

# **Hard Work for Soft Fibres & Make in India**

Two Studies on Working Conditions in West-Indian  
Textile Companies

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Study 1: Hard Work for Soft Fibres  
Labour Law Violations in Indian Ginning Factories

Study 2: Make in India  
Working Conditions in West-Indian Textile Companies

Editor:  
Deutsche Kommission Justitia et Pax  
Kaiserstr. 161  
53113 Bonn  
Tel: +49 (0)228-103217  
Fax: +49 (0)228-103318  
Justitia-et-Pax@dbk.de  
www.justitia-et-pax.de

Editor: Dr Hildegard Hagemann  
Authors: Dr Sabine Ferenschild, Sudhir Katiyar  
Translation: DBK translation service, Aingeal Flanagan and Neil Mussett

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Delivery:  
German Commission for Justice and Peace, Kaiserstr. 161, D – 53113 Bonn, Germany  
Tel: +49-228-103217 Fax: +49-228-103318  
Internet: www.justitia-et-pax.de E-Mail: Justitia-et-Pax@dbk.de

## Editor's Preface

The German Commission for Justice and Peace works for many years on the specific concerns of workers in the informal economy. Especially in countries of the so called Global South the majority of the labour force works informally, meaning unorganised, unprotected and unregistered. Their rights to organise and to social security and their economic empowerment are far from implementation. Precarious working conditions stretch from migrant work in the construction and agricultural sector to home based work as garment producers to domestic work.

Today's economy is widely globalised. Global Value Chains as the textile chain for example encompass production, fabrication and trading sites in many countries all over the world, involve different economic sectors like the agricultural and marketing sectors and produce various employment structures and labour conditions. Unfortunately precarious conditions like migrant work and seasonal work are not a phenomenon in one informal sector but can be found everywhere along the global value chains. According to the ILO estimated 450 to 500 million workers are engaged in global value chains. Among those approximately 21 mio are working under exploitative conditions like forced labour.

On the occasion of a fact finding mission to Gujarat together with the Clean Clothes Campaign (Germany) and Südwind e.V. in January 2015 the German Commission for Justice and Peace got in touch with PRAYAS in India. Südwind e.V. and PRAYAS are two institutes doing investigative work on labour conditions in the informal economy. In 2015 and 2016 the authors Dr Sabine Ferenschild and Sudhir Katiyar produced two studies on labour conditions in the textile value chain, 'Hard Work for Soft Fibres' and 'Make in India'. Both studies describe working conditions and labour rights violations in different stages of cotton production and processing.

Justice and Peace supports this kind of research to qualify the advocacy work especially in regard to the controversy on the necessity of binding social standards contrary to voluntary standards. It is an objective to promote the critical dialogue with and among stakeholders in the countries of concern. Hence Justice and Peace took over the task of publishing the English versions of both studies together in the publication series 'Gerechtigkeit und Frieden' as Heft 132. The German versions 'Harte Arbeit für weiche Fasern' und 'Make in India' are published by Südwind- Institut e.V. [www.suedwind-institut.de](http://www.suedwind-institut.de)

We hope this publication meets the interest of international partners of Südwind, PRAYAS and Justice and Peace as well as of other stakeholders and social partners first and foremost in India.

In Germany the editors organised dialogue workshops on both studies, inviting unions, private sector, certifiers, NGOs and government to discuss the results and recommendations. We hope that the dialogue will continue not only in Germany but also in India.

A next step will be an exposure- and dialogue program in Rajasthan and Gujarat in February 2017. Living the daily routine of informal workers along the textile value chain in migrant workers' families and with home based garment producers serves as a starting point for a qualified dialogue on the possibilities to improve the situation of workers. This program is a cooperation of the German Commission for Justice and Peace and the Exposure und Dialogprogramme e.V. [www.exposure-dialog.de](http://www.exposure-dialog.de) . The publication at hand will be useful to prepare for the exposure and dialogue.

The authors and editors wish you a stimulating reading

A handwritten signature in black ink, appearing to read 'Hildegard Hagemann', with a long horizontal stroke extending to the right.

Dr Hildegard Hagemann

**Make in India**



# Make in India. A study of working conditions in West Indian textile companies

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## List of abbreviations

AFWA – Asia Floor Wage Alliance

AGCGA – All Gujarat Cotton Ginners Association

BMP – Better Management Practice – Australian environmental programme for cotton production

CCI – Cotton Corporation of India

ESI – Employees’ State Insurance

GOTS – Global Organic Textile Standard

ILO – International Labour Organization

IE – interviewee(s)

n.s. – not stated

PW – Permanent workers

SAI – Social Accountability International (standard initiative)

SLD – Society for Labour and Development (Indian NGO)

TCM – Indian Technology Mission on Cotton

TLA – Textile Labour Association

UN – United Nations

USDA – United States Department of Agriculture

## 1. Introduction

SÜDWIND and PRAYAS carried out research in the 2014/15 season on working conditions in four Indian ginning factories. The research revealed multiple breaches of labour law, and these are documented in the study entitled *“Harte Arbeit für weiche Fasern”* (Hard work for soft fibres) from the spring of 2015 (cf. Ferenschild/Katiyar 2015). Since one of the ginning factories that was studied had a certificate from the ‘Global Organic Textile Standard’ (GOTS), and furthermore claimed to be a fair trade partner, the poor working conditions in this factory caused some confusion: Both GOTS and Fairtrade stand for exacting standard initiatives (cf. Glossary). For one thing, these standards help ensure that the path taken by cotton through the value-added chain can be traced. For another, both standards are associated with good ecological and social production conditions. The research results from the abovementioned study indicated that this does not necessarily have to apply to the cotton ginning processing stage.

In order however to ascertain whether SÜDWIND and PRAYAS had merely stumbled across a black sheep, or whether a structural problem exists here which affects other certified companies, and possibly also other processing stages, the two organisations,



with support from the German Commission for Justice and Peace, decided to implement a further survey among, if possible, 100 workers from a total of ten certified companies along the textile chain.

### *Selecting the companies and the survey method*

The companies surveyed were selected on the basis of a broad web search, including databases and websites of various standard initiatives, companies and associations. This research enabled a list to be compiled of companies producing in the textile sector in Gujarat, India. SÜDWIND, Justitia et Pax and PRAYAS then used this overall list to shortlist companies based on a number of criteria:

- *Processing stage:* The focus was to be on ginning. If possible, however, companies from the other processing stages (spinning, weaving, dyeing, garment manufacture) were also to be integrated into the study.
- *Inclusion in global supply chains and standard systems:* Preference was given to selecting companies which themselves claim to have international clients, and/or to be included in global standard systems.
- *Region:* Preference was given to selecting companies operating within Gujarat in regions where it appeared to be possible to approach workers in confidence.

PRAYAS selected from among the companies that were filtered by this method the ten companies where it was possible to establish contact with the workers. On the basis of a jointly-developed questionnaire along the lines of relevant ILO Conventions, PRAYAS interviewed the workers “off-site”, that is independently of their workplace or of the company premises, and without the knowledge of the employers. The surveys were held in November and December 2015. Any clarification that was needed took place in January 2016.

### *The topics, structure and implementation of the interviews*

The questionnaire that was used to hold the interviews was based on ILO Conventions which have achieved broad international acceptance. So far, India has ratified four out of the eight core labour standards (Nos. 29, 100, 105 and 111), three out of the four “Governance” Conventions (Nos. 81, 122 and 144) and 43 out of the 177 Technical Conventions, of which Conventions 1, 5 and 14 are particularly relevant for this study (cf. ILO 2012: op cit.). The questionnaire was structured along the lines of the following topical areas:

1. *General information*: on the respondent (age, sex, civil status, origin) and on the company (including name and address, turnover, clients, number of workers, trade union, etc.);
2. *Ban on forced labour*: four questions on ILO Conventions 29 and 105;
3. *Prohibition of child labour*: six questions on ILO Conventions 138 (not ratified by India, but binding on all as a core labour standard) and 5;
4. *Prohibition of discrimination at work*: six questions on ILO Conventions 100 and 111;
5. *Right of freedom of association and to bargain collectively*: four questions on ILO Conventions 87 and 98 (not ratified by India, but binding on all as a core labour standard);
6. *A living wage*: eight questions on ILO Conventions 26 and 131 (not ratified by India, but regulated in the Indian Minimum Wages Act and in the Factories Act);
7. *Hours of work*: five questions on ILO Conventions 1 and 14;
8. *Occupational safety and health*: eight questions on ILO Convention 155 (not ratified by India, but regulated in the Indian Factories Act, amongst other statutes);
9. *Employment contracts*: seven questions on contracts, which are not yet regulated in an ILO Convention, but amongst other statutes in the Indian Contract Labour Act and in the Code of Labour Practices of the Clean Clothes Campaign (cf. Clean Clothes Campaign 1998: 5).

### **ILO Conventions ratified by India**

#### (Core labour standards)

No. 29 Convention concerning Forced or Compulsory Labour, 1930

No. 100 Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value, 1951

No. 105 Convention concerning the Abolition of Forced Labour, 1957

No. 111 Convention concerning Discrimination in Respect of Employment and Occupation, 1958

#### (Governance Conventions)

No. 81 Convention concerning Labour Inspection in Industry and Commerce, 1947

No. 122 Convention concerning Employment Policy, 1964

No. 144 Convention concerning Tripartite Consultations to Promote the Implementation of International Labour Standards, 1976

(Technical Conventions)

No. 1 Convention Limiting the Hours of Work in Industrial Undertakings to Eight in the Day and Forty-eight in the Week, 1919

No. 5 Convention Fixing the Minimum Age for Admission of Children to Industrial Employment, 1919

No. 14 Convention concerning the Application of the Weekly Rest in Industrial Undertakings, 1921

...

