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LEX/HTUR

UPR Submission India

To the UPR Secretariat,

The International Trade Union Confederation (ITUC), representing 200 million workers in 163 countries and the Indian National Trade Union Congress (INTUC), Hind Mazdoor Sabha (HMS), Self-Employed Women's Association (SEWA) and Confederation of Free Trade Unions of India (CFTUI), representing together 47 105 111 workers in India, would like to make a written contribution to the Universal Periodic Review of India during the 41st session.

Yours sincerely,



General Secretary

Submitting Organizations

International Trade Union Confederation (ITUC) represents 200 million workers in 163 countries and territories and has 332 national affiliates. The main areas of activity include the following: human and labour rights; economic and social policy; equality and non-discrimination; and international solidarity. The ITUC has close relations with the Global Union Federation and the Trade Union Advisory Committee to the OECD (TUAC). It works closely with the International Labour Organization (ILO) and other UN Specialized Agencies.

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Indian National Trade Union Congress (INTUC) is a national trade union organization in India. It represents 34,187,810 workers in India.

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Hind Mazdoor Sabha (HMS) is a national trade union organization in India. It represents 9,188,755 workers in India.

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Self-Employed Women's Association (SEWA) is a national trade union organization in India. It represents 1,528,546 workers in India.

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Confederation of Free Trade Unions of India (CFTUI) is a national trade union organization in India. It represents 2,200,000 workers in India.

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Universal Periodic Review of India

Joint submission

Summary

The Government of India continues to systematically undermine the right of workers to freedom of association and labour rights. The Government has engaged in systematic violations of workers' freedom of association and labour rights with new laws restricting workers' rights to strike. Striking workers are routinely arrested by law enforcement and are subject to layoffs and dismissals by employers.

Informal sector employment constitutes the vast majority of the Indian labour market. Workers are subject to extremely low wages and exploitative working conditions that can lead to debt bondage. Child labour has risen as a result of the financial pressures brought by the COVID-19 pandemic. Domestic workers, the vast majority of whom are women, were adversely affected by the COVID-19 pandemic and uniformly reported nonpayment of wages during Spring 2020.

The COVID-19 pandemic has produced a significant labour shortage in the industrial sector which has in turn led to a decline in working conditions for workers in the industrial sector with many being compelled to work longer hours for less pay. In many states, migrant workers have been expelled from the cities and forced to return to the countryside without adequate transportation, housing, and food. The pandemic has also exacerbated existing backlogs in the justice system and many BJP governed states have rolled back legal protections for workers in the hope of spurring a faster economic recovery.

India's Constitution contains a number of important protections for workers and the Occupational Safety, Health and Working Conditions Code (OSHWCC) provides a legal regime for enforcing these protections. In practice however, less than 10% of all Indian workers are protected by the law due to a number of key loopholes in legislation and the fact that the vast majority of Indian workers are employed in the informal sector.

Summary of the outcome of the 2018 UPR Review

India was reviewed by UPR WG 27, in May of 2017. It received 250 recommendations and it supported 152 recommendations at the adoption of its UPR outcome at Human Rights Council 36, in September 2017.

Violations in laws and practice

Right to Strike

The Government of India has engaged in systematic violations of workers' freedom of association and labour rights. The Government has instituted new legal impediments to strike actions and has increased penalties for striking workers. These labour law reforms are part of a series of anti-labour measures in the national Wage Code and Industrial Relations Code instituted by the BJP government in 2019.ⁱ The Codes place restrictions on the right to organize and strike. Further, law enforcement imposes severe consequences for workers engaged in strikes, including arrests and acts of violence against trade unionists.

New Legal Impediments to Strike Actions

As part of the government's new Industrial Relations Code, workers must provide a notice of 60 days before a strike and may then be subject to mandatory arbitration or mediation proceedings.ⁱⁱ Following arbitration and mediation proceedings, workers may be prohibited from striking for an additional 60 days.ⁱⁱⁱ Courts in India have reinforced the government's restrictions on strikes. Notably, the Supreme Court of India enforced anti-worker positions, calling public employees' participation in the 2020 General Strike a "grave misconduct."^{iv} The Supreme Court has decreed that such "misconduct" must be dealt with in accordance with the law.^v

