

INTERNATIONAL TRADE UNION CONFEDERATION (ITUC)
INTERNATIONALLY RECOGNISED CORE
LABOUR STANDARDS IN INDIA

REPORT FOR THE WTO GENERAL COUNCIL REVIEW OF THE
TRADE POLICIES OF INDIA
(Geneva, 14 and 16 September, 2011)

EXECUTIVE SUMMARY

India has ratified four core ILO labour Conventions. In view of restrictions on the trade union rights of workers, discrimination, child labour, and forced labour, determined measures are needed to comply with the commitments India accepted at Singapore, Geneva and Doha in the WTO Ministerial Declarations over 1996-2001, and in the ILO's Declaration of Fundamental Principles and Rights at Work and its 2008 Social Justice Declaration.

India has not ratified ILO Convention No. 87 on Freedom of Association and Protection of the Right to Organise or Convention No. 98 on the Right to Organise and Collective Bargaining. The rights to organise, collective bargaining and strike are restricted both in law and in practice. The authorities do not always respect the right to peaceful assembly and thousands of detentions and arrests are reported every year. Anti-union discrimination takes place and many workers have faced threats and violence in their efforts to unionise or call a strike. In export processing zones, organising is particularly difficult.

India has ratified ILO Convention No. 100 on Equal Remuneration and Convention No. 111 on Discrimination (Employment and Occupation). Although the law prohibits discrimination on various grounds, certain groups face discrimination in employment. There is a considerable gender pay gap.

India has not ratified ILO Convention No. 138, the Minimum Age Convention or Convention No. 182, the Worst Forms of Child Labour Convention. The law does not sufficiently protect children from forms of labour that are illegal under those Conventions. The laws are not enforced adequately and child labour, including its worst forms, is prevalent.

India has ratified ILO Convention No. 29, the Forced Labour Convention and Convention No. 105, the Abolition of Forced Labour Convention. Forced labour and trafficking in human beings are prohibited by law. However, forced labour is a problem in agriculture, mining, commercial sexual exploitation, and other sectors.

INTERNATIONALLY RECOGNISED CORE LABOUR STANDARDS IN INDIA

Introduction

This report on the respect of internationally recognised core labour standards in India is one of the series the ITUC is producing in accordance with the Ministerial Declaration adopted at the first Ministerial Conference of the World Trade Organisation (WTO) (Singapore, 9-13 December 1996) in which Ministers stated: "We renew our commitment to the observance of internationally recognised core labour standards." The fourth Ministerial Conference (Doha, 9-14 November 2001) reaffirmed this commitment. These standards were further upheld in the International Labour Organisation (ILO) Declaration on Fundamental Principles and Rights at Work adopted by the 174 member countries of the ILO at the International Labour Conference in June 1998 and in the Declaration on Social Justice for a Fair Globalisation adopted unanimously by the ILO in 2008.

The ITUC affiliates in India are the Indian National Trade Union Congress (INTUC), Hind Mazdoor Sabha (HMS) and the Self-Employed Women's Association (SEWA), which collectively have a membership of 15,200,00 persons covering various areas of employment.

I. Freedom of Association and the Right to Collective Bargaining

India has not ratified ILO Convention No. 87 on Freedom of Association and Protection of the Right to Organise or Convention No. 98 on the Right to Organise and Collective Bargaining.

Workers have the right to establish and join trade unions without prior authorisation. However, this is insufficiently protected in practice. A change in legislation in 2001, which amended the Trade Union Act of 1926, states that a trade union has to represent at least 100 workers or 10 per cent of the workforce, whichever is less, compared to a minimum of seven workers previously. By international standards and practice, the requirement of 100 workers is excessive: the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) has criticised countries which put in place the even lower minimum requirement of 50 persons to form a union. The Trade Unions Act prohibits discrimination against union members but is not sufficiently observed or enforced.