Source: ILO 2012

A total of 101 schedules were completed. These schedules were completed without the knowledge of the employers. Locations varied from workers' homes, tea shops outside the factories, or workers' accommodation inside the factory. In a couple of cases, the investigators tried to approach the management formally. These efforts were however unsuccessful. The following activities took place in addition to the individual interviews:

- Group discussion: Two group discussions were organised with workers covering five of the units surveyed.
- Literature survey: A secondary literature survey was carried out along with a websearch to gather relevant background data.
- PRAYAS conducted training of GOTS certifiers during the study. While the training proceedings are confidential and cannot be shared, the process nevertheless provided the PRAYAS team with a different perspective on the process of certification, and was very useful.

PRAYAS drew up ten company-specific reports from the total of 101 interviews which were held with workers, as well as a summary of the results entitled "Researching Labour Conditions in Textile Units affiliated with the Global Organic Textile Standard in the Cotton Value Chain in Gujarat". These reports, as well as the publishers' joint conclusions and recommendations, are presented in this study.

## **2. An overview of working conditions in certified textile companies in Gujarat**

The total of ten companies surveyed for this study included six companies which were active both in ginning and in yarn making, one engaged in spinning only, and a garment factory as well as two companies belonging to a large composite textile and clothing company (see annexed company portraits). The fact that all the ginning companies surveyed have also established their own yarn making appears to be a result of the

textile policy of the State of Gujarat, which targetedly supports this strategy with subsidies (cf. Ferenschild/Katiyar 2015: 6). Five of the ginning companies surveyed have established yarn making under the same company umbrella; one ginning factory has established a separate company for yarn making. Table 1 lists the companies surveyed, the respective processing stage, the region, the number of interviewees as well as the sector in which they are employed.

**Table 1: List of factories surveyed**

Sl.	Name of the factory	Process undertaken	Location	Workers interviewed	No. of workers interviewed
1	Raja Industries	Ginning, yarn making	Kadi	Ginning	20
2	Vaibhav Laxmi Industries	Ginning, yarn making	Kadi	Ginning	12
3	Milan Ginning and Pressing	Ginning, yarn making	Limbdi	Ginning	6
4	Patel Cotton Industries	Ginning	Dharangadhra	Ginning	9
5	Bhavani Cotspin	Ginning, yarn making	Dharangadhra	Ginning	12
6	Narendra Cotton Ginning and Pressing	Ginning, yarn making	Rajkot	Yarn making	10
7	Omax Cotspin Pvt Ltd. (an affiliate of Patel Cotton)	Yarn making	Dharangadhra	Yarn making	2
8	Aura Herbal Textiles Ltd.	Dyeing, Garments	Ahmedabad	Across the production	10
9	The Arvind Mills Ltd.	Composite textile	Ahmedabad	„	9
10	The Arvind Mills Ltd.	Composite textile	Santej, Kalol	„	11
	<b>TOTAL</b>				<b>101</b>

Perhaps the first fact that needs to be pointed out is the difficulties encountered in implementing the survey. While PCLRA had prior contacts with workers and labour contractors in Kadi, the other areas represented virgin territory where PCLRA had had no previous contact with workers. PCLRA enlisted the help of local activists to establish

contact with local workers, and visited their homes at night. A large proportion of the workforce is comprised of seasonal migrant workers who live inside the factory. These workers were contacted outside the factory premises at shops which they visit to purchase provisions.

A common theme was the fear amongst the workers when it came to talking openly about their situation. They were afraid that the management would find out that they had been talking to outsiders about their work situation and that they would lose their jobs. The workers had to be persuaded that participation in the survey would not get them into trouble. Even then, many workers refused to be interviewed. This is the main reason why the sample is not spread evenly amongst the factories. Whilst it was planned to interview ten workers from each unit, the unwelcoming conditions in some factories made it very difficult to reach the figure of ten workers.

The location of the units is shown on the map of Gujarat below. The units are spread over North Central Gujarat and Saurashtra. These cover a fairly wide geographical region and represent the main cotton textile production areas.

**Figure 1: Location of the ginning factories surveyed on a map of Gujarat**



In line with the structure of the questionnaire on which the interviews were based, the following statements sum up the results of the survey among 101 interviewees, as well as those of the two group discussions. The summary table with which each section closes (from Ch. 2.2 onwards) provides a company-specific overview of the workers' responses.

## 2.1 Age, sex and social profile of the workers

The industry has a young workforce. One-third of all the workers are aged 21 or younger. Nearly two-thirds are 30 years old or less. The young profile is in keeping with that of the workers, the majority of whom are employed on a temporary basis, with a large proportion being seasonal migrants. It is only in the textile and garment making units at the top end of the production chain that there are some permanent workers.

Nearly 13 percent of the workers are aged 18 or younger. These are nearly all in the two ginning units at Kadi. The ginning industry in this area has a tradition of employing young tribal workers.

Female workers are present in all the factories. Nearly a third of all the workers interviewed were female. Female workers are hired for jobs that are considered to be less strenuous. The ginning industry has a significant presence of female workers, who are typically employed in the *charkha* section. The job does not require much skill. Of the 34 workers interviewed, 35 percent – i.e. 12 – were female. The age group of the workers ranged from 18 to 47. More than a quarter of these workers were adolescents who reported their age to be 18-20.

A significant feature of the manpower deployment is that the majority of the workers employed are seasonal migrants, this group accounting for sixty percent of all the workers. In ginning factories, only the supervisors and in some instances the *charkha* workers are local. The migrant workers come from other States such as Rajasthan, Bihar, MP and Jharkhand. Only the textile mills and garment manufacturing units employed local labour only. The contract workers employed in these factories were also local.

An interesting finding is that the new spinning units that are being set up as value chain augmentation by ginning owners, and promoted by the State through subsidies, replicate the labour hiring patterns of the ginning units. There is a preference towards employing temporary, migrant, young workers.

## 2.2 Forced Labour

Whilst the workers did not report any forced labour, they have to follow shift timings. Apart from the three companies at the end of the production chain, all the other units operate 12-hour shifts. The daily wage rate is given for a 12-hour shift. If it happens that the shift does not operate for 12 hours, the wages are adjusted on the basis of the hourly wage rate. The overtime rules are adhered to in the three units at the end of the production chain. In fact, the factory does not want to give overtime as it would have to pay overtime rates. The interviewees in Company 9 however reported that they felt forced to work any overtime that was offered. Since overtime is announced in advance

(at short notice) in this company (see Tab. 9), and furthermore a trade union is operating there (see Tab. 5) which can be involved in the overtime planning, these statements on the part of the interviewees are not evaluated in Tab. 2 as “forced” overtime.

**Conclusion:** The overtime practice in Companies 1-6 is in breach of Indian labour law (see also Ch. 3). All the companies have a security service which checks the workers when they enter and leave the company premises. This is however not regarded as constituting a restriction of freedom of movement.

**Table 2: The results of the survey on the topic of “forced labour”**

Forced labour	1	2	3	4	5	6	7	8	9	10
Forced overtime	Yes*	Yes *	Yes**	Yes**	Yes	Yes*	No	No	No	No
Restriction of freedom of movement	No	No	No	No***	No	No	No	No	No	No

\* 12-hour shift, if required  
 \*\* 24-hour standby on company premises  
 \*\*\* One IE criticised that the security staff asked too many questions when they left the premises.

*2.3 Child Labour*

All the workers interviewed were aged above 14. The respondents did not report any child labour below the age of 15 in the factory. However, there were juveniles present who were aged between 15 and 18. All in all, 13 percent of the respondents were reported to be between 15 and 18. Except for one, all these cases are from the two ginning factories in Kadi, which has a history of employing tribal children from South Rajasthan. The presence of juveniles in the 15-to-18 age group was further confirmed during the focus group discussion held with workers from these two factories. The presence of children in ginning units in Kadi was substantiated by a gruesome incident in another ginning factory in which a young worker lost his hand in an accident. The reports on child labour also have to factor in the fact that workers and labour contractors tend to underreport the age of the children. They are aware that child labour is illegal, and are therefore careful when it comes to reporting age. Whilst the Indian Child Labour Act defines children as being below 14 years of age, the Factories Act regulates the employment of young persons below the age of 18 in factories.

**Table 3: The results of the survey on the topic of “child labour”**

Child labour	1	2	3	4	5	6	7	8	9	10
Aged under 15	No	No	No	No	No	No	No	No	No	No
15-17	Yes*	Yes*	No	No	No	No	No	No	No	No

\* in “normal” shifts like adults

#### 2.4 Discrimination

No discrimination was reported except for the case of pregnant women. Even though women who are of child-bearing age were reported to be working in the factories, no cases of benefits under the Maternity Benefit Act were reported. Even in the niche garment manufacturing unit, there were no reports of the employment of pregnant women.

**Table 4: The results of the survey on the topic of “discrimination”**

Discrimination	1	2	3	4	5	6	7	8	9	10
Discrimination (against women)	No	No	No	No	No	Yes*	No	No	No	No
Employment of pregnant women	No	n.s.	n.s.	No	n.s.	n.s.	n.s.	No**	n.s.	n.s.

\* Domestic migrant workers receive lower wages (Rs. 50 per day less) than local workers.

