

Chapter 4

Garment Industry in India: Study of Firms in Delhi Region

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1. Objectives and Background

The basic objective of this research is to analyze whether labour regulation have any discouraging influence on employers' behavior and firm, industry and economic performance in India.

Labour market regulations are frequently cited in explanation of India's low level of labour absorption and poor growth performance over time¹. Although there has been much progress in de-regulating investment and trade since 1991, there has been no significant de-regulation in labour market. Some are concerned about such situation that firms have to face competition with imported goods when they are bound hand and foot under labour regulations. But before insisting to precede reforms in labour market, it would be worth examining if labour regulations are actually hindering employment and economic growth.

Garment industry is chosen to examine the impact of labour regulations for a following reason. Among various industries in India, garment industry is one of the industries which is now exposed to face more competition both internally and internationally. Reservation of garment industry for small scale industries was abolished in January 2001 and now any size of firms can enter in manufacturing. Then abolishment of quantitative restrictions of import followed shortly in April 2001 that now firms are exposed to competition with imported products. Furthermore, Multi Fibre Agreement (MFA) was expired at the end of 2005. As a result of all these de-regulation measures, garment industry now faces more domestic as well as international competitions. Such industry under pressure is assumed to be a good example to investigate whether labour regulations are preventing firms from taking actions to enhance productivity and hindering industrial growth.

¹ See for examples Stern(2001), Sachs, Varshney and Bajpai(1999) and Agarwala and Khan(2001).

2. Key Research Questions

The key research questions for the current research are;

1. How labour regulation affects employers' behaviors, level and quality of employment and job contracting practice between firms?
2. Is the layered contracting system of firms and production as a result of labour regulations?
3. Whether growth is through increasing pressures on workers or innovation?

3. Labour Laws and Regulations

Among various labour laws and regulations, in this paper, we focus the Industrial Disputes Act, 1947, the Minimum Wage Act, 1948 and the Factories Act, 1948 to examine impact on labour related practice of firms. Followings are brief descriptions of those three laws.

3.1 Industrial Disputes Act (IDA), 1947

The Industrial Disputes Act (IDA), 1947 is known to be one of the most restrictive law regarding retrenchment of workers and closure of firms. It sets out the conciliation, arbitration and adjudication procedures to be followed in the case of an industrial dispute. The Act is comprised of seven chapters and forty sections, specifying the powers of government, courts and tribunals, unions and workers, and the exact procedures that have to be followed in resolving industrial disputes.

By the 1976 Amendment, Section 25-M (Prohibition of lay-off), Section 25-N (Conditions precedent to retrenchment of workmen) and Section 25-O (Procedure for closing down an undertaking) of IDA makes lay off, retrenchment and closure illegal except with the prior permission of the Government. Coverage of this measure initially was only for industrial establishments employing not less than 300 workers on an average day in the year prior to enactment. This coverage was subsequently extended, by a further Amendment in 1982, to include establishments with at least 100 workers (Fallon and Lucas (1993, p. 243)). Casual, temporary, and badli (substitute) workers are exempt and permanent workers, covered by permission clause, are defined as those paid for 240 days in any 365 day period.

Naturally, there is an incentive to substitute casual, uncovered workers in place of permanent labour. Although this process is further limited by vigorous union opposition to casualization of the labour force and the use of contract labour is restricted by the Contract Labour Regulation and Abolition Act, 1970, contracting has clearly expanded substantially in recent years. The Contract Labour Regulation and Abolition Act, 1970 was an attempt to abolish contract labour on jobs of perennial nature intrinsic to the operations of the enterprise. So contract labour can be hired at the 'outer fringe of organized industry' even inside factory premises on jobs such as house-keeping, loading and unloading, material handling, fabrication, plant maintenance, transport, security services, etc. But we find many instances of contract labour being assigned on regular production jobs also.

Also 'retirement' does not constitute retrenchment under the IDE, whereas a forced resignation may. The expression therefore used is 'voluntary retirement' (Mathur (1989, p. 174)). Voluntary retirement requires no clearance of government and this loophole is actively exploited. But it can be quite costly to the employer.

After the 1976 Amendment, it has become difficult for profit-making enterprise to pursue modernization and technology up gradation. In fact 'no retrenchment' guarantees are demanded and granted when pursuing modernization (Mathur (1989, p. 167)). Furthermore, when we visit factories, we find redeployment of surplus manpower towards new production site is very few. It is mainly because enterpriser fear of poor work norms creeping into new businesses.

Under the Indian Constitution of 1949, industrial relations is a concurrent subject of both central and state governments. This implies that it is not only the central government which amended the Act. In fact it has been extensively amended by state government.