The Government of India has utilized the Criminal Procedure Code as a means of restricting strike assemblies. In April 2016, the state government of Karnataka used section 144 of the Criminal Procedure Code, which prohibits assemblies of more than ten people, to prevent garment workers in Bengaluru from taking collective action.^{vi} In 2021, the Government of India issued an ordinance to prohibit workers in defense production and related services from striking. The "Essential Defense Services Ordinance 2021" introduces fines and jail terms for any unauthorized work strikes.^{vii} The ordinance was enacted in response to trade union plans to hold an indefinite strike in response to the government's possible privatization of the Ordnance Factory Board (OFB), a network of 41 state-owned defense factories that employ nearly 80,000 workers.^{viii}

Increased Employer Discretion under new Labor Codes

The new Industrial Relations Code provides flexibility to employers at the expense of workers. Workers in "small" establishments (with up to 300 workers) had their rights watered down with no protection of trade unions or labor laws. Employers are no longer required to seek permission of the government before layoffs or retrenchment.^{ix} In 2019, the Telegana government dismissed 48,000 workers who went on strike in demand of greater job security.^x Similarly, in 2019, 142 distribution striking workers at Tamil Nadu Electricity Generation and Distribution Corporation (TANGEDCO) were arrested during a

strike to demand a fixed minimum wage and a permanent contract.^{xi} In 2017, 27 workers at the JK Tires Factory were fired following a strike over low wages, production pressure, and lack of services at the factory.^{xii}

General Strike in Response to new Labour Codes

In January 2020, a coalition of national trade unions mobilized 250 million workers, students, and working poor to participate in a nationwide general strike.^{xiii} The demands included:

(1) a minimum wage of at least INR 15,000 (USD 210) per month; (2) equal pay for equal work; (3) stricter enforcement of all basic labor laws; (4) an end to pro-employer, anti-labor laws; (5) a job generation scheme to combat India's unemployment problem; (6) universal social security with a guaranteed pension for the entire working age population; (7) urgent measures to restrict price rises through a universalized public distribution system and banning of speculative trading on the commodities market; and (8) a halt to privatization by stealth through the sale of India's natural resources and national assets and foreign direct investment in key industries like rail, defense, and finance.^{xiv}

The strike resulted in a 24-hour national shutdown. Strikers demonstrated unity from across union federations and caste systems. Before the General Strike, the central government issued an order to its employees warning them that: "Any employee going on strike in any form would face the consequences which, besides deduction of wages, may also include appropriate disciplinary action."^{xv} Strikers faced violent repression and arrests by law enforcement.

Informal Economy

Informalization of Indian Economy

Labour force surveys show that the proportion of employees in the informal sector with no written job contract increased from 59% in 2004-05 to 65% in 2011-12 and 71% in 2017-18.^{xvi} Nearly 90% of the workforce remains outside of the formal economy altogether.^{xvii}

In 2019, the Indian Parliament passed the Code on Wages, one of four labour bills which are set to replace forty-four labour laws. The Code sets a standard rule for minimum wages and bonus payments to workers in establishments employing ten or more employees, which excludes almost 85% of workers in the labour market.^{xviii} The wage standard is far below a living wage and allows employers to make deductions in salary to cover expenditures and debts on food, travel, and housing payments.^{xix} The Code leaves workers in the informal sector vulnerable to exploitation.

For example, state-owned tea estates in Assam pay workers much less than the state-mandated minimum wage and do not provide workers with pay slips to document their debts and expenditures.^{xx} In Assam, 37% of workers across 50 tea estates had daily expenditures that exceeded their daily income, making workers extremely vulnerable to

debt-based coercion.^{xxi}

Employer Abuse of Temporary Job Classifications

Since the 1990s, employers have lobbied for reform of Indian labour laws to give them greater flexibility in hiring and firing workers. Employers, particularly in the automotive manufacturing industry, utilize temporary and informal job classifications as a way to keep costs down and avoid paying employees the benefits that come with confirmed worker status. For example, employers classify workers as “trainees,” “company apprentices,” “probationers,” and “contract workers” instead of as full-time, benefitted workers. The lack of security of employment also serves as the biggest obstacle to the organization of precarious workers due to fear of job loss.^{xxii}

