivering decent work to its workers. Notably, inspired by this broader aim, the research approaches the study of industrial relations from a worker-centric perspective in an attempt to map the social life of industrial disputes also in contexts where there is a lack of mass mobilizations clearly tracing the biography of industrial conflicts.

In fact, while industrial relations are often mapped based on collective mobilizations, this is a challenging approach for labour-intensive sectors like garments. In these contexts, the labour precarity experienced by workers may prevent them from engaging in sustained industrial action. Yet, also in these instances there may be other less visible forms of agency at work, which can only be captured through a labour-centred approach to industrial relations and conflict that focuses on workers' perspectives and experiences. Based on this lens and investigating workers' industrial grievances either filed individually or through unions, this study has engaged in a process of reconstructing a 'social life' of industrial relations premised on the disputes workers have filed against garment companies.

The study focuses on three main garment producing industrial clusters for export, namely Gurugram, in the National Capital Region (NCR), Bengaluru, and Tiruppur. After reconstructing the complex regional historical trajectories shaping labour regimes in each cluster, the study shows how these historical trajectories inform the contemporary industrial relations emerging from the study of workers' industrial disputes. The disputes identified and analysed here were collected in the context of the International

Labour Organization (ILO) and Rights Education and Development Centre (READ)-sponsored project 'Industrial Relations in India's Export Garment Industry: Mobilizations & Employment Law Cases from Bengaluru, Gurugram and Tiruppur'. The aim of the project was to reconstruct the social lives and legal trajectories of 25 industrial disputes in each location, totalling 75 disputes, and understand the types of grievances workers can file, through which channels and with what outcomes.

Disputes could be classified as formal, semi-formal and informal. They could be individual (that is filed by single workers) or collective. There are interplays between the different typologies of disputes, and they are better understood as based on a spectrum, where conciliation and litigation processes also intersect. The trajectory disputes may follow depends on these interplays and intersections, and shape a complex legal chain, made of numerous nodes involving different legal offices and entities. The key actors central to the various nodes of the legal supply chain are: 1) management; 2) labour department – both at the local level and the labour commissioner's office 3) labour court 4) High Court 5) Supreme Court. However, in turn, each of these actors may be further diversified.

The study of workers' disputes in the three locations shows the regionally embedded nature of sectoral labour precarity and insecurity and of patterns of labour abuse, whilst also pointing at common trends.

Across clusters, terminations and factory closures are a leading cause for workers' disputes to arise. Non-payment of wages also emerged as endemic with formal redressal mechanisms often averse to individual complaints in such cases. Against this generalised trend, one can identify regional differences.

In Gurugram, given the lack of collective agency that derives from the heavily migrant-based labour regime and the lack of registered trade unions in the garment industry, workers primarily file individual disputes. A small number of complaints make it to the industrial relations machinery and even fewer result in satisfactory

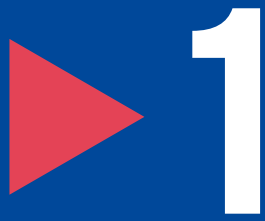
resolution from the workers' perspective and from the perspective of what is legally owed to the worker. Most disputes reaching the labour department and labour court have a prehistory of informal and semi-formal attempts at dispute resolution. Here, workers also reported the significant presence of practices of industrial violence, including intimidation.

In Bengaluru, where sectoral unions are present and more active, there is a predominance of collective disputes, which are formal in nature. Here, there is a higher success of dispute resolution, strongly correlated to collective action traceable also during the pandemic phase. The dispute sample indicates a significant incidence of sexual harassment as a leading form of labour abuse. Yet, the ongoing exclusion of sexual harassment and gender-based violence (SHGBV) from the framework of industrial relations – upheld with the shift to the new labour codes – push workers and unions to file multiple complaints with multiple institutional bodies.

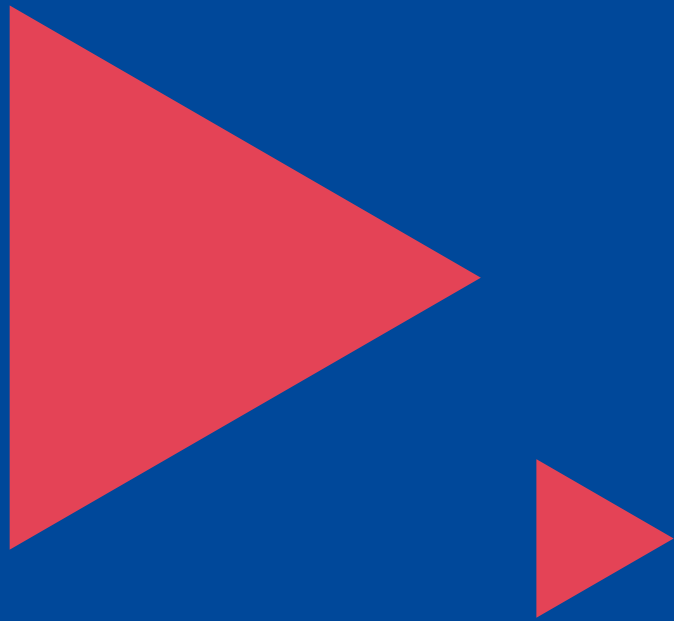
In Tiruppur, if the focus of disputes reflects Gurugram's, with terminations, closures and wage issues being over-represented, their typology and categorization differ slightly in line with the locally dominant labour regime. There is a relative balance between collective and individual disputes, and of formal and informal disputes, with a stronger presence of semi-formal mechanisms at dispute resolution, which may reflect the local availability of different forms of collective bargaining. A small number of compliant (yet higher than in Gurugram) makes it to the industrial dispute machinery, and the significant weight of semi-formal dispute resolution mechanisms may generate successful resolution yet partial compensation.

Overall, successful dispute resolution is more likely for formally filed collective cases, which however can be considerably lengthy. Notably, success largely depends on proof and documentation that workers can provide, and so it is less likely where workers do not have contracts, proof of work or dismissal.

If India's complex legal framework may have contributed to the fragmentation of the legal chain that industrial disputes must travel along, it is unclear that the simplifications operated by the new labour codes will have a positive impact. Positive developments, like the introduction of a universal minimum wage may be offset by the rise of contract labour allowed within the remit of the new labour legislation and by new norms expanding the legal definition of strike whilst limiting its mandate. These are issues that the legislator should monitor in the future. Other efforts should focus on strengthening the pro-workers synergies between formal, semi-formal and informal dispute redressal mechanisms in ways that may guarantee full rather than partial compensation; on systematically addressing the links between SHGBV and industrial relations in context characterised by the feminisation of employment; and on protecting freedom of association, given the vital role it plays in ensuring the successful pro-workers resolution of industrial disputes. All disputes on which this study is based are discussed in individual cluster reports (see Basu et al, 2022; Seshadri, 2022; Shyamala, 2022) and are uploaded in a public repository, in the hope that this material will support workers and unions in future instances of conciliation and litigation and inform the legislator in promoting pro-workers strategies to the resolution of industrial conflicts.



Introduction



Drawing from an initial historical analysis of the evolution of regional labour regimes in the Indian readymade garment industry, this analysis explores the patterns of industrial disputes emerging in three key export hubs: Gurugram, Bengaluru and Tiruppur. In doing so, this work demonstrates the link between the dominant regional patterns of labour control across India's garment industry and the trends in industrial relations. This study draws from empirical findings collected in the context of the International Labour Organization (ILO) and Rights Education and Development Centre (READ)-sponsored project 'Industrial Relations in India's Export Garment Industry: Mobilizations & Employment Law Cases from Bengaluru, Gurugram and Tiruppur'. The aim of this project was to reconstruct the social lives and legal trajectories of 25 industrial disputes in each location, totalling 75 disputes, and understand the types of grievances workers can file, through which channels and with what outcomes.

Notably, the focus on workers' industrial disputes and court cases adopted in this study looks at industrial relations from the workers' perspective. It can be defined as a 'labour-centred' enquiry into industrial relations (Selwyn 2018; Nowak 2021), and one focused on workers' agency, even in contexts where collective mobilizations may not always take place. In labour-intensive sectors like readymade garments, where labour informalization and precarization (ILO 2018) may preclude more sustained forms of industrial action, this is a crucial exercise to avoid labour representations based on victimhood and for thinking strategically about the policies and forms of organizing that can support workers and improve their labour conditions.

Moreover, the study of industrial disputes dominant across specific labour regimes can also provide key insights into the merits and limitations of labour legislations and procedures. As India moves into a new phase of regulation with the implementation of the new labour codes¹, some reflections over their potential impact on industrial relations is critical, particularly in sectors exposed to high labour vulnerability.

Finally, a study of industrial relations from the perspective of workers' experience, informed by the long-term evolutions of labour regimes in specific locations, can provide vital information on the recent impact of the coronavirus disease (COVID-19) on labour relations. In fact, our findings suggest that the pandemic exacerbated existing patterns of labour abuse – such as illegal terminations – and amplified labour inequalities already at work across labour regimes, epitomized by specific trends in industrial relations. Hence, the best policies to minimize the impact of the pandemic on garment workers remain those aimed at reducing the great structural power imbalances between employers and workers in the sector and at holding the latter accountable for their labour practices. It is unclear if the new codes will succeed in doing so.

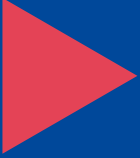
Overall, this study speaks directly to the ILO's efforts towards achieving the Decent Work Agenda and implementing the Work in Freedom programme. First, it shows how the historical hurdles against decent work in each location of the Indian garment industry still pose considerable challenges to contemporary forms of workers' industrial action. Second, it highlights the intimate link between specific patterns of labour abuse at work in each hub and the predominant focus of industrial disputes. Third, it highlights the link between the historical evolution of labour relations and the form and mechanisms that the process of filing and fighting industrial disputes takes. Finally, it unveils the limitations of the current industrial dispute framework – in India and elsewhere – in its compartmentalization of key issues around gender and other forms of discrimination as lying outside the scope of industrial relations legislation. The exclusion of sexual harassment from the remit of industrial relations – while it represents a key share of overall grievances filed in places such as Bengaluru – is a case in point. How can industrial relations frameworks systematically challenge social forms of discrimination? This remains one of the open questions emerging from our study.

The study is organised in nine sections, including this introduction. Section 2 introduces the diversity of India's labour regimes in the garment industry along with reflecting on the massive

¹ In 2020, the Indian Parliament enacted 4 labour codes: the Industrial Relations Code, 2020; the Code on Social Security, 2020; the Code on Occupational Safety, Health, and Working Conditions, 2020; and the Code on Wages, 2020.

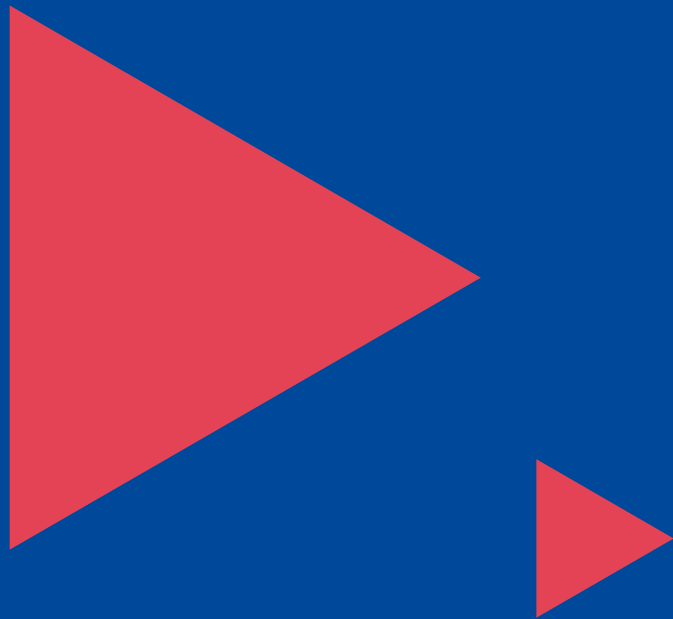
impact of COVID-19 on the industry and its workers. Sections 3 to 5 explore the labour regimes in each of the locations studied here: Gurugram, Bengaluru and Tiruppur. Section 6 analyses the patterns of disputes emerging from the project and explores their significance in the context of regional labour regimes. Section 7 reflects on the social life of industrial disputes and the legal processes that shape

it, highlighting the different nodes of the legal supply chain, the hurdles workers and unions face in the process of filing grievances, and the likely impact of the new labour codes on these. Section 8 explores the features of the COVID-19-based industrial disputes captured by the study more in depth, and section 9 concludes this analysis, highlighting its implications.



2

Production and labour regimes in India's garment industry in the age of COVID-19



The COVID-19 pandemic has amplified all the stark socio-economic inequalities characterizing the global world of production and work. The pandemic has disrupted many supply chains across the world and generated a wave of unemployment that the ILO (2021a), estimated at 255 million full-time equivalent jobs (FTE) in 2020. The global garment supply chain (GGSC) has been particularly badly hit, with revenues contracting by 20–30 per cent in 2020 (ILO 2020). As demand collapsed across the world, and retailers shut their doors due to lockdowns, many global buyers cancelled their orders with local suppliers, who, in turn, stopped their assembly lines and, in many cases, closed down their factories (Tejani and Fukuda-Parr 2021a, 2021b). The impact on workers has been significant as many were sent home without their monthly wages. Lay-offs, wage cuts and/or retention were reported in Cambodia, India, Indonesia, Myanmar, Pakistan, Sri Lanka (AWFA 2020a, 2020b), Bangladesh (Anner 2020a, 2022), India (Hansen et al. 2021), and Jordan (ILO 2020, 2022a).

Over the course of 2020, production eventually picked up again, but suppliers were offered far more unfavourable conditions. Evidence from Bangladesh suggests suppliers accepted orders at a lower unit price, which had obvious repercussions on wages (Anner 2020b). The progressive reconstitution of the GGSC also took place thanks to the reorganization of many garment factories as manufacturers of personal protective equipment (PPE). China, already a leader in the sector, scaled up its global production further. By February 2020, the country was producing 116 million masks per day (Mezzadri and Ruwanpura 2020; Gereffi 2021). Malaysia scaled up further its production of rubber gloves, cementing its position as global leader in this segment of PPE clothing accessories. Notably, in both China and

Malaysia, the exponential rise of PPE production, supported by the reconversion of many regional garment factories, took place in tandem with a rise in reports of potentially abusive labour practices (OHCHR 2020).