3.2 Minimum Wage Act (MWA), 1948

The Minimum Wage Act (MWA), 1948 requires the appropriate Government, Central or State as the case may be, to fix minimum rates of wages payable to the employees defined as persons "employed for hire or reward to do any work skilled or unskilled, manual or clerical, etc", in an employment specified in Part 1 or Part 2 of the Schedule appended to the Act and an employment added to either Advisory Committee appointed by them or by notification in the official Gazette.

The appropriate Governments are also required to review the minimum rate of wages, from time to time and revise the same, if necessary.

MWA in India provided for statutory regulation of minimum wage rates specifically in agriculture. India is among few countries in Asia to have fixed minimum wages in agriculture sector. The appropriate Government may refrain from fixing minimum rates of wages in respect of any scheduled employment in which there are less than 1000 employees engaged in the entire State.

Under Section 27 of the Act the appropriate Government is empowered to extend the application of Act to any other employment in respect of which it is of the opinion that the minimum rates of wages should be fixed under the Act.

The minimum wage for employment in readymade garments applicable to Delhi is shown from table 1 to table 6.

Table 1 Wages for unskilled workers in readymade garments

With effective from	Dearness Allowance	Rate(including DA)	Rate(per day)
1-2-2003	104.20	2783.90	107.10
1-2-2004	79.00	2862.90	110.10
1-8-2004	32.00	2894.90	111.30
1-2-2005	150.00	3044.90	117.10

(Note) For peon, helper, sweeper, chowkidar, thread cutter, layers and any other unskilled worker.

(Source) The Minimum Wages Rates Applicable to Delhi, Commercial Law Publishers (India) Pvt. Ltd., 2005.

Table 2 Wages for semi-skilled workers in readymade garments

With effective from	Dearness Allowance	Rate(including DA)	Rate(per day)
1-2-2003	104.20	2949.90	113.50
1-2-2004	79.00	3028.90	116.50
1-8-2004	32.00	3060.90	117.70
1-2-2005	150.00	3210.90	123.50

(Note) For button holders, kaj operator, button stitcher, over lockers, patterntracers, ironing, packers and any other semi-skilled worker.

(Source) The same as Table 1.

Table 3 Wages for skilled workers in readymade garments

With effective from	Dearness Allowance	Rate(including DA)	Rate(per day)
1-2-2003	104.20	3207.90	123.40
1-2-2004	79.00	3286.90	126.40
1-8-2004	32.00	3318.90	127.65
1-2-2005	150.00	3468.90	133.40

(Note) For tailors, checkers, driver, washerman and any other skilled worker.

(Source) The same as Table 1.

Table 4 Wages for highly skilled workers and clerical & non-technical supervisory staff in readymade garments

With effective from	Dearness Allowance	Rate(including DA)	Rate(per day)
1-2-2003	104.20	2976.90	114.50
1-2-2004	79.00	3055.90	117.50
1-8-2004	32.00	3087.90	118.80
1-2-2005	150.00	3237.90	124.55

(Note) For highly skilled cutter or master tailor, designer and any other highly skilled worker, more than skilled and non-matriculantes clerical & non-technical supervisory staff. Tailor includes all employees engaged in stitching of garment or any parts thereof irrespective of any other designation assigned to him.

(Source) The same as Table 1.

Table 5 Wages for highly skilled workers and clerical & non-technical supervisory staff in readymade garments matriculates but non-graduates

With effective from	Dearness Allowance	Rate(including DA)	Rate(per day)
1-2-2003	104.20	3231.90	124.30
1-2-2004	79.00	3310.90	127.30
1-8-2004	32.00	3342.90	123.60
1-2-2005	150.00	3492.90	134.35

(Note) For highly skilled cutter or master tailor, designer and any other highly skilled worker, more than skilled and matriculates but non-graduates clerical & non-technical supervisory staff.

(Source) The same as Table 1.

Table 6 Wages for highly skilled workers and clerical & non-technical supervisory staff in readymade garments

With effective from	Dearness Allowance	Rate(including DA)	Rate(per day)
1-2-2003	104.20	3545.90	136.30
1-2-2004	79.00	3622.90	139.30
1-8-2004	32.00	3654.90	140.60
1-2-2005	150.00	3804.90	146.35

(Note) For highly skilled cutter or master tailor, designer and any other highly skilled worker, more than skilled and graduates and above clerical & non-technical supervisory staff.

(Source) The same as Table 1.