\*\* Pregnant women have never been employed.

n.s. – not specified

#### 2.5 Freedom of association

Except for the large composite textile unit (Companies 9 and 10), there is no trade union activity in any of the factories surveyed. The workers in these factories were very clear that the factory management would not permit any trade union activity. There is no wage labour agreement either. There have been attempts to form a trade union in Kadi, where two factories were surveyed. These attempts met with resistance on the part of



the management. However, some labour contractors continue to be supportive of the trade union, and attend meetings when they are convened.

The unionisation efforts in the ginning factories are also hampered by the ongoing mechanisation process in the ginning factories. The demand for *charkha* workers is declining. The business of the labour contractors who supply labour is reducing. They are therefor very careful not to antagonise the factory owners.

The composite textile unit has a trade union. However, this union is not liked by the workers. They see it as being controlled by the management. The union is affiliated with a state-level Federation that was promoted by Gandhi ji in the pre-independence period. It also does not represent the large number of contract workers present in these factories. One of these units saw a strike this year, when the workers tried to bypass the trade union and voice their demands independently. However, the efforts did not succeed as the union had already signed a collective wage agreement with the management. The labour law that governs industrial relations in Gujarat, the Bombay Industrial Relations Act, makes it almost impossible to dislodge a recognised union from the factory. Recognition is accorded on the basis of membership of an overall industrial sector, and not of membership in an individual factory.

**Table 5: The results of the survey on the topic of “freedom of association”**

Topic	1	2	3	4	5	6	7	8	9	10
Trade union activity in factory	No	No	No	No	No	No	No	No	Yes*	Yes**
Approachable in case of problems	C	C	C/M	C/M	C/M	C/M	n.s.	C/M/O*	n.s.	n.s.
Attendance at union meetings in the town	Yes	Yes	n.s.	n.s.	n.s.	n.s.	n.s.	n.s.	n.s.	

C: Contractor; M: Management; O: Owner

\* Individual and collective complaints possible. Complaint about wages being too low failed to lead to an increase (for the past five years).

\*\* There is a trade union that is sympathetic to the company which according to the IEs does not represent the workers’ interests, and which only had permanent workers among its members. The police were called when a strike was held.

### **Gandhi and the textile trade union in Gujarat**

When the Mahur Mahajan/Textile Labour Association (TLA) was first established in August 1918, there were conflicts between textile workers and mill owners in Ahmedabad: The plague had broken out in Ahmedabad in 1917, and many workers were leaving the city. In order to maintain production in Ahmedabad – the “Manchester of India” –, the mill owners offered workers a bonus of 70 % on top of their wages as a financial incentive to remain in the city. Once the plague had been overcome in 1918, the bonus was discontinued. The workers reacted to this by going on strike and demanding wage increases and a cost-of-living-related increase amounting to 50 % of the wage level. The mill owners for their part reacted with lock-outs. The sources disagree as to whether it was the mill owners or the workers who approached Mahatma Gandhi asking him to mediate. But mediate he did, persuading the workers to reduce their demand to 35 %, to which the companies however also did not agree. Gandhi finally reached an agreement with the companies on a 20 % cost-of-living-related allowance on top of their wages, which the workers in turn rejected. After further rounds of laborious negotiations, the parties then agreed on 27.5 %.

The Ahmedabad Textile Labour Association was established as a lesson from these conflicts. And the sources disagree there too: Was it Gandhi who built up a trade union in accordance with his ideals of non-violence, and based on the ideals of trusteeship (employers and employees are trustees of capital on behalf of society)? Was it the workers themselves who sought to protect their interests through cooperation rather than confrontation? Or was it the socially-committed owner Ambalal Sarabhai who set the stage for its establishment and also wanted to set up committees (mahajans) in the companies to arbitrate on conflicts? Be this as it may: The Mahur Mahajan Textile Labour Association, which was founded in 1920, was the only workers’ lobby organisation that was recognised by the mill owners, and it organised mahajans in the companies which were to help resolve conflicts peacefully, and to which management could also be elected to represent the workers. In the years that followed, the Association not only conducted regular trade union activities, but also implemented welfare programmes and educational activities, as well as providing medical facilities for the workers and the members of their families. It enlisted the support of wealthy Ahmedabad residents to fund these programmes, and even supported business people or their candidates in municipal elections. The Textile Labour Association had no influence outside Ahmedabad, and did not seek affiliation with any other associations.

Sources: Shenoy 2015, Kureshi 2015

## 2.6 Wages

The workers were interviewed on a variety of wage-related aspects, including whether they received wage slips, on the wage level and whether it complied with the applicable minimum wage regulations, the question of bonus payments, as well as whether they were receiving a living wage. The results of the survey were as follows, broken down according to these aspects:

*Wage slips:* Two-thirds of the workers surveyed said that they did not receive any wage slips. Only the permanent workers in the composite textile mills and the supervisors in other factories reported receiving wage slips.

*Wage rates:* The general wage rate seems to hover around Rs. 200 for a 12-hour shift in the ginning and yarn making units. This is almost half the industrial minimum wage rate of Rs. 286 per day for eight hours. The permanent workers in the textile companies receive more than the minimum wage. The salaries range from Rs. 9,000 pm to Rs. 12,000 pm. However, these wages are significantly lower than a living wage. A rough calculation shows that a four-member household requires a minimum of Rs. 14,000 pm to live in a city like Ahmedabad (s. Table 6).

More than one-sixth of the workers reported receiving less than the minimum wage. However, 57 percent of the workers reported that they were not aware of the existence of a minimum wage. The regular workers in the composite textile mill and garment manufacturing unit are receiving minimum wages. However, even their wages are low and cannot be considered as a living wage.

The large composite textile mill (Companies 9 and 10) employs a large number of workers as daily contract labour through labour contractors. It is however not clear what the ratio of contract workers to permanent workers is (roughly 15,000 persons, see annexed company portrait). There are only estimates from the respondent workers themselves, who presume that the number of contract workers is higher than that of permanent workers. These workers do not receive the minimum wage.

*Bonus:* There is no concept of bonuses in the cotton ginning and yarn making units. The workers in the composite textile mill and in the niche garment making unit receive a bonus. The yearly bonus is fixed at Rs. 4-6,000. However, workers in the composite textile mill complained about the tactics employed by the management to reduce the bonus by suspending workers.

*Are wages sufficient to meet basic needs?:* Almost all the respondents said that the wages were not sufficient to meet their needs. Even the permanent workers in the composite textile mill were not satisfied with the wages that they were being paid. Responses to the question as to what the living wage should be varied depending on the background of the workers. The seasonal tribal migrants had low expectations, hovering

around Rs. 10,000 pm. This would be twice what they are being paid now. The urban workers demanded wages around Rs. 15,000 pm.

The research team carried out an independent assessment of the monthly expenses of a four-member household in urban Gujarat. It shows that a household with four members requires a monthly income of at least Rs. 14,000 pm to survive there. PRAYAS' estimate is below the living wage calculated by the Asia Floor Wage Alliance (AFWA): Assuming that a worker has to support two other adults, or one adult and two children, or four children, the AFWA arrives at a living wage of Rs. 18,727 for India (approx. 254 Euro) (cf. AFWA 2015: op cit.) – 50 % of which is calculated for food, 40 % for clothing, rent, travel expenses, education and health, and 10 % for savings. However, although PRAYAS calculates a lower amount than AFWA, PRAYAS' calculations nonetheless show that the wages received by most of the respondent workers are far below the monthly cost of living.

**Table 6: Cost of living in Ahmedabad, Gujarat (Rs. and Euro)**

Item	Household	Expenditure (Rs.)	Expenditure (Euro)
1	Food	6,000	81
2	Rent	3,500	48
3	Clothing	500	7
4	Electricity and water	500	7
5	School	1,000	14
6	Transport	1,000	14
7	Health	500	7
8	Telephone	500	7
9	Miscellaneous	500	7
	<b>Total</b>	<b>14,000</b>	<b>192</b>

Source: Estimate by PRAYAS for a four-person household (2 adults, 2 school-aged children)

**Table 7: The results of the survey on the topic of “wages”**

Topic	1	2	3	4	5	6	7	8	9	10
Receiving wage slips	No	No	No	No	Yes/No**	Yes	No	No	Yes	Yes
Receiving wage (monthly)	Yes*#	Yes*#	Yes*	Yes*	Yes*	Yes*	Yes*	Yes*	Yes*	Yes
Bonus	No	No	n.s.	No	sometime s for some	No	No	Yes** *	PW: Yes*** *	Yes
Respondent's estimate of what would constitute a monthly living wage	Rs. 10-12,000	Rs. 7,500-10,000	Rs. 15,000	25-40% more	Rs. 400 per day or 18,000 per month	Rs. 15,000	Rs. 300-350 per day	Rs. 8-15,000	Rs. 15-20,000	Rs. 8-15,000
Deductions/penalties	Yes##	n.s.	n.s.	n.s.	n.s.	n.s.	n.s.	No	Yes##	No

\* Level of knowledge of the existence of minimum wages very low; known in Factory 6 (they receive the minimum wage); overtime is however underpaid.

\*\* Half receive wage slips.

\*\*\* Related to output (up to Rs. 4,000)

\*\*\*\* Annual bonus payment from a certain number of working days; this is circumvented by the company management by suspending workers for several days.