An International Commission for Labor Rights (ICLR) survey found that there were no permanent workers at a few automobile manufacturing supplier factories and that the workforce on the shop floor consisted exclusively of probationers and contract labourers.^{xxiii} Additionally, ICLR data show that the Hyundai factory has more than 10,500 contract employees and over 450 contractors.^{xxiv}

Domestic Worker Precarity Exacerbated by COVID-19

Domestic work remains the largest field of informal employment for women; 75% of domestic workers are women.^{xxv} Since few domestic workers are registered with the labour department or unions, there are few laws regulating their wages, working hours, or workspace. Low wages, lack of legal protections, unpaid overtime, poor bargaining power, working without leave under coercion, and exploitative working conditions are common issues in domestic work.^{xxvi}

The COVID-19 pandemic has exacerbated inequalities and rights violations inherent in domestic work. For example, domestic workers in Delhi reported reduced wages and nonpayment during March and April 2020 and later joblessness. In Jaipur, only 51% of the workers were paid salary for the work they did in the month of March 2020.^{xxvii} Without formal registration with the social security board, domestic workers were denied government relief; 51% reported difficulty buying essential food items and 36% had difficulty with health care access.^{xxviii}

Forced Labour and Child Labour

Bonded and Forced Labour

Currently, there are 18.4 million people in bonded labour in India.^{xxix} In a 2017 study of brick kiln workers in Rajasthan state, researchers found more than 40 percent of seasonal workers from Uttar Pradesh, Chhattisgarh, Bihar, and Rajasthan states owed debts to kiln owners that were greater than the amount workers earned over the entire season.^{xxx} The model of employment, including recruitment and payment systems in brick kilns, underpin the cycle of forced labour, trapping workers in bonded labour, year after year.

In August 2020, 35 children were removed from forced labour in a garment factory in Tamil Nadu.^{xxxvi} The Madras High Court directed police to conduct inspections at all local garment factories. There is a consistent failure to implement the Bonded Labor System (Abolition) Act (1976). District officials and the police regularly refuse to recognize bonded labour cases and fail to take appropriate action to release workers and prosecute offenders.^{xxxvii}

Child Labour

As of 2021, it is estimated that 10 million children are in some form of servitude.^{xxxviii} Due to the economic stressors on families caused by COVID-19, it is believed that instances of child labour and trafficking have risen since 2020.^{xxxix} A report that by the International Labor Organization (ILO) and United Nations Children's Fund (UNICEF) warns that an additional 9 million children globally are at risk of being pushed into child labor by the end of 2022.^{xl}

Impact of COVID-19

Impact of COVID-19 on Workplace Conditions

Since the onset of the COVID-19 pandemic in early 2020, most Indian cities have experienced an acute shortage of workers, particularly in low-skill and industrial sectors such as the textile industry.^{xli} This labor shortage can be traced primarily to a mass exodus of internal migrant workers who returned to rural villages from the cities in the early months of the pandemic.^{xlii} While similar labor shortages have led to increased leverage for workers and labor unions in developed countries, this has not been the case in India.^{xliii}

Challenges arising from the COVID-19 pandemic, including the acute labor shortage in the manufacturing sector, have led to a significant decline in workplace conditions for industrial workers across the country.^{xliiii} According to one 2021 survey, since the pandemic began, 37% of Indian textile workers have reported being compelled by employers to work longer hours and being burdened by a significantly increased workload, a development directly linked to the ongoing labor shortage.^{xliiii} The same survey found that workers were rarely offered overtime pay and were compelled to work additional hours at their normal, low rate of pay.^{xliii}

The economic impact of the COVID-19 pandemic has also compelled many Indian companies to take other measures to preserve profit margins, often at the expense of workers.^{xliii} In both 2020 and 2021 many companies froze workers' wages and denied them access to established pension funds, measures acutely felt by poor industrial workers during a time of rising prices and economic uncertainty.^{xliiii} Similarly, in both November 2020 and November 2021, many Indian companies declined to offer workers traditional bonuses on the occasion of Diwali, a significant Hindu religious holiday.^{xliiii} Further, many industrial workers have been compelled to work without adequate personal protective equipment such as high-quality masks and gloves.^{xliiii} This failure has led to significant transmission of COVID-19 in industrial workplaces, particularly during the winter and spring of 2021.^{xliiii}

