

## Facts on India's Garment Industry<sup>1</sup>

### Key statistics

**Population (2014):** 1.26 billion<sup>2</sup> (World's 2<sup>nd</sup> Largest population)

**Employment in garment industry (2013):** 8 million<sup>3</sup> (2014: 45 million in Textiles and Clothing 'T&C')<sup>4</sup> (Approximately 60% women, but this varies from region to region). \*\*This figure is the official figure, but it is worth noting that there are many garment workers in the informal sector, which this number most likely does not count.

**Textiles and Clothing % of GDP (2013):** 4%<sup>5 6</sup>

**Garment % of export (T&C) (2013/14):** 12%<sup>7</sup>

**Industry (General) % of GDP:** 25.8%<sup>8</sup>

**Value garment export (2013/14):** \$15.7billion/€12.4 billion (apparel only)<sup>9</sup>, \$40billion/€31.6 billion (textiles and apparel)<sup>10</sup>

**Percentage of the world market for apparels (2013):** 3.7% (6th Position for Apparels)<sup>11 12</sup>

**Minimum wage (2013):** \$ 65.42/€51.70/4000Rs (average of key regions)<sup>13</sup>

**Living wage calculation by Asia Floor Wage (2013):** \$247.12/€195.30/15,125Rs<sup>14</sup>

### Background of India<sup>15</sup>

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<sup>1</sup> All currency conversions were taken from Xe.com ([www.xe.com](http://www.xe.com)) and are current as of 24 October 2014

<sup>2</sup> 'Population of India (2014 and Historical)' (*Worldometers*) <http://www.worldometers.info/world-population/india-population/> accessed 29 September 2014

<sup>3</sup> 'Indian garments: second only to textiles' (*Fashion United*, 6 November 2013) <http://www.fashionunited.co.uk/fashion-news/fashion/indian-garments-second-only-to-textiles-2013110618938> accessed 15 September 2014

<sup>4</sup> 'Data Source: International Trade Division' (Ministry of Textiles, 3 November 2011) <[http://www.texmin.nic.in/sector/note\\_on\\_indian\\_textile\\_and\\_clothing\\_exports\\_intl\\_trade\\_section.pdf](http://www.texmin.nic.in/sector/note_on_indian_textile_and_clothing_exports_intl_trade_section.pdf)> accessed 3 February 2015

<sup>5</sup> 'Annual Report: 2013- 2014' (*Ministry of Textiles, Government of India*) <[http://texmin.nic.in/annualrep/ar\\_13\\_14\\_english.pdf](http://texmin.nic.in/annualrep/ar_13_14_english.pdf)> accessed 19 January 2015, page 3

<sup>6</sup> 'Indian Textile Industry at a Glance in 2013-2014' (*Indian Mirror*) <http://www.indianmirror.com/indian-industries/2014/textile-2014.html> accessed 2 January 2015

<sup>7</sup> *Ibid.*

<sup>8</sup> 'India: A Snapshot' (*India Brand Equity Foundation*, December 2014) <<http://www.ibef.org/economy/indiasnapshot/about-india-at-a-glance>> accessed 3 February 2015

<sup>9</sup> 'India ranks second in global textile exports' (*DNA India*, 2 June 2014) <http://www.dnaindia.com/money/report-india-ranks-second-in-global-textile-exports-1993053> accessed 13 October 2014

<sup>10</sup> 'Textiles and Garments: Statistics' (*Make in India*) <http://www.makeinindia.com/sector/textiles-garments/> accessed 29 September 2014

<sup>11</sup> *Ibid.*, (n.9)

<sup>12</sup> 'India ranked second in global textile export: UN Comtrade' (*General Knowledge Today*, 2 June 2014) <http://currentaffairs.gktoday.in/india-ranked-2nd-global-textile-export-comtrade-06201413775.html> accessed 2 January 2015

<sup>13</sup> 'Living Wage versus Minimum Wage' (*Clean Clothes Campaign*) <http://www.cleanclothes.org/livingwage/living-wage-versus-minimum-wage> accessed 12 September 2014