#Weekly food bonus, deducted from monthly wages

##Deductions from wage if production targets not achieved (Factory 1: appears to be connected to reduced hours of work in case of raw material shortages)

PW: Permanent Workers

**Table 8: The results of the survey on the topic of “wage level”**

Company	Wage level
1	Rs. 4-6,000 per month; average: Rs. 5,174 (with 8-hour shift: Rs. 4,200 monthly wages)
2	Rs. 200-210 daily wage (possibly Rs. 10 fee per day for contractor); 5,200 monthly wages with 26 working days
3	Rs. 200-250 or Rs. 250-300 daily wage, depending on the nature of the work
4	Rs. 8-14,000 per month (mechanic, who is also a contractor, earns a higher wage)
5	Ginning machine: Rs. 200 per day for 8 hours, Rs. 290 for 12 hours; others: Rs. 11-14,000 per month
6	Rs. 286 daily wage unskilled/Rs. 303 skilled; Rs. 9,000 (not incl. overtime) to Rs. 18,000 per month
7	Rs. 200 daily wage
8	Rs. 6-8,000 per month; cut, make and trim (CMT) Rs. 2,500-15,000, depending on the number of working days per month
9	CW: Rs. 225 per day, PW: Rs. 8-9,000 per month; Rs. 275 or 286 per day for “jumpers” (= badli workers)
10	CW: Rs. 6-8,000 per month, PW: Rs. 9,000-10,500 per month

\* Gujarat minimum wage in ginning: Rs. 294 daily wage (Rs. 7,644 monthly wages for 8 hours per day);  
 CW – Contract workers; PW – Permanent workers

### 2.7 Working hours

The composite textile factory and the niche garment making unit operate eight-hour shifts and provide overtime as stipulated. The remaining factories regularly operate 12-hour shifts. There is no concept of overtime in these factories.

Nearly 70 percent of the workers reported that they had some time off per week. However, this is only paid leave for the permanent workers. Contract workers on a daily wage are paid nothing for the weekly day off. In fact, contract workers in the composite textile mill reported working every day of the week. There is a section of workers in the ginning factories that is on work contract – those engaged in unloading cotton trucks and making bales. These workers live inside the factories and are on call, literally 24 hours a day, as they may be called whenever there is work to be done.

**Table 9: The results of the survey on the topic of “hours of work”**

Topic	1	2	3	4	5	6	7	8	9	10
Daily hours of work (in hours)	12*	12	24***	24***	24*** / 70-100 hrs per week	12-13#	n.s.	8****	8 - 8,5*****	8
1 day off per week	Yes**	Yes**	No	No	No	No	Yes**	Yes	Yes#	Yes##

\* 25 % of respondents only worked for 8 hours per day, one 9 hours, with lower wages (connected with raw cotton shortage).

\*\* without payment

\*\*\* standby

#4-5 voluntary overtime hours per day (“because they are paid”)

\*\*\*\* Overtime is announced two hours before the end of a shift (Factory 9) or one (up to two) day(s) in advance (Factory 8).

# only paid for permanent workers; company only gives two days off in the whole year.

## Contract workers do not have a day off in the week, and reach 56 working hours per week.

*2.8 Health and safety*

Similar to the wage sector, various aspects need to be considered when it comes to occupational safety and health. The basic healthcare provided in the company, the number of accidents at work and how the company management deals with these, the question of occupational diseases, social security, as well as the company infrastructure such as canteens, toilets, clean drinking water and personal safety equipment, form part of this. Broken down in line with these aspects, the study led to the following results: Medical care: In response to the question of whether sufficient medical care is provided in the factory, more than half replied in the negative. Two-thirds of the workers could not name any safety equipment in the factory. Only 40 percent admitted to having been told about the possible dangers before beginning work. Only about a quarter said that there was regular training on occupational safety issues.

*Accidents:* Serious accidents were reported from five of the units surveyed. Three of these were ginning units. Four units reported fatal accidents. The causes of the fatalities were given as electric shocks received from the machine while it was being repaired, a worker's head getting caught in a machine, a fall from a height, and a sudden seizure that could have been a heart attack and not related to work conditions. Except in the last case, some compensation seems to have been provided. Only in one case was a specific figure available that was half the statutory claim. Generally speaking, the workers were not willing to discuss the cases as they felt that they had been settled and that it would not be correct to reopen the issue.

One worker in a ginning factory reported having had an accident in the current year. His treatment costs had been met by the management.

*Occupation diseases:* Only one case was reported. One of the workers in the garment making unit complained of problems arising from the towel cloth that she stitches. However, she also reported that she did not use a respiratory mask as it interfered with her work.

*Social security:* The permanent workers in the composite textile mill and garment making unit are covered by social security schemes viz. Provident Fund, Bonus, Gratuity, and Employees' State Insurance (free medical treatment and insurance in case of sickness). The temporary workers in these factories and the workforce in the remaining factories had no access to any government social security schemes.

*Canteens:* Slightly more than one-third of the workers reported receiving good food in a canteen.

*Clean drinking water:* More than one-fifth of the workers reported that they did not have good access to clean drinking water. The workers were asked to drink tap water, which they did not consider to be of good quality.

*Toilets:* Nearly 40 percent of the workers reported problems in access to toilets. The two ginning units in Kadi did not have toilets for workers on the premises or in the residential quarters where migrant workers live. The workers had to go out in the open. In a yarn making unit also, toilets are not provided in the migrant workers' residential quarters. In one factory, whilst toilets are provided, the worker raised the issue of cleanliness.

*Personal Protective Equipment:* Only 10 percent of the workers reported receiving protective clothing from the factory.



**Table 10: The results of the survey on the topic of “occupational safety and health”**

Topic	1	2	3	4	5	6	7	8	9	10
Healthcare	restricted	No	Yes	No	Yes	No**	n.s.	No***	No***	Yes
Accidents at work	Yes	Yes*	No	No	Yes**	No	No	Yes*	Yes*	No
Occupational diseases	No	No	No	No	No	No	No	No##	No	No
Social security	No	No	No#	No	No#	No	No	Yes###	Yes###	Yes##
Canteen	No	No	No	No	No	No	No	Yes	Yes	Yes
Clean drinking water	Yes***	Yes**	Yes	Yes	Yes	Yes	Yes	No***	Yes	Yes
Toilets	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Protective clothing	No	No	No	No	Yes	No	n.s.	No	Yes (mask)	Yes
Training	No	No	n.s.	n.s.	n.s.	n.s.	n.s.	No	No	Yes
Payment of treatment costs	?	n.s.	n.s.	n.s.	n.s.	n.s.	n.s.	n.s.	n.s.	n.s.

\* fatal (Factory 2: machine accident suffered by a local mechanic, company paid half the statutory compensation; Factory 8: presumably heart attack at work, company paid for hospitalisation, death after three days in hospital; no compensation from company, colleagues collected Rs. 25,000 for the widow; Factory 9: fall from considerable height, ambulance late, dead on arrival)

\*\* Sari jammed in machine, unknown compensation amount, lasting minor disability, employment in factory not continued

\*\*\* only tap water in some cases

\*\*\*\* but First Aid box or fire extinguisher

# Company however has accident insurance to provide accident compensation.

## One IE complained of respiratory problems and burning eyes when processing towels.

### Employees’ State Insurance Corporation (ESIC) + Provident Fund (PF). Only for permanent workers, not for contract workers

## 2.9 Legally-binding employment relationship

Only ten percent of the workers reported entering into a written contract with the factory. The majority of the workers are on short-term contracts and are hired through labour contractors. These workers did not have access to a social security system. Unlike the situation in Tamil Nadu, there was no information on any fraudulent apprenticeship schemes (c.f. Ferus-Comelo 2016: 28). The workers did not have to pay any fee in order to be hired.

**Table 11: The results of the survey on the topic of “employment contracts and contract labour”**

Topic	1	2	3	4	5	6	7	8	9	10
Written employment contracts	No	No	No	No	No	No	No	Yes**	Yes**	Yes*
Employed by labour agent/contractor	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes*	n.s.	n.s.

\* part of an outsourcing scheme; the workers were previously directly employed by the company

\*\* only permanent workers: Factory 8 – IEs all employed as contract workers with no written employment contract; Factory 9: approx. 1,500 contract workers employed to whom good standards do not apply

## 3. An overview of labour law and policies

How are the working conditions outlined in Chapter 2 to be interpreted in the textile companies surveyed? In order to be able to judge this, it is first of all important to take a look at the core Indian labour laws (see on this also Ferenschild/Katiyar 2015: 15 et seq.). Given the large share of contract work, lower wages, a large share of domestic migrant workers and the lack of trade unions, particular relevance appears to attach here to the Contract Labour Act of 1970, the Minimum Wages Act of 1948, the Government of India’s Inter-State Migrant Workmen Act, as well as the Bombay Industrial Relations Act, which is applicable in Gujarat. These will be examined in somewhat greater detail below.

## The Factories Act

The Factories Act 1948 sets the framework for factory work in India. The following provisions of the Act are particularly relevant with regard to the working conditions that were identified in the companies surveyed: Every factory is to provide sufficient sanitary facilities which all workers can use at any time (section 19). Every company wherein more than thirty women workers are ordinarily employed must provide a crèche for children under the age of six years (section 48). No adult worker may be required or allowed to regularly work for more than nine hours per day (section 54). Wages are to be paid for overtime at twice the hourly rate (section 59). The State Governments may make their own overtime rules for certain activities. Overtime may nonetheless not exceed 12 hours in any one week or fifty hours for any one quarter (section 64). The latter has however been extended to 100 hours of overtime per quarter by a recent legal amendment. Juvenile workers who have completed their fourteenth year are only allowed to work in factories if they have a certificate of fitness and they carry this while they are at work (section 68). Workers who have worked for a period of 240 days or more in a factory are allowed one day of **annual leave with wages** for every twenty days of work performed (children: one day for every fifteen days of work performed) (section 79).

