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# Sancroft

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NHS Supply Chain Country Profile: India

May 2016

## India – Labour Standards and Ethical Trade Profile



Population	1,251,695,584 <sup>1</sup>
Main Religions	Hindu (79.8%), Muslim (14.2%), Christian (2.3%), Sikh (1.7%), other and unspecified 2% <sup>2</sup>
Minimum working age	14 years old <sup>3,4,5</sup>
Minimum wage (per hour   per month)	<p>In India, minimum wages are declared at national, regional, sectoral and occupational or skill level. Minimum wages are set by each state's government for four categories of workers (unskilled, semi-skilled, skilled and highly skilled) across different industries. Due to a large proportion of workers in India not covered by the provisions of the Minimum Wage Act 1948, to reduce the disparity in minimum wages the concept of a National Floor Level Minimum Wage (NFLMW) was mooted by the Ministry of Labour and Employment. It represents a non-statutory commitment. In 2015 the National Floor Level of Minimum Wage (NFLMW) was raised to \$2.41 (160 Rupees) per day.<sup>6</sup></p> <p>Approx. 17.7 Rupees Per Hour   US\$0.26 Per Hour          Approx. 4800 Rupees Per Month   US\$ 71.16 Per Month</p>
Maximum working hours	9 hours per day, 48 hours per week <sup>7</sup> Including overtime, no more than 10 hours a day, 54 hours in a week <sup>8</sup>
Working week	Monday - Saturday <sup>9</sup>
Main exports	Engineering products (21.6%), petroleum products (20.4%), agricultural products, including rice (13.7%) and gems and jewellery (13.5%) <sup>10</sup> Also important are machinery and electronics, cars and packaged medicaments <sup>11</sup> .

\* Information on the occupations, processes and conditions young workers are prohibited from working in are outlined in the Child Labour Act 1986; the law identifies hazardous occupations hazardous processes

## *Context*

### ***Politics***

India is often hailed as the world's largest democracy. India is a federal parliamentary democratic republic, in which the President is the head of the country and the Prime Minister is the head of the government. India's presidency is largely ceremonial but can play a significant role if, for example, no party wins an outright majority in national elections.

The most recent Indian general elections in May 2014 were won by the Hindu Nationalist Party (BJP) led by Narendra Modi. They marked the first outright victory by a single party since 1984. Modi fought his campaign on his record as chief minister of the economically successful state of Gujarat, further bolstered by a surge of popular expectation and anger at corruption. Modi is a polarising figure however; his time as chief minister of Gujarat was overshadowed by accusations that he did too little to stop the religious riots in 2001 which saw more than 1,000 people, mainly Muslims, killed.<sup>12</sup>

A major priority for the BJP will be on economic reform and trade in an attempt to turn around an economic slowdown that saw economic growth fall to around 5% in 2012 and 2013. With the aim to bring growth rates back up to 7-8%, it is likely that measures to improve infrastructure, reform the tax system and increase foreign investment will be introduced. Additional challenges that the new government is likely to face include: corruption; food prices; access to jobs; education; and, healthcare<sup>13</sup>.

### ***Economics***

India is one of the world's fastest growing economies with an average annual GDP growth rate of 5.8% over the last two decades. Whilst growth slowed in 2012 and 2013, India grew at a robust 7.3 percent in 2015 and is expected to accelerate to 7.8 percent in 2016<sup>14</sup>. Recent growth and development of India is looked upon as a significant development achievement. During the six and a half decades since independence, the country has brought about a landmark agricultural revolution that has transformed the nation from chronic dependence on grain imports into a global agricultural powerhouse that is a net exporter of food.

Development metrics have increased substantially, for instance in terms of life expectancy, literacy rates etc. However, poverty is three to four times higher in some parts of the country than others and it has been reported that 28.6% of India's HDI value in 2014 was lost due to inequality.<sup>15</sup> Addressing inequality, and ensuring productive employment, health, education and infrastructure will be crucial if India is to continue to expand.