The Trade Unions Act does not apply in Sikkim, a state annexed to India in 1975, and although some workers' organisations exist, there is no sectoral organisation. In Sikkim, registration of a trade union is subject to a police inquiry, prior authorisation and a pre-grant opposition process.

Public sector workers have only limited rights to organise. They face restrictions in collective bargaining and have no right to strike. The government may also demand arbitration in essential services but, as the law does not specify which these services are, the interpretation varies from one state to another. In Tamil Nadu, the Essential Services Maintenance Act prescribes imprisonment of up to three years and a fine of INR 5,000 for participation in strikes in such vaguely defined 'essential services'.

In the private sector, there is no legal obligation on employers to recognise trade unions or to engage in collective bargaining. Some employers have established and recognised company unions or 'workers' committees' aimed at preventing representational unions from being established.

The Industrial Disputes Act prohibits retribution by employers against employees involved in legal strike actions. In Kerala, however, general strikes are illegal and organisers can be held financially liable for damages caused to employers.

In practice, the right to peaceful assembly is not always respected by Indian authorities. In two general strikes on March 5 and September 7, 2010, some 100 million workers went on strike and actions were held in 200 cities and towns. The strike was called against policies of the government at federal and state level as well as increased prices, poor enforcement of labour laws and lack of social protection for informal workers. Thousands of protesters were arrested throughout India and in New Delhi several leaders of national trade union centres were taken into custody.

There are many reports of private companies sacking employees because of participation in strikes. Employees of Air-India went on strike over safety issues after an air crash in Mangalore in May 2010. The strike was declared illegal by the Delhi High Court. As a reaction, the company withdrew its recognition from the unions which called the strike, dismissed 58 employees, suspended 32 employees and sealed the union offices. After another decision of the Delhi High Court, the offices were opened again; however until now, reinstatement has proceeded on a case-by-case basis and only 25 of the suspended employees and 6 of the dismissed employees returned to their jobs. Similarly, Hyundai Motor declined to reinstate all the workers it sacked after a June 2009 strike and proceeded instead to reinstatement on a case-by-case basis. In August 2010, more than 2,000 striking non-teaching staff of different universities were suspended for their failure to obey return-to-work orders.

Various incidents of union busting were reported during 2010. Foxconn, a multinational subsidiary of Hon Hai Precision Industry Co Ltd, refused to recognise and bargain with the Foxconn employees' union which called for a massive strike. Although the strike was called off early because of management's promise to engage in discussions, the company imposed eight-day suspensions on workers who participated in the strike and called the police, who arrested 1,500 workers, and Foxconn suspended 23 union activists. As the strike continued, police arrested 570 strikers in two more raids some days later. Similar events took place in BYD Electronic Company Ltd resulting in

2,500 unfair dismissals. Likewise, Schreiber Dynamix Dairies locked out protesting workers and replaced most of them with 300 new contract workers.

Labour activists faced arrest and detention in the pursuit of their activities throughout the year. For example, Punjab police arrested more than 100 teachers across the state on 11 February, 2010, including union leaders who were planning a demonstration. At Sellur City, Tamil Nadu, more than 120 striking weavers were arrested after they staged a demonstration in support of a wage increase. In yet another event, police detained nearly 500 protesting members on 1 May in Ahmedabad, Gujarat. At Ramanathapuram, Tamil Nadu, police arrested 73 contract workers on 20 June 2010, when they protested to demand regularisation of their jobs. Similarly, over 190 nurses from the UN Mehta Institute of Cardiology and Research Centre at the Civil Hospital in Ahmedabad, Gujarat, were detained by police on 10 August for protesting outside the hospital over the dismissal of three union leaders.

In various cases, companies use lockouts against protesting workers. Lockouts occurred at the Bosch plant in Naganathapura, Karnataka, in response to a strike by union workers. Apache Footwear India Private Ltd locked out around 6,000 employees at its factory on 9 March after workers walked off the job and demonstrated outside the factory demanding better wages and work conditions. There are many other reports from different factories showing that lockout is a usual practice of companies to avoid responding to workers' demands.