→ The two ginning companies in Kadi are breaching section 19 of the Factories Act. Four out of the ten companies employ more than thirty women, but do not provide a crèche. The workers in the ginning companies and spinning mills are forced on a daily basis to do more overtime than is permitted. This can add up to more than 300 hours of overtime per quarter. They are not paid the statutory overtime bonus for this. Juvenile workers did not have certificates of fitness. The vast majority of seasonal workers are not entitled to annual leave. However, almost half of the respondents work in companies which produce all the year round. They are entitled to receive annual leave with wages, but this right is not implemented.

## The Contract Labour Act

The Contract Labour (Regulation and Abolition) Act 1970 was adopted in 1970 to regulate the employment of contract labour and to provide for its abolition in certain circumstances. It provides for (1) the registration of establishments employing contract labour; (2) the licensing of contractors who supply contract labour for any work of establishments and (3) the availability of facilities such as canteens, toilets and drinking water supply from a certain size of establishment for the contract workers. The Act furthermore provides that contract labour is to be abolished in those processing stages

which are permanent and central to the establishments. This Act has not achieved its goals. Instead of abolishing contract labour, it has tended more to help legitimise this form of employment, and has hence promoted its expansion.

Violations of the Act are punishable with imprisonment for a term which may extend to three months or/and a fine which may extend to one thousand rupees.

- ➔ The composite textile company (Companies 9 and 10) transfers regular work to contract labour. The situation is similar for the clothing manufacturer (Company 8) and the spinning mills, all of which operate all year round, and not seasonally. This process of transferring central processing stages to contract labour is in breach of the Contract Labour Act. As far as the research team is aware, furthermore, neither the companies nor the contractors are registered although all the companies are presumably large enough. The six larger companies should furthermore provide canteens, drinking water, sanitary facilities and First Aid sets. They are in violation of some of these requirements (see 2.8).

### **The Government of India's Inter-State Migrant Workmen Act**

The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act 1979, applies to every establishment in which five or more Inter-State migrant workmen are employed, and requires these companies to be registered or licensed (cf. Hirway/Sharma/Batabyal 2014: 24). The Act furthermore requires the same wage rates for migrants and workers of local origin who perform the same work (Ch. 5, section 13 of the Act). The Act furthermore prescribes that contractors pay a displacement allowance to the migrant workmen whom they hire equal to fifty per cent of the monthly wages (Ch. 5, section 14), as well as the fare for the outward and return journeys to the place of work (Ch. 5, section 15).

- ➔ These provisions of the Act were violated in the ginning companies and spinning mills surveyed, in which the majority of workers comes from other States.

### **The Minimum Wages Act**

Notification KHR/2014/188/LVD/10/2013/57564 M (2) by the Labour and Employment Department of Gujarat Government, dated 26 December 2014, declares minimum wages for unskilled industrial workers as Rs. 276 per eight-hour day. After addition of the "dearness" (cost of living) allowance, it is Rs. 284 for unskilled workers. The

minimum wage is Rs. 292 for semi-skilled workers and Rs. 304 for skilled workers. All the work processes in the textile industry that have been studied, including ginning, fall under the category of industrial occupations.

- ➔ As against this, the average going wage rate for unskilled workers is Rs. 200 for a 12-hour work day. If calculated at an hourly rate, this is half the statutory minimum wage.

### **The Bombay Industrial Relations Act**

The Bombay Industrial Relations (BIR) Act 1946 regulates relations between employers and workers, contains arbitration proceedings in case of industrial disputes, and takes precautions for other cases. The Industrial Dispute Act regulates industrial relations in India in general terms. The textile industry in Gujarat however falls under the Bombay Industrial Relations Act (cf. Commissionerate of Labour 2015: op cit.). This provides that a list of recognised trade unions is to be kept. Section 13 describes a union as a Representative Union which has membership of not less than twenty-five per cent of the employees employed in any industry in any local area. Section 14 stipulates that in any local area there shall not at any time be more than one registered union in respect of the same industry. This provision makes it virtually impossible for new trade unions to break the predominance of the existing trade union. Labour activists from Gujarat consider this Act to be responsible for the ongoing dominance of the established trade union, which is regarded as being sympathetic towards the company.

- ➔ Only in the composite textile company (Companies 9 and 10) do the provisions of this Act which make trade union activities more difficult play any role: These are the only companies in which there is a trade union, which due to its long history and its size is the only one that is recognised in the industry. The workers consider that this trade union is sympathetic towards the company, and do not feel that it represents them. There are no elected representatives of the workers' interests in the eight other companies surveyed, nor indeed does any collective bargaining take place. The rights to freely form trade unions and engage in collective bargaining are hence not being implemented.

## 4. Summary

The survey covered three kinds of industrial process in the cotton supply chain – ginning, yarn making and a composite process that leads to the manufacture of cloth and finished garments. The working conditions in the companies surveyed can be summarised as follows, structured according to the areas to which the questions refer:

Forced labour: The overtime practice in Companies 1-6 is in breach of Indian labour law. The statutory overtime regulations are evidently complied with in Companies 7-10.

Child labour: No one reported any child labour in the factories, but they did speak of workers aged between 15 and 18. A total of 13 % of the respondents were aged between 15 and 18.

Freedom of association: Apart from the large textile company which is a part of this study with two branches (Companies 9 and 10), there were no trade union activities in any of the companies surveyed. The respondent workers were very clear in stating that the respective management would not permit any trade union activity in the company. There are also no tariff or wage agreements.

Wages: The wages of the permanent workers in the companies are above the minimum wage; they receive wage slips and bonus payments. The wages of the overall large share of contract workers are below the minimum wage; they do not receive any wage slips. Only a very small share of the workers received a living wage.

Hours of work: Seven of the companies surveyed here operate 12-hour shifts. Almost 70 % of the workers are given a day off on a weekly basis. This is however only a paid day off for the permanent workers. The contract workers working on a daily wage basis are not paid on their day off.

Occupational safety and health: The respondents in most of the companies stated that the medical care provided in the company was inadequate, or that they were not aware of any being offered. Contract workers do not have access to social security schemes. Two companies had no toilets, seven had no canteen, and several only offered tap water as drinking water.

Employment contracts and freedom of contract: Only 10 % of the interviewees have a written employment contract with the company. The majority of the interviewees are working on temporary contracts, and are employed by a contractor. They thus do not have access to social security schemes.

As was already explained, ginning and yarn making frequently belong to one and the same company because ginning factories have established yarn making as a part of their diversification strategy. Although yarn making is quite different to ginning in terms of the working process, and demands a higher level of worker skills, it appears that the working conditions of the ginning factories are copied or duplicated in yarn making.

It can be found all in all that the breaches of labour law increase the further back one goes in the textile chain. In particular the ginning companies, but also the spinning mills, are violating Indian labour law on a massive scale, as well as acting in contravention of various ILO Conventions and the social requirements of both GOTS and the undertakings and initiatives stated in the company portraits which are among the clients/partners of the companies surveyed here. These are (in the order of their being mentioned in the ten company portraits) Cotton Connect, Better Cotton Initiative, GOTS, Fairtrade, the Indian textile company Arvind, EURO VISTA and T.T. Garments, the German service-provider EUROTEx, C&A, IKEA, H&M, Marks&Spencer, the Bimeco Group, the Turkish KIPAS Holding, the Sustainable Apparel Coalition, the Global Reporting Initiative, as well as the Social Accountability International SA 8000 Standard (see also Glossary).

It is particularly worrying to note the general absence of trade union organisation, of elected representatives of worker interests and of collective negotiations. Without such an organised negotiation power on the part of the workers, it will be difficult to achieve improvements in working conditions in the companies. Unlike an audit, where an auditor audits a company once per year, trade union representatives are in the company the year over, and can detect failings and endeavour to see to it that they are remedied. The authors regard this as constituting the key factor to implementing all the other labour standards.

Given these results, PRAYAS, SÜDWIND and JUSTITIA ET PAX recommend the following:

**1. Initiating a social dialogue in Gujarat:** PRAYAS and its partner trade union will be passing the results of the study directly to the companies surveyed and calling on them to remedy the failings. It is however relatively improbable that this will impress the companies, particularly since they only constitute a small section of the large number of textile companies in Gujarat. Since however the problems which have been revealed in this study are not restricted to the ten companies surveyed, but are of a structural nature, improvements are called for at sectoral level. With the involvement of relevant Indian stakeholders from the political arena, companies and their associations, trade unions and non-governmental organisations, we recommend that a social dialogue be initiated to implement provisions of labour law in the textile sector in Gujarat. Support from international players would be desirable here. This can be provided by the standard initiatives, by the client companies or indeed by the German Partnership for Sustainable Textiles, the members of which purchase (primary) products from the region surveyed

here amongst other places. Enhancing the system of labour inspections by the State should be an important aspect of this dialogue.

**2. Unionising the workers:** There is an urgent need to make efforts to organise workers, and labour migrants in particular, in trade unions and to enable them to engage in collective negotiations. A unionised workforce is best able to continuously take up the struggle against a refusal to grant rights at work. Without this ambition on the part of the workers themselves, it will presumably not be possible for others to successfully defend labour laws. So that newly-founded trade unions can however successfully represent the interests of workforces, the Government of Gujarat would have to prioritise abolishing or relaxing those provisions of the Bombay Act which restrict trade union freedom.