The agriculture sector is the largest employer in India's economy, but contributes a declining share of the country's GDP (13.7% in 2012-13).<sup>16</sup> The new government has expressed commitment to growing the manufacturing industry in India and has stated that they will create a policy environment conducive to this. Thus whilst India's manufacturing industry had been holding a relatively constant share in terms of its economic contribution, after growing by 5.9% in FY2014, industry accelerated further to 7.3% in FY2015<sup>17</sup>. Meanwhile services, once the fastest growing element of the economy, moderated to 9.2% in 2015. The service sector in India is diverse and includes telecom, software and information technologies, infrastructure, tourism, education, healthcare, travel, trade and banking.

### ***Demographics***

According to UN estimates, India's population is expected to overtake China's in 2028 to become the world's most populous nation<sup>18</sup>. India is currently the world's second most populous country. Between 2001 – 2011, its population grew 17.64%. The human sex ratio, according to the 2011 census, is 940 females per 1,000 males and the median age is 27 (2014)<sup>19</sup>. With 64% of the population aged between 15-64 years old, India has a large working age population. With birth rates falling, the percentage of people of working age will continue to increase and it is estimated that India will soon

have a fifth of the world's working age population<sup>20</sup>. This is generally viewed as a significant economic opportunity, contingent on education systems being in place to develop young people's skills and sufficient employment being available<sup>21</sup>.

In 2010, it was estimated that there were 50 million Indians in the global middle class (earning more than \$10 a day). By 2020 there are expected to be 200 million, growing to 475 million in 2030<sup>22</sup>. Economists believe that this emerging middle class could be an engine for economic growth through its increased consumption and accumulation of capital<sup>23</sup>.

In 2011, 31% of the population lived in urban areas<sup>24</sup> and urbanisation continues to occur at a rapid pace. The World Bank predicts that by 2030 over 40% of the population will reside in urban areas. It is estimated 10 million Indians move to towns and cities each year in search of jobs and opportunity.<sup>25</sup>

## *Labour Market Profile*

Estimates of India's labour force range from 502.1 million (CIA World Factbook<sup>26</sup>) to 0.86 billion (UNDP)<sup>27</sup>. India will see the maximum number of working age individuals in 2050, when the population aged 15-64 is expected to be larger than 1 billion. This reflects the situation of most countries in South Asia, which will have their largest number of working-age people between 2045 and 2050<sup>28</sup>.

Whilst a significant economic asset, the ability of India to respond to the needs of this growing workforce is however a challenge. The share of people working but earning below the international poverty line remains large and is likely to escalate as entrants into the labour market increase but there continue to be shortfalls in formal employment. By 2050, more than 280 million extra people will enter the job market in India, a one-third increase above current levels, yet between 1991 and 2013, the economy absorbed less than half of new entrants to the labour market.

According to the World Bank, there are particularly high gender gaps in terms of employment. For instance, the labour force participation rate for men is 83%<sup>29</sup> and for women it is 27%<sup>30</sup>. According to the World Economic Forum's Gender GAP Index there are high levels of gender inequality in India with the average women earning just under 25% of what an average man earns.

### **Industry Summary:**

Labour Force Occupation (2012) <sup>31</sup>	
Agriculture	49%
Services	31%
Industry	20%

Despite increasing industrialisation, approximately 50% of Indians continue to work in agriculture. The service sector is the next biggest employer followed by the industrial sector.

Despite its significance to a large proportion of India's labour force, agriculture contributes just 16% to India's GDP. Meanwhile, industry contributes 29.5% and services contribute 54.4%<sup>32</sup>. The current government however has said that it will be seeking to expand India's industrial and manufacturing sectors. Significant industries currently include; petroleum products and chemicals, automobiles, electronic components, cement, food, gems and jewellery, pharmaceuticals, semiconductor, steel and textiles.

The new government is currently targeting development of the textiles sector and has recently introduced The Scheme of Integrated Textile Parks (SITP) which aims to assist the development through providing financial support for world class infrastructure. Currently, manufacturing jobs in

India generally involve no exposure to modern machinery, techniques or training and it is estimated that more than 50% of Indians in the sector work in facilities without electricity.