<sup>14</sup> *Ibid.*

- **Geography:** Situated in South Asia, India borders Myanmar, Bangladesh, Pakistan, Bhutan, Nepal, China, the Bay of Bengal, and the Arabian Sea. It is situated near important trade routes.
- **Politics:** India is a federal republic with 29 states and 7 Union territories. India has many political parties and political pressure groups.
- **History:** India is a country with a long and rich history of empires and dynasties. Most recently, since the 19<sup>th</sup> Century, India was under British rule, eventually gaining independence in 1947.
- **Economy:** India's economy is developing and moving towards a free market economy. Whilst agriculture is still very prevalent, other sectors are contributing to economic growth; in particular the service industry. Corruption levels remain high and problematic.<sup>16 17</sup>

### ***Biggest issues in India's Garment Industry***

- **Sumangali System in the South of the Country** and other slave like practices bonded and child labour.
- **Prevalence of factories operating in the informal sector:** lack of legally binding employer relationships, no access to legal protection for workers, lack of Trade Union protection, collective bargaining, and grievance mechanisms.
- **No payment of minimum/ living wage,** and other employment related benefits
- **Discrimination:** Caste and Gender based.
- **Lack of transparency:** High levels of corruption mean that transparency is difficult to attain within the garment industry.

### ***General Data***

#### ***Industry Structure***

<i>Production</i>	Some major factories include KPR Mill, Eastman Exports, SSM India, Bannari Amman <sup>18</sup>
<i>Trade</i> <sup>19</sup>	<ul style="list-style-type: none"> <li>• Agents often facilitate distribution of products.</li> <li>• Much of the production goes to a domestic market.</li> <li>• Exports are normally handled by Export Houses or Procurement/Commissioning Houses of large retailers.</li> <li>• Examples of some of the largest export houses in Delhi, India are: Shahi</li> </ul>

<sup>15</sup> 'The World Fact book: India' (*CIA World Fact book*) <https://www.cia.gov/library/publications/the-world-factbook/geos/in.html> accessed 2 January 2015

<sup>16</sup> 'India Country Study 2012' (*Fair Wear Fashion 2012*) <http://www.fairwear.org/ul/cms/fck-uploaded/documents/countrystudies/india/CSIndia2012.pdf> accessed 12 September 2014, p6

<sup>17</sup> 'Behind the Showroom: The hidden reality of India's garment workers' (FIDH) [http://www.fidh.org/IMG/pdf/india\\_garment\\_workers\\_report\\_2014.pdf](http://www.fidh.org/IMG/pdf/india_garment_workers_report_2014.pdf) accessed 5 February 2015 page 14

<sup>18</sup> According to Clean Clothes Campaign Sources

<sup>19</sup> Pankaj Chandra 'The Textile and Apparel Industry in India' (Indian institute of Management) <http://www.iimb.ernet.in/~chandra/The%20Textile%20and%20Apparel%20Industry.pdf> accessed 22 December 2014, p4

	Exports, Orient Craft Ltd., Orient Fashions Ltd., Richa & Company and Guarav International, PeeEmpo Exports. <sup>20</sup>
<i>Retail</i>	Popular brands sourcing from India include Zara, Next, GAP, Marks & Spencer, Ann Taylor, Ralph Lauren, Abercrombie & Fitch, Wal-Mart, Marks and Spencer, Tesco Decathlon, Uniqlo, H&M, Tommy Hilfiger, possibly more. <sup>21 22 23</sup>

*Export Data*

<b>Year</b>	<b>Textile/ Garment Exports<sup>24</sup></b>	<b>Total exports<sup>25</sup></b>	<b>% Total Exports</b>
<b>2011</b> ( <i>Textiles and Textile Articles</i> ) <sup>26</sup>	\$32.55 billion €28.47 billion	\$235.85 billion €206.26 billion	13.80%
<b>2012-2013</b> ( <i>Textile &amp; Clothing</i> ) <sup>27</sup>	\$31.62 billion €27.65 billion	\$300.40 billion €262.66 billion	10.53%
<b>2012-2013</b> ( <i>Readymade Garment: Makes up part of overall T&amp;C figure</i> ) <sup>28</sup>	\$12.40 billion €10.85 billion	\$300.40 billion €262.66 billion	4.13%