Impact of COVID-19 on Internal Migrant Workers

Due to their ambiguous legal status and lack of legal protections, internal migrant workers have borne the brunt of COVID-19's impact on India's workforce.^{xlvii} Since early 2020, as the pandemic has cut into industrial production and profits, hundreds of thousands of migrant workers have been summarily discharged from their jobs without notice or severance pay.^{xlviii} Sudden unemployment is often devastating for migrant workers who often travel to cities from remote rural areas for work in low-paid jobs and consequently lack a local support system or the financial resources to support themselves.^{xlix} Therefore, many discharged migrant workers have been left homeless and subject to food insecurity.¹

Just two months into the COVID-19 pandemic in April 2020, a survey of over 11,000 domestic migrant workers across India found that significant hardships were widespread.^{li} The survey found the perhaps the most pervasive crisis faced by internal migrants was food insecurity with over 50% of those migrants surveyed reporting that they "had no [food] rations left, even for a single day" while 96% reported that they had not received regular food rations from either the government or their employer.^{lii} Further, the survey also found that 70% of surveyed workers had received no cooked food from the government and that 78% of respondents had less than ₹400 left to spend on essentials such as food and housing.^{liii}

In addition to chronic food and financial insecurity, Indian migrant workers have also been subjected to significant abuses by both government and private actors in the two years since the onset of the COVID-19 pandemic.^{liv} Unable to support a large and impoverished population of migrant workers in urban areas, several Indian states have attempted to compel migrant workers to return to rural areas.^{lv} In February 2021, the states of Bihar and Uttar Pradesh forced migrant workers to return to rural villages without any support from the government or employers.^{lvi} The challenges faced by these workers has been compounded by the fact that rural villagers, fearful that migrant workers would bring COVID-19 with them, have regularly barred these workers from returning home.^{lvii} In some cases, fear of infection has led rural communities to resort to violence against migrant workers.^{lviii} Expelled from urban areas and unable to return home, many internal Indian migrant workers have been left homeless.^{lix} In the first four months of the pandemic, between March and June 2020, at least 300 deaths of unemployed Indian migrant workers were reported across the country with causes including "starvation, suicides, exhaustion, road and rail accidents, police brutality and denial of timely medical care."^{lx}

Even those migrant workers who have managed to remain employed during the pandemic have not been spared significant hardships. A January 2021 study commissioned by the Self-Employed Women's Association found that 60% of migrant workers in the informal sector, primarily women working in domestic service, had not been paid during the first year of the pandemic.^{lxi} Many migrant workers surveyed in the study also reported that they had been denied access to pension funds by employers eager to recover lost profits.^{lxii} The plight of India's nearly 300 million internal migrant workers is further compounded by the fact that the vast majority live in temporary and informal accommodations which are not suitable for quarantine.^{lxiii} These accommodations almost invariably lack indoor plumbing and electricity and often house multiple families living together in a confined space, leaving migrant workers at high risk for contracting COVID-19.^{lxiv}

Government Restrictions on Labor Rights and Access to Justice

The COVID-19 pandemic has significantly exacerbated existing problems in the Indian justice system. Backlogs and waiting times in administrative courts responsible for hearing labor complaints, already major barriers to workplace justice, have been significantly worsened by lockdowns and other pandemic mitigation measures.^{lxv} By late 2021 many workers reported that the standard wait time for a hearing before an administrative judge on issues such as workplace safety or withheld wages was multiple months.^{lxvi}

In addition to diminished access to the courts, Indian workers have also faced a significant crackdown on labor rights during the pandemic. At the federal, state, and local level, governments have sought to suspend labor law and curtail workers' rights in the hope of spurring a quicker economic recovery from the pandemic-induced recession.^{lxvii} The rollback of workers' rights since 2020 represents an acceleration of existing trends which have been especially pronounced in states governed by the BJP. By May 2020, BJP governed Gujarat, Uttar Pradesh, Madhya Pradesh and Himachal Pradesh had suspended most laws governing labor unions indefinitely, citing the economic crisis brought on by the pandemic.^{lxviii} The suspension of these laws significantly curtailed the ability of Indian workers to bargain collectively in these states and all but abolished the right to strike.^{lxix} All four states also simultaneously increased limits on working hours to 12 hours per day and 72 hours per week.^{lxx} Further, Gujarat exempted all new industrial units established in the state from labor laws for 1,200 days while the government of Madhya Pradesh suspended health and safety inspections for all firm employing less than 50 individuals indefinitely.^{lxxi}