### ***Medical device industry***

The Indian medical device industry is fragmented; with close to 1000 domestic firms primarily manufacturing low technology products. India remains largely reliant upon imports of medical devices, particularly those which are technologically advanced<sup>33</sup>. That said, owing to huge cost pressures and competition from Asian Pacific countries, Indian companies have now started to transition up the value chain to the medium technology segment.<sup>34</sup> Some domestic companies that have managed to navigate some of the complexities inherent in India's manufacturing sector include TKK Healthcare, Appasamy Associates, and Trivitron Healthcare<sup>35</sup>.

Taking a broader view of India's manufacturing sector, Mckinsey (2012<sup>36</sup>) believes that there is a golden opportunity for growth as many multi-national companies seek to diversify their production to include low cost plots in countries other than China. Capturing this opportunity will require significant improvements in efficiency and productivity that would in turn require a package of interventions including appropriate training of plant operators, managers and maintenance engineers.

## ***Key Risk Areas***

Companies sourcing from India will need to be aware that there is a risk of labour rights abuse within their supply chain. No global supply chain will be categorically free of issue and buying organisations have a responsibility to ensure that they are doing all they can to mitigate the risk of occurrence within their realm of business and, where an issue is discovered, take steps towards remediation. The below outlines the key risk areas pertinent to India and the areas in which a company sourcing from India may want to be particularly vigilant.

### ***Informal Economy and casual employment***

Informal employment is estimated to make up 92.8% of total employment in India as of 2009/10, and approximately half of all economic output<sup>37</sup>. With such a large number of people employed informally, the bargaining power of the labour force is reduced and it may be harder to gain visibility of working conditions and formal employment policies and processes.

A characteristic typical of many Indian workers is employment outside of permanent contracts or on short-term, temporary agreements. This has resulted in an increasing number of people with unreliable sources of income and a workforce that is made to compete regularly for work. In this context, where people are desperate to secure work, they may become more likely to work in unsafe and unlawful conditions and will have less leverage over their employers for driving change.

According to the U.S. Annual Human Rights Practices Report<sup>38</sup>, in India, laws on wages, hours, and occupational health and safety do not apply to the large informal sector. The report also noted that state governments do not effectively enforce minimum wage law for agricultural workers.

Enforcement of safety and health standards was also noted as poor, especially in the informal sector, and violations of wage, overtime, and occupational health and safety standards are common. Workers in small, low-technology factories are often exposed to hazardous working conditions where industrial accidents occurred frequently.<sup>39</sup>

### ***Sub-contracting***

One of the proposed reasons behind India's large informal sector is labour regulations that put pressure on firms to stay below a legal threshold size<sup>40</sup>. Fiscal incentives like tax exemption encourage firms to stay small and outsource to informal enterprises. This typically occurs when a contracted factory becomes over stretched during seasonal uplifts in demand. An informal enterprise in this

context can vary from a single worker performing simple manual labour in their own household to an enterprise working in a plant, employing more than a dozen workers operating machinery<sup>41</sup>. Ironically, often it is work that is deemed too dangerous to be undertaken in a factory that is outsourced to informal enterprises, putting workers who often lack appropriate training and protective clothing at considerable risk. Perhaps in light of this, in India it is commonplace for factories not to provide their customers with records of the informal enterprises they may be sub-contracting<sup>42</sup>.

### ***Overtime***

Another issue associated with India's substantial informal sector is failure for minimum wage standards to be upheld; consequently workers feel under pressure to work excessive overtime to earn enough to make a living<sup>43</sup>.

In a survey carried out by Kronos in 2012, 81% of Indian employees believed that employers were violating overtime laws, with regards to how long they were working and the overtime wage they received. Despite this, 85% of expressed a wish that they could work more<sup>44</sup>. The survey also found that 68% of hourly wage workers in India are actually required by their employer to work overtime.

### ***Child labour***

It is believed that India has the largest number of child labourers under the age of 14 in the world<sup>45</sup>. Data from the latest Indian census suggest that the number of working children in the age group 5 to 14 years fell from 12.66 million in 2001 to 4.35 million in 2011<sup>46</sup>. In contrast, UNICEF estimated that there were 29 million child labourers between five and 18 in India, with some NGOs predicting even higher numbers<sup>47</sup>. This discrepancy may be down to the inherent difficulty of capturing data in child labour surveys. Moreover, nearly 85% of child labourers in India are considered 'hard-to-reach', 'invisible' and 'excluded', on account of them working largely in the unorganised sector, both rural and urban, within the family or in household-based units<sup>48</sup>.