*Import Data<sup>29</sup>*

<sup>20</sup> ‘Top Garment Export Houses in Delhi, NCR, India’ (*Abc of garment export house*) <http://www.garmentexporthouse.com/2013/12/top-garment-export-houses-in-delhi-ncr.html> accessed 24 October 2014

<sup>21</sup> ‘Uniqlo turns to India for garment biz’ (*Business Standard*, 26 June 2014) [http://www.business-standard.com/article/companies/uniqlo-turns-to-india-for-garment-biz-114062500959\\_1.html](http://www.business-standard.com/article/companies/uniqlo-turns-to-india-for-garment-biz-114062500959_1.html) accessed 24 October 2014

<sup>22</sup> ‘India top sourcing destination for apparel chains’ (*Indian Express*, 17 November 2013) <http://archive.indianexpress.com/news/india-top-sourcing-destination-for-apparel-chains/1195939/> accessed 23 December 2014

<sup>23</sup> ‘Global Buyers Expand Sourcing from Indian Apparel Units: APEC’ (*The Economic Times, Indian Times*, 11 June 2013) ([http://articles.economictimes.indiatimes.com/2013-06-11/news/39899324\\_1\\_child-labour-apparel-export-promotion-council-disha](http://articles.economictimes.indiatimes.com/2013-06-11/news/39899324_1_child-labour-apparel-export-promotion-council-disha) accessed 23 December 2014)

<sup>24</sup> Conversion taken from [www.xe.com](http://www.xe.com) on 3 February 2015

<sup>25</sup> *Ibid.*

<sup>26</sup> ‘India Exports by Product Section in US Dollars – Yearly’ (*Indexmundi*) <http://www.indexmundi.com/trade/exports/?country=in> accessed 24 October 2014

<sup>27</sup> *Ibid.*, (n.4)

<sup>28</sup> ‘India's textiles exports at a glance (Principal Commodities) Annexure I’ (*Ministry of Textiles*)

[http://texmin.nic.in/sector/note\\_on\\_indian\\_textile\\_and\\_clothing\\_exports\\_intl\\_trade\\_section\\_Anx\\_I.pdf](http://texmin.nic.in/sector/note_on_indian_textile_and_clothing_exports_intl_trade_section_Anx_I.pdf) accessed 3 February 2015

<sup>29</sup> Conversions taken from <[www.xe.com](http://www.xe.com)> accessed 5 February 2015

Year	Textile/Garment Imports	Total Imports	% of Total Imports
2011 (Textiles and Textile Articles) <sup>30</sup>	\$4.45 billion €3.89 billion	\$433.68 billion €379.34 billion	1.02%

### *Local dependency on garments/ textile export*

#### **Investment figures:**

- In 2011, the domestic textile and apparel industry was worth 58 billion USD.<sup>31</sup>
- Foreign and domestic investments continue to grow.<sup>32</sup>
- 100% FDI is approved in the textile and apparel industry.<sup>3334</sup> To encourage and facilitate foreign investment, the government has established a scheme called, 'Make in India.'<sup>35</sup>
- Foreign Direct Investment in the Textiles Sector (April 2000 – September 2014): approx. \$1.5 billion<sup>36</sup>
- India has concluded Bilateral Investment Treaties (BITs) with 86 countries.<sup>37</sup>
- In the first 8 months of 2014, private equity deals totalling \$7.7 billion USD were sealed in India. India is also performing strongly in Mergers and Acquisitions.<sup>38</sup>

### *Handloom/Power loom Sectors*

- The Handloom and Power Loom sectors are seen as separate from the garment sector, but also play an important role in the overall industry.