Throughout 2020, the pandemic also severely affected India's garment industry due to cancelled orders and the initial sudden national lockdown called in March 2020. The business crisis that garment companies found themselves in quickly turned into a crisis for labour. Following the announcement of the lockdown, employers across India – and not only garment companies – did not respect the government directives of retaining employment and pay². This was made possible by India's own legal framework, which empowers employers. For instance, the Industrial Disputes Act, 1947 (whose genesis lies in Rule 81A of the Defence of India Rules 1942 under British colonial rule), gives employers significant powers over the labour force. During the pandemic, this imbalance was magnified, and the impact on India's vast army of informalized workers was massive (Samaddar 2020; Srivastava 2020; Kannan 2020; Kesar et al. 2021).³

A survey by the Centre for Equity Studies (2020) focusing on 1,405 workers who reached out for food support in north India highlighted that about 94 per cent of them had not received any pay 45 days into the lockdown (Miyamura 2020). After this initial contraction of production and employment, in some cases, like in Bengaluru, the impact of COVID-19 on businesses was partially mitigated by the leading garment companies' ability to reorganize operations and convert them to PPE production. Indeed, in 2020, Bengaluru quickly led India in becoming the second giant manufacturer of PPE in Asia. By May 2020, India was manufacturing 450,000 PPE suits a day, reaching 2 million units in the summer. Bengaluru accounted for 50 per cent of India's

2 In response to the pandemic, the Indian government invoked special provisions of the Disaster Management Act, 2005 (DMA) to order a 21-day nationwide lockdown, commencing on March 25, 2020.

To counter the negative impact on India's labour force, the order included strict directives for employers. It prohibited employers from terminating any employees or contract labour during the lockdown, except for disciplinary reasons. It also barred employers from reducing employees' wages and included directives on paid and sick leave and medical checks.

3 The Industrial Disputes Act was intended as a measure to control labour and industrial unrest to ensure uninterrupted production during the Second World War (Saini 2014). While the legal framework is premised on principles of compulsory adjudication and recognizes the enormous powers of intervention of the state (for instance, on matters like strike and/or lockouts), it has also been weak on collective bargaining mechanisms. Also, the Trade Union Act, 1926, has no provision for the recognition of trade unions and places no obligation on employers to engage or bargain with trade unions in their establishments (Sankaran, 2007). The absence of clear provisions on the recognition of trade unions as collective bargaining agents in India is considered an important feature of India's industrial relations (Saini 1993; Singh 2000; Sengupta and Sett 2006; Saini 2007). Until the amendment of 2010, labour was prohibited from seeking independent and direct access to courts and tribunals even in the case of rights' violation (Sankaran, 2007). This explains the tense climate which has characterised India's industrial history.

PPE kits, while production also rose significantly in Tiruppur (Swamy 2020). By the mid-2020, over 600 Indian companies were now lab-certified for manufacturing PPE, including top garment and textile exporters such as Alok Industries, JCT Phagwara, Gokaldas Exports and Aditya Birla (Mezzadri and Ruwanpura 2020).

However, even this partial turn to PPE in India has hardly offset the impact of the pandemic on garment workers, whose vulnerability and exposure to risk has been amplified by the existing structure of production and dominant labour practices. Here, COVID-19

showed its effects in the context of the extreme fragmentation and localization of the industry, which historically is composed of multiple industrial clusters scattered across the subcontinent.

The Apparel Export Promotion Council (AEPC), the public body which used to allocate garment export quotas during the Multi Fibre Agreement (MFA),⁴ and which still has key roles of export promotion, marketing and business support for India's garment sector, identifies the main 19 garment producing hubs of India (AEPC 2009) based on export and domestic turnover.

► **Table 1. Turnover of garment producing hubs in India (2009)**

Cluster	Turnover in (Rs. Crore)			Share of E in T (%)	Employment
	Domestic turnover	Export turnover (E)	Total turnover (T)		
Main clusters (12)					
Tiruppur	3 500	9 950	13 450	74	600 000
Kolkata	11 200	1 000	12 200	8	604 700
Ludhiana	5 600	1 400	7 000	20	350 000
Gurugram	750	4 250	5 000	85	99 500
Bengaluru	1 000	4 000	5 000	80	450 000
Noida	1 000	3 500	4 500	78	n/a
Chennai	500	2 000	2 500	80	240 000
Mumbai	1 260	840	2 100	40	667 500
Indore	1 140	60	1 200	5	100 000
Okhla	120	680	800	85	100 000
Jaipur	50	650	700	93	100 000
Bellary	250	25	275	9	30 000
Total main 12 clusters	26 370	28 355	54 725	52	3 341 700
Smaller clusters (7)					
Kanpur	2 425	75	2 500	3	20 000
Ahmedabad	1 425	75	1 500	5	20 000
Erode	850	300	1 150	26	3 500
Nagpur	580	20	600	3	3 000
Salem	180	220	400	55	12 000
Jabalpur	300	0	300	0	30 000
Madurai	125	50	175	29	4 800
Total smaller clusters	5 885	740	6 625	11	93 300

Source: Authors' adaptation of tables 4.4 (1 & 2) (AEPC 2009: 13-14).

Note: This is the last AEPC cluster-based data available.

⁴ The MFA is the multilateral agreement that regulated the sector between 1974 and 2005, which distributed and monitored garment export quotas across producing countries.

The main export hubs are the National Capital Region (NCR), which includes Delhi (Okhla), Gurugram, Noida and Faridabad; Ludhiana; Kolkata; Jaipur; Mumbai; Bengaluru; Chennai; and Tiruppur (Mezzadri 2017). Indore and Bellary are now also listed among the main 12 clusters, thanks to their domestic turnover. In fact, with the rise of domestic production, several 'minor' clusters are growing across India (Mezzadri and Srivastava 2015). Gurugram, Bengaluru and Tiruppur are those with a highest export turnover (see table 1).

Notably, since the end of the MFA, aggregated data on garment export and labour has been collected by the Ministry of Textiles. The Ministry estimated at 12.3 million the number of overall workers in 2016 (MoT, 2018). This is three times as high as what the AEPC reported as employment across cluster by 2009. Indeed, the sector is continuing to expand in terms of employment generation. The MoT also provides aggregated data in terms of units, number of machines, production, and value, effectively treating clusters as one integrated industrial set-up (see table 2).

Yet, the organization of production and the labour process still varies considerably across

clusters, being based on regional product specialization in different typologies of apparel products. The north of India, including the NCR and Jaipur, specializes in womenswear; Ludhiana in winterwear; the southern hubs of Chennai and Bengaluru in menswear and outerwear; Tiruppur in cotton knitwear; and Kolkata in workwear and kidswear (Mezzadri 2017). Specialization also characterises domestic clusters, with Bellary, for instance, being labelled the jeans' town of India. The remarkable regional specialization of the Indian garment industry is accompanied by very distinct regional labour regimes. All garment workers across India are subject to processes of labour informalization (Mezzadri 2017), given the dominant role informality plays in structuring *all* work relations (Kesar et al 2021). Yet, these processes have manifested along varied local trajectories, presenting different challenges to the application of labour standards (Mezzadri 2012, 2022; Anner 2019).

Given its industrial flexibility and its organization in complex supply chains, the garment sector has broadly managed to absorb business shocks for larger employers, whilst passing risks and costs onto smaller workshops and workers'. This is why it has been suggested that the sector works through a variety of 'reverse subsidies'

► **Table 2. Indian market sizing for apparel manufacturing (2018)**

Approximate number of factories	1 00 000		
Number of machines	225	40	
% break up	Larger units (30%)		Smaller units (70%)
	30 000		70 000
Total number of machines	67 50 000	28 00 000	
Utilization	70%	65%	
Number of machines at above utilization	47 25 000	18 20 000	
Pieces produced per machine per day	10	6	Total
Number of pieces per day	4 72 50 000	1 09 20 000	5 81 70 000
Million pieces produced annually	14 175	3 276	17 451
	Export	Domestic	Total
Total garment value (US\$)	17 13 11 91 000	45 00 00 00 000	62 13 11 91 000
Average value/garment (in US\$)	\$4,50	\$3,25	
Million pieces produced annually	3 807	13 846	17 653

Source: MoT (2018: 24)

(Nathan et al 2022).⁵ In fact, in other periods of significant contractions of world demand as well, like in the case of the 2008 financial crisis and after the end of the MFA in 2005 – as now during COVID-19 – large employers managed to gain ground and further consolidate their presence in the sector at the expense of subcontractors, medium-sized companies, and indeed workers. The management of all these crises has always triggered waves of labour retrenchment, both in the factory and non-factory (or home-based) sectors connected to the supply chain (Mezzadri and Srivastava 2015).

The well-recognized exposure of Indian garment workers to multiple forms of employment precarity and the informalized 'adverse' nature of their incorporation into the GGSC (Mezzadri 2008; Phillips, 2013) explain the relatively low levels of workers' mobilization. Yet, moments of industrial tensions can be identified in the dominant clusters of the NCR, Bengaluru (Krishnan 2018; Kumar 2015), Tiruppur (Chari 2004), and Chennai (Dutta 2021). An understanding of these moments of mobilization is very important in an industry characterized by significant degrees of labour precarity. It is often through these mobilizations that the process of 'becoming workers' takes place (Dutta, 2021).

However, even beyond larger mobilizations, evidence suggests that workers do systematically engage in "acts of resilience"⁶ (Katz 2004), despite the great pressure they are under. These may involve assembly line sabotage, slowing down production or a break in service, among other practices. Employers' strategies to minimize the impact of these disruptions rely significantly on labour migration and mobility. A steady flow of internal migrant workers – which represent the largest proportion of labour in the industry (Mezzadri and Srivastava 2015) – can always replace non-compliant labour.

In fact, there is often a continuum of expressions of agency that stretches between collective acts of resistance expressed through visible mobilizations and individual acts of resilience. The location of workers' resistance along this continuum may vary also based on the positioning on the employment ladder of the local supply chain (Carswell and DeNeve 2013

on Tiruppur). The analysis of this continuum is crucial in understanding the ways in which workers may articulate their demands and draw their own social history of industrial relations in the sector.

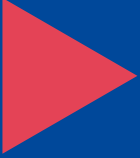
Within this continuum the role that individual or collective disputes filed by workers or their representatives on their behalf may play is entirely unexplored. Yet, it is crucial in understanding the different forms of "claim making" at work in labour-intensive sectors (Kabeer 2018, on women's labour), whose workers otherwise risk being over-represented as passive victims in need of "saving" (Siddiqi 2009) rather than active agents demanding improved labour standards.

Before we present evidence of this labour-centred history of industrial relations and explore the varied trajectories of industrial disputes filed by workers and unions – as well as the institutional and legal hurdles the process entails – we start by analysing the evolution of industrial relations in the sector and the complex social history of their industrial and labour regimes. The historical as well as empirical analysis presented in this paper focuses on the three major garment export clusters' hubs in India as identified in table 1: Gurugram in the NCR, Bengaluru and Tiruppur. The political economy analysis we present is based on our long-term engagement with the sector as scholars and labour right advocates. The original empirical evidence, instead, is based on the study of 25 disputes filed by workers in each cluster hub, which have been collected in the context of the ILO-sponsored READ project 'Industrial Relations in India's Export Garment Industry: Mobilisations & Employment Law Cases from Bengaluru, Gurugram, Tirupur' where the authors acted as lead technical advisor and project coordinator respectively. The full characterization and discussion of the cases and the rationale behind their sampling and collection is explored in three detailed fieldwork cluster reports (Basu et al. 2022; Seshadri et al. 2022; and Shyamala et al. 2022).

Here, we start our historical analysis of industrial relations and labour regime in Gurugram, in the NCR.

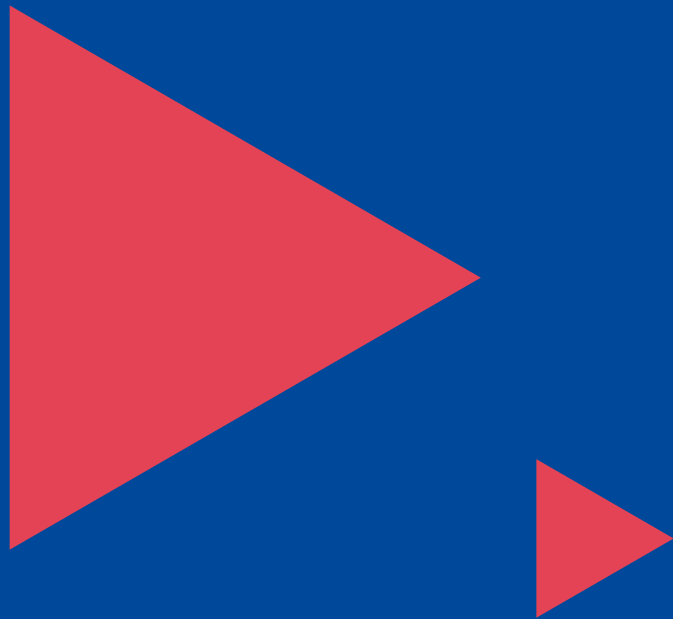
5 'Reverse subsidies' in the sector mean that workers subsidize the industry, socializing costs which should instead be borne by employers.

6 Resilience is a term largely used to indicate workers' tactics at resisting the labour process and which do not involve collective resistance.



3

Industrial fragmentation and labour circulations in the NCR: Gurugram



Gurugram, formerly called Gurgaon, an area in the state of Haryana that borders Delhi, is a core part of the Delhi metropolitan industrial conglomerate known as the National Capital Region (NCR). Its rise as a key export hub within the NCR is tightly linked to the evolution and the transformations that local garment production went through, which are quite intriguing and articulate across precolonial, colonial and postcolonial eras. Tailoring was widespread in the region since Mughal times, when Shahjahnabad, now Old Delhi, was a renowned craft centre hosting the *karkhane* (workshops) of many skilled Muslim artisans, clustering around *mohallas* (neighbourhoods) inside the walled city (Blake 1993).

Production started organizing around market-based channels of distribution during the British Raj, supported by the expensive taste of the British colonizers (Roy 1999, 2013; Riello and Roy 2010; Riello and Parthasarathi 2010). After independence, the boom of the hippie culture continued sustaining the industry and led to the formation of the first small modern industrial units in the 1960s and 1970s, focused on export (Singh and Kaur Sapra 2004). Exports started peaking in the 1980s due to the rise in manufacturing costs in the newly industrialized countries (NICs), which were the first global production outpost of the GGSC in developing regions (Mezzadri 2017; Hammer 2022). Units in Delhi benefited considerably from the quota allocation under the MFA, originally attributed based on past performance and first-come-first served principles, which empowered small merchants with networks abroad (Mezzadri 2010).

During the early export phase of the 1980s, when India entered the GGSC, the main production centre was in Okhla, a low-rent commercial neighbourhood turned industrial area (Lal 2004). Situated near overcrowded urban residential settlements, the site could not support the expansion of the industry as exports peaked. The pollution generated by local garment factories soon reached unacceptable levels – in fact, it remains an issue (AniNews 2022) – and the industry needed to find new sites. Companies maintained headquarters in Okhla but relocated their main industrial units to the areas of Delhi bordering Haryana and Uttar Pradesh. It is with this move that production reached Noida, Greater Noida (in UP), and Gurugram, and Faridabad (in Haryana). The industrial relocation

also worked well from the point of view of containing labour unrest documented in the early developments of the industry (Lal 2004).

This historical and spatial complexity of the NCR industrial landscape has gone hand in hand with the presence of numerous different operators. There are varied typologies of companies at work: large buying houses engaged in garment and other exports/business; medium/small buying houses only focusing on garments and clothing accessories; buying houses-cum-manufacturers; single traders; large manufacturer-exporters only engaged in exports; medium manufacturer-exporters-cum-domestic-manufacturers; small domestic manufacturers linked to domestic retailers; and numerous layers of intermediaries in the domestic market (see their differences in detail in Mezzadri and Srivastava 2015).