While India's Supreme Court struck down some curtailments of workers' rights in October 2020, many remain in effect.^{lxxii} Many of the emergency measures limiting existing labor protections have been enacted through executive orders by state governors rather than through legislation.^{lxxiii} Consequently, public debate on the subject and democratic input has been limited along with government transparency.^{lxxiv} Furthermore, both the Indian Federal Government and state governments have ignored significant protests against limits on workers' rights and in some cases, have used the public health emergency as a pretext for suppressing such demonstrations.^{lxxv} This was the case in December 2020 when over 250 million Indian workers went out on strike to protest national and state labor policies only to be ignored by the Government.^{lxxvi}

Health & Safety and labour inspection

In practice, Indian workers enjoy few of the protections guaranteed to them by the Occupational Safety, Health And Working Conditions Code (OSHWCC).^{lxxvii} First, only a small minority of India's 470 million strong workforce is protected by the terms of the OSHWCC.^{lxxviii} The OSHWCC excludes all businesses that have fewer than ten workers and also excludes factories that employ up to twenty workers and "not using [electric] power."^{lxxix} The law also excludes all farms and agricultural plantations covering less than five hectares of land.^{lxxx} Second, the law contains a number of drafting problems which have left its provisions unclear and opened legal loopholes.^{lxxxi} For example, the OSHWCC amalgamated laws that discussed both "workers" and "employees," leaving the legal distinction between them uncertain.^{lxxxii} The OSHWCC also delegates certain powers to the "appropriate government" though it seldom defines which government is "appropriate"

leading to jurisdiction problems and plausible deniability for governments reluctant to enforce the law.^{lxxxiii}

Aside from problems with the text of the OSHWCC, the other significant factor which has undermined legal protections for Indian workers is the country's low inspection rate and level of reporting. Despite protections of OSHWCC and other occupational health and safety laws, most workplace injuries in India are not reported to government authorities.^{lxxxiv} While reporting rates have always been low, under the Modi Government, inspection rates have declined nearly 20% after over a decade of rapid frequency increase.^{lxxxv} Further, little to no protections or reporting mechanisms exist for workers in the informal sector who make up the majority of India's workforce.^{lxxxvi}

Unsurprisingly given the weak protections of the OSHWCC and the low inspection and reporting rate, industrial accidents are common in India.^{lxxxvii} Between 2014 and 2017, 6,368 fatalities attributed to industrial accidents were reported, mostly in the highly industrialized states of Delhi, Maharashtra, and Rajasthan.^{lxxxviii} This figure is believed to represent only a small percentage of the actual figure given low reporting with a 2017 Indian Institute of Technology (IIT) study concluding that up to 48,000 Indian workers die yearly due to workplace accidents.^{lxxxix} In 2019 and 2020 alone, a several fatal and high profile accidents attracted international attention. In September 2019, a major fire at an oil and gas plant off the coast of Mumbai killed dozens of workers.^{xc} On May 7, 2020, a gas leak at a LG Polymer plant in Andhra Pradesh killed 12 workers and injured 585 more.^{xc1} Also in May 2020, a boiler explosion in Gujarat killed 8 workers and injured 40 more.^{xc2} On July 1, 2020, an explosion at the NLC Thermal Power Plant in Tamil Nadu killed at least 13 workers.^{xc3} In addition to these incidents, foreign and domestic observers have noted extensive examples of unsafe workplace conditions during the COVID-19 pandemic due to insufficient access to PPE and later vaccines.^{xc4}

Lack of compliance of India with the ILO Labour Inspection Convention, 1947 (No. 81) has been subject to systematic monitoring by the ILO bodies, including the Committee of Experts on the Application of Conventions and Recommendations (CEACR) each year between 2015-2021¹ and the Committee on the Application of Standards (CAS) in 2015, 2017 and 2019.² The ILO monitoring bodies criticized India for the lack of effective Labour inspections in SEZs; lack of availability of statistical information on the activities of the labour inspection services at the central and state levels; insufficient material means and human resources at the central and state levels and; lack of the required free initiative of labour inspectors to enter workplaces without prior notice, and lack of discretion to initiate legal proceedings without previous warning. Despite this systematic in-depth guidance, the Government is still failing to make the law and practice compliant with the relevant international labour standards.