The garment industry of India is known for bad working conditions and violent practices against unions. In August 2010, thugs attacked 60 garment workers of Viva Global, where workers were participating in a campaign to improve working conditions, on their way to work. The attack caused serious injuries to 16 women and one union leader was abducted for 12 hours and tortured. One of the attackers was identified as a labour contractor hired by Viva Global. Two days before the attack, the company's management attempted a lockout and threatened the workers with use of violence in order to stop campaigning. In similar events in New Shakti Nagar, Punjab, more than 500 textile workers from 20 factories were threatened with dismissal if they would not stop industrial action. Working conditions in the garment industry are particularly cruel, as workers who work 12 and 16 hours shifts are often paid only for the first 8 hours of work. Workers who pack finished goods receive only Rs.106 (USD2.35) per shift.

In tea farms, working conditions and management practices are often lethal. In 2009, the Norwera Nuddy Tea Estate company had been engaged in disputes and had used lockouts, threats, dismissals and violence in order to discourage workers from organising. On May 28, 2010, a 25-year-old pesticide-sprayer, Gopal Tanti, collapsed while working on the plantation of Norwera Nuddy Tea Estate. Gopal Tanti was denied medical treatment and left to die in the field. About 500 workers protested at his death and the lack of safety and health measures at the plantation. The company's management called the police, who opened fire on the protesters causing two more deaths and injuries to 15 other workers.

New employment sectors, such as call centres, business process outsourcing (BPO), visual media and telecommunications are not covered by any explicit employment regulations, and employers obstruct the formation of unions. Workers in the construction and shipbuilding industries are increasingly hired through contractors and subcontractors which try to prevent workers from organising by threatening them with dismissal. Most of the work is project-based, which also limits the possibilities for collective bargaining.

The law allows organising and collective bargaining in Export Processing Zones (EPZs) or Special Economic Zones (SEZs). Strikes are permitted but, since the zones were declared public utilities in 2001, an excessive 45-day strike notice period is required. Furthermore, state laws can dilute the federal labour legislation on EPZs. Some attempts have been made to exempt the EPZs from application of labour laws. For example, the government of the New Delhi state has exempted SEZs from most labour legislation and there is a ban on the formation of trade unions. Other states, like Andhra Pradesh, have dissuaded the labour department from conducting inspections in the EPZs. The fact that entry into the zones is, in practice, restricted makes organising and trade union activities even more difficult in EPZs.

Given the absence of trade unions, substandard working conditions are prevalent in EPZs. According to a report by the International Textile, Garment and Leather Workers Federation (ITGLWF), “workers complained of targets that were unreachable in a standard day, which forces them to work additional hours without extra pay in order to meet the targets, under pressure of supervisors and managers who routinely scream and throw things at them to make them work faster”. In the majority, EPZ workers are temporary workers who fear that complaints about poor working conditions would result in dismissal. Moreover, workers are often paid below minimum wages and work long hours with no overtime pay.

Summary

The rights to organise, collective bargaining and strike are severely restricted both in law and in practice. The authorities do not always respect the right to peaceful assembly and thousands of detentions and arrests are reported every year. Anti-union discrimination is commonplace and many workers have faced threats and violence in their effort to unionise or call a strike. In export processing zones, organising is even more difficult than elsewhere.

II. Discrimination and Equal Remuneration

India ratified ILO Convention No. 100 on Equal Remuneration in 1958, and Convention No. 111 on Discrimination (Employment and Occupation) in 1960.