**3. Linking state subsidies in the textile sector to labour and social standards:** The Indian Government and the Government of Gujarat are promoting the establishment and expansion of the textile sector, as well as the export of textiles. Relevant governmental players such as the national Ministry of Textiles or the Cotton Textiles Export Promotion Council TEXPROCIL, which was established in 1954, will receive this report for their information and a request for their comments. The publishers will see to this, and will recommend that the Indian State link textile sector subsidies to compliance with labour and social standards.

**4. Bringing demands into line with the implementation of standard initiatives:** All the companies surveyed had a GOTS certificate, at least with regard to parts of the production processes. Many also worked with other standard initiatives. The latter, as well as the certification companies which they commission, must examine and alter their audit procedures. This is a recommendation emerging both from the interviews and from the training which PRAYAS carried out for auditors. Workers will not answer auditors' questions frankly if the interviews take place on company premises. A neutral, non-threatening environment is vital in order to understand the real situation. Even in the survey for this study, which attempted to create such an environment, many interviewees expressed a fear that their participation in the survey would have negative consequences for them. It is hence also imperative for GOTS and the certification company to treat the study results very carefully.

We recommend: 1. to include a local organisation in the audit process; 2. to make the audit reports, which have been treated confidentially in the past, more transparent, and 3. to introduce trade union training for all workers prior to awarding the certificates.



## **5. The responsibility of German stakeholders from the political arena and industry:**

Indian textile and clothing production has undergone a boom since the liberalisation of the global textile and clothing trade. Although the Indian Government is also striving to both enact modernisation programmes and to improve worker qualification, it can nonetheless be found that the significance of informal work in the textile and clothing sectors has increased since the end of the Multi-Fibre Arrangement in 2005 (cf. Ferenschild/Schniewind 2016: 72 et seqq.; SLD/AFWA 2013: 9). It is not least the international clients of the Indian textile and clothing sector which benefit from this. As clients, they can contractually oblige their Indian suppliers to comply with labour rights and enable them to do so through appropriate price calculations and delivery periods. At least the German companies which are members of the Partnership for Sustainable Textiles and which purchase (primary) products from India should agree on a joint strategy as to how they can make a contribution towards abolishing 12-hour shifts in the ginning companies and spinning mills, towards supporting the establishment of trade unions and the expansion of permanent employment relationships – to mention only the most serious failings. The Textile Partnership should offer a supportive framework for this.

In addition to industry as a private player, however, the German Government and the EU are also called upon: They can contribute towards ensuring compliance with labour rights in the supply chains of German companies by amongst other things developing laws and tools on corporate liability in case of breaches of labour law and by entrenching protection rights for workers in international trade agreements.

**6. Ratification of UN and ILO Conventions on migration:** Although this study looked at a highly-specific group of migrants, that is seasonal labour migrants within a State, it is nonetheless to end by taking a look at the general problems concerned with the labour rights of international migrants. If labour migrants enter their transit or destination country illegally, or lose their legal status during their stay in these countries, they have virtually no options in most states in the world when it comes to standing up for their rights if their labour rights are violated (unpaid wages, undignified housing, excessive hours of work, confiscation of documents by employers, etc.). Two international Conventions are intended to help remedy this situation of being effectively bereft of rights: Firstly, the UN Convention on the “Protection of the Rights of All Migrant Workers and Members of Their Families” of 1990, which is explicitly devoted to the situation of irregular migrants and their families (cf. UN 1990), and secondly ILO Convention No. 143 concerning “Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers” of 1975 (cf. ILO 1993: 1571 et seqq.). The latter primarily addresses the situation of legal labour migrants, but it

is also opened up for undocumented people via its Article 9. Germany has neither signed nor ratified either of these Conventions, and nor have most other EU Member States. This needs to change if we wish to safeguard the rights of all workers in global value-added chains regardless of their place of origin and of their residence status.

## 5. Annex

### 5.1 Company portraits

Workers have limited insight into their employers' commercial activities as a rule. The interviewees were therefore only able to provide a restricted overview of the companies, the number of workers, the trading partners, etc. The following brief overview is hence intended to help illustrate the ten companies from which workers were interviewed with information from the companies' own websites, their associations and the GOTS database. It becomes clear here that some of these are relatively complex company structures, not all the processing stages of which are certified.

#### *Raja Ginning Industries, Kadi (Company 1)*

Raja Industries is one of the ginning companies from Kadi surveyed here. The company is made up of two units: *Raja Industries* and *D. Raja Cotton Pvt. Ltd.*, both of which are listed as members of the All Gujarat Cotton Ginners Association (AGCGA) with the same contact individual (cf. AGCGA 2009: op cit.). Together with *Pashupati Cotton Industries*, the company is the owner of a joint venture export company, which was founded in 2007, by the name of *S. Raja Export Pvt. Ltd.* Both owner companies operate both the ginning process as well as an oil mill and a spinning unit. The joint venture exports the roughly 2,500 cotton bales produced daily with the aid of 250 gins, as well as more than 11,700 tons of cotton yarn produced by more than 61,000 spindles, to Bangladesh, China, Indonesia, Pakistan, Turkey and Vietnam (cf. S. Raja Export no year: op cit.; see map). S. Raja Export is listed in the GOTS database as the holder of a GOTS certificate that was issued by Control Union, valid for the processing stages "export, spinning, trade, ginning, storage". S. Raja Export is however only a trading unit – no ginning or spinning take place there. Neither the GOTS database nor the company website reveal which part of the company is actually certified for ginning. The company itself only advertises on its website with certified organic and Fairtrade cotton (loc. cit.). Workers employed by Raja Industries were surveyed. Since the company website does not provide any information on the number of (permanent or temporary) workers, the

interviewees' estimates are given here: A total of 93 persons work in the factory in these areas:

- 15 persons from South Rajasthan on the gins, eight of whom are men;
- 22 men from Bihar unloading the trucks;
- 18 men from West Rajasthan on the cotton press;
- eight men from Uttar Pradesh as mechanics;
- one supervisor from Kadi;
- and 30 persons from South Rajasthan in the oil mill, 16 of whom are men.

The interviews were carried out with five ginning workers and 12 oil mill workers. Some of the workers in this factory also took part in a group discussion outside the factory.

Company website: [www.srajaexport.com](http://www.srajaexport.com)

### ***Vaibhav Laxmi Industries, Kadi (Company 2)***

The second ginning company surveyed from Kadi, *Vaibhav Laxmi Industries*, is also a member of the AGCGA (cf. AGCGA 2009: op cit.). The company was established in 1970, and produces cotton fibres as well as oil and oil cakes (a by-product of cotton processing) from cotton seeds. The company recently also built a spinning mill. It does not have a website of its own, but is entered in the GOTS database as a trader under the name of *Vaibhav Laxmi Exports Private Limited*. This means that it is certified for storage of and trade in GOTS-certified cotton fibres, but not for the production process. This fundamentally means that the working conditions in processing do not need to comply with the GOTS standard, but that the company is nonetheless permitted to trade in GOTS-certified cotton. *Vaibhav Laxmi Industries* is also referred to on the homepage of Cotton Connect as a partner and as one of the first Indian ginning companies taking part in the implementation of a Better Cotton programme in Gujarat (cf. Cotton Connect 2014: op cit.).<sup>1</sup>

As was already the case with Raja Industries, there is no publicly-available information on the number of (permanent or temporary) workers at *Vaibhav Laxmi*. The interviewees' estimates are therefore given here: A total of 84 persons work in the factory in these areas:

- 18 persons from South Rajasthan on the gins, ten of whom are men;
- 14 men from Bihar unloading the trucks;

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<sup>1</sup> The link inserted by Cotton Connect for the Vaibhav Laxmi company name unfortunately does not lead to this company (cf. Cotton Connect 2014: op cit.). Cotton Connect had not reacted to two enquiries requesting a correct link by the time of going to press on 29 April 2016.

- 30 men from West Rajasthan on the cotton press;
- six men from Uttar Pradesh as mechanics;
- four supervisors from Kadi;
- and 12 persons from South Rajasthan in the oil mill, seven of whom are men.

The 12 interviews were carried out both with ginning workers and with oil mill workers. Six of the interviewees were women. Some of the workers in this factory also took part in a group discussion outside the factory. All of the workers, apart from the supervisors, received their work through contractors and lived on the factory premises. The interviewees were very young: The oldest was 25; two were under 18, and the others were 18 and 19 years old. All of them were unmarried. When they were asked why they were working for such low wages, the interviewees answered that no employment was available in their region of origin. The company only works with a 12-hour shift in the 2015/16 season. If there is insufficient raw cotton, the shift may only last for eight hours, or may even be cancelled for several days. In these cases, the wages are reduced or the day's wage is not paid at all.

Company website: -

### *Milan Ginning Pressing Pvt. Ltd., Limbdi (Company 3)*

This company was one of the four ginning companies already surveyed by SÜDWIND and PRAYAS in the 2014/15 season. It is a composite company which carries out the processes of ginning, oil production (under the name of its subsidiary *K.R. Solvent*) and yarn making in separate buildings on company premises. The company was founded in 1980 at a location within the Limbdi city limits. The company moved its production to its present location by the motorway because of residents' protests at air pollution caused by fine cotton particles. According to the information provided by the company on its website/homepage, Milan produces around 50,000 bales of cotton fibre (= 8,000 tons) per season which are exported to Pakistan, Bangladesh, China, Thailand and Turkey. Milan has also been directly exporting cotton bales to spinning mills abroad since 2008/09. Also according to the website, the company produces according to international standards such as BCI, USDA Organic, GOTS and Fairtrade. BCI, USDA Organic and GOTS refer to the quality of the cotton fibres, whilst Fairtrade refers to the sister concern firm *K.R. Solvent* and to the deolied cake produced there.