Connections between the various segments of the NCR, and between these different operators, are very common. Many companies own industrial units across the different locations, work through different operators, and benefit from economies of scale and scope, and from differentials in wages between the states of Delhi, Haryana and Uttar Pradesh. On the other hand, buyers' orders vary substantially. Some involve larger volumes and are more predictable, while others focus on smaller volumes and are far more volatile, involving numerous style changes. By owning multiple units of different sizes across the NCR, companies can optimize their manufacturing capacity, organize production based on buyers, and/or utilize a single plant for multiple orders by segmenting the production space. For this reason, it is difficult to identify entirely different industrial structures across the echelons of the NCR.

Moreover, single industrial units can be classified as tier 1, tier 2 and tier 3, based on their size and direct access to buyers. Larger tier 1 units have direct access; tier-2 units are medium-sized and they may or may not have direct access as they may be subsidiaries or other tier 1 units of the same company or of other companies; and tier 3 units, which are small, generally work as subcontractors and/or for the domestic market. With the rise of domestic production, many units engage in both the export and the domestic markets (AEPC 2009; Mezzadri and Srivastava 2015). Different buyers may have a different understanding of the role and features of the

different tiers, making universal classifications even trickier.⁷

Yet, based on what we know from multiple surveys and studies conducted (Mezzadri 2008; Mezzadri and Srivastava 2015; Mezzadri 2017; Sehgal and Lahiri 2021), Gurugram and Faridabad host some of the largest units. This is also since some of the largest exporters in the NCR, like Orient Craft and Shahi (the latter is also present in Bengaluru, see Mani et al. 2018), have their largest manufacturing capacity in these areas.

Gurugram's industrial significance is connected to the end of the MFA. The hub grew exponentially in the 1990s and early 2000s (Sehgal 2018). While it initially consisted of a small cluster of factories in and around Udyog Vihar near the Delhi border, now it stretches to IMT Manesar, located on the highway to Jaipur, and the city of Gurugram in Khandsa and Behrampur (Basu et al. 2022). If mapping all the units in the NCR is challenging, so is mapping the number of units in each hub of the NCR. For Gurugram, the Centre for Education and Communication (CEC) reported 227–279 units in 2006 (Manicandan et al. 2006). By 2009, the AEPC set the number at 675, subdivided into 600 export units and 75 domestic ones (AEPC 2009). Notably, despite the presence of larger units in Gurugram, small and medium enterprises (SMEs) still make up 70 per cent of the industrial fabric (Basu et al. 2022).

In Gurugram, the garment manufacturing units are concentrated in Udyog Vihar near the Delhi border, with small/medium-sized factories employing 200–250 workers; around Khandsa Road at mid-point of the national highway going from Delhi to Jaipur with similar-sized factories; and in the Industrial Model Township of Manesar (IMT-Manesar) where factory sizes are larger employing a couple thousands of workers (Sehgal and Lahiri 2021). Both time-rated and piece-rated work regimes are deployed by employers. The group system of production of the early days has given way to semi-assembly and assembly line production under the guidance or pressure of global brands, and due to the introduction of design technology (CAD/CAM) in pattern making, cutting, and embroidery.

The fragmented spatiality of the NCR, and of Gurugram within it, reinforces and is reinforced

by patterns of product specialization targeting womenswear production. In this type of production, product cycles are more complex and ancillary activities more numerous. Embellishment networks involve significant numbers of homeworkers. While these may not be in Gurugram – where larger factories have now incorporated all operations in-house – they may instead be either spread across other locations of the NCR, or indeed in villages in and around the NCR, with Sikandrabad being a rising centre for embroidery. More distant districts and villages, for instance in and around Bareilly, have also been incorporated into the NCR supply chain for a long time (Mezzadri 2008; Unni and Scaria 2009; Mezzadri 2017). Moreover, even when ancillary work is not required, womenswear always entails more fragmented product cycles, which are linked to the rising number of styles sourced by global buyers who embrace the fast fashion model.

The exponential rise and change in demand for new styles has further escalated with the entry of online retailers into the market. For instance, by 2020, Bohoo, an online buyer who had made news in the UK several times for its cheap prices and endless designs, was uploading 116 new designs *per day* on their retailing platform, a business model which is also under attack for its enormous environmental costs (O'Neill 2020). This massive rotation in design – a model first mastered by Zara among others – reproduces the fragmentation of the industrial fabric as it makes the consolidation of manufacturing production, under one single industrial 'roof' or factory, economically inconvenient. In short: the industrial history of the NCR, and of Gurugram within it, have led to spatially composite product cycles, whose fragmentation has been further magnified by product specialization, generating a productivity model based on short cycles intimately connected with the fast fashion trends dominating global consumer taste. This type of productivity model cannot be good for workers, and the history of industrial relations in the sector confirms this.

The productivity model prevalent in the NCR and Gurugram lends itself to fragmented and precarious labour relations, which, in fact, dominate. Surveys of labour relations and

⁷ Indeed, regulatory interventions targeting the industry, including on labour standards, should consider this lack of clarity over classification.

working conditions in the NCR in the last two decades repeatedly confirm that the local workforce is mainly composed of precarious workers, who are generally migrants from other Indian states. Until a decade ago, most migrants were from the Hindi belt, mostly from Uttar Pradesh and Bihar. Subsequent surveys have captured some variation and an expansion of the catchment area of the industry to include migrants from Odisha, West Bengal and Jharkhand (Mezzadri and Srivastava 2015). This migratory labour force has always been mostly composed of male migrants, and the industry's deployment of women has remained relatively low – reported as between 14–25 per cent – compared to other centres (Mezzadri 2017; Mezzadri and Srivastava 2015; Prasad 2018; Fair Wear Foundation 2019).

Of the 65 tasks identified in a garment factory, women workers were employed in only 3 – thread cutting, hand work and tailor/operators, with women dominating the first two departments and forming under 25 per cent of the production department as tailors/operators (Sehgal and Lahiri 2021). Yet, there has been a marginal increase of women workers in the larger units in Gurugram over the last decade (Sehgal 2018). In recent years, this is also aided by the central government's National Skill Development Mission to 'upskill' rural women and place them in industrial units. Several garment factories in Gurugram have been part of the Deen Dayal Upadhyaya Grameen Kaushalya Yojana (DDU-GKY)⁸ scheme to train and place young, rural women from Bihar and Jharkhand in garment factories (Basu et al. 2022). In addition, due to this masculine outlook of the industry, women workers routinely report cases of sexualized recruitment and sexual harassment at the workplace (Sehgal and Lahiri 2021). Overall, surveys suggest that over 80 per cent of all workers may be migrant workers from peri-urban and rural areas. Most workers belong to general or other backward castes (GCs and OBCs), whilst Dalits may be entering the industry in ancillary activities like embroidery, which is already dominated by low-caste Muslim communities like the Ansaris.

Migrant workers shape different processes of labour circulation in the industry in the NCR. They engage in circular migration and return home every year, either due to the lean season, during family emergencies, or for festivals and harvests. However, even those staying on in the NCR circulate across units, hence engaging in 'industrial circulation' (Mezzadri 2017). A break in service, either due to hire-and-fire practices or moving to different units (sometimes within the same company) is very common in the NCR. A third act of circulation is that through which workers leave factories for good by the time they are 30–35 years old (Mezzadri and Majumder 2020; Mezzadri and Banerjee 2021).

Migrant workers are mostly recruited, managed and controlled through labour contractors, and this is based on contracting networks that may start from workers' village of origins or form in industrial areas. In fact, evidence suggests that even when workers approach factories directly, they may be 'assigned' a contractor, a practice which blurs the distinction between contract and directly recruited labour (Srivastava 2015; ILO 2017). Contracting practices – also on the rise in other organized manufacturing sectors (Srivastava 2016) – cements the dominance of 'triangle employment relations' in the industry, with workers hardly knowing their actual employer and de facto responding to multiple ones (Lerche et al 2018).

Multiple labour intermediaries also shape labour control in the non-factory sectors of ancillary activities like embroidery. In this case, evidence suggests that labour control occurs also based on advances, entrenching debt – and hence labour unfreedom – into employment relations (on this, see Mezzadri 2016, 2022). Today, kinship-based recruitment interplays with recruitment from training centres. It enables employment while shaping complex systems of labour control and discipline, integrating various vulnerabilities of workers (gender, migrant and landless status; ethnic and religious identity; gateway to employment; labour precarity) and hindering workers' ability to raise their voices, articulate grievances, file complaints and disputes (Sehgal & Lahiri 2021).

8 Deen Dayal Upadhyay – Grameen Kaushalya Yojna is a part of the National Rural Livelihood Mission (NRLM) and is tasked with the dual objectives of adding diversity to the incomes of rural poor families and cater to the career aspirations of rural youth. For more information see <http://ddugky.gov.in/>.

The high fragmentation of the labour regime, shaping and reinforcing the main regional productivity model, lends itself to tense industrial relations. This has particularly been the case in the Gurugram-Manesar industrial belt, an area which also experienced industrial tensions in capital-intensive sectors like automotives (Sehgal 2018; Monaco 2015; Barnes et al. 2015; Barnes 2018). In the last decade, despite the low levels of unionization – in Gurugram and in the NCR more broadly – garment workers have staged protests, generally in connection to triggering events involving violence.

In March 2012, workers protested in support of a co-worker being stabbed by a contractor; in March 2013, workers at an Orient Craft plant protested about the death of a worker on factory premises; in February 2015, workers employed by a factory of the Richa Group staged a protest about the death of a fellow worker. Orient Craft workers protested again in June 2015 following the electrocution of four co-workers in one factory (Yadav 2012; Sanhati 2014; Choudhury and Jose 2015; Yadav 2015 in Basu et al. 2022; Sehgal 2018). Collective mobilizations are generally spontaneous, rarely leading to sustained industrial action, unlike in other sectors. Yet, they are symptomatic of the malaise affecting a sector unable to offer decent work (Sehgal 2018) and where multiple unfree labour relations are at work. Haryana's longstanding history of industrial violence, going back to the clashes in the Faridabad-Ballabgarh belt in the 1970s (Basu et al. 2022) contributes to reinforcing unfree labour practices. It reinforces despotic industrial relations (Sehgal 2015), with legitimate industrial grievances routinely turning into law and order issues and workers facing criminal charges. The denial of union registration and/or unfair dismissals – both practices increased during COVID-19 (Business and Human Rights Resource Centre, BHRRC, 2020) – also contribute to further reinforcing labour unfreedom.

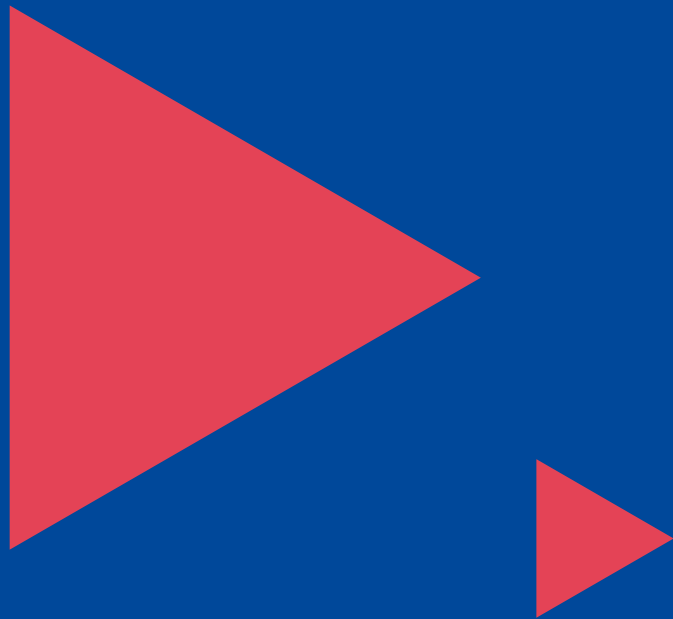
If mobilizations are neither necessarily widespread nor sustained, labour abuse is. It is structural, and it manifests in ways that are consistent with a dominant labour regime based on a precarious and informalized migrant labour force circulating across rural and urban areas and across units inside industrial areas. In Gurugram, the main abuses reported by workers involve illegal unilateral termination of employment, such as termination without due process (Basu et al. 2022), not paying minimum wages (reported by 70 per cent of workers, (Fair Wear Foundation 2019)); wage theft (withholding wages or overtime payments); non-payment of overtime wages (which should be paid at double rate, and they never are in Gurugram and in the NCR more broadly); and high occupational health and safety risk (as indicted by the large number of incidents between 2011–2019 (Jha 2018 and *Wire* 2018 in Basu et al. 2022)).

All these patterns of labour abuse are enabled by the extreme fragmentation and precarious nature of employment relations, and they are not necessarily challenged by what is a largely migratory labour force. Indeed, the type of working poverty and the problematic working conditions in the sector in Gurugram are intimately connected with the type of labour regimes and productivity models that are regionally dominant and are based on circulating migrant labour at work on short, fast and ever-changing product cycles. The high mobility of workers across the whole hub undermines labour freedom at its core – not only where debt relations are identified – by de facto preventing substantial freedom of association. Notably, regional labour regimes and productivity models shape distinct forms of labour control and working conditions – and their link to unfreedom – across all clusters. We now move the attention to the Bengaluru export hub.



▶ 4

Industrial relations and multiple waves of labour feminization: Bengaluru



Bengaluru is a much 'younger' production node of the GGSC than the NCR. Like Gurugram, it rose to prominence in the 1990s, much later than other hubs in the NCR, or other key centres, like Mumbai or Kolkata. Large urban conglomerates had an initial advantage in export, given that quota allocation took place in ways that benefited operators who were already in business and had networks abroad – merchants. In the early export period, manufacturing capacity was not particularly relevant in obtaining quotas. On the other hand, the garment sector was reserved for SMEs, reinforcing industrial fragmentation and the power of established traders. In the 1990s, however, a third principle of quota allocation was introduced alongside the established two (first come first served and past performance): the new investment entitlement. This new principle attributed quotas based on manufacturing capacity for the first time. Bengaluru, situated in proximity of several textile production centres and home to several renowned textile trading families, entered export thanks to investment in new production units (Lessinger 2000; Mezzadri 2010, 2012). Since 2009, due to rising property prices, the industry has been relocating to the rural suburbs, higher urban wages and the presence of garment unions in Bengaluru (Seshadri et al. 2022). In addition, a lack of employment opportunities in the rural areas provides employers with new pools of vulnerable cheap workers.