#### *Handlooms*

- The Indian Ministry of Textiles reported that in 2013, there were approximately 4.33 million handloom workers operating on 2.38 million handlooms.<sup>39</sup>
- The **Handloom Export Promotion Council** operates under the Ministry of Textiles and promotes the export of all handloom products.<sup>40</sup>
  - The **Office of the Development Commissioner for Handlooms** provides assistance to handloom

<sup>30</sup> 'India Imports by Product Section in US Dollars – Yearly' (*Indexmundi*) <http://www.indexmundi.com/trade/imports/?country=in> accessed 24 October 2014

<sup>31</sup> 'India: Textiles and Apparel Sector Report - August 2013' (*India Brand Equity Foundation*) <http://www.slideshare.net/IBEFIndia/india-textiles-and-apparel-sector-reportaugust-2013> accessed 19 January 2015

<sup>32</sup> 'India: Textiles and Apparel Sector Report' (*India Brand Equity Foundation*, August 2013) <http://www.slideshare.net/IBEFIndia/india-textiles-and-apparel-sector-reportaugust-2013> accessed 23 December 2013, slide 19

<sup>33</sup> *Ibid.*, (slide 30)

<sup>34</sup> '“Make in India” rolled out for textile and garment industry' (*Fibre2Fashion*, 25 September 2014) [http://www.fibre2fashion.com/news/textile-news/newsdetails.aspx?news\\_id=167868](http://www.fibre2fashion.com/news/textile-news/newsdetails.aspx?news_id=167868) accessed 23 December 2014

<sup>35</sup> 'Home' (*Make in India*) <http://www.makeinindia.com/> accessed 10 October 2014

<sup>36</sup> 'Textile Industry in India' (*India Brand Equity Foundation*) <http://www.ibef.org/industry/textiles.aspx> accessed 10 October 2014

<sup>37</sup> 'Bilateral Investment Treaties – India' (*Kluwer Arbitration*) <http://www.kluwerarbitration.com/CommonUI/BITs.aspx?country=India> accessed 10 October 2014

<sup>38</sup> 'Domestic Investment in India' (*India Brand Equity Foundation*) <http://www.ibef.org/economy/domestic-investments> accessed 3 February 2015

<sup>39</sup> *Ibid.*, (n.5) p111

<sup>40</sup> 'About Us' (*Hand Loom Export Promotion Council*) <http://www.hepcindia.com/intro.php> accessed 22 December 2014

workers and is involved in schemes which aim to further develop the sector.<sup>41</sup>

### Powerlooms

- In 2013, the Indian Ministry of Textiles reported that there are 5.92 million powerloom workers in India.<sup>42</sup>
- There are approximately 2.34 - 2.35 million power looms in the country, which in 2013-2014 produced about 37.5 million bales (175kg per bale).<sup>43</sup>
- The **Power Loom Development and Export Promotion Council** is the agency which oversees development and promotion of the power loom industry.<sup>44</sup>

### GSP<sup>45</sup>

- GSP is a system of tariff reductions for developing countries exporting to the EU.
- As of 1 January 2014, new EU regulations on GSP have entered into force. Under the new regulations, India is included in the standard GSP preferences category, but apparels and textiles will graduate from this category in 2016.<sup>46</sup>
- Previously GSP existed in the USA but of 31<sup>st</sup> July 2013, the US GSP system expired and has yet to be renewed.<sup>47</sup>

### Cotton

- India produces vast amounts of cotton and may soon overtake China as the world's number one cotton producer.<sup>48</sup>
- **Issue in the cotton production industry:** BT (GMO) Cotton produced by Monsanto: leading to Monsanto's control of the market. This is leading to the suicide of farmers in areas where genetically modified seeds are controlling the market, since there are increasing levels of debt for such farmers.<sup>49 50</sup>

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<sup>41</sup> 'About Us' (*Office of the Development Commissioner (Handlooms)*) [http://handlooms.nic.in/User\\_Panel/UserView.aspx?TypeID=1191](http://handlooms.nic.in/User_Panel/UserView.aspx?TypeID=1191) accessed 22 December 2014

<sup>42</sup> *Ibid.*, (n.5) p 103

<sup>43</sup> 'Power Loom industry in India' (*India Brand Equity Foundation*) <http://www.ibef.org/exports/powerloom-industry-in-india.aspx> accessed 24 October 2014

<sup>44</sup> 'Power Loom industry in India' (*India Brand Equity Foundation*) <http://www.ibef.org/exports/powerloom-industry-in-india.aspx> accessed 24 October 2014