3.3 The Factories Act, 1948

The Factories Act, 1948, an act to consolidate and amend the law regulating labour in factories, applies to all premises where any manufacturing process is carried on and where ten or more workers are working with the aid of power or twenty or more without the aid of power. Various aspect of working condition such as health, safety, welfare, working hours, annual leave provisions and restrictions on employment of women and young persons are covered here.

Apart from its significance in upholding guaranteed minimum standards of work and employment, the Act involves definite expenses to be incurred by units. There are clauses such as; in every factory wherein more than 500 employees are required to maintain a canteen, more than 150 employees are required to have a suitable shelter or rest rooms and a suitable lunch room and so on.

4. Survey of Garment Industry in Delhi Region

In order to examine the effect of labour related regulations on garment manufacturing firms in Delhi region, we have conducted firm survey.

Although ideally sample have to be selected from the entire flame of firms in a random way, flame of firms was not available for us. As we focus on how increased degree of competition through expiration of MFA as well as de-reservation and abolishment of quantitative import restrictions, we first try to limit samples only to those producers for foreign market. There is one agency named the Apparel Export Promotion Council (AEPC), and we tried to select samples from their membership list. We then found not many of those membership firms are actual producers but are only exporters. So to find producers of garment, which might or might not export, we have to collect information from those exporters. Thus random sampling could not be carried out and we could only visit and interview firms that are introduced to us by some exporting firms.

Interviews with structured questionnaire were carried out with the help of a counterpart organization.

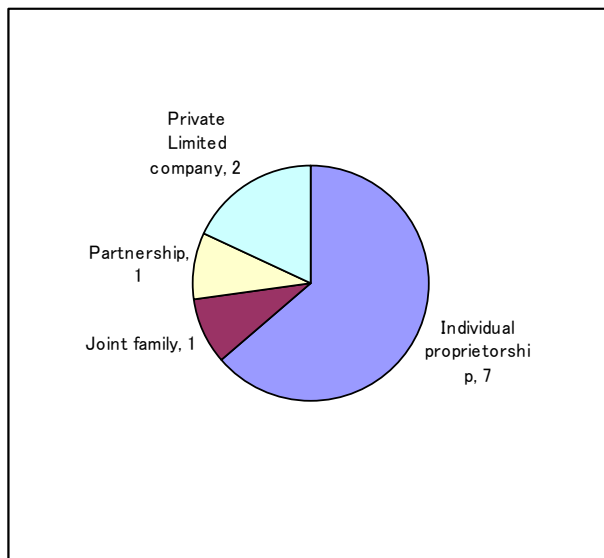
5. Summary of the Survey Results

Although we intended to show the results of fifty firms, most of those firms' answers have some discrepancy and are under reconfirmation process. Here we would like to present results of eleven firms.

5.1 Basic information

Type of present ownership is mostly individual proprietorship as can be seen from Figure 1. Among two private limited companies, unit K in Table 7 has the largest number of employee. The other, unit E, is not large in number of employee, but is registered as a member of various kinds of associations and councils such as Garment Manufacturer, Trader & Retailers Association, Indian Export Council (IEC) and Apparel Export Promotion Council (AEPC).

Figure 1 Type of ownership



As mentioned earlier, reservation of garment industry for small scale industries was abolished in January 2001, but no unit was established after this de-reservation measure (Table 7).

The average number of total employee calculated from data in Table 7 is 23.3 for three units established in eighties, 32.3 for those established early nineties and 47 for those established late nineties. If the average number of employee increases in garment industry as a whole, it is more likely because of new entry of firms with larger employment rather than existing firms' expansion of their employment.

Table 7 Year of establishment and the number of employee

Unit	Year of establishment	Total number of employee (person)	Value of sales in 2004 (Rs. Lakh)
A	1984	7	20-25
B	1990	14	75
C	1995	15	65
D	1987	27	22
E	1998	29	175
F	1985	36	55
G	1994	37	80
H	1990	46	110
I	1998	47	1.5
J	1995	50	100
K	1999	94	98

Table 8 Major products ant unit price

Unit	Major Products	Unit price (Rs.)
A	Kuruta & Pyjama	150-400
B	Shirts	250-350
C	Shirts	215-465
D	Shirts	
E	Shirts	275-1095
	Trousers	395-995
	Suits	1795-3955
F	Shirts	495-995
G	Shirts	350-550
H	Shirts	300-450
	Trousers	400-600
I	Shirts	
	Trousers	
	Sherwari suits	
J	Shirts	595-1200
	Trousers	595-1200
	Suits	
	Jackets	
K	Shirts	195-425

Lately established unit like unit E, larger unit in employment like unit H or lately established larger units like unit I and J are all manufacturing some variety of products excepting unit K. From Table 8, we find K is not only concentrated in

shirts, but it also concentrated on rather narrower and lower unit price segment. Unit E is another extreme example which diversifies both in variety of products and unit price range.