This rather different trajectory from the NCR gave the garment hub a slightly different outlook from the start. Small and medium operators were still at work, but production was generally more consolidated and factories slightly larger. Since then, product specialization has focused on basic and outerwear production, that is, on items which are less heavily embellished than is the case for womenswear in north India (Ambekar Institute of Labour Studies 2005). Since the introduction of the New Textile Policy in 2000, which de-reserved the sector and allowed larger firms to step in, and the end of the MFA, several sizeable textile domestic manufacturers – such as Arvind Mills and Raymond among others – have opened garmenting units in Bengaluru (Kalhan, 2008). Overall, Bengaluru worked on a very different niche of the market, one which was arguably more in line with the type of cut-and-stitch centres elsewhere in South Asia. This industrial trajectory produces lower levels of contracting and a more compact

organization of production activities inside factories. Indeed, while one can spot different types of organization of production and the labour process inside factories and workshops in the NCR – ranging from make-through (one tailor stitching the whole garment) to group systems (several tailors working in groups) or semi-assembly (a flexible form of assembly line which allows for items to leave and re-enter the shopfloor quickly after ancillary activities) – in Bengaluru, assembly lines generally dominate production (Mezzadri 2017; Jenkins and Blyton 2017; Mezzadri and Majumder 2020). As production is more streamlined, in-house and organized in batches of assembly lines, the spatial organization of the garment export is also more concentrated across key industrial areas like Peenya, Yeswantpur, Mysore Road, Hosur Road, Boomasandra, Bommanahalli, Whitefield and Mysore Road (RoyChowdhury 2005; Cividep and SOMO 2009). According to the AEPC, there were 600 units in Bengaluru by 2009, employing 450,000 workers (table 1). However, more recent studies (RoyChowdhury 2018) suggest there may be more than 1,500 units, employing more than 500,000 people, over 85 per cent of whom are women and mainly working at the shop-floor level (Seshadri et al., 2022).

Bengaluru's feminized labour regime appears far less fragmented and decomposed than in Gurugram. Labour control takes place primarily inside the factory, albeit obviously, the social identity of workers and their reproductive constraints, also play a key role in the type of labour practices enforced (Baglioni 2018; Baglioni and Mezzadri 2020). If in Gurugram and the NCR factory labour is primarily composed of male rural migrant workers engaged in different types of labour circulations, in Bengaluru, most of the workforce is composed of women workers. Caste dynamics are similar; also in this case, workers involved in stitching activities mainly come from GCs and OBCs communities. This has been the case since the 1990s. In fact, the process of the feminization of the industry started off in the 1970s and 1980s following a series of episodes of labour unrest led by male workers in the Lalbagh area. Gokaldas, which along with Shahi, is still to date the largest garment employer in Bengaluru, responded to this labour unrest by substituting male labour with women workers. Since then, employment in the sector has continuously increased and proceeded on a

feminized trajectory (Kalhan 2008; Sharma 2005; RoyChowdhury 2005, 2015, 2018, 2021).

The perception of women workers as a cheaper and more docile workforce was central to this shift in the gendered labour regime, a process which is also documented by feminist scholars mapping feminization elsewhere (e.g. Salzinger, 2003; Pun, 2005; Wright, 2006; on Mexico and/or China). The gendered nature of the factory system stretches patriarchal norms onto the shopfloor and entrenches them into labour control. Here, multiple 'capitalist patriarchs' (Kabeer 2000) – like supervisors and managers, who are generally all men – discipline 'factory daughters' (Wright 2006) also deploying the abusive practices characterizing India's 'stratified familialism' (Palriwala and Neetha 2011). Women report experiencing verbal abuse, sexual harassment (Lynmo 2010) and varied forms of humiliation, either for lack of compliance with managers' requests or even simply for missing their daily targets (Lyimo 2010; Sisters for Change and Munnade 2016). Notably in the case of Bengaluru, a feminized workforce is an ideal workforce to minimize the industrial risks and costs of a type of production which is mostly factory-based, and assembly-line made, a point which stresses once again the intimate link between product cycles, productivity models and labour regimes.

If feminized employment characterizes the export hub since the 1980s, it has gone through several significant qualitative shifts. Feminization has happened in waves; each wave cheapening labour, in the sense that it systematically recentred recruitment towards workers perceived as cheaper and easier to control on the shopfloor. The industry initially employed married women, considered reliable second earners. However, after these organised strikes in the mid 1990s demanding higher wages, employers' recruiting preferences shifted towards younger factory workers, many of whom either lived with family members in and around Bengaluru or could commute from nearby areas. They did not demand wage rises, and they generally only worked until they got married. Women workers used to commute from nearby locations, during these first two phases (RoyChowdhury 2005; Mezzadri 2017). In the last decade or so, the industry has scaled up their connections with labour contractors and started recruiting young women migrant workers from

northern and eastern states, where minimum wages are generally lower (Ruthven 2015).

Arguably, each wave of re-feminization followed episodes of labour resistance. In the 1990s, women workers mobilized in Bengaluru to protest their extremely low salaries compared to other garment export centres, a struggle documented in the local Centre of Indian Trade Unions CITU archives (Mezzadri 2017). Subsequently, women workers mobilized again in the 2000s, both to further increase their wages and against state-sanctioned changes in social contributions. The labour organizations and unions involved in these struggles were Cividep, the Global Labour Union (GLU), the Garment And Textile Workers Union (GATWU) (Jenkins 2013; Kumar 2014) and the Karnataka Garment Workers Unions (KGWU, known locally as KOOGU (Seshadri 2022)). Despite the presence of three unions, levels of unionization are low (Seshadri et.al. 2022).

In addition, in the case of Bengaluru, there is a clear link between the historical trajectory of the industry and its product specialization, the product cycle and productivity model and the correspondent dominant labour regime in place. This labour regime generates and engenders specific forms of labour unfreedom, which are primarily mediated by gender, given the key role it plays in shaping labour control and labour conditions in core factory activities, projecting women's disadvantage from the home to the factory (Mezzadri 2016b). This form of unfreedom, which can be called patriarchal unfreedom, manifests differently across distinct waves of feminization and in productive and reproductive settings that make up the factory system. Concrete examples include the high degree of surveillance and actual limits to personal freedom in hostels and dormitories and the rise of novel forms of workers' debt in the factory, which, in some cases, means advance salaries against future working hours, de facto becoming a 'time-bank' (Jenkins and Blyton 2017). Notably, these practices lead to debt bondage and in many instances may be considered akin to forced labour. Moreover, they also increasingly mainstream the social regulations and practices characteristic of the informal economy in both urban and agrarian systems (Harriss-White 2010), where relations of debt and employment are strongly intertwined (Breman 1996; Guerin et al. 2018) to formal domains of labour and work, gender and caste

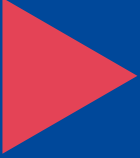
(Guerin and Kumar 2020).⁹ This also explains why women workers in Bengaluru leave the industry without savings to go back to informal occupations (Mezzadri and Majumder 2020).

In effect, even before these novel advance practices reached the factory floor, women workers in Bengaluru worked in chronic debt conditions, albeit in disguised forms. An analysis of workers' action against proposed state changes to social contributions in the 2000s enables us to support this statement. In 2016, workers mobilized against changes in the provident fund (PF) proposed by the Karnataka government. Changes included an increase of the minimum age to access the fund (from 55 to 57) and a far more complex and difficult procedure to access contributions. Over 100,000 workers immediately mobilized to protest the proposed changes (Seshadri et al. 2022). This is because the changes had a profound impact on their livelihoods. Due to the low wages earned in Bengaluru (over other states like West Bengal, Delhi, Haryana and Uttar Pradesh), women garment workers utilize the PF as a sort of wage subsidy; a cash deposit to face emergencies, large expenses and unforeseen situations (such

as accidents, weddings, ill health and so on). These workers live and work in a condition of structural debt as their take-home wage alone would not really allow fully for their social reproduction (Jenkins and Blyton 2017). They need PF to complement the wage during the employment relation, despite this not being the appropriate scope of the contribution. The proposed changes would have amplified their indebtedness, which explains the sudden nature of the mobilization. As soon as the *Vijaya Karnataka* newspaper published news of Central Government Ordinance on 16 April 2016, women workers took the street on 17–18 April (PUCL and WSS 2016).

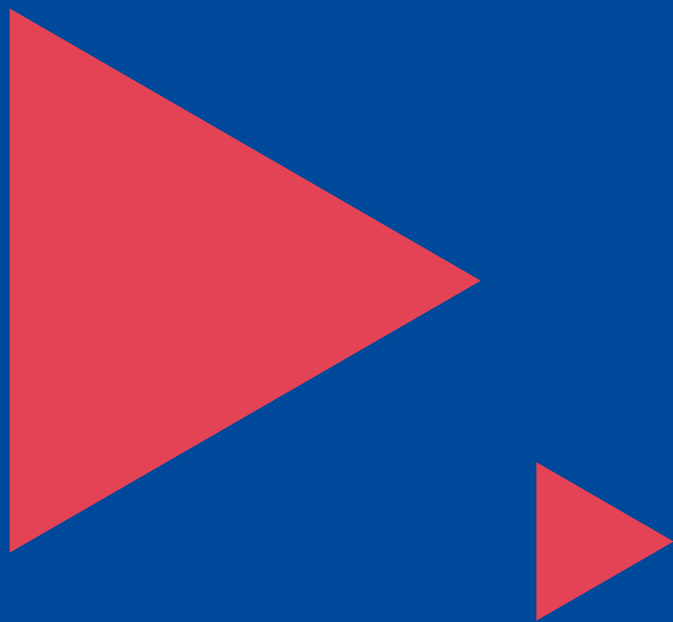
The central role played by social contributions in subsidizing the wage also emerges from the study of workers' complaints, which feature prominently wage disputes, non-payment of bonus, and violation of the statutory rights of gratuity, PF and Employee State Insurance (ESI). It also features sexual harassment prominently as we shall explore in the sections below (Seshadri et al. 2022). Before we do so, however, we now move our attention to Tiruppur.

9 The ILO considers the bonded labour as an indicator of forced labour. It should be noted that India has ratified both ILO conventions on forced labour including Forced Labour Convention, 1930 (No. 29) and the Abolition of Forced Labour, 1957 (No. 105). Further, Article 21 and 23 of the Constitution of India and the Bonded Labour (Abolition) Act, 1976, prohibit bonded labour in India.



5

Industrial clustering, caste solidarities and new labour mobilities in Tiruppur



Whilst the AEPC lists all garment hubs in India as clusters – in line with the Ministry for Micro, Small and Medium Enterprises (MoMSMEs), which maps over 350 industrial clusters and over 2,000 artisanal clusters in the subcontinent – the industrial fabric of these areas is remarkably different. The study of the historical economic trajectories explored in the previous sections, in relation to Gurugram and Bengaluru, already highlights several significant differences in the process of the formation and expansion of regional manufacturing areas. Arguably, it also underlines key differences between these areas and what is more commonly known as an industrial 'cluster' based on the experience of late industrializers among core economies, like Italy or Denmark among others. Industrial clusters are defined as manufacturing areas characterized by the density and proximity of SMEs, indigenous and informal forms of credit, and significant local networking and collective action. Historically, many of these areas rose thanks to the mobilization of economic surpluses from agriculture (Pyke et al. 1990), although clusters in the Global South show varied trajectories (Lund-Thomsen et al. 2016).

In the NCR, while Okhla would qualify as a cluster given the density and geographical proximity of informal SMEs, especially in its early development phases, Gurugram hardly fits the bill. Here, clustering seems secondary to the formation of the formal industrial areas generated by relocating units from Okhla. In Bengaluru too, while Lalbagh might have initially started off as an informal cluster of SMEs, subsequent industrial developments significantly changed the local industrial make-up of the garment industry and shifted it to more structured industrial areas. Indeed, the term 'industrial cluster' in India seems broader than the original definition and comprises a wide spectrum of industrial possibilities, ranging from more informal to more organized and structured industrial landscapes. If Bengaluru sits perhaps on the most organized segment of this spectrum, Tiruppur sits on the opposite – at least in terms of its origins and early evolution. In fact, it is considered by many as a textbook case of industrial clustering in the Global South (Cawthorne 1990; Vijayabaskar 2001; Chari 2004).

Known as the 'T-shirt town of India', Tiruppur started becoming a key industrial node focused on cotton knitwear production in the late 1980s.

Aspects of Tiruppur's rise to fame are heavily romanticized and locally narrated as some sort of legendary developments. All scholars who spent time in Tiruppur were told the story of Antonio Verona, an Italian trader who supposedly kicked off local export production, investing in the first export-oriented units (Chari 2004; Vijayabaskar 2001; Mezzadri 2017). From that moment onwards, exports peaked in the region, leading to the exponential expansion of production across and beyond the town and surrounding villages, attracting rising numbers of workers from all districts of Tamil Nadu, and neighbouring Kerala first, and now increasingly even workers from India's underemployed north and north-east.

However, even before Verona – or indeed, his legend – arrived in town, Tiruppur's industrial development was rather remarkable. The town benefited from its proximity to cotton-producing areas, like Coimbatore or Erode. Like Chennai – another smaller garment export centre – it benefited from the initial trade fortunes of the cotton fabric known as 'Madras Check', popular both in the colonial and post-colonial period (Mezzadri 2017). The first units were set up by merchants who came from Kolkata, which was then was the key cotton knitwear centre in India. However, soon production was taken over by a class of local informal entrepreneurs whose livelihoods originated in local agricultural systems. Unlike in the NCR and Bengaluru, where garment capital came from merchant castes, like the Marwaris and Sindhis, the rise of the garment industry in Tiruppur was led by Gounders, a local agricultural caste. Gounders supported other Gounders in getting into the business, and this set Tiruppur on the road of an industrial districts, characterized by an ever-growing number of small units, in a process of amoebic capitalism (Cawthorne 1999) led by 'fraternal capital' (Chari 2004). Soon, the whole town looked like a "decentralized factory" (Chari 2004; Carswell and DeNeve 2013), sustained by caste-based social capital (Vijayabaskar and Kalaiyarasan 2014).

The whole town is crossed by small and medium units, workshops and home-based establishments. Studies have reported that units often specialize in one specific segment of the production process, and the whole place really works as a unified, integrated industrial set-up (Chari 2004; Carswell and DeNeve 2013, Vijayabaskar and Kalaiyarasan 2014). However, the massive growth of the garment industry

has also meant a process of consolidation at the top, with larger companies setting-up integrated plants – with massive knitwear and garmenting divisions – in several industrial areas and industrial parks around the town. The first industrial park was the Netaji Industrial Park, opened in 2005 (Mezzadri 2017). In these new industrial areas, production capacity is significant, and so it adds a Fordist layer to the vast Postfordist landscape drawn by the cluster (DeNeve, 2014).

Garmenting activities – stitching in particular – has gone through this process of consolidation, following the relocation of production of many garment companies from other export centres like Mumbai to Tiruppur (Mezzadri 2014, 2017). This consolidation has also responded to the need to ensure factory compliance with international labour standards and Corporate social responsibility norms (De Neve 2014). The spread of the ‘Tiruppur effect’ to nearby towns and villages (Heyer 2013) is expanding the walls of Tiruppur’s ‘decentralized factory’, which now include Pollachi in the Coimbatore district and the towns of Udumalpet and Palladam in the Tiruppur district. Manufacturers also set up new factories also in Kumbakonam and Palani in the Thanjavur and Dindigul districts respectively and in the Thiruvavur district (Shyamala et al. 2022).