<sup>45</sup> 'EU GSP Scheme from January 2014' (*Strong and Herd Import/Export Services*) <http://www.strongandherd.co.uk/news/2013-11-06/eu-gsp-scheme-from-january-2014/> accessed 12 September 2014

<sup>46</sup> 'The EU's Generalised Scheme of Preferences' (*European Commission*) [http://trade.ec.europa.eu/doclib/docs/2012/december/tradoc\\_150164.pdf](http://trade.ec.europa.eu/doclib/docs/2012/december/tradoc_150164.pdf) accessed 24 October 2014, p23

<sup>47</sup> 'Welcome to Renew GSP Today' (*Renew GSP Today*) <http://renewgsptoday.com/> accessed 11 July 2014

<sup>48</sup> 'India set to emerge as world's largest cotton grower' (*The Hindu Business Line*, 4 September 2014) <http://www.thehindubusinessline.com/industry-and-economy/agri-biz/india-set-to-emerge-as-worlds-largest-cotton-grower/article6379920.ece> accessed 12 September 2014

<sup>49</sup> Vandana Shiva 'The Seeds of Suicide: How Monsanto Destroys Farming' (*Global Research*, 5 April 2013) <http://www.globalresearch.ca/the-seeds-of-suicide-how-monsanto-destroys-farming/5329947> accessed 29 September 2014

<sup>50</sup> 'Rising Suicide Rate for Indian Farmers blamed on GMO Seeds' (*RT.com*, 22 November 2014) <http://rt.com/news/206787-monsanto-india-farmers-suicides/> accessed 2 January 2015

**Workers**

- **Garment Industry:** 45 million (includes textile workers)
- **Garment Workers as percentage of total workforce:** 1.68% (Garment) 9.41% (T&C Combined)<sup>51</sup>
- **Handloom Workers (2013):** 4.33 million <sup>52</sup>
- **Power Loom Workers (2013):** 5.92 million workers.<sup>53</sup>

**Trade Unions**

- **TU Members:** Overall in India, Trade Union membership continues to grow. The figures below show the difference in membership of the top 3 unions from 2008-2013:

<i>Trade Union</i> <sup>54</sup>	<b>Political Affiliation</b>	<b>2013 Membership</b>	<b>2008 Membership</b>
<i>Indian National Trade Union Congress (INTUC)</i>	Indian National Congress	33.3 million	3.9 million
<i>Bharatiya Mazdoor Sargh (BMS)</i>	Lenient to Bharatiya Janata Party.	17.1 million	6.6 million
<i>All India Trade Union Congress (AITUC)</i>	No affiliation to a party; but is a leftist union.	14.2 million	3.4 million

- In the garment industry, there are generally low levels of TU membership; however the above figures show that across all industries (and presumably in the garment industry) union membership is growing. Still, much of the garment industry is still in the informal sector, with little regulation. Even where Trade Unions exist, their power is limited. Those who participate may face discrimination. Furthermore, collective bargaining agreements are 'virtually non-existent' in the garment industry. Some unions in the garment industry are:
  - *Garment and Textile Workers Union (GATWU)*
  - *Garment and Fashion Workers Union (GAFWU)*
  - *Mazdoor Ekta Manch (MEM)*
- Some of the central unions include, Hind Mazdoor Sabha, All India Trade Union Congress (AITUC), India National Trade Union congress (INTUC). AITUC is not affiliated with any political party, but is a leftist union; and INTUC is affiliated with the Indian National Congress. <sup>55</sup>
- Collective Bargaining has been described as, 'virtually non-existent' but it is worth noting a somewhat successful exception: *The Tirupur Tripartite Wage Agreement* which was concluded provided for staggered wage increases.<sup>56</sup>

<sup>51</sup> 'India has a workforce of 47.41 Crore: Government' (*The New Indian Express*, 16 July 2014) <http://www.newindianexpress.com/nation/India-Has-a-Workforce-of-47.41-Crore-Government/2014/07/16/article2333578.ece> accessed 13 October 2014