As there is no publicly-available information on the number of (permanent or temporary) workers at Milan, the six interviewees' estimates are given here (which however diverge widely and are much higher all in all than the number of 200 workers from the most recent survey): A total of 300 persons work at Milan and K.R. Solvent in these areas:

- 28 persons from Limbdi on the gins, ten of whom are men;
- 20 men from Madhya Pradesh unloading the trucks;
- 20 men from Rajasthan on the cotton press;
- ten men from Uttar Pradesh as mechanics;
- not specified for supervisors;
- not specified for the number of workers in the oil mill;
- xx persons as helpers. (The interviewees state a number of 500 here, which is unlikely, and which presumably has two causes: 1. The premises also house the Milan spinning mill, the workers of which were presumably classified as “helpers”. 2. Almost all of the interviewees are illiterate, only joined the company and moved to the region recently – a situation which makes it difficult to make estimates.)

The interviews with six workers, most of whom came from Bihar, are aged from 18 to 30, and all but one of whom are married, were held at a venue outside the company. Their job is to unload the trucks. They however also perform cleaning and other work if there is no work to be done on the trucks.

Company website: [www.milanginning.com](http://www.milanginning.com)

#### ***Bhavani Cotspin Ginning, Dhrangadhra (Company 4)***

Workers from two companies were also surveyed for this study in the town of Dhrangadhra in the Surendranagar district. One of the companies is part of the of M/S Jethalal Hirjibhai group, which according to the company website consists of the *Shree Bhavani* ginning factory (member of the AGCGA), the ginners and oil millers *Jay Bhavani Ginning, Pressing & Oil Ind.* (member of the AGCGA), the *Bhavani Cotspin* spinning mill and the cotton trader *M/S Jethalal Hirjibhai*. Bhavani Cotspin had a GOTS certificate which according to the GOTS database (retrieved in February 2015) expired at the end of December 2015. The company exports its products and has the following among its clients

- the major composite textile and clothing manufacturer Arvind (see Factories 9 and 10),
- the textile yarn exporter EURO VISTAA, headquartered in Mumbai, which has also been operating its own cotton production facility and ginning unit in Tanzania since 2009 (cf. EURO VISTAA no year: op cit.),
- T.T. Garments, clothing manufacturer and trader from New Delhi, which according to the company’s own website is primarily orientated to the Indian market (cf. T.T. Garments no year: op cit.)

- the German company EUROTEx, which offers its services to department store groups, consisting of product development and production as well as distribution, and which has a broad range, from household textiles to sports textiles and promotion articles (cf. EUROTEx no year: op cit.).<sup>2</sup>

The survey was carried out in the Shree Bhavani ginning unit. The research team was unable to establish contact with the estimated approximately 300 workers in the spinning mill, which was very closely monitored. Since the company website does not provide any information on the number of (permanent or temporary) workers, the interviewees' estimates are given here: A total of 18 persons work in the factory in these areas:

- four men from Rajasthan on the gins;
- four men from Bihar unloading the trucks;
- four men from Rajasthan on the cotton press;
- four men from Uttar Pradesh as mechanics;
- two supervisors from Dhrangadhra.

Although the company is fully automated, this estimate probably needs to be regarded as a snapshot. The company was not yet running at full capacity when the interviews were held, so that the full number of workers required when at full production capacity were not yet on site. The interviews were carried out with eleven workers aged from 16 to 58 (supervisors), four of whom work in unloading, three in pressing, three as mechanics and one as a supervisor. Six of the eleven interviewees are married. Apart from the supervisor, the workers (who have no families) live on the factory premises. Besides the supervisors, who receive monthly wages, all the workers are contract workers who receive a daily wage.

Company website: <http://bhavanicotspin.com/#carousel-03>

### ***Patel Cotton Industries Limited, Dhrangadhra (Company 5)***

The second company located in Dhrangadhra is *Patel Cotton Industries Ltd.* (member of the AGCGA). According to the company's website, the company's ginning unit was founded in 1995 by H.M. Patel, a major politician and a member of the legislative assembly of Gujarat. The company later expanded to include a spinning mill, *Omax Cotspin Pvt. Ltd.* (see Company 7). The ginning company was modernised several years ago within the Indian Technology Mission of Cotton (TCM) programme, and produces

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<sup>2</sup> An e-mail enquiry addressed to Eurotex hoping to confirm the existence of this business relationship had not been answered at the time of going to press.

180,000 to 200,000 cotton bales per year with 100 gins (but was not operating at full capacity at the time when the survey was carried out), and only processes raw cotton from the production areas of the Saurashtra region (Gujarat). Patel Cotton exports to Bangladesh, China, Pakistan, Turkey and Singapore. The company processes certified ecological and sustainable, as well as conventional cotton. It works with international standards such as the Better Cotton Initiative, Cotton Connect, GOTS and Fairtrade, and explicitly quotes IKEA and C&A as partners.

The survey was carried out both at the Patel Cotton Industries ginning company and at the spinning mill (see Company 7). Since the company website does not provide any information on the number of (permanent or temporary) workers, the interviewees' estimates are given here: A total of 300 persons work in the factory in these areas:

- 50 women from Dhrangadhra on the gins;
- 60 men from Madhya Pradesh unloading the trucks;
- 50 men from Rajasthan on the cotton press;
- 40 men from Uttar Pradesh as mechanics;
- 20 supervisors from Dhrangadhra;
- 30 men from Rajasthan in the oil mill;
- 50 women from Dhrangadhra as helpers.

Nine workers from the ginning company aged between 19 and 50 were interviewed, one of whom works unloading the trucks, three on the gins, two as mechanics, two as supervisors and one as a contractor of the oil mill workers. All the interviewees but one were married.

Company website: [www.patelcotton.in](http://www.patelcotton.in)

### ***Narendra Cotton Ginning and Pressing Pvt Co Ltd, Rajkot (Company 6)***

The sixth company from this study, *Narendra Cotton*, is situated in Rajkot. It has come much further in the diversification process than the companies looked at above: It started in 1997 as a ginning company, established a spinning division roughly ten years later, and now also has a knitting, a weaving and an R&D division. Narendra claims to offer a "Farm to Fabric" solution (Narendra 2014: op cit.).

The interviewees work in the spinning mill. The company employs roughly 150 workers, both migrants and locals. The migrants live off the company premises in housing which the company provides free of charge. This housing is very rudimentary, without a bathroom or toilet. Interviewees who live there with their families particularly complained about this. Workers with families have a room for themselves, whilst single workers are housed three or four to a room. Attempts by the two-person research team

to contact the management were unsuccessful. The workers were contacted outside the factory during their lunch break. Cooperation by a contractor who had provided 36 workers to the company enabled ten of his contract workers, four women and six men aged from 37 to 45, to be persuaded to take part in the survey. The contractor himself is from Rajkot and uses “sub-contractors” to recruit migrants. Four of the ten respondents came from other States, and the other six are from the surrounding area. All the respondents were married and had families; only a few of the migrants had brought their families with them to where they work.

Company website: [www.narendracottontextiles.com](http://www.narendracottontextiles.com)

### ***Omax Cotspin Pvt. Ltd, Dhrangadhra (Company 7)***

The *Omax Cotspin* spinning mill, which was founded by Patel Cotton Industries (see Company 5), is the second spinning mill in this study and the third company located in Dhrangadhra. The company provides detailed information on its website regarding the technological level of its production and on the quality of its products, which it exports to China, Indonesia, Pakistan, Turkey and Vietnam. According to the company’s website, Omax’ international clients include C&A, H&M, Marks&Spencer, the Bimeco Group, IKEA and the Turkish holding company KIPAS. The company has a GOTS certificate, as can be seen in the GOTS database.

Omax employs a large number of unmarried young women. It is estimated that 350 workers and 12 supervisors work at the company. Because they are scared of losing their jobs if they talk to outsiders, it was not possible to obtain the desired number of ten workers to be interviewed. Only two workers aged between 19 and 22 were willing to talk about the situation in the company. The image they paint therefore urgently needs to be checked, firstly because the employment profile (largely young, unmarried women) is similar to that of spinning mills in Southern India, which have also become known in Europe as particularly exploitative under the term “sumangali”, and secondly because this company is very closely connected with European clothing traders who claim to attach importance to maintaining a sustainable value-added chain.

Company website: [www.omaxcotspin.com](http://www.omaxcotspin.com)

### ***Aura Herbal Textiles Ltd., Ahmedabad (Company 8)***

Established in 2001, Aura Herbal Textiles is a textile company which has an unmistakably ecological profile. According to the company website, the company’s



founders wanted to contribute with their company towards reducing the damaging environmental effects of textile production by producing water- and resource-friendly textiles and clothing with plant-based dyeing processes (cf. Aura 2013: 3). Under the header “Charity begins at home”, the company however also presents the following guidelines for “Fair trade and social impact”: “We are very particular in paying our staff fair and sustainable wages necessary for healthy lifestyles. The working conditions are very favourable and we pay according to current market prices. All our factories, packaging and workers uphold our social and environmental standards. We do not support child labour at all and are sweatshop free.” (loc. cit.: 9). As well as manufacturing, Aura also markets its products itself over the counter in Ahmedabad (see Fig. xx) and via an online shop. The company is not only GOTS certified, but according to the GOTS database may also use the GOTS logo on its products.