Notably, the fragmentation of the industrial trajectory, and its wide and decentralized spatial coverage, sits well with Tiruppur’s regional product specialization in cotton knitwear products. T-shirts, central to the town’s specialization, can be produced with decentralized product cycles and through the composite division of labour that characterizes local clustering. The organization of production in larger units focusing on stitching and garmenting activities, located in industrial areas, may instead adopt assembly line production as it is generally the case for basic products that do not require significant amounts of ancillary tasks. Arguably, this dual development in Tiruppur’s industrial structure can also be mapped onto the evolution of its labour regime. Small and medium clustering units across town have always been characterized mostly by male workers, particularly those focusing on knitting, and to an extent stitching. However, units focusing

on checking or packing could easily involve the whole working family (Chari 2004; Vijayabaskar and Kalaiyarasan 2014). Here, the number of women workers is far higher than in Gurugram and yet lower than in Bengaluru. In the larger garment units around industrial areas, rates of feminization of labour are higher (Arnold 2021).

Initially, labour mobility in the cluster mainly involved workers from nearby areas and districts, but with the export boom, workers now arrive in Tiruppur from more remote locations in Tamil Nadu, Kerala, the north and the north-east of India as well. Inter-state migration is mostly from Uttar Pradesh, Bihar and Jharkhand, and migrants are mostly recruited and employed as contract workers. By 2009, 40 per cent of Tiruppur’s garment workforce comprised contract workers (Kalita 2009). Sometimes, workers themselves may turn into informal contractors and recruit from their own network of friends, neighbours and relatives (De Neve 2015). However, skill centres also directly recruit interstate migrants via accredited vocational skill training centres like those of the DDU-GKY and the Pradhan Mantri Kaushal Vikas Yojna (PMKVY) (Shyamala et al. 2022).

This new wave of incoming migration includes high numbers of women workers as it is the case for Bengaluru. While employers-workers caste solidarities initially characterized the cluster in terms of its labour regime, with a majority of (male) local Gounder workers able to move up the employment ladder and join the group of petty entrepreneurs, now workers come from many different castes and across wider geographical areas. Since Tiruppur’s early development, and unlike other hubs, Dalits were included in the production process but located in dangerous and less desirable activities, like dying or ironing. Dying is a hazardous occupation in Tiruppur, especially given its massive polluting effects, which are now well documented in literature and the press (Grönwall J. and Jonsson 2017; Saravanan 2021). Examining the backward linkages of the garment chain, one notes that Dalit migrant workers – women – are also located in cotton ginning and spinning. Several studies show that these workers experience neo-bonded labour practices due to the Sumangali Scheme¹⁰ enforced by labour contractors and

10 The Sumangali Scheme (marriage assistance scheme for girls and young women), applies to fixed term labour arrangements for young women mainly between the ages of 15–25 years, employed in spinning mills in Tamil Nadu. Under this scheme, a significant

the limitations on their physical freedom outside work by the hostels they live in (ILO 2018; ILO 2022b). At present, the 'ruralization' of the local labour regime is further deepening these unfreedoms. As new factories are set up in rural areas, expanding Tiruppur's 'decentralized factory', abusive labour practices are concealed in two ways. First, the new ruralized industrial realities are far more hidden from public scrutiny than in urban contexts. Second, evidence suggests that contractors are carefully formalizing their feminization practices by targeting very young recruits who are less likely to oppose or report labour abuse (Arnold 2021).¹¹

Indeed, one may also identify multiple forms of labour unfreedom at work in Tiruppur. For example, many petty producers can de facto be considered as units of labour, that is workers. Women migrants seem to be exposed to forms of patriarchal unfreedom bordering on bondage. Interstate migrants, regardless of gender, may be excluded from freedom of association. This form of unfreedom clashes with the widespread associationism characterizing Tiruppur's industrial history, which has involved a relatively good access to collective bargaining for local workers since the initial development of the cluster (Chari 2004; Kalita 2009). Early studies of Tiruppur's labour regime highlighted the density of employer-union interactions in a context of proliferation of different business associations. For instance, the rise of the Tiruppur Exporter Association (TEA) – the key local export association that performs the role of local AEPC branches or Clothing Manufacturing Association of India (CMAI) – took place in the context of already established socio-economic networks gathering operators in the different industrial segments, like knitting, dying, packing and so on (Kalita 2009). Connections between business associations and unions, especially in the early phase of the export boom was mediated by caste solidarities (Chari 2004). In fact, the local

density of socio-economic networks involving various unions have set Tiruppur on a less confrontational evolution of industrial relations. Wages have been renegotiated at different points in the evolution of the cluster. The last renegotiation took place in 2016, when the TEA entered a four-year wage accord with the trade unions active locally (the state branches of regional and central unions; see Shyamala 2022), to increase wages by 33 per cent over a four-year time period, starting with an 18 per cent increase in April 2016, followed by 5 per cent increases in each of the three subsequent years. The agreement also covered a rise in dearness allowance, linking it to the consumer price index (CPI) and a travel allowance (Barge et al 2018). Indeed, there is no evidence of similar forms of collective bargaining agreements for Gurugram and Bengaluru.

Yet, according to local activists and labour lawyers interviewed for the scope of this study, the implementation of these collective bargaining agreements in Tiruppur has been uneven. This is also because much seems to have changed since the onset of the garment boom. In particular, the transformation of the labour regime from its early 'fraternal hegemony', based on caste and kinship ties between employers and workers (Chari, 2004) to an increasingly polarised gendered hegemony (Mezzadri, 2017; Arnold, 2021) characterised by processes of industrial ruralisation and interstate labour migration might have reduced the effectiveness of collective bargaining. In fact, whilst in the early economic boom period there is ample evidence of how caste solidarities may have facilitated bargaining (Chari, 2004), the loosening of caste ties and the rapid differentiation of employers and workers – together with rising international competition – is likely to have eroded bargaining incentives. Moreover, a 2016 study on wages in Tiruppur highlights that collective bargaining mainly focuses on nominal time wages. This is

portion of the wage is withheld until workers complete the tenure of their contract, which ranges from three to five years. The ILO's Committee of Experts for the Application of Conventions and Recommendations (CEACR) has noted that the Sumangali Scheme is a form of bonded labour practice as it relates to practices such as denial of minimum wages; withholding wages; misusing provisions of the Apprenticeship Act, 1961, by not regularizing apprentices as regular workers whereby they are denied the benefits in place for regular workers; exploitative working conditions (abusive, excessive working hours and confinement within the factory premises); extremely poor living conditions (in the factory hostels resembling labour camps, with severe restrictions on their freedom of movement and from keeping any contact with family and outside world); and deceptive and discriminatory recruitment practices. For more information, see Direct Request (CEACR), adopted 2018 and published 108th ILC session (2019).

11 Indeed, our own field-based findings suggest a strong preference for the informal resolution of grievances in the area, and the local dominance of non-confrontational strategies by workers.

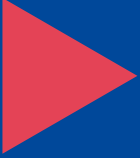
an issue, both with respect to the rising local levels of inflation - eroding real wages – and to the presence of multiple systems of payment (Sivakumar, 2017). Unions report the presence of two systems of payment, with approximately 30 per cent of the workforce engaged in piece rate work, and the rest in time rate work (Kalita 2009).

The weakening of collective bargaining outcomes is also supported by evidence of how employers handled the COVID-19 crisis. During the first lockdown in March 2020, a significant share of migrant workers was retrenched as in other hubs; hardly a sign of harmonious industrial relations. As production started peaking again, with a shift to PPE production (Swamy 2020) and then the return of garment export orders (Ravichandran 2020), employers turned to local workers first (Ghoshal 2020). Overall, there seems to be a dualist development in industrial relations in Tiruppur, affecting collective bargaining outcomes.

The historical industrial trajectory, product specialization and organization of production vary significantly across the three clusters

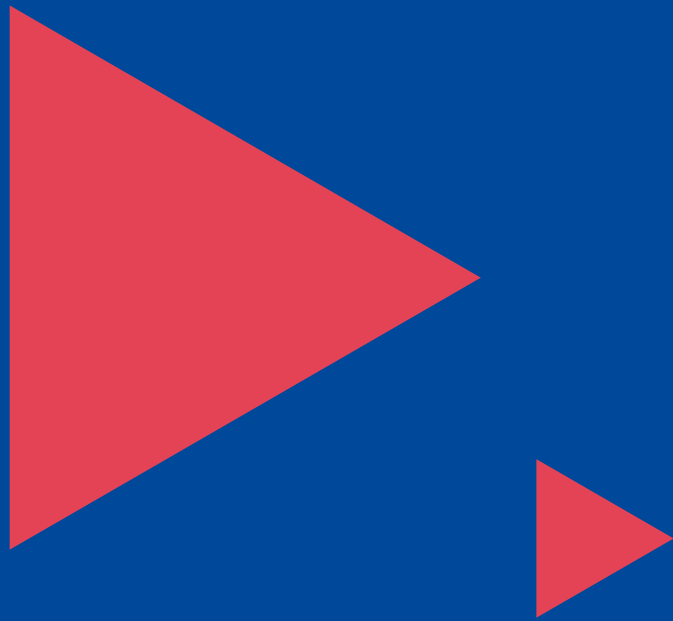
analysed as do their respective labour regimes, whose evolution is co-constituted by regional social relations of production, productivity models and commercial dynamics. These differences have moulded into distinct industrial relations systems, involving eruptions of spontaneous confrontations with employers in Gurugram; confrontations against both employers and the state through collective mobilizations in Bengaluru; and less confrontational in Tiruppur, in line with the classic experience of (proper) industrial cluster. The moments of collective actions, across all three hubs, have been relatively few – in line with the overall decline in union activity in India since the 1980s, particularly for lower-tier workers in global production networks (Das, 2022)¹². However, this hardly means that workers do not voice and act to defend their labour rights. In fact, workers' actions – while not necessarily based on large, 'visible' mobilization – provide key insights into dominant patterns of disputes, their formation, articulation and the ways in which they are experienced.

12 Other countries also experienced a decline in activism since the 1980s; see for instance David Bailey's (2014) analysis of extra-Parliamentary politics in the UK.



6

**Workers' disputes in
the garment production
regime: A labour-centred
analysis of industrial
relations**



If workers' collective mobilizations are rare in the Indian garment industry and can be primarily identified in Bengaluru, thanks to the presence of sectoral unions led by garment workers, acts of resistance and resilience (Katz 2004) are nevertheless widespread. Several studies have highlighted how workers may engage in spontaneous short-term mobilizations (Basu et al. 2022), or in acts of sabotage, which may include disruption to assembly line production, cheating contractors, breaks in service, and so on (Mezzadri and Srivastava 2015). However, there are other realms which may help trace the status of industrial relations in the sector. A crucial one is the labour court in exploring the extent to which garment workers are able to access institutional and legal mechanisms to file disputes against employers, through which routes and regarding what grievances.

Aiming to capture these trends and trace a social history of industrial disputes based on workers' actions and complaints and the trajectories of their resolution, we set out to analyse the patterns of disputes emerging in each cluster. Once identified, a list of disputes in the last five or ten years – since 2015 where possible, and since 2010 where the former period was insufficient to obtain a workable sample – three teams in each cluster composed of researchers from A.R. Associates (ARA, New Delhi) and Gurgaon Shramik Kendra (GSK, Gurugram), the Alternative Law Forum (ALF, Bengaluru) and READ (Tiruppur) proceeded to explore 25 disputes in each cluster in depth.¹³ Some of these disputes have been concluded while others still ongoing. While this enables an analysis of main trends in each cluster, those concluded also add important insights on what may lead to successful outcomes for workers.

Notably, disputes can be different, not only on based on their actual substance (the issues they raise) but also in terms of their form (how they raise and manage them). Field findings indicated the presence of four different categories of disputes:

- ▶ Formal disputes (IDA): Here, complaints are raised with management, and

a dispute is raised with the labour department under the Industrial Disputes Act (IDA) 1947 and goes through the labour department conciliation process or a judicial process in the labour court. Formal disputes usually have a pre-industrial dispute life that can encompass attempts at informal and semi-formal resolution of complaints and grievances.

- ▶ Formal disputes (non-IDA): These are raised outside the Industrial Disputes Act. They are complaints that involved other formal processes such as with Employees' State Insurance Corporation (ESIC), police, sexual harassment committees or submission of evidence to district administration by a union etc.
- ▶ Semi-formal disputes: Here, complaints (verbal or written) are raised with the management, or a protest is held against the company (in the case of accidents or deaths of workers) or even raised in public hearings and settled without entering the conciliation or judicial process. They are instead settled directly with the management with the intervention of a lawyer or a union leader or even a labour department or police official.
- ▶ Informal: These are cases where a complaint is not raised but the grievance is discussed and settled with management or contractor through verbal negotiations either by workers, trade union leaders or even lawyers helping the workers.

Moreover, workers can file disputes either collectively or individually. Crucially, disputes within each category were chosen so that they could be representative of cluster trends. Purposive sampling had to be accommodated based on available information and access to case material, which was complex, time-consuming and partial as explained in the cluster reports for each location analysed (Basu et al. 2022; Seshadri et al. 2022; Shyamala et al. 2022).

At a broader level of analysis, the study of workers' disputes in the three locations, Gurugram, Bengaluru and Tiruppur, revealed

¹³ In Bengaluru the team identified and analysed 24 disputes; one collective dispute well documented in the media (see WCR, 2022) is also added to the sample and to table 1 (it refers to wage theft during COVID-19, so it is included among 'unfair labour practices' and also added to COVID-19 based disputes).

the endemic yet regionally embedded nature of sectoral labour precarity and informalization. Second, it also revealed the specificity of given patterns of labour abuse (table 3). Let's explore the first trend first. Overall, the mapping of disputes across clusters indicates terminations and/or factory closures as a leading cause for workers' disputes to arise. In Gurugram and Tiruppur, terminations are a leading cause of dispute; however, this issue also features prominently in Bengaluru. This means that workers in the sector are over-exposed to employment insecurity (Standing 2005), which is likely to precipitate other forms of vulnerability. It is generally loss of employment or non-payment of wages that motivates workers to access dispute resolution mechanisms. Yet, workers consider some forms of wage theft not worth the fight; indeed, formal redressal mechanisms may be *de facto* averse to individual complaints in such cases.

In Gurugram, employment insecurity goes hand in hand with attacks on unionization and unfair labour practices. Two of the disputes identified also involved police complaints against industrial violence. Here, industrial relations are extremely tense, exacerbated by the massive use of migrant contract labour, an issue we will return to later. Wage complaints including wage theft were reported in two cases. This issue is likely under-reported to unions by migrants circulating across the NCR and the peri-urban and rural areas of the Hindi belt and beyond based on the patterns of mobility identified in the early sections of this analysis. Fighting wage-theft is time-consuming and may require long-term presence in one location.

In Tiruppur too, besides terminations, closures and wage-based disputes – where wage theft was routinely mentioned – workers also filed complaints against accidents, including death and an issue suggesting routine exposure to health and safety risks. This is consistent with the general outlook of the cluster and the local dominance of informal, flexible labour relations increasingly dominated by various forms of migrant contract labour arrangements, including a rising trajectory of interstate labour mobility.