Whilst the majority of child labour is deployed in agriculture related activities, 21% of Indian children working in hazardous occupations are involved in the manufacturing of cigarettes and similar products for local markets, an activity regarded by the UN Committee on the Rights of the Child as one of the five most severe forms of child labour. Other common hazardous occupations for child workers in India are within the construction industry and domestic work.

India's Child Labour (Prohibition & Regulation) Act 1986<sup>49</sup> aims to prohibit the entry of children into hazardous occupations and regulate the services of children in non-hazardous occupations, but still a significant portion of children in the country are engaged in such activities. According to the United States Department of Labour, basic legal protection for children in India remains weak. Legislation was introduced in Parliament in 2012 to prohibit work by children under the age of 14 and to prohibit hazardous work for children under 18, but this has yet to be passed<sup>50</sup>.

It should be noted that the magnitude of child labour in India is not uniform across the country. The North West region for example is disproportionately affected.

### ***Modern Slavery and bonded labour***

According to Global Slavery Index 2014<sup>51</sup>, prevalence of slavery in India is the fifth highest in the world; with 1.14% population said to be enslaved. In terms of the number of people enslaved, this equates to 14 million individuals, the highest absolute number in the world.

All forms of modern slavery, including inter-generational bonded labour, forced labour and trafficking for sexual exploitation exist in India. Evidence suggests that members of lower castes and tribes, religious minorities, and migrant workers are disproportionately affected by modern slavery. Indeed discrimination on the basis of caste and gender is a significant challenge in and of itself within India.

Modern slavery occurs in brick kilns, carpet weaving, embroidery and other textile manufacturing, forced prostitution, agriculture, domestic servitude, mining, and organised begging rings. Bonded labour is particularly prevalent throughout India, with families enslaved for generations. Industries thought to have a high incidence of child bonded labour include woollen carpet producers and gem cutting and polishing<sup>52</sup>.

Enforcement of laws around forced labour is generally considered weak. However, given the scale and complexity of the response required in India, it is significant that the Indian Government has taken steps to better communicate key elements of its anti-trafficking response. In 2014 for example, the Ministry of Home Affairs launched an ‘anti-trafficking portal’, which includes information on criminal justice statistics, anti-trafficking police units, government and law enforcement training, the anti-trafficking legislation, and reporting mechanisms, including the ChildLine hotline number<sup>53</sup>.

### ***Trafficking***

According to a report published by the United States Department of State in 2014<sup>54</sup>, India is a source destination, and transit country for men, women, and children subjected to forced labour and sex trafficking. It is believed that 90% of India’s trafficking problem is internal, and those from the most disadvantaged social strata, for instance the lowest castes including the Dalits, members of tribal communities, religious minorities, and women from excluded groups—are most vulnerable<sup>55</sup>.

Trafficking within India continues to rise due to increased mobility and growth in industries utilizing forced labour, such as construction, steel, textiles, wire manufacturing for underground cables, processed food factories and fish farms. Thousands of unregulated work placement agencies reportedly lure adults and children under false promises of employment for sex trafficking or forced labour. The trafficking of children particularly from rural to urban areas is becoming increasingly common. It is estimated one child goes missing every eight minutes in India and nearly half of them are never found<sup>56</sup>.

India is currently considered a Tier 2 country in the US government’s Trafficking In Persons report, which means that whilst they do not fully comply with the Trafficking Victims Protection Act’s minimum standards, and though they are making significant efforts to bring themselves into compliance with these standards, the incidence of trafficking within the country is significant and growing.