VI. Recommendations

India has failed to take the necessary steps in order to bring its laws and practices into compliance with international human rights norms. Therefore, we request that during the

¹ https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:4062451

² https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:4000296

2022 UPR India is called upon to take the following actions:

- 1.** Ratify ILO Conventions No. 87, The Freedom of Association and Protection of the Right to Organise and No. 98, The Right to Organise and Collective Bargaining. Recognize that all member states of the ILO are bound by these core conventions, of which India is a part.
 - 2.** Ratify ILO Labour Inspection (Agriculture) Convention, 1969 (No. 129) and Part II of the ILO Labour Inspection Convention, 1947 (No. 81), both having the status of ILO "Governance" standards;
 - 3.** Ratify and implement ILO Convention No. 189, the Domestic Workers Convention. In consultation with domestic workers' labour organizations, recognize a legislative framework for regulation of work, social security, and collective bargaining rights.
 - 4.** Abolish extensive strike notice requirement, mandatory arbitration requirement and criminalization of legitimate strike action;
 - 5.** Prohibit the usage of temporary or precarious work contracts for regular or perennial work in industrial establishments. Prioritize rights for workers over employer appeals for greater flexibility under the law.
 - 6.** Implement legal protections for informal sector workers and transition informal sector job classifications to formal job classifications; adopt measures to combat precarious employment.
 - 7.** Implement the Bonded Labour System (Abolition) Act (1976) and ensure that district officials and the police recognize bonded labour cases and take appropriate action to release workers and prosecute offenders.
 - 8.** Take effective measures to identify and combat child labour through strengthening the capacity and reach of the labour inspectors and District Nodal Officers to areas where child labour is more prevalent.
 - 9.** Consult with trade unions to implement legislation in compliance with international standards and organize tripartite consultation with respect to the matters concerning the activities of the International Labour Organisation;
 - 10.** Allocate resources to support persons displaced by COVID-19 and to provide personal protective equipment and quarantine space for workers.
 - 11.** Ensure that effective labour inspections are conducted in all workplaces, including the informal economy and in all Special Economic Zones (SEZs) and increase the resources at the disposal of the central and state government inspectorates;
 - 12.** Ensure that labour inspectors have full powers to undertake routine and unannounced visits and to initiate legal proceedings.
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- ⁱ Anibel Ferus-Comelo, *The Challenge Facing Labor in India in Reclaiming Democracy*, in THE CAMBRIDGE HANDBOOK OF LABOR AND DEMOCRACY (Cornell and Barenberg, eds., forthcoming 2022).
- ⁱⁱ K. Venkataramanan, *What does the new Industrial Relations Code say, and how does it affect the right to strike?*, THE HINDU (Sept. 27, 2020), <https://www.thehindu.com/news/national/the-hindu-explains-what-does-the-new-industrial-relations-code-say-and-how-does-it-affect-the-right-to-strike/article32705599.ece>
- ⁱⁱⁱ *Ibid.*
- ^{iv} *Face consequences if you go on strike: Govt to employees*, THE ECONOMIC TIMES (Jan. 27, 2020), <https://economictimes.indiatimes.com/news/politics-and-nation/face-consequences-if-you-go-on-strike-govt-to-employees/articleshow/73137531.cms>
- ^v *Ibid.*
- ^{vi} Ferus-Comelo at 286.
- ^{vii} *The Essential Defense Services Ordinance, 2021*, PRS LEGISLATIVE RESEARCH, <https://prsindia.org/billtrack/the-essential-defense-services-ordinance-2021>
- ^{viii} FP Staff, *Lok Sabha passes Essential Defense Services Bill, 2021: What this means, whom it will affect, what you need to know*, FIRSTPOST (Aug. 3, 2021), <https://www.firstpost.com/india/lok-sabha-passes-essential-defence-services-bill-2021-what-this-means-whom-it-will-affect-what-you-need-to-know-9860631.html>
- ^{ix} *The Industrial Relations Code, 2020*, PRS LEGISLATIVE SERVICES, <https://prsindia.org/billtrack/the-industrial-relations-code-2020>.
- ^x *Mass dismissal of road transport workers for organizing a strike*, informe sobre las violaciones de los Derechos Sindicales, ITUC GLOBAL RIGHTS INDEX (Oct.19, 2019), <https://survey.ituc-csi.org/India.html?lang=es#tabs-3>
- ^{xi} *Arrested for requesting a permanent contract*, informe sobre las violaciones de los Derechos Sindicales, ITUC GLOBAL RIGHTS INDEX (Nov. 5, 2019), <https://survey.ituc-csi.org/India.html?lang=es#tabs-3>
- ^{xii} *A tire factory refuses to recognize a union and establishes yellow union*, informe sobre las violaciones de los Derechos Sindicales, ITUC GLOBAL RIGHTS INDEX (Feb 8, 2017), <https://survey.ituc-csi.org/India.html?lang=es#tabs-3>
- ^{xiii} Ferus-Comelo at 281.
- ^{xiv} *Ibid.*
- ^{xv} *Face consequences if you go on strike: Govt to employees*, THE ECONOMIC TIMES (Jan. 27, 2020), <https://economictimes.indiatimes.com/news/politics-and-nation/face-consequences-if-you-go-on-strike-govt-to-employees/articleshow/73137531.cms>
- ^{xvi} Biswajit Dhar and Ramaa Arun Kumar, *Can't Justify Attack on Workers' Rights*, THE HINDU BUSINESSLINE (May 2021), www.thehindubusinessline.com/opinion/cant-justify-attack-on-workers-rights/article31634217.ece#
- ^{xvii} *Face consequences if you go on strike: Govt to employees*, THE ECONOMIC TIMES (Jan. 27, 2020), *supra* note xiv.
- ^{xviii} Ferus-Comelo at 287.
- ^{xix} *Ibid.*
- ^{xx} *2021 Trafficking in Persons Report: India*, U.S. DEPARTMENT OF THE STATE (2021), <https://www.state.gov/reports/2021-trafficking-in-persons-report/india/>
- ^{xxi} *Ibid.*
- ^{xxii} R. Hopalakrishnan & J. Mirer, *Shiny Cars, Shattered Dreams*, INTERNATIONAL COMMISSION FOR LABOR RIGHTS (2014) 1, 48.
- ^{xxiii} R. Hopalakrishnan at 8.
- ^{xxiv} *Ibid.*
- ^{xxv} B.S. Sumalatha, L. Bhat, et al., *Impact of Covid-19 on Informal Sector: A Study of Women Domestic Workers in India*, THE INDIAN ECONOMIC JOURNAL (June 25, 2021), <https://journals.sagepub.com/doi/full/10.1177/00194662211023845>.
- ^{xxvi} *Ibid.*
- ^{xxvii} *Ibid.*
- ^{xxviii} *Ibid.*