In Bengaluru, the sample of disputes identified by ALF included terminations and closures and unfair labour practices and was on par with sexual harassment. Here, the over-representation of sexual harassment among the

disputes sample – in line with their significant share of total disputes – speaks to the extremely widespread nature of the problem in the region and the industry. It also shows that workers can raise sexual harassment complaints with the help of established sectoral trade unions, which is not the case in Gurugram or Tiruppur. In fact, while it is not necessarily inserted or understood in frameworks of industrial relations, sexual harassment issues in feminized industries like this serve the specific purpose of labour control and disciplining, and hence, shape the way in which labour informalization and precarization are manifested. Gendered practices extend labour control across productive and reproductive spaces, turning patriarchy into a powerful instrument through which employment vulnerability is amplified (Baglioni 2018; Mezzadri and Baglioni 2020). Notably, the articulation of illegal terminations, closures and sexual harassment is also the result of a changing geography of feminization, which sees a rise in interstate migration managed by labour contractors, and the ruralization of the labour regime to expand the local pool of first-generation, young, rural women workers. Indeed, both for interstate migrant workers and workers placed at the ruralized echelons of the labour regime, different forms of employment vulnerability intersect. Our worker-based lens on industrial relation captures this issue well.

If overall, labour precarity and informalization emerges strongly from our analysis of industrial disputes, the labour regime dominant in each cluster shapes the different forms and typology of the disputes that arise. Thus, precarization and informalization are articulated in the distinct localized patterns of labour abuse and the historical evolution of industrial relations in the cluster. Let's analyse this second trend in each cluster.

In Gurugram, given the lack of collective agency that derives from the heavily migrant-based labour regime and the lack of registered trade unions in the garment industry, workers primarily file individual disputes. According to numerous key informants, the right to association is *de facto* weakened by the hyper-mobility of labour; union-undermining practices enforced by employers; and bureaucratic hurdles set by government machinery. Only a small number of complaints make it to the industrial relations machinery and even fewer result

► Table 3. Summary of disputes analysed in Gurugram, Bengaluru and Tiruppur

Cluster	Dispute	Total	Individual or collective	Status: ongoing or concluded	Category
Gurugram	Illegal terminations and factory closures	13	4 Collective 9 Individual	5 Ongoing 8 Concluded	11 Formal (IDA) 2 Informal
	ESI/PF/social contributions	4	1 Collective 3 Individual	2 Ongoing 2 Concluded	2 Formal (non-IDA) 1 Informal
	Attack on unionization and unfair labour practices	3	3 Collective 0 Individual	2 Ongoing 1 Concluded	3 Formal (IDA)
	Wage related complaints including non-payment of earned wages, minimum wages, bonus etc.	3	1 Collective 2 Individual	1 Ongoing 2 Concluded	2 Formal (IDA) 1 Formal (non-IDA)
	Police complaints	2	1 Collective 1 Individual	2 Ongoing 0 Concluded	2 Formal (non-IDA)
	*Lockdown/pandemic conflicts (all terminations)	3	2 Collective 1 Individual	1 Ongoing 2 Concluded	1 Formal 2 Informal
Bengaluru	Illegal terminations & factory closure	6	6 Collective 0 Individual	2 Ongoing 4 Concluded	6 Formal
	Sexual harassment	6	3 Collective 3 Individual	2 Ongoing 4 Concluded	5 Formal 1 Formal & Informal
	Unfair labour practices	7	4 Collective 3 Individual	4 Ongoing 3 Concluded	7 Formal
	Other	6	5 Collective 1 Individual	1 Ongoing 5 Concluded	6 Formal
	* Lockdown/pandemic conflicts out of total (all termination and closure)	3	3 Collective 0 Individual	1 Ongoing 2 Concluded	3 Formal
Tiruppur	Illegal termination	10	3 Collective 7 Individual	3 Ongoing 7 Concluded	8 Formal 2 Informal
	Wage related complaints including non-payment of earned wages, minimum wages, bonus etc.	9	5 Collective 4 Individual	1 Ongoing 8 Concluded	5 Formal (IDA) 1 Formal (non-IDA) 3 Informal
	ESI/PF/social contributions	2	0 Collective 2 Individual	0 Ongoing 2 Concluded	1 Formal 1 Semi-Formal
	Accidents incl. death	4	3 Collective 1 Individual	0 Ongoing 4 Concluded	2 Formal (non-IDA) 2 Informal
	*Lockdown/pandemic conflicts out of total (terminations and wage theft)	6	4 Collective 2 Individual	2 Ongoing 4 Concluded	4 Formal 2 Informal

Source: Fieldwork data based on clusters' dispute distribution (Basu et al, 2022; Seshadri, 2022; Shyamala, 2022)

in satisfactory resolution from the workers' perspective and from the perspective of what is legally owed to the worker. The presence of a mixed mode of wage payment – ranging from piece rate-based to daily or monthly time-based wages – further fragments workers' ability to access dispute resolution machinery. As noted

previously, as the cost of raising and fighting an industrial dispute is quite high for a worker, they only take this step as a last resort, often overlooking minor violations as not being worth the fight. Most industrial disputes reaching the labour department and labour court have a pre-history of informal and semi-formal attempts at

dispute resolution and settlement of dues and grievances.

In Bengaluru, where sectoral unions are present and more active, there is a predominance of collective disputes, which are formal in nature. This form of dispute seems to be the most successful; however, the point is that it is not available to all workers in all garment hubs as it requires a labour regime where labour relations are relatively more stable. Locally, individual disputes are mainly filed through the unions. Unsurprisingly, for such disputes, we found a higher rate of success than in the other two clusters. Despite this, wages and unionization levels remain low. This is linked to the social profile of the locally dominant feminized workforce, which is disciplined through patriarchal practices as indicated by the high incidence of sexual harassment disputes. Indeed, sexual harassment on the feminized shop floor is central to industrial relations. However, legislation treats the issue as separate, and the lines of responsibility for the implementation of the Prevention of Sexual Harassment (PoSH) at Workplace Act of India lies with the Ministry of Women and Child Development and not with the Ministry of Labour, despite the fact that the Industrial Employment (Standing Orders) Central Rules, 1946, were amended in 1999 to include sexual harassment as individual misconduct by a workman (Rule 17z) as a consequence of the pronouncement of the Vishaka Guidelines by the Supreme Court of India in 1997.¹⁴

In Tiruppur, if the focus of disputes reflects Gurugram's, with terminations, closures and wage issues being over-represented, their typology and categorization differ slightly, and this is once again in line with the locally dominant labour regime. There is a relative balance between collective and individual disputes, and of formal and informal disputes, with a stronger presence of semi-formal mechanisms at dispute resolution, and this may also reflect the possibility of different forms of collective bargaining locally. In Tiruppur, union presence and density are more significant than in Gurugram. Yet, their way of working and effectiveness may be different than in Bengaluru.

The regional offices of central trade unions are also present in Tiruppur, but there are no sectoral or factory level garment unions. A relatively small number of complaints – albeit higher than in Gurugram – make it to the formal industrial relations machinery¹⁵. When central trade union leaders mediate the settlements of disputes, informally, formally or through semi-formal arrangements that may involve sending initial official letters to employers or managers to be followed up with informal meetings, the resolution rarely involves pushing the employer to pay all that is legally rightfully due to the worker. Generally, resolution implies only partial compensation. This is likely due to several factors. First, we know from Tiruppur's industrial relations history that caste solidarities have forged non-militant practices of confrontation between employers and unions. Second, the widespread presence of piece rate system of payment and a complete lack of employment contracts makes it harder to fight labour abuses like terminations. Third, the horizontal spread and fragmentation of the production process – further exacerbated by rising labour mobility – likely entails varying degrees of structural power of workers, with those involved in more marginal activities that are not related to either knitting or stitching in a considerably weak position vis-à-vis employers. This also explains the low wage rates dominant in the cluster despite its great economic success. Overall, in Tiruppur – unlike in Gurugram – there are multiple channels to open a dispute and more varied typologies of dispute management. There is also a slightly higher resolution rate than in Gurugram; and yet, resolution is always partial.

Notably, by matching what we learnt from dispute patterns with insights about the key aspects of industrial relations like a) labour typology and recruitment, b) modes of payment and remunerations, c) unions and representation – as shared by unions, workers, and lawyers based on interviews and exchanges whilst reconstructing the trajectories of workers' claims – we can situate the three clusters on a 'continuum' of informalized labour relations (Lerche 2010; Srivastava 2012). In effect, clusters may occupy a flexible position along the

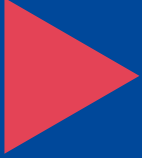
14 The Industrial Employment (Standing Orders) Act, 1946, applies to every establishment employing 100 or more workmen (Section 1(3)).

15 The sample reflects trends in the cluster. See Shyamala, 2022.

continuum – or along *intersecting continuums* of labour informalization – based on which element of the labour relation we focus our attention on. If we focus on labour typology and recruitment, Gurugram confirms itself as the hub dominated by contract labour relations, labour mobility and circulations. Tiruppur follows, given the significant incidence of migrant labour, including interstate labour, which has been on the rise since the 1990s and confirmed by findings for this project. Bengaluru places itself at other side of the continuum, although here also, the incidence of migrant contract labour is on the rise. In fact, the general rise in contract labour – notwithstanding local differences, that are still significant – could be clearly mapped in this study. If we assess informalization based on modes of payment instead, Tiruppur surpasses Gurugram given the widespread use of the piece-rate system, which has been historically dominant in the local knitwear industry (Chari, 2004). Bengaluru remains at the other end of the continuum in this case as well as here there is a clear dominance of time rates. In addition, time rates may be significantly linked to labour precarity as the time-debt practices that are widespread in Bengaluru clearly confirm (Jenkins and Blyton, 2017). Yet, they reproduce precarity in ways which are less linked to the fragmentation of production or informalization.

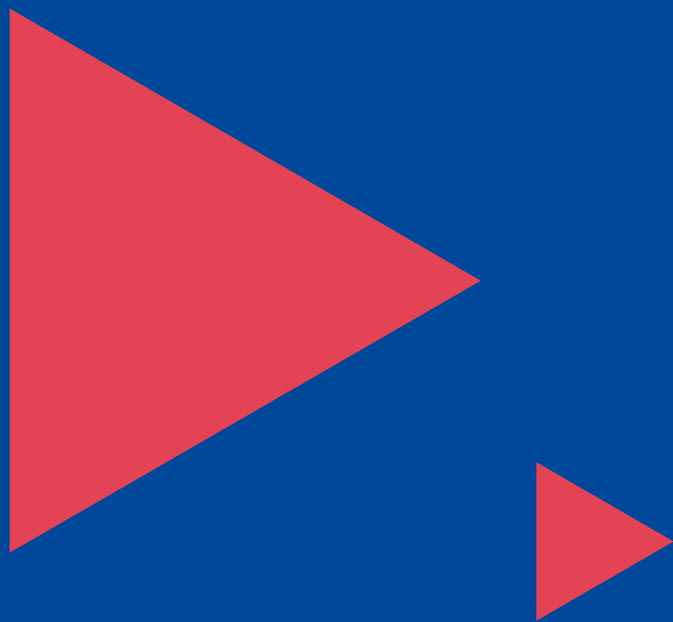
Assessing positioning along the continuum based on unions and representations, and from stronger to weaker labour representation, Bengaluru comes first, as we find regional sector-based unions and higher levels of union-based organization of workers here. Next is Tiruppur, where union presence and density have been stable, but where regional offices of national unions rather than industry-focused unions dominate, and unionization rates (as well as associationism) remain of some significance only among local workers (Vijayabaskar 2001; Chari 2004). Finally, we have Gurugram, where both regional offices of national unions and a few sectoral unions are present – the most effective being GATWU – but where unionization rates are lower due to both union busting and the fact that the workforce is dominated by interstate migrant workers who are generally averse to risking joining unions, a problem also mentioned by union leaders in Tiruppur.

It should be noted that while rates of contract labour – and particularly interstate migrant contract labour – vary clearly across the three locations, they are generally on the rise, a sectoral trend which is in line with India's overall one (Srivastava 2016) given the changes in the labour legislation which further promotes informalization. We will explore this issue in subsequent sections.



7

The social life of industrial disputes, the legal supply chain and India's labour reforms



The study of industrial disputes filed by workers and unions confirms the processes of precarization and informalization at work across different regional garment labour regimes. It also unveils the complex legal process that workers and unions must embark on to raise and/or file a complaint. In fact, one could argue that the legal process through which complaints can be raised and disputes filed in the garment sector take the form of a complex supply chain that mirrors the one characterizing production and labour relations. Within the complexity of this legal supply chain, made of several nodes, networks and involving different legal offices and entities, industrial disputes acquire an evolving social life which, as we have seen, is shaped by procedures and relations which may be deemed formal, informal or semi-formal. Unsurprisingly, in fact, given the rampant informalization of labour in the garment industry, the very legal trajectories of dispute claiming and filing are embedded in informal interactions, even when they involve clearly formal processes and well-identified legal mechanisms and stages. Acknowledging the existence of grievances and disputes is an important step in enabling voice and representation of both workers and employers. It is an important condition for the applications of fundamental principles and rights at work.

As evidenced in the previous section, disputes can be classified differently based on modes of articulation and resolution and their link to the official conciliation and judicial process. A formal industrial dispute, categorized as 'Formal (IDA)' in table 3 is filed with the management of a garment company and with the labour department. If accepted and admitted by the labour department, the conciliation process commences. The failure of conciliation opens pathways for individual workers to go to labour courts either by the government referring to it for adjudication or 45 days having lapsed from the date of raising a dispute with the conciliation officer or government.¹⁶ Formal resolution also entails approaching social security branches such as ESIC and PF to settle claims, sexual harassment committees to address complaints,

or where police has been approached to file/settle a case categorized as 'Formal (non-IDA)'.

A semi-formal dispute as categorized in this project involves articulating a grievance to the management either verbally or in writing and negotiating a resolution with the help of union leaders or lawyers, or at a public forum such as a public hearing, or with the involvement of a police official where no police complaint has been filed. An informal dispute as categorized in this project is managed informally by workers either on their own or with the help and informal intervention of a union leader, lawyer or local politician who may speak with the contractor or management to reach a settlement without resorting to paperwork and formal complaint mechanisms.

In fact, despite our attempt at operating a neat classification, there are quite a few points of contact and articulations between different categories of disputes. Disputes also vary in terms of their collective or individual nature, as table 3 suggests.

All cases start with some informal process of articulating the complaint or grievance verbally to the management (supervisor or human resources (HR) manager). If it is resolved at this stage, it does not proceed further. If it resolved at this stage either bilaterally or with help of a lawyer/union leader, it remains informal since it was a verbal articulation not a written articulation and verbal intervention. Otherwise, workers may send a written complaint or a letter to the management. Again, at this stage, it may get resolved bilaterally or with the help of a phone call from a union leader or lawyer. This would be a semi-formal resolution.

If it does not get resolved, workers can formally raise a dispute with management by sending a letter to the labour department asking for its intervention. At this point, the dispute has entered the formal industrial relations resolution machinery. If resolved within the labour department (at any level from the labour officer to assistant or deputy labour commissioner to labour commissioner), then it ends in conciliation. If no conciliation settlement is reached, the labour department files a failure of conciliation

¹⁶ Section 2A of the ID Act inserted via a 2010 amendment allows individual workmen to apply directly to the labour court or tribunal for the adjudication of a dispute after the lapse of 45 days from the date s/he made the application to the conciliation officer for conciliation of the dispute.

report with the state government (the labour secretary). The state government can then either refer the case to a labour court/industrial tribunal for adjudication or say that the matter does not merit a referral and dismiss the dispute. Notably, state governments have no power to adjudicate a dispute and must refer it unless it is not an industrial dispute.