The Constitution includes provisions with regard to non-discrimination on several grounds, including gender. Legal provisions stipulate equality of opportunity in matters of public employment and forbid gender discrimination in respect of any employment or office under the State. The Equal Remuneration Act of 1976 applies to an extensive range

of classes of employment, which includes informal employment relationships. It requires employers to pay workers not less than that paid to the other sex for performing the same or similar work. Furthermore, employers must not discriminate on the basis of sex in the recruitment of workers for the same or similar work or in any terms or conditions of employment, such as promotion, training or transfer. "Same work or work of similar nature" is defined as "work in respect of which the skill, effort and responsibility are the same when performed under similar working conditions or where any differences are not of practical importance in relation to the conditions of employment". The CEACR has criticised the fact that there is no legislative expression of the concept of "equal pay for women and men for work of equal value", because the concept of "work of equal value" goes beyond "similar" work and encompasses work that might be of an entirely different nature, but which is nevertheless of equal value.

In practice, women face discrimination in employment. Women's average earned income (PPP) is US\$ 1,304, whereas men's earnings are US\$ 4,102. Women occupy only 3 per cent of senior and management positions. For every 100 working men, there are only 42 working women. In urban areas unemployment is much higher for young women than for young men in both the formal and informal economic activity.

According to India's constitution, sexual harassment infringes the fundamental right of a woman to gender equality and is illegal. Yet there is no specific law against sexual harassment at the workplace and all cases are treated under provisions in other laws as well as under a 1997 court judgement which set the standard and is legally enforceable. State agencies and institutions with more than 50 employees are required to have committees to deal with sexual harassment at the workplace. In 2009, there were 11,009 reported cases of sexual harassment; however, it is not clear how many of these occurred at the workplace.

Indian society is structured across caste lines, even if the Constitution has abolished the caste system. The Dalits, a self-designation for a group of people who are considered to belong to the "lowest" caste face extreme discrimination in several aspects of life, including employment and access to public services. Dalits are also the most usual victims of bonded and forced labour. Many crimes against Dalits, including crimes related to employment, remain unpunished because the authorities are indifferent to Dalits or because Dalits do not report them due to fear of retaliation. Many Dalits are engaged in scavenging manually, a practice which is prohibited under the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act of 1993. According to the CEACR, a "found the continuing existence of manual scavenging, and that it was practiced by municipal employees belonging to particular castes." The CEACR is concerned at the "apparent weak enforcement" of the Act and that "the practice even continues in employment under the Government's authority". In the Examination of India's 15th – 19th Periodic Reports at the United Nations Committee on the Elimination of Racial Discrimination (CERD) the Indian delegation declined to answer certain questions on the status of Dalits and commented that the Indian government considers this a problem of social rather than racial discrimination.

There are at least 84 million indigenous people in India, who frequently face discrimination in employment. Women from tribes are often employed as domestic workers, frequently are victims of sexual exploitation and are not paid properly. Tribal persons are afflicted by poverty twice as often as non-tribal persons.

The Persons with Disabilities Act prohibits discrimination against persons with disabilities. The Act requires that 3 per cent of public sector jobs be reserved for persons with disabilities and provides incentives for private enterprises to hire disabled persons. The Act also requires accessibility to public buildings and transport. There are approximately 200 public centres that provide services to persons with disabilities, including on employment. Discrimination in employment, education, and access to health care services remains a problem, particularly in rural areas.

In general, homosexual persons face discrimination and violence in many aspects of life, including in employment. Until 2009, same-sex relations were treated under section 377 of the penal code, which prohibited same-sex relations. In Delhi, the High Court overturned a section of the code to permit consensual sexual activities between same-sex adults, and while an appeal against that judgment is still pending in the Supreme Court, the government has not opposed the ruling.

Between 2.2 to 5.2 million Indian live with HIV/AIDS. According to the ILO, 70 per cent of the persons who live with the HIV/AIDS face discrimination in employment and education. The National AIDS Control Organisation (NACO) facilitates workplace programmes in state agencies for persons living with HIV/AIDS. NACO also works with employers' organisations, the INTUC, the HMS and the ILO promoting workplace programmes in the private sector.

Summary

Although the law prohibits discrimination on several grounds, certain groups face discrimination in employment. There is a considerable gender pay gap and Dalits are discriminated against in various ways.

III. Child Labour

India has not ratified ILO Convention No. 138, the Minimum Age Convention or Convention No. 182, the Worst Forms of Child Labour Convention.