### ***Case study – Sumungali scheme***

In Tamil Nadu, an estimated 500,000 people work in the region’s textile and garment industry which after a period of rapid growth now exports globally. Specific labour practices, locally known as Sumangali schemes are common in this area. Under Sumangali schemes, recruiters working on commission persuade primarily young female workers to sign up to paid work where safe accommodation and meals are provided in return for a generous final lump sum payment upon completion of a 3 to 5 year contract. Working conditions under these schemes are reported to be similar to bonded labour with participants working excessive hours for minimal pay and the final lump sum payment either not materialising or being deducted from their normal wages.

## ***Governance***

### ***Context***

Many observers have argued that India's labour laws should be reformed as they constrain the growth of the formal manufacturing sector. According to a World Bank report in 2008, heavy reform would be desirable<sup>57</sup>. Recently elected Prime Minister Narendra Modi has started the process of key labour

reforms as part of the 'Make in India' campaign which plans to cut red tape, develop infrastructure and make it easier for companies to do business<sup>58</sup>.

A number of changes to the labour law have been mooted, some of which are anticipated in the second half of 2016<sup>59,60</sup>. The government has argued the modernisation of labour is a necessary step to create jobs and aid manufacturing sector growth. One effect of the proposed laws would be to ease the hire and retrenchment of workers, and allow companies of a much larger size to dismiss workers without prior government approval.

Suggestions of reform have not been well received by the Indian population as a whole, with opposition hailing them a deliberate move on the part of the right wing government to weaken labour rights. In September 2015, more than one million formal sector industrial workers across the country observed a one-day strike to protest the federal government's proposed labour reform agenda that would make it easier for employers to lay off workers and ease norms for factory inspections. This was amidst concerns that the reform would facilitate the non-compliance with labour laws and make workers more vulnerable to labour rights violations<sup>61</sup>.

### ***National Legislation***

There are several legislations that exist to regulate and set standards and restrictions for the labour market this include:

The Constitution: - last amended in 2012, comprising of 22 parts and 395 articles the constitution guarantees workers fundamental rights such as prohibiting forced labour, discrimination, child labour below the age of 14 and ensures the freedom of associations and forming unions<sup>62</sup>.

The Factories Act – includes chapters concerning, health, safety, hazardous processes, working hours for adults and children aged between 14 and 18 years old and annual leave with wages<sup>63</sup>.

The Trade Unions Act- Provides for the registration of trade unions and governs aspects of the law relating to registered trade unions<sup>64</sup>.

The Industrial Disputes Act - last amended in 2010 is concerned with the investigation and settlement of disputes and provides reference to a variety of different disputes including unfair labour practices, courts and tribunals and strikes<sup>65</sup>.

### ***International Trade Union Confederation (ITUC) Rights Index***

The ITUC rights index uses a methodology that considers the standards of fundamental rights at work, in particular the right to freedom of association, the right to collective bargaining and the right to strike<sup>66</sup>. Using this methodology countries are ranked on a scale of 1-5, with a high score suggesting a government is failing to guarantee these rights. India received a rank of 5.

### ***International Standards***

Of the eight fundamental ILO conventions India is yet to ratify four: two conventions relating to the Freedom of Association and Collective Bargaining, and two conventions on effective Abolition of Child Labour. In total India has ratified 45 ILO conventions and 1 protocol. 42 are in force, 4 Conventions have been denounced; 1 has been ratified in the past 12 months.<sup>67</sup>

### ***Other Useful Resources***

Further information is available on the following websites:

- ILO Labour Law Database - [http://www.ilo.org/dyn/natlex/natlex\\_browse.country?p\\_lang=en&p\\_country=IND](http://www.ilo.org/dyn/natlex/natlex_browse.country?p_lang=en&p_country=IND)

- Transparency International Corruptions Perception Index  
<http://www.transparency.org/country/#IND>
- US State Department Database on Forced and Child Labour per product  
<http://www.dol.gov/ilab/reports/child-labour/list-of-goods/>