<sup>52</sup> *Ibid.*, (n.5) p 111

<sup>53</sup> *Ibid.*, (n.5) p 103

<sup>54</sup> 'Indian Trade Unions are getting bigger; coinciding with slowdown' (*Business Standard*) [http://www.business-standard.com/article/economy-policy/indian-trade-unions-are-getting-bigger-coinciding-with-slowdown-113040600392\\_1.html](http://www.business-standard.com/article/economy-policy/indian-trade-unions-are-getting-bigger-coinciding-with-slowdown-113040600392_1.html) accessed 19 January 2015

<sup>55</sup> *Ibid.*, (n.16) p10

<sup>56</sup> *Ibid.*, (n.16) p 14

## Working Conditions

It is difficult to get a true picture of working conditions from inspections, but the testimonies of workers have revealed that in many factories, workers must work under tremendous pressure often with no time for breaks or to visit the toilet.<sup>57 58</sup>

## Overview of Relevant labour laws, International Law and Implementation

\*\*\* Whilst the following table details the relevant labour laws, the fact that a significant number of garment workers in India operate in the informal economy means that even where national and international labour laws exists, workers in the informal economy often fall outside of their scope of protection.

Area	International Law	Ratified? <sup>59 60</sup>	National Labour Law	Implementation
General	There are several International treaties as well as International Labour Organisation (ILO) Conventions that grant individual rights and obligations.	These instruments oblige India to comply only if it has ratified/acceded to them.  India has ratified several ILO Conventions (See below) <sup>61</sup>  India's Ratification status with the key Human Rights Treaties:	Rights and obligations also derive from national legislation, e.g. the Constitution, Labour Law, and various other national legislative instruments.	The rights granted and the reality is not always the same; eventually, the situation depends on the implementation.

<sup>57</sup> *Ibid.*

<sup>58</sup> *Ibid.*, (n.17) p29

<sup>59</sup> 'Core International Human Rights Treaties, Optional Protocols & Core ILO Conventions ratified by India (*National Human Rights Commission, India*) [http://nhrc.nic.in/documents/india\\_ratification\\_status.pdf](http://nhrc.nic.in/documents/india_ratification_status.pdf) accessed 12 September 2014

<sup>60</sup> 'Ratifications for India' (*International Labour Organisation*) [http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11200:0::NO::P11200\\_COUNTRY\\_ID:102691](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11200:0::NO::P11200_COUNTRY_ID:102691) accessed 12 September 2014

<sup>61</sup> 'Ratifications of ILO Conventions: India Ratifications' (*International Labour Organisation*) [http://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200\\_COUNTRY\\_ID:102691](http://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:102691) accessed 10 October 2014

		ICCPR: 1979, but no optional protocols, so no right of individual complaints. ICESCR: CEDAW CRC		
<i>Forced Labour</i>	ILO Conventions: 29 & 105  ICCPR, Arts 7,8	ILO 29: 1954 ILO 105: 2000  ICCPR: See above	The Bonded Labour System (Abolition) Act (1976) <sup>62</sup>	The ILO conventions on forced labour should apply to ALL workers, even those in the informal economy  Classic Bonded or forced labour is not as much a problem as 'disguised' forms of forced labour such as compulsory overtime. <sup>63</sup>  Country specific problem: <b>Sumangali System</b> (prevalent in Tamil Nadu). <sup>64</sup> <sup>65</sup>
<i>Non-Discrimination</i>	ILO Conventions: 100 & 111  ICCPR, Arts 2, 26 ICESCR, Art 2(2) CRC, Art 2 CEDAW, Art 1	ILO 100: 1958 ILO 111: 1960  See above.	Article 15 (Constitution) prohibits discrimination on basis of caste or gender. Equal remuneration Act 1976  Sexual Harassment of Women at Workplace (prevention, prohibition and Redressal).	The caste system and associated discrimination continues to be problematic.  Women are not discriminated against financially but in other ways. ( <i>E.g.</i> termination of employment due to pregnancy; sexual harassment- see below). <sup>66</sup> <sup>67</sup>

<sup>62</sup> 'The Bonded Labour System (Abolition) Act 1976, <http://indiacode.nic.in/fullact1.asp?tfnm=197619> accessed 2 January 2015