The Constitution of India states that no child below the age of 14 years shall be employed to work in any factory or mine or engaged in any other hazardous employment (Article 24). In this way, although Convention No. 182 on the Worst Forms of Child Labour sets the minimum age for hazardous work at 18 years of age, the minimum age for hazardous work in India is 14 years old.

Constitutional Article 45 stipulates that the State shall endeavour to provide free and compulsory education for all children up to the 14th year of age. However, the Constitutional provision was never implemented and school enrolment rates remain low.

Child labour is a matter on which both the central and state governments can legislate. A number of legislative initiatives have been undertaken at both levels. One of them is the Child Labour (Prohibition and Regulation) Act of 1986, which prohibits the employment of children below the age of 14 years in 13 occupations and 57 processes hazardous to children's lives and health. Another is the Factories Act of 1948, which prohibits the employment of children below the age of 14 years in factories. An adolescent aged between 15 and 18 years can be employed in a factory only after obtaining a certificate of fitness from an authorised medical doctor. The Act also prescribes a maximum of four and a half hours of work per day for children aged between 14 and 18 years and prohibits work during night hours. Another law bans domestic work and restaurant and hotel work by children younger than 14. However, some of the laws' scope, including the Child Labour Act, does not cover family farms or family businesses.

In practice, child labour is a widespread problem in India due to the prevalence of extreme poverty in many areas, low law enforcing capacity, the absence of universal free education and tolerant societal norms. Governmental sources show that there are 16.4 million working children between 5 and 14 years old. However, NGO estimations consider the number to be between 55 and 87 million. Most of the children work in agriculture and perform informal economic activities, such as domestic servitude. Children can be found in a wide variety of industries, sometimes undertaking hazardous tasks, including in mining and quarrying, textiles, leather and garment factories, fireworks factories and many others. Children are also employed in the services sector, particularly in restaurants, hotels and auto repair. Reports show that a considerable number of children are scavengers and manually collect trash for recycling.

Forced child labour is prevalent. Children are reported to be forced into prostitution, beggary, domestic servitude and numerous other practices. Particular problems are noticed in carpet production, seed production, textiles, circuses, brick kilns and mills, among others.

Many children work in agriculture. A 2009 joint UNICEF-IKEA initiative identified 200,000 children below the age of 14 working in the cotton plantation industry in Andhra Pradesh producing hybrid cottonseeds. The vast majority of the children are girls and about 95 per cent of them were employed due to their families' indebtedness. The children did not receive any payment because their entire wage was paying back family debt. The children were predominantly Dalits and members of Scheduled Castes and Tribes.

Many children work in hazardous industries such as mining and construction. About 70,000 children perform hazardous work in private mines in the province of Meghalaya, often working with explosives and dangerous chemicals, carrying heavy loads and performing other hazardous tasks. In another case, children as young as seven

years old were found working alongside their families for the construction of Commonwealth Games venues. In an interview with CNN, Harvard fellow and trafficking expert Siddharth Kara said that in just a few days she reliably documented 32 cases of forced labour and 14 cases of child labour.

Mostly girls, but also boys, work in domestic servitude where they are virtually unreachable to labour inspection and law enforcement. On February 2010, police identified an 11-year-old boy working as a domestic servant for a senior bureaucrat in New Delhi. The boy was abused and made to work from 5 a.m. until midnight every day.

In light of many reports of child labour in the Indian garment industry, in July 2010 the US Department of Labor put garments from India in the Executive Order 13126 list as “products, by country of origin, which the Department of Labor, State and Homeland Security believe might have been mined, produced or manufactured by forced or indentured child labour”.

Commercial sexual exploitation of children and child sex tourism remains a problem. The organisation End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT) and UNICEF estimate that half a million Indian children are forced into prostitution; however, other sources estimate the figure to stand at 1.2 million children. Particular problems are reported in Goa and other tourist areas.