The company’s website does not specify the number of workers. According to the research team, the company employs a total of roughly 200 people who carry out the various processes such as dyeing, printing, operating the machinery, cutting, sewing and packing. Both locals and migrants work in the company. The ten workers who were interviewed were aged between 24 and 52, and all of them were married or widowed. At first sight, the complaint schemes in the company, as reported by the interviewees, make a good impression: They are able to complain to the contractor, to the management or to the owner not only individually, but also collectively. The experience with a collective complaint five years ago however shows that this is no substitute for a formalised representation body: The workers first approached the contractor, who turned down the request for a wage increase since his own remuneration would have to be increased first. The workers therefore complained to the company’s owner, who rejected their request for a wage increase and gave them the choice of remaining at their present rate of pay or leaving. No trade union was involved in this conflict. The workers revealed in the interviews that they were worried about being dismissed if they became linked to efforts to become unionised. One of them spoke of a “ban” from the company management on worker meetings, so that extreme caution was also exercised when carrying out the interviews and they were held in strict anonymity. Wages which have been stagnating for five years, the lack of trade unions, and an increase in the amount of contract labour at Aura Herbal Textiles, are the greatest problems related to workers’ rights in this company.

Company website: [www.auraherbalwear.com](http://www.auraherbalwear.com)

### *Arvind limited in Ahmedabad (Company 9) and Kalol (Company 10)*

The two last companies from this study belong to one of the largest Indian textile companies – Arvind Limited (see Ferenschild/Katiyar 2015: 10). Arvind was one of the first companies which established a spinning mill and looms in the 1930s. The company was one of only a few to survive the major crisis that hit the textile industry in the 1980s by engaging in a targeted strategy of internationalisation and expanding denim production (cf. Arvind 2014: 5). Arvind produces manufacturing yarns, woven fabrics, knitted fabrics and (work) clothing, especially jeans, in several locations in Gujarat today, but also in other Indian States as well as in Bangladesh and Ethiopia (cf. Arvind 2015: 25). According to the company's Stability Report from the reporting year 2013/14, the first ever to be published by an Indian company (cf. Arvind 2014: 5), Arvind has a total workforce of roughly 15,000 permanent workers at its various locations, approximately 1,500 of whom are female. Workers with time-limited contracts and contract labour workers are added, but no specific number is stated (cf. Arvind 2014: 38). Arvind works with internationally-recognised sustainability standards such as the Sustainable Apparel Coalition, the Global Organic Textile Standard, the Better Cotton Initiative, the Global Reporting Initiative, as well as the Social Accountability International SA 8000 Standard, and is ISO certified. The company states in the abovementioned Stability Report that it has received GOTS certification for all the processing stages of its fibres, yarns and fabrics (cf. Arvind 2014: 5), but the current GOTS database only mentions the branch in Kalol (Factory 10).

A total of nine workers were interviewed from the location in Naroda Road in Ahmedabad, one of whom was a contract worker. The permanent workers had already been working at Arvind for roughly ten years. They were all locals and aged between 35 and 50. All of them were married, apart from one IE. None of them lived on company premises. The individual interviews were explored in greater detail in a group discussion.

The second Arvind location, at which a total of eleven workers aged from 35 to 50 were surveyed, is the Arvind branch in Kalol, which produces clothing, including work clothing. Since the company is located in a rural area, many still have a smallholding at home which they cultivate after their hours of work in the factory.

Arvind is the only one of the companies surveyed here which has a trade union in the company. However, the role of this trade union appears to be highly ambivalent. It is a part of the Majur Mahajan trade union association, which exists at State level, and which was established with the support of Mahatma Gandhi before India became independent. This association is regarded by the workers as being sympathetic towards the company,

and they consider that their right to establish truly independent trade unions is being restricted (see 2.2).

The workers who receive wage slips refused to show them to the interviewer or to copy them. There appears to be a trend towards replacing permanent workers with “jumpers”, who are less well paid, and then to replace the latter with even less well paid contract workers. Arvind complies with fundamental labour standards such as hours of work, overtime arrangements and minimum wages for the permanent workers. This does not apply to the estimated 1,500 contract workers. However, the permanent workers, whose gross wages are around Rs. 11-12,000 per month, receive approx. Rs. 8-9,000 net. This is only slightly above the minimum wage, and is certainly not a living wage (see Table xx (PRAYAS estimate)).

The company has a CSR policy which claims to have zero tolerance towards sexual harassment, and it also provides a hotline for complaints which is operated by an independent organisation and can be contacted by telephone or e-mail or via its website (cf. Arvind 2015: 46)

Company website: [www.arvind.com](http://www.arvind.com)

## 5.2 Glossary

**Better Cotton Initiative (BCI):** The initiative is a not-for-profit organisation founded in 2005 aiming to make cotton farming more sustainable. Initiated by companies including adidas, Gap Inc., H&M, IKEA and non-governmental organisations such as Oxfam, the UK’s Pesticide Action Network PAN and WWF, BCI draws up minimum requirements for sustainable cotton farming, including reducing pesticides, water management and decent work.

[www.bettercotton.org](http://www.bettercotton.org)

**Charkha:** A term used in India to refer to a gin or a spinning wheel (cf. Dictionary 2016: op cit.). The term is only used for gins here.

**Cotton Connect:** Companies which claim to pursue the social goal of creating sustainable cotton supply chains for the benefit of traders and brand companies.

[www.cottonconnect.org](http://www.cottonconnect.org)

**Employees’ State Insurance (ESI):** The state insurance for workers, ESI, serves to provide cover for workers in case of illness, pregnancy, incapacity for work or death, in order to compensate for wage shortfalls. It also guarantees healthcare. It is paid for by the ESI

Corporation, which was established by the central Government. ESI is founded on the Employees' State Insurance Act of 1948, the first major social statute of the independent India.

[www.esic.nic.in](http://www.esic.nic.in)

**Fairtrade:** In the context of this study, the term Fairtrade is restricted to the Fairtrade label for cotton, as well as to the Fairtrade programme seal for cotton. Fairtrade would like both labels to help improve working conditions in cotton farming. Textiles made from cotton which bear the Fairtrade cotton label are made of 100 % Fairtrade-certified cotton, meaning that they are processed separately from conventional cotton in each processing stage and can be traced back to their origins. Fairtrade for instance recognises the GOTS certificate as documentation of separate processing. The situation is different with regard to the Fairtrade programme label for cotton, where the companies purchase a certain volume of cotton at Fairtrade conditions, but are not obliged to process it separately. They can use this in their advertising, but not as a label on the product. The precise conditions for farming can be found on the Fairtrade website.

[www.fairtrade-deutschland.de](http://www.fairtrade-deutschland.de)

**Global Organic Textile Standard (GOTS):** The world's leading standard for processing textiles made from organic fibres. The standard defines environmental and social criteria along the entire organic textiles supply chain. A textile product must contain a minimum of 70% organic fibres for it to become GOTS certified. All chemical inputs must meet certain environmental criteria. A waste water treatment plant is mandatory for any wet-processing unit involved. The respectively valid version of the GOTS standard (currently 4.0), including all the detailed regulations, can be found on the GOTS website.

[www.global-standard.org](http://www.global-standard.org)

**Indian Ministry of Textiles:** The significance of the textile and clothing sector, ranging as it does from farming the raw fibres, via manual production, through to industrial production, is massive. This is also shown by the fact that the Indian Government has devoted a separate Ministry to this sector, the Ministry of Textiles, which has an informative website in English.

[www.ministryoftextiles.gov.in](http://www.ministryoftextiles.gov.in)

**TEXPROCIL:** The Indian Ministry of Textiles has set up several "councils" over the decades to promote specific textile products. There are a total of eleven such councils. This study mentions the Cotton Textiles Export Promotion Council (TEXPROCIL), which was founded in 1954. TEXPROCIL is located in Mumbai, and claims to be the "international face of

cotton textiles from India". The Council has a membership of around 3,000 companies all over India, and connects international buyers with appropriate Indian suppliers. It also claims to enable a better understanding of Indian and international trade policies, social and environmental compliances and sustainable business practices.

<http://www.texprocil.org>

**Social Accountability International (SAI):** SAI is an international non-governmental organisation comprising stakeholders from various interest groups. It aims to improve jobs by developing and implementing social standards. SAI published the *Social Accountability 8000 (SA 8000)* in 1997, a voluntary social standard based on ILO and UN Conventions.

[www.sa-intl.org](http://www.sa-intl.org)

**Sustainable Apparel Coalition (SAC):** SAC is an alliance, founded in 2010, of more than 60 companies in the textile, apparel and footwear industry, which developed the "Higg Index", a self-measurement tool for the social and environmental impact of corporate actions.

[www.apparelcoalition.org](http://www.apparelcoalition.org)

**Technology Mission on Cotton (TMC):** TMC is a programme of the Indian Government that was launched in 2000 to improve the quality of cotton production and processing in India, and which consists of four pillars within the programme: 1. research and technology generation; 2. transfer of technology; 3. improvement of marketing infrastructure; 4. upgrading and modernisation of ginning & pressing industries. Mini missions 3 and 4 expired in 2010. Up to that point, 506 out of the 859 ginning units that had been modernised all over India within Mini mission 4, were in Gujarat (cf. CCI 2011: op cit.).

<http://www.tmc.cicr.org.in/>

**USDA Organic:** Label awarded by the US Department of Agriculture (USDA) for ecological farming. The individual regulations on the requirements regarding farming methods and appliances that are banned or permitted can be found on the Ministry's website.

[www.usda.gov](http://www.usda.gov)

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