xxix Rakhi Mazumdar, *India has 18 million modern-day slaves: Survey*, THE ECONOMIC TIMES

(May 31, 2016), <https://economictimes.indiatimes.com/news/politics-and-nation/india-has-18-million-modern-day-slaves-survey/articleshow/52518141.cms?from=mdr>

xxx *Ibid.*

xxxi *Ibid.*

xxxii International Trade Union Confederation, *Observation (CEACR) - adopted 2018, published 108th ILC session (2019): India*, NORMLEX Information System on International Labour Standards, INTERNATIONAL LABOR ORGANIZATION (2019), https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID:3958308.

xxxiii *Child labour rises to 160 million – first increase in two decades*, UNICEF (June 10, 2021), <https://www.unicef.org/india/press-releases/child-labour-rises-160-million-first-increase-two-decades>

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xxxv UNICEF, *Supra note xl*.

xxxvi Marc Bain, *Indian garment Workers are caught between Covid-19 and lost wages*, QUARTZ (Apr. 27, 2021), <https://qz.com/2002075/indian-garment-workers-are-caught-between-covid-19-and-lost-wages/>

xxxvii *Ibid.*

xxxviii *Ibid.*

xxxix Rajini Vaidyanathan, *Indian Factory Workers Supplying Major Brands Allege Routine Exploitation*, BBC NEWS (Nov. 17, 2021); Praheen Jha & Manish Kumar, *Labour in India and the COVID-19 Pandemic*, THE INDIAN ECONOMIC JOURNAL (Jan. 13, 2021).

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