<sup>63</sup> *Ibid.*, (n.16) p16

<sup>64</sup> *Ibid.*, (n.17) p4

<sup>65</sup> 'Captured by Cotton: Exploited Dalit Girls produce garments in India for European and US markets' (SOMO, India Committed for the Netherlands, July 2011) p 14

<sup>66</sup> *Ibid.*, (n.17) p18

<sup>67</sup> *Ibid.*, (n.16) p18

<i>Women</i>	CEDAW	Yes, but with some reservations	The Sexual Harassment of Women at Workplace (prevention, prohibition, Redressal) (2013)  Various other laws which protect women.	In a study, 60% of women reported abuse and harassment in the workplace. The Sumangali system clearly violates women's' rights. <sup>68 69</sup>
<i>Child Labour</i>	ILO Conventions 138 182  CRC, Art 32	ILO 138: No ILO 182: No  CRC: Yes but has a reservation on article 32.	Child Labour (Prohibition and Regulation) Act 1986 <sup>70</sup>  Under this law, certain dangerous jobs are prohibited, and conditions for work are prescribed.	The law defines a child as someone under 14. Children are permitted to work, but only in certain sectors. Notably children are not allowed to work in the handloom and powerloom sectors. <sup>71</sup>  National legislation limits the work of children. In practice, child labour is common, especially within the <i>Sumangali</i> scheme. <sup>72 73</sup>
<i>Freedom of Association/Collective Bargaining</i>	ILO Conventions: 87 98  ICCPR, Art 22 ICESCR, Art 8	ILO 87: No ILO 98: No  As above.	Article 19(1) (c) Constitution  Trade Unions Act 1926  Industrial Disputes Act 1947 (limited CB)	In practice, unionisation is difficult, and union membership can come with discrimination. Unionisation and labour law protection is practically impossible in the informal sector. <sup>74 75</sup>  <b>Notable exception:</b> Tirupur

<sup>68</sup> Standing Firm Against Factory Floor Harassment: Preventing violence against women garment workers in Bangladesh and India (*Fair Wear Foundation*, 2013) [http://www.fairwear.org/ul/cms/fck-uploaded/documents/fwpublications\\_reports/StandingFirmReportFWF2013.pdf](http://www.fairwear.org/ul/cms/fck-uploaded/documents/fwpublications_reports/StandingFirmReportFWF2013.pdf) accessed 24 October 2014, p 11

<sup>69</sup> *Ibid.*, (n.65) p12

<sup>70</sup> 'The Child Labour (Prohibition and Regulation) Act, 1986 [http://chdsla.gov.in/right\\_menu/act/pdf/Child.pdf](http://chdsla.gov.in/right_menu/act/pdf/Child.pdf) accessed 24 October 2014

<sup>71</sup> *Ibid.*, Art. III (11)

<sup>72</sup> *Ibid.*, (n.17) p4

<sup>73</sup> *Ibid.*, (n.65) p14

<sup>74</sup> *Ibid.*, (n.16) p 13, 14

<sup>75</sup> *Ibid.*, (n.17) p 15

				tripartite wage agreement. 76
<i>Living Wage</i>	ILO Conventions: 26 & 131  ICESCR, Art 7	ILO 26: 1955 ILO 131: No  ICESCR: Yes, but not the optional protocol.	Minimum Wage Act (1948)	There is a national floor wage, and states set the various minimum wages, but this is not always implemented.  Even where the minimum wage is being paid, it is not close to the estimates of a living wage. <sup>77</sup>
<i>Reasonable Working Hours</i>	ILO Convention 1  ICESCR, Art 7	ILO 1: 1921  ICESCR: Yes, but no OP.	Factories Act (1948) (establishes 8 hour day, 48 hour week)	With few inspectors, enforcement of such provisions is difficult.  Overtime continues to be a problem. <sup>78</sup>
<i>Safe Working Conditions</i>	ILO Convention 155  ICESCR, Art 7	No  ICESCR: Yes, but no OP.	Factories Act (1948) Maternity Benefit Act (1961)	Overall, quite strong implementation.  Problems include lack of childcare, or lack of canteen facilities. Some workers though, have complained of being electrocuted. <sup>79</sup>  Reports of token system to use the toilet <sup>80</sup>

## ***Living Conditions of Workers***

### ***The Social Insurance law***

Social insurance laws do exist, but most workers are “not aware of their rights.” Much of the Indian garment industry remains in the informal sector, which leaves workers without access to benefits or legal protection.<sup>81</sup> However, various laws exist which provide sickness insurance, maternity benefits, superannuation, etc.