There may be slight variations to this process in practice. For instance, in Haryana, the labour department is no longer filing a formal failure of conciliation report; rather, it issues a letter to workers saying that the conciliation process did not result in a resolution and that they are advised to raise the matter directly before the appropriate authority or court. In the case of a lack of conciliation of collective cases – in whichever format this is confirmed by the labour department – workers can appeal to the labour commissioner/labour secretary or choose to go to the High Court, asking the court to give directions to the government/labour department. If the High Court declines, workers can approach the Supreme Court with the same request.

The tortuous trajectory of industrial disputes is further complicated and fragmented based on the specific content of disputes arising. The key actors central to the various nodes of the legal supply chain are: 1) management; 2) labour department – both at the local level and the labour commissioner's office 3) labour court 4) High Court 5) Supreme Court. However, in turn, each of these actors may be further diversified. For instance, the labour commissioner's office is subdivided into a Factory Wing and a Labour Wing, with the former looking into disputes around the Factories Act, or health and safety concerns, which are generally dealt with by a specific sub-office within the labour commissioner's office. The Labour Wing focuses on the various legislations covering labour issues, including wages, terminations, and so on. It is the most difficult office to deal with when it comes to sharing information and data. The research teams in Gurugram and Tiruppur reported the lack of collaboration on the part of this office. In Bengaluru, the labour commissioner's office has traditionally been more eager to help studies of labour relations (Mezzadri 2017). Yet, the information obtained through the Right to Information Act (RTI) requests was unsatisfactory in most cases. Partially, this reflects the fact that, within the

legal chain, the labour commissioner's office works as a gatekeeper. However, it also speaks of serious issue in data collection, elaboration and transmission affecting the working of the labour commissioner's office (Shyam Sundar 2020a).

The complexity of the legal process, its multiple nodes and actors also explains how so many cases are stalled or dropped along the way. It also explains how at different point and stages, informal discussions between the garment company and the workers may intervene in the formal process, further complicating the social life of industrial disputes. Obviously, this is more likely where there is strong labour representation and where disputes are primarily collective and raised by unions. However, as in the case of Tiruppur, it may not necessarily lead to better outcomes for workers if, for instance, informal – or better, semi-formal – negotiations conclude without a commitment for full compensation. In this way, the radical potential of the process of dispute making is defused, if not neutralized entirely.

The fraught and intricate life of industrial disputes is not only shaped by the complexity of the legal system and the many passages needed for conciliation and escalation, or by the interplay of the different informal, formal and semi-formal practices of dispute resolution. It is also magnified by the variety of forms of labour abuse that may turn into disputes in the garment industry. Some of them are difficult to prove, given the dominant labour regimes and practices. Others may be classified as sitting outside the main industrial relation framework. In fact, the sample of disputes describing industrial conflict in each location clearly speaks to both these issues.

As we have seen, the most widespread reason to file a dispute is represented by illegal terminations, closures and, to a varying degree across clusters, a lack of payment of wages and social contributions. Claims are raised differently across the different locations (see table 1) based on the distinctiveness of the local labour regimes in terms of typology of labour and recruitment practices (in particular, the share of migrant contract labour); modes of payment; and features of collective actions institutions and relations (that is, type of unionism). These types of disputes are difficult to fight in the garment industry because a majority of workers lack even an employment contract to prove a

relationship of employment, which is the first step to raising an industrial dispute. Dispute patterns show a systematic lack of enforcement of the Factory Act 1947; the Industrial Disputes Act 1947; the Minimum Wages Act; the Workmen Compensation Act; the Inter-State Migrant Regulation Act 1948; and the Contract Labour Act 1970.

For instance, between 2015–20, in Tiruppur alone, 252 cases were filed under the Industrial Disputes Act related to dismissal (112 others were filed in relation to other grievances), 606 cases were filed under the Workmen Compensation Act, and 105 cases were filed under the Factory Act. In Gurugram, the number of disputes filed is unclear as access to data from the labour department is minimal. Here, however, labour advocates agree that disputes are rising as opposed to Tiruppur, where they have declined since the 1980s (Basu et al. 2022; Shyamala et al. 2022). A significant share of the disputes remains unsettled, either because conciliation fails or workers drop cases because of the very lengthy process of litigation and adjudication.

Whilst the life of conciliation may be set at six months to one year, the life of litigation may range from three to ten years – in some cases, even 20 years – depending on the industrial area and on the issue. Success is rare and largely depends on proof and documentation that workers can provide. This is a problem in a sector which works on informal recruitment arrangements either via contractors, in which case piece-rate payments may also dominate (more widespread in Tiruppur than Gurugram), or via patriarchal norms regulating and disciplining the workforce by appealing to gendered practices of work that reproduce disposability even in the context of time-rate wages (in Bengaluru).

In Tiruppur and Gurugram, workers often do not have contracts (see Srivastava 2016 on this trend). Some may not even have any proof of work, or indeed dismissal. In Gurugram, workers and unions report that employers or contractors have workers sign blank papers upon joining. This will be shown as their resignation letters in case of lay-offs. This means that when

documents are available, they often do not benefit workers' cases. Having any piece of evidence signals the difference between having a case or not at all. In fact, in the few successful cases of dispute resolution and/or adjudication documented, workers won because they could produce a link to the factory and some evidence of the abuse experienced. Evidence ranged from written letters to expired gate passes from the garment company taken to court. In almost all the cases documented in the context of this project, workers and unions could not produce all the documents necessary to fully map the dispute trajectory, and hence the reconstruction of its social life had to be operated through complementary information coming from workers, unions or lawyers. Yet, the process of documenting disputes is fundamental in guiding other workers, or indeed unions in the case of similar disputes, or to appraise successful cases and learn from them.¹⁷

One can argue that India's complex legal framework may have contributed to the fragmentation of the legal chain that industrial disputes must travel along. For this reason, in 2019 and 2020, the Indian government approved the consolidation of India's labour and industrial relations laws into four codes: the Code on Wages (WC) passed in 2019, and the Industrial Relations Code (IRC), the Code on Social Security (SSC) and the Occupational Safety, Health and Working Conditions Code (OSH&WC), passed in 2020. Yet, these new labour codes, which are being rolled out since 2022, may not necessarily positively impact workers' ability to file and uphold disputes with employers. This was not mainly due to the length of the process, but to power imbalances between employers and workers. If these imbalances are not addressed, the new Codes may regenerate the existing patterns and substance of disputes while reinforcing employers' control over the dispute managing process.

The government has fast tracked the implementation of the last two codes, on SSC and OSH & WC, seen as the least controversial. Employers and industry representatives have called for India's Ministry of Labour and Employment to review some of the provisions

17 This was the rationale behind setting up a repository for this project. As stated earlier in this analysis, all the 75 disputes documented for the scope of this project are publicly available for study and consultation. URL to be added once the repository goes live.

of the Code of Wages and the Code on Social Security, including some of the most favourable to workers. The WC, which clubs together a compilation of dispositions from the prior Minimum Wages Act 1948, Payment of Wages Act 1936, Equal Remuneration Act 1976, Payment of Bonus Act 1965, will extend the application of the minimum wage to *all* workers, irrespective of form of employment – scheduled or non-scheduled, organized or unorganized/informal – and sector of the economy. It also establishes a national floor minimum wage, which works as a minimum pan-Indian wage entitlement and below which no state can set its own regional minimum wage. This nominal legal entitlement, however, may be difficult to implement as the system of inspection is not really strengthened to support the enforcement needs of the new Code. The so-called Inspector Raj, rightly criticised as inefficient by the government, is not being dismantled but rather weakened through the system of ‘Transparent Central Labour Inspection Scheme for Random Inspection of Units’¹⁸ and flexibilized by a system of self-certification of compliance with labour laws in ways that are beneficial to employers. The changes proposed by this Code could, in principle, be important for the garment industry, which is dominated by informalized, fixed term, contract and casual employment. Yet, the analysis of the dispute patterns in Gurugram, Bengaluru and Tiruppur also reveal that the issue may not be nominal minimum entitlements, but rather the ability of workers to claim them. In this sense, in a context where inspections may become rarer and primarily controlled by employers, the new dispositions in the matter of minimum wages may remain an improvement only on paper. Further, debates in the industry already focus on living wages. In this respect, the focus on the minimum wage by the WC risks signifying a step backward, particularly in the context of the far trickier dispositions set by the IRC.

The IRC will have a significant impact on the dispute resolution mechanisms. Under the Industrial Disputes Act 1947, workers or unions can directly approach the labour court and ask the court to adjudicate in individual cases concerning discharge, dismissal, and retrenchment (Section 2.A ID Act, GoI 1947). However, for collective disputes on

non-employment issues, like wages, social contributions and so on, it is the government, via the labour department, which must refer the dispute to the labour court. In the second case, the social life of the dispute is indeed further complicated. Under the IRC, workers and unions will instead be able to directly approach the labour court and/or industrial tribunal, both in the case of individual disputes concerning employment and for collective disputes on other matters. The Code will also impose mandatory grievance redressal committees (subject to time-bound resolution) in factories with set representation from workers and women workers among them. Critics have pointed out that, as in the case of the WC, it is unclear which extra resources will be dedicated to support these changes as the judiciary in India remains inefficient in addressing workers’ disputes in a timely manner. It is also unclear how companies-based grievance redressal committees may be monitored once government brokerage is removed.

In fact, while terminations represent a significant share of disputes across Gurugram, Bengaluru and Tiruppur, wage-related and social contribution-focused disputes are also widespread. Wage theft, for instance, may hopefully be reported in more effective ways. Yet, counterbalancing this potentially positive development, the IRC will also expand the legal definition of a strike to even include mass casual leave, where workers simply take holidays, for instance, in correspondence of festivals or holidays. Whilst stretching the legal definition of a strike, the IRC will, at the same time, also significantly erode the right to strike further due to the introduction of numerous hurdles and timelines, during which striking will be deemed illegal, such as after disputes are filed (during the conciliation process strikes were already illegal via Section 11 of the ID Act). Penalties for going on an ‘illegal strike’ will be increased against workers and trade unions, who could then be prosecuted. Moreover, under the IRC, the set an employment threshold above which manufacturing establishments need government permission to close down or retrench workers will be raised from 100 to 300 workers. In a sector like garments, this will effectively further ease hire and fire practices that are already

18 See: <https://labour.gov.in/transparent-central-labour-inspection-scheme-random-inspection-units>

dominant, neutralizing any supposed potential positive effects the IRC may claim on easing the trajectory of collective disputes. On the other hand, collective grievances represent most disputes filed only in Bengaluru, which is characterized by stronger unions. In Gurugram individual disputes dominate, whilst Tiruppur's picture is more mixed. Even in Bengaluru, the net anticipated effect of the IRC is unclear as the supposed increased ease in filing collective disputes (as per IRC claims) may be offset by the erosion of the right to strike and the rise in hire and fire practices, which are also supported by the recent rise in contract labour. Considering the prevalence of such practices, these matters deserve attention not least in the drafting of the rules for the IR codes.

The OSH&WC may further amplify some of the most problematic features of the IRC. In fact, the code excludes unorganized sector establishments employing ten or less people (Shyam Sundar 2022). This means that the lowest rungs of the garment industry in hubs like Gurugram (for ancillary activities) and Tiruppur (for specific workshop-based or home-based segments of the production process) will remain outside the reach of the provisions. Moreover, the Code also raises the threshold for informal labour contracting. Under the Code, labour contractors employing up to 50 workers will not have to register, a disposition likely to further boost informalization. Notably, contract labour will also be allowed under special dispensation in core activities, a practice in fact already formally at work in the garment industry since 2016 (Mezzadri 2017). Employers will appoint 'safety officers' in establishments of more than 500 workers. However, the predominance of SMEs in the garment industry, even in Bengaluru, where larger factories exist, will neutralize the provision, which, in any case, further empowers companies over the creation of workers' committees (as in the case of grievance redressal committees) and unions.

In this company-friendly system, inspections will be carried out by a 'director' rather than an 'inspector' and may also involve the use of web-based or third-party monitoring as opposed to being coordinated by the labour commissioner's office. Notably, these changes will take place in a context already defined by declining inspections and rising industrial violations and accidents, and devolution of inspection practices to states, which often deploy ordinances rather

than legislative amendments, an issue which erodes the legitimacy of law-making around labour protections at the national level (Shyam Sundar 2020c). Notably, the changes operated under the OSH&WC may in fact make health and safety standards inapplicable to the lion share of the Indian workforce. Indeed, in the garment industry, OSH&WC dispositions magnifying the use of informal contract labour are only likely to reinforce the dominant patterns of industrial disputes that is already skewed towards terminations and retrenchment.

Finally, the SSC will entail the provision of a universal social security code, hence expanding the reach of PF and ESI to include informal workers, including those operating in the expanding gig-economy. Evidence from the three hubs covered in this analysis suggests that alongside not depositing ESI and PF contributions, another real issue workers have faced is *access* to contributions. Indeed, this has primarily been due to the lack of portability of their contributions (Mezzadri and Srivastava 2015; Basu et al. 2022). What happened to the billions of rupees in unclaimed contributions that workers have never been able to access, particularly in hubs like Gurugram and Tiruppur, dominated by labour mobility and circulations, is likely to remain an unsolved question. Some argue that in the context of the new labour codes, portability will be guaranteed to all workers – including contract workers – through the Universal Account Number (UAN) system. Yet, trade unions report that inconsistencies and spelling discrepancies between UAN numbers and Aadhar cards remain key hurdles in accessing contributions. Progress is slow, although evidence suggests some improvements in the digitalization of medical insurance (ILO 2021).

The analysis of payment systems in the labour regimes explored in this study raises some questions over the impact of mandatory universal contributions. In fact, in Tiruppur and Gurugram, where a significant share of workers earns based on a piece rate basis, which guarantees higher take-home wages, workers may see universal social security as an unnecessary deduction from their wages. Only in Bengaluru, where workers primarily earn based on time rates, this policy shift may be less detrimental as it may facilitate access to social security without denying workers the access to contributions, often deployed by workers

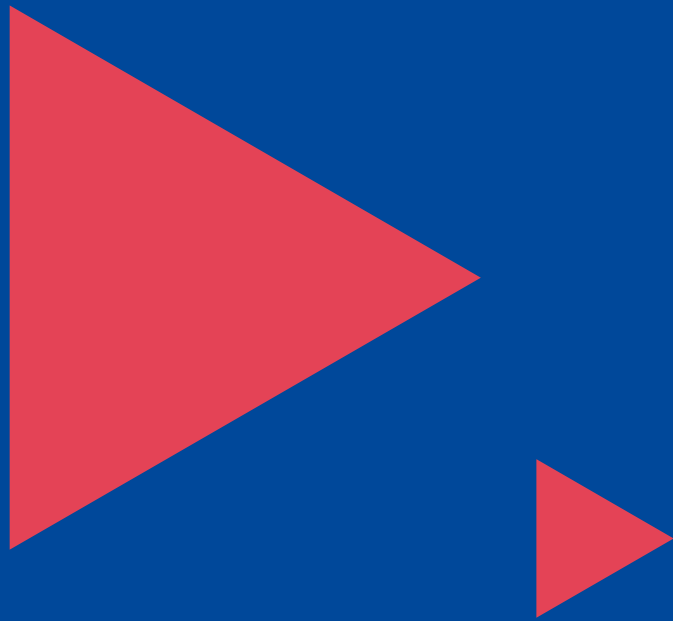
as a form of saving. However, quite crucially, the SSC will only apply to establishments of 20 or more; hence, once again, the dispensations may be neutralized for workers employed in SMEs and contract workers employed by small informal labour contractors. Based on the observations above, one can conclude that the policy shift may at best have a neutral effect on illegal terminations, which represent most

disputes in labour-intensive industries like the garment industry. In fact, as workers accrue social contributions regardless of employment interruptions, this may further discourage them to file disputes. These issues should be addressed carefully by the legislator in this first phase of the implementation of the new labour codes, in order to identify remedial actions.