The government and the states implement National Child Labour Projects and other programmes intended to prevent children from working, rescue children from hazardous work and worst forms of child labour, raise awareness of the problem, and provide rehabilitation and welfare services to rescued children. Some programmes put special focus on street children and other vulnerable groups or target specific sectors, like agriculture or textile industry. The Indian Ministry of Labour and Employment reports that in 2009 the federal authorities rescued 40,000 working children. State authorities provided welfare to half a million rescued children.

Summary

The law does not sufficiently protect children from forms of labour that are illegal under the core ILO Conventions. The laws are not well-enforced and child labour, including its worst forms, is prevalent.

IV. Forced Labour

India ratified ILO Convention No. 29, the Forced Labour Convention in 1954, and Convention No. 105, the Abolition of Forced Labour Convention, in 2000.

Article 23 of the Constitution prohibits trafficking in human beings and forced labour. These crimes are prosecuted under various provisions both in the Indian Penal Code and in the Immoral Traffic (Prevention) Act of 1956. The Bonded Labour System (Abolition) Act of 1976 prescribes three years imprisonment for forcing workers into labour, which is considered an insufficient penalty for deterring the crime.

The law establishes vigilance and monitoring committees at state level to assist the courts in ensuring the proper enforcement of the law. However, some local vigilance committees are inactive and their efficiency is under question. The Immoral Traffic Prevention Bill would amend the earlier Acts by, among other things, redefining the offence of “trafficking in persons” to align it with the definition of trafficking contained in the optional protocols on trafficking in the UN Convention against Transnational Organised Crime.

According to the CEACR, several Penal Code articles need to be repealed or amended because they impose penalties which include the obligation to work as punishment for the expression of political views or views ideologically opposed to the established system. Moreover, the Official Secrets Act prescribes imprisonment sentences that involve compulsory labour for the publication or communication to any other person of any article or information for any purpose prejudicial to the interests of the State.

In practice, forced and bonded labour is prevalent and millions of workers are reported to be victims. Most are engaged in agriculture, mining, commercial sexual exploitation, brick making, cigarettes rolling and construction. Usually, victims belong to Scheduled Castes and Tribes and forced labour has traditional elements. For example, in Arunachal Pradesh “the Nishi tribe traditionally subjugated Sulungs or Puroiks as customary slaves”. State statistics show a considerable decrease of forced labour cases brought before the courts but this may result from deteriorating law enforcement. As the volume of the problem is not known, the CEACR has asked the Indian government to undertake a comprehensive national survey with the involvement of the social partners and other organisations concerned by bonded labour.

In general, law enforcement on cases of forced labour and trafficking is considered to be poor, partly due to societal norms of tolerance and inefficient enforcement mechanisms. Some cases lapse and offenders are acquitted, while in other cases tried in magistrates’ courts offenders may be punished with sentences lesser than those established under the law. There is insufficient data on the number of cases investigated, prosecuted and sentenced and application of the law varies from state to state because of different judicial and enforcement capacities and provisions. Reports show that in several cases Indian police showed complicity: some police are involved in human trafficking and organised crime rings, others warned owners of enterprises using forced labour before controls, some cases were dropped for insufficient evidence, and in some cases offenders escaped. It is reported that many sectors known for their forced labour density are politically protected. Moreover, some victims were punished for actions committed as a result of being trafficked or captive, foreign victims continued to be charged for undocumented entry, officials lacked formal procedures for identifying victims of trafficking among vulnerable groups and victims’ participation in law enforcement investigations and prosecutions was made inconsistently.

The Ministry of Labour cooperates with the ILO, state governments and NGOs in implementing numerous programmes to eliminate forced labour and trafficking. The Ministry of Home Affairs implements a “Comprehensive Scheme for Strengthening Law Enforcement Response in India” aimed at improving overall law enforcement including

on cases of trafficking and bonded labour. Under the law 87 new Anti-Trafficking Units were established.