<sup>76</sup> *Ibid.*, (n.16) p1 4

<sup>77</sup> *Ibid.*, (n.16) p20, 21

<sup>78</sup> *Ibid.*, (n.16) p16, 18

<sup>79</sup> Gethin Chamberlian ‘India’s Clothing Workers: “They slap us and call us dogs and donkeys”’ (The Guardian, 25 November 2012) <http://www.theguardian.com/world/2012/nov/25/india-clothing-workers-slave-wages> accessed 24 October 2014

<sup>80</sup> *Ibid.*, (n.17) p 29

<sup>81</sup> ‘General Overview’ (Ministry of Labour and Employment) <http://labour.gov.in/content/division/social-security.php> accessed 12 September 2014

### *Housing*

Housing is extremely expensive, especially since the workers receive very low wages. In the future, subsidised dormitory accommodation may be provided for some workers.<sup>82</sup> In situations where the *Sumangali* system exists, workers are provided with (often poor) accommodation but their movement is tightly controlled; they are almost never allowed to leave.<sup>83 84</sup>

### *Medical Facilities*

A survey of some workers in Tamil Nadu revealed that in general there are not any medical facilities at the factories although sometimes there is a nurse who could offer help. Health problems continue to be an issue as workers do not always take breaks, or get proper nutrition.<sup>85</sup>

### *Food Arrangements*

There should be canteens in factories with more than 250 employees, but this is often not the case.<sup>86</sup> Additionally, the high demands placed on workers means they may be forced to skip breaks.<sup>87</sup> Sometimes food and boarding costs are deducted from daily wages.<sup>88</sup>

### *Living Wage vs. Minimum Wage*

In India, minimum wages are governed by the **Minimum Wages Act, 1948**. There is a national floor wage and then each individual state has discretion to use this or use a wage higher than the floor wage. Since much of the garment industry operates on the informal sector, many do not receive the protection of such laws.

Area <sup>89</sup>	Minimum Wage	Context <sup>90 91</sup>	Living Wage
Average of key regions (from Asia Floor Wage)	\$ 65.42 €51.70 4000Rs	<b>1 Kilo of Rice:</b> <sup>92</sup> \$0.57/€0.50/35 Rs  <b>1 pair of jeans (Levi's or equivalent):</b> \$35.05/€30.65/2162,35	\$247.12 €195.30 15,125Rs

<sup>82</sup> 'India takes lesson from China to lure workers to garment industry' (Financial Times/Yale Global Online) <http://yaleglobal.yale.edu/content/india-takes-lesson-china-lure-workers-garment-industry> accessed 24 October 2014

<sup>83</sup> *Ibid.*, (n.17) p 20, 21

<sup>84</sup> *Ibid.*, (n.16) p17

<sup>85</sup> *Ibid.*, (n.65) p16

<sup>86</sup> *Ibid.*, (n.16) p 22

<sup>87</sup> *Ibid.*, (n.17) p29

<sup>88</sup> *Ibid.*, (n.65) p 12

<sup>89</sup> 'Living Wage versus Minimum Wage'(Clean Clothes Campaign) <http://www.cleanclothes.org/livingwage/living-wage-versus-minimum-wage> accessed 10 October 2014

<sup>90</sup> 'Cost of Living in India' (Numbeo) [http://www.numbeo.com/cost-of-living/country\\_result.jsp?country=India](http://www.numbeo.com/cost-of-living/country_result.jsp?country=India) accessed 24 October 2014

<sup>91</sup> Conversions taken from [www.xe.com](http://www.xe.com) on 3 February 2015

<sup>92</sup> Oral Communication with local residents

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