The impact of COVID-19 through the lens of workers' disputes



Globally, formal processes of industrial dispute resolution were greatly impacted by COVID-19. The ILO (2021b) reports that in 13% of institutions in key countries analyzed in the Asia and Pacific region, enforcement procedures were completely suspended or postponed, and that only institutions in Australia reported changes in procedures to simplify and speed up enforcement, including through online methods. Although the study was not intended to provide a robust assessment of the impact of the pandemic on dispute resolution time and methods in India, the fieldwork teams across the three locations surveyed in this reported considerable hurdles in accessing labour courts during the pandemic phase, and extended processing times. Moreover, the magnifying impact of COVID-19 did emerge from the analysis of industrial disputes across the three garment hubs.

As shown in table 3, of the total sample of disputes analysed, six in Tiruppur, three in Gurugram and two in Bengaluru were COVID-related. These disputes show, overall, how COVID-19 magnified the forms of labour abuse already widespread in the industry. In Tiruppur, where most COVID-related disputes were identified, these mostly concerned illegal terminations, a failure to reinstate workers after the initial 2020 lockdown, and a failure to settle wage payments, resulting in wage theft. Out of these six disputes, only two were still ongoing. Yet, the outcome of the four concluded disputes varied considerably. One was dropped due to the exhaustingly long times resolutions in labour courts entail, and one – an individual dispute concerning lack of PF payment – did not resolve with any beneficial outcome for the worker in question because of a clerical error that could not be rectified. For the two disputes that could be labelled successful, as they involved some form of compensation for the workers, the compensation obtained by the workers was significantly lower than what the companies should have paid. Still, workers agree to the terms to move on with their lives without remaining embroiled in long court-case processes.

Notably, this pattern of partial compensation mirrors the already established practice of resolving disputes informally or semi-formally in the cluster through forms of conciliation that do not fully indemnify workers' losses or impose punitive damages on employers, but which seem

meant to defuse the potential of grievances. This pattern sits well with an overall local labour regime characterized by high flexibility, a greatly decentralized product cycle and production process; dominated by contract labour, piece rates payments, and multiple forms of mobility, including inter-state forms of labour circulation.

The analysis of COVID-related disputes in Tiruppur also reveals two other trends. First, during COVID-19, not only tailors, but also semi-skilled or skilled workers – like checkers – experienced different forms of wage or social contribution theft. While some companies did not pay wages once the lockdown was imposed, others did not pay PF or overtime which, for many casual labourers, may be as high as the nominal wage. Second, at least one of the COVID-related disputes exposes the relevance of caste politics in the cluster, which shapes forms of collusion between the labour commissioner officers and company representatives. In fact, numerous studies of Tiruppur (starting from Chari 2004) already identify these caste solidarities, which may involve local government officials, company management and union representatives, as mostly defusing workers' organizing potential and reorienting disputes towards less confrontational solutions.

In Gurugram, the analysis of COVID-related industrial disputes also broadly confirms the main trends in labour abuse characterizing the labour regime of the cluster. Unsurprisingly for a hub characterized by high levels of labour mobility as well as industrial circulation (Mezzadri 2017), lockdowns were deployed in Gurugram to rationalize and reorganize garment company networks. In two of the three cases analysed in Gurugram, industrial units were closed and machinery was moved to other factories without seeking government permission. Workers were pressured to resign for them to obtain past wages and contributions, yet many did not in fact get full wages, but only partial payments. This form of only partial compensation, already at work in Tiruppur, seems to have characterized the whole garment sector. In fact, according to a report by LeBaron et al. (2021), of all garment workers who lost their jobs during COVID-19 across Ethiopia, Honduras, India and Myanmar – and many of whom went hungry as a result (Kyritsis et al 2020) – nearly 80 per cent were not paid full severance pay with over two thirds being paid nothing at all.

The cases analysed in Gurugram also suggests two other trends. First, the COVID-related cases identified and concerning workers' dismissals focused on specific categories of workers. One of the cases involved unionized workers; a second women (precarious) workers; a third involved caste discrimination. This confirms that COVID-19 amplifies already existing inequalities in the global supply chain (LeBaron et al. 2021; Tejani and Fukuda-Parr 2021). Second, the analysis of the cases reveals that in case of a grievance, the management tries to put pressure on workers in multiple ways, including using third parties who may threaten workers directly or indirectly. This was indeed the case for the women workers facing constructive dismissals at Chelsea Mills and who fought for reinstatement. Whilst this collective case mediated by GATWU was eventually successful, workers faced multiple forms of intimidation aimed at making them resign 'voluntarily' from their posts, some perpetrated by local goons hired by the factory. One worker reported to have been forced to sign her resignation letter. Targeting women in what is in north India still a male industrial domain, these strategies must be understood at once as a form of industrial violence as well as patriarchal violence at work.

In Bengaluru, only two cases within our sample were COVID-related, and yet evidence suggests the widespread use of terminations during early lockdowns and beyond (Shivanand 2022). Both the cases identified here, once again, involved sudden factory closures put in place after the initial lockdown was lifted, and one case is still ongoing. The other case is instead resolved, and it was very high profile, eventually involving the largest local exporter, the global buyer H&M (as widely reported in the media (Workers' Rights Consortium 2022)), the global union IndustriALL and GATWU.

Much can be learnt from this second case, particularly in relation to the externalization of labour control towards the terrain of social reproduction and the potential benefits of collective action. This collective case, which involved the closure of a peri-urban unit in Srirangapatna, roughly 150 km from Bengaluru, was reconstructed both through documents and oral memories and evidence shared by GATWU representatives and workers histories and hence, it was particularly detailed. When the exporter shut down the unit after the first

lockdown, workers, who were unionized and GATWU members, filed a case with the labour commissioner's office.

The analysis of the case reveals two trends. First, it confirms the instrumental use of workers' broader reproductive realms and networks to strengthen labour control by the company. Workers reported being pressurized into resigning in various ways, including with threats, by members of the local economy in which they lived who were paid to exert pressure. This included the taxi drivers who used to bring workers to the unit from their homes, or other people not otherwise connected with industrial work, but who knew workers and their families. Many of these local people were de facto tuned into unofficial labour contractors for the scope of having workers resigning from their posts before the industrial dispute could progress and accepting partial compensation. They were also pressurized by male family members and kin, who resorted to patriarchal control to align with the companies' interests and obtain the same objectives. Second, the analysis of the financial outcomes for those who did not give in to these multiple pressures and continued the fight for compensation through official channels clearly reveals the benefits of organized collective action. All the workers who upheld the collective grievance eventually obtained far higher compensatory payments than those who did not. Compensation was progressively higher based on years of service, but it was substantial also for workers who were either employed for relatively little time in the factory or who were merely on contract.

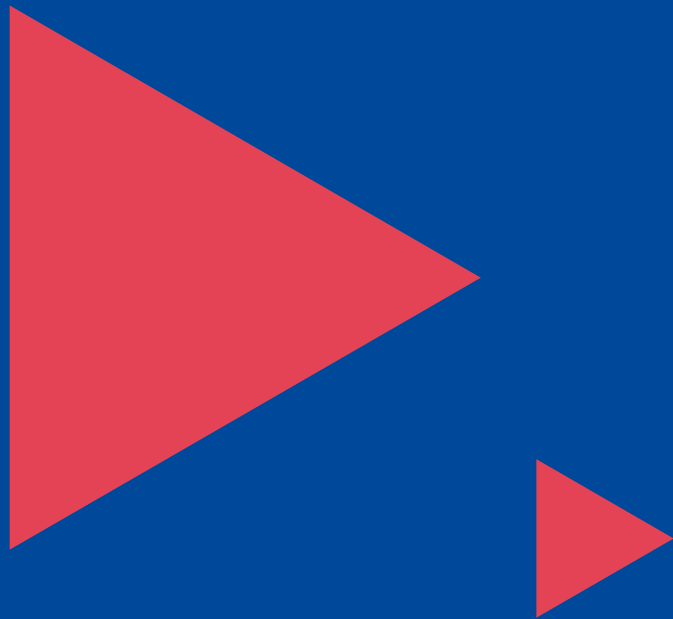
In fact, in Bengaluru, the great potential impact of collective action has been demonstrated by another recent GATWU victory in relation to wage theft. This dispute relates to the failure of garment companies to pay workers higher salaries after an increase in the minimum wage by the Karnataka Government in 2020. Following national and international campaigning led by GATWU, the companies had to eventually accept to compensate workers of all arrears (WRC 2022). Indeed, given the massive losses faced by garment workers during COVID-19 (Tejani and Fukuda-Parr 2021; LeBaron et al 2021) and the continuing limited reach of social contributions in the context of expanding migrant contract labour in the sector, the introduction and enforcement of higher minimum wages is a particularly

welcome measure. Yet, it is unclear that the new labour codes – despite an emphasis on universal minimum wages – will be able to guarantee

their implementation. Ultimately, what certainly seems to ensure implementation is workers' sustained collective action.

▶ 9

Conclusions and implications



The analysis in this study clearly shows the intimate link between the historical trajectories of regional labour regimes in the Indian garment industry and the evolution of industrial relations in the sector. While industrial relations are generally mapped based on collective mobilizations, this is a challenging approach for labour-intensive sectors like garments. In fact, there may be other forms of agency at work, far less visible, which can only be captured through a labour-centred approach to industrial relations and conflict that focusses on workers' perspectives and experiences.

Based on this lens and investigating workers' industrial grievances either filed individually or through unions, this study has engaged in a process of reconstructing a social history of industrial relations premised on cases workers have filed against garment companies. Focusing on three main garment export hubs, Gurugram, Bengaluru and Tiruppur, the study has identified and analysed 75 industrial disputes – 25 in each location – either based on workers' and/or unions' information, and/or through secondary material. Unsurprisingly, the types of disputes dominant locally are embedded in the social and economic history of the place and their labour relations, in ways which were analysed in the central sections of this paper. This means that an effective approach to industrial relations aimed at improving labour standards locally must necessarily start from an understanding of the social history of the place and in a context like India, different regional contexts may indeed need to prioritize different policies to improve local industrial relations.

In Bengaluru, for instance, where a significant share of disputes concerns sexual harassment, the compartmentalization of this issue as lying outside the legal canvas of industrial relations is problematic. In Tiruppur, instead, and to an extent in Gurugram as well, the dominance of piece work seems to require particular attention, in relation to fair calculations of overtime and to assess the likely (or unlikely) impact of novel changes in social contributions.

Yet, common trends have also emerged across the three hubs, both from a historical analysis of the labour regimes' contemporary

transformations and from the study of the identified disputes. First, most disputes concern illegal terminations and factory closures. Second, migrant contract labour is on the rise in the sector, even in areas which were characterized previously by more stable labour relations like Bengaluru. This rising incidence of contract migrant labour in a context of routine factory closures and employment terminations is likely to neutralize many of the potential benefits of the new labour codes. For instance, it may undermine efforts towards a universal minimum wage; it may continue polarizing workers' preference towards take-home wages as opposed to social contributions, undermining efforts towards flexicurity. Moreover, it may further erode the right to association, which is always difficult to uphold in context of high labour mobility. These issues should be monitored in the future.

Notably, the analysis conducted here raises concerns over the potential effectiveness of the new labour codes not only in addressing garment workers' working conditions but also the main causes of the industrial disputes they trigger. The anticipated simplification of the legal process is welcome. Yet, the new legislative package makes it harder for workers to mobilize collectively, particularly given the changes to the right to strike and to the very meaning of strike it implies. As collective disputes emerged in our study as those more likely to be successful,¹⁹ this has obvious detrimental implications for industrial relations, from the point of view of workers.

A closer look at COVID-related disputes further support this point. Of all COVID-related disputes, those won by workers were the disputes characterized by sustained collective action through organized unions. In fact, the analysis of these cases has also revealed that formal processes are more likely to produce the best outcomes for workers, despite often being lengthy and taxing for workers. Semi-formal and informal mechanisms and practices of dispute resolution instead generally produce partial victories for workers at lower levels of compensation, even where there are clear breaches in employment law. This does not mean that they are irrelevant, however. Given the complex social life of litigation, alternative

19 A successful case is one which leads to workers having their case heard (or at least not dismissed) and obtaining compensation as argued in the sections before.

mechanisms at conflict resolution remain important. Yet, they shall never substitute formal processes, and efforts should focus on how formal and informal mechanisms could work synergistically.

The gendered aspects of our analysis of industrial relations have also provided fruitful insights. Women workers are not necessarily in a disadvantageous position in relation to patterns of collective action and dispute resolution in our study, given their concentration in the hub characterized by a greater structural power of local unions. At the same time, however, the exclusion of sexual harassment from the gamut of industrial relations, in the context of a regional labour regime characterized by patriarchal forms of labour control, undermines the transformative potential of industrial action when it comes to challenging gendered working conditions. A far closer link between labour codes and PoSH regulations is needed to move towards a gender-transformative model of industrial relations.

Overall, this study shows the ways in which the establishment and reproduction of specific industrial relations emerges from the specific regional trajectories of localized labour regimes. As such, the history of such labour regimes has clear policy relevance when it comes to

understanding patterns of labour abuse and workers' attempts to challenge and fight them. Aspirations towards the realization of decent work in specific locales must necessarily learn from the regional unique social histories of labour and labouring in those areas. Industrial grievances, in this light, appear as the tip of an iceberg, as the manifestation of labour regimes in specific moments of workers' struggle. More practically, our study has also shown that there may be continuities and differences in the hurdles the Decent Work agenda may face in each location. By the same token, our analysis has highlighted that across Gurugram, Bengaluru and Tiruppur, there are continuities and differences between patterns of workers' unfreedom. While some pertain to the specific historical evolution of labour regimes and relations, also reflected in industrial disputes patterns and types, the converging process of labour precarization along lines of mobility and contractualization is currently setting a common path to unfreedom. Indeed, in the future, one of the most endangered among all labour freedoms may be workers' freedom of association. National and international policy efforts should increasingly focus on upholding this fundamental labour right.

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