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- <sup>1</sup> <https://www.cia.gov/library/publications/the-world-factbook/geos/in.html>
- <sup>2</sup> <https://www.cia.gov/library/publications/the-world-factbook/geos/in.html>
- <sup>3</sup> <http://wcd.nic.in/crcpdf/crc-2.pdf>
- <sup>4</sup> [http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_INSTRUMENT\\_ID:312205](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312205)
- <sup>5</sup> [http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_INSTRUMENT\\_ID:312205](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312205)
- <sup>6</sup> <http://www.paycheck.in/main/salary/minimum>
- <sup>7</sup> <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/32063/64873/E87IND01.htm#a051>
- <sup>8</sup> <http://www.paycheck.in/main/labour-law-india/work-and-wages/work-hours-in-india/work-hours-and-overtime-pay-in-india>
- <sup>9</sup> [https://en.wikipedia.org/wiki/Workweek\\_and\\_weekend#India](https://en.wikipedia.org/wiki/Workweek_and_weekend#India)
- <sup>10</sup> <http://country.eiu.com/article.aspx?articleid=374205421&Country=India&topic=Summary&subtopic=Fact+sheet>
- <sup>11</sup> <http://atlas.media.mit.edu/en/profile/country/ind/#Exports>
- <sup>12</sup> <http://www.bbc.co.uk/news/world-south-asia-12557384>
- <sup>13</sup> <http://www.sannams4.com/what-next-for-india/>
- <sup>14</sup> <http://blogs.worldbank.org/developmenttalk/global-economic-prospects-sluggish-emerging-market-activity-weigh-global-growth-2016>
- <sup>15</sup> <http://www.asia-pacific.undp.org/content/dam/rbap/docs/RHDR2016/RHDR2016-full-report-final-version1.pdf>
- <sup>16</sup> [http://articles.economictimes.indiatimes.com/2013-08-30/news/41618996\\_1\\_gdp-foodgrains-allied-sectors](http://articles.economictimes.indiatimes.com/2013-08-30/news/41618996_1_gdp-foodgrains-allied-sectors)
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- <sup>20</sup> <http://www.economist.com/news/briefing/21577373-india-will-soon-have-fifth-worlds-working-age-population-it-urgently-needs-provide>
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- <sup>31</sup> <https://www.cia.gov/library/publications/the-world-factbook/geos/in.html>
- <sup>32</sup> <https://www.cia.gov/library/publications/the-world-factbook/geos/in.html>
- <sup>33</sup> <https://www.infosys.com/consulting/insights/Documents/indian-medical-device-industry.pdf>
- <sup>34</sup> <http://timesofindia.indiatimes.com/city/ahmedabad/Growth-of-Indian-medical-devices-industry-marred-by-import-export-anomaly-Assocham/articleshow/36725630.cms>
- <sup>35</sup> <https://www.infosys.com/consulting/insights/Documents/indian-medical-device-industry.pdf>
- <sup>36</sup> [http://www.mckinsey.com/insights/operations/fulfilling\\_the\\_promise\\_of\\_indias\\_manufacturing\\_sector](http://www.mckinsey.com/insights/operations/fulfilling_the_promise_of_indias_manufacturing_sector)
- <sup>37</sup> <http://www.economist.com/news/asia/21586891-activities-out-sticks-may-add-more-gdp-was-thought-hidden-value>
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- <sup>44</sup> <http://www.cio.in/news/kronos-81-percent-indian-employees-believe-employers-are-violating-overtime-rules-338322012>
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- <sup>48</sup> <http://iosrjournals.org/iosr-jhss/papers/Vol19-issue2/Version-1/A019210105.pdf>
- <sup>49</sup> <http://www.cry.org/resources/pdf/Child-Labour-Act-1986.pdf>
- <sup>50</sup> <http://www.dol.gov/ilab/reports/child-labour/india.htm>
- <sup>51</sup> <http://www.globallaveryindex.org/findings/>
- <sup>52</sup> [http://www.ilo.org/wcmsp5/groups/public/@ed\\_norm/@declaration/documents/publication/wcms\\_081967.pdf](http://www.ilo.org/wcmsp5/groups/public/@ed_norm/@declaration/documents/publication/wcms_081967.pdf)
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- <sup>58</sup> <http://www.bbc.co.uk/news/world-asia-india-29639951>
- <sup>59</sup> <http://indianexpress.com/article/cities/chandigarh/haryana-pushes-for-change-in-labour-laws-passes-4-bills/>
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