Summary

Forced labour and trafficking in human beings are prohibited by law. However, forced labour is a problem in agriculture, mining, commercial sexual exploitation, and other sectors. Overall law enforcement is poor and judicial capacities are not effective in addressing the problem.

Recommendations

1. Various laws should be amended so that public sector workers fully enjoy the rights to organise, collective bargaining and strike.
2. A legal obligation for employers of the private sector to recognise registered trade unions and to engage in collective bargaining should be established. The law should explicitly prohibit employers from establishing and recognising company unions or 'workers' committees' aimed at avoiding representational unions. Employers who have established such 'unions' should be prosecuted.
3. The government should abolish the excessive requirement of 100 workers for forming a union in order to comply with international labour legislation.
4. The Trade Unions Act should be made applicable in Sikkim.
5. A federal essential services list should be set and include only "those services the interruption of which would endanger the life, personal safety or health of the whole or part of the population", as provided for under the ILO definition.
6. Penalties for undertaking industrial action, including strikes, should be abolished where they violate the relevant international labour conventions.
7. The police should respect the right to peaceful assembly and labour activists should not be arrested for pursuing legitimate activities.
8. The excessive 45-day strike notice period required in EPZs should be removed. The New Delhi state and other states that impose restrictions on the rights to organise, collective bargaining and undertake strike action in EPZs should repeal them. Andhra Pradesh and other states that have dissuaded the labour department from conducting inspections in EPZs should instead ensure that the law is fully enforced.
9. The law should be amended to give legislative expression to the concept of "equal pay for women and men for work of equal value", because the concept of "work of equal value" goes beyond "similar work" and encompasses work that might be of an entirely different nature but is nevertheless of equal value.
10. The government should take urgent measures to improve women's participation in the workforce and to close the gender wage gap.
11. A specific law against sexual harassment at the workplace should be enacted.
12. Special measures and strict law enforcement should be employed in order to eliminate racial discrimination against Dalits and other members of Scheduled Castes and Tribes.
13. The government should adopt special measures, including human resources development and sensitisation measures, to eliminate discrimination against disabled persons, homosexuals and persons who live with HIV/AIDS.
14. The Constitution of India, the Child Labour (Prohibition and Regulation) Act of 1986, the Factories Act of 1948 and any other piece of legislation allowing children above the age of 14 to perform hazardous activities should be urgently amended to comply

with Convention No. 182 on the Worst Forms of Child Labour which sets the minimum age for hazardous work at 18 years of age.

15. The Child Labour Act's scope should be extended to cover family farms or family businesses.
16. The government must ensure implementation of Constitutional Article 45 which stipulates that the State shall endeavour to provide free and compulsory education for all children up to the 14th year of age.
17. An anti-trafficking law prohibiting all forms of human trafficking should be enacted. The government should adopt clear official procedures for recognising trafficking victims and increase the effectiveness of its anti-trafficking and forced labour mechanisms and law enforcement. It should increase the funds for trafficking and forced labour victims and provide assistance of better quality.
18. There must be zero tolerance of traditional forms of slavery; the state needs to take action to raise awareness and enforce the law on forced labour in areas where the problem persists. Sentences under the Bonded Labour System (Abolition) Act need to become much stricter.
19. Penal Code articles that impose penalties including the obligation to work as punishment for the expression of political views or views ideologically opposed to the established system need to be repealed or amended. The provisions of the Official Secrets Act that prescribe imprisonment sentences involving compulsory labour should be amended to remove such penalty.
20. In general, the government should build up its law enforcement and judicial capacities in order to monitor and fully enforce labour laws, including legislation on violations of trade union rights, discrimination, child labour and forced labour and trafficking. The Labour Inspectorate needs to receive additional funding and its inspectors need to be provided with necessary training.
21. The WTO should draw the attention of the Indian authorities to the commitments they undertook to observe core labour standards at the Singapore and Doha Ministerial Conferences. It should request that the ILO intensify its work with the Government of India in these areas and provide a report to the WTO General Council on the occasion of the next trade policy review.

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