From Table 9, we can see how owners and managers foresee the impact of MFA removal and introduction of stricter restriction on child labour. There is a tendency that answers to two measures are the same most of the time. Answers with shadows in table 9 indicate such cases.

Table 9 Impact of the removal of MFA and the stricter child labour norm

Unit	(a) Removal of MFA			(b) Stricter child labour norm		
	Chance	Disturbance	Mixed	Chance	Disturbance	Mixed
A			1			1
B			1			1
C			1			1
D	1			1		
E	1			1		
F			1			1
G			1			1
H	1			1		
I			1			1
J			1			1
K			1	1		

(Note) Shadow indicates that the answers to (a) and (b) is the same.

5.2 Characteristics of the decision-maker concerning production

To the question to ask who is the most influential decision-maker concerning production at each unit, all unit except unit E replied it to be an owner. At unit E, it is a director.

Figure 2 shows the level of technical expertise of the most influential decision-maker concerning production at each unit. There is one unit at which such person has the top-class technical expertise in the domestic market. There is much room to argue if this answer is reliable or not, at least here we understand such person has the best expertise in that unit. Then at four units among eleven,

has the best expertise in each unit. The fact that decision-makers concerning production at the rest of the seven units has some, little or no expertise in technical side might reflect the situation that other expertise are required more than technical expertise.

Figure 2 Technical expertise of the decision-maker concerning production

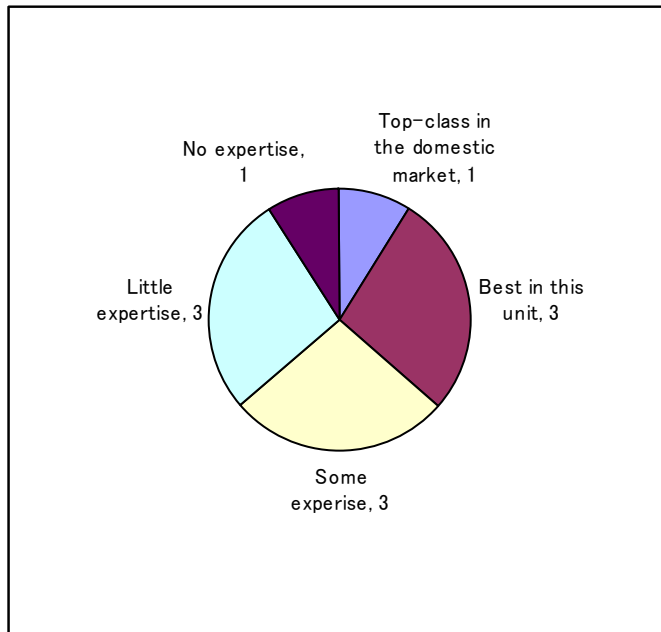
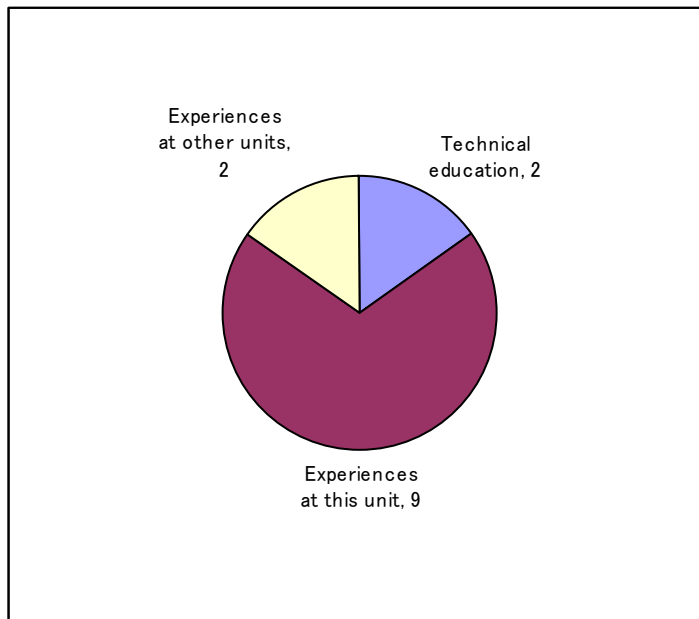


Figure 3 is a result of multiple answers. Among three units in which the decision-maker has the best expertise in each unit, at unit H such person acquired technical expertise from technical education and at unit K from technical education and experiences at both their own unit as well as other units. There is one unit at which technical expertise are acquired from experiences at other units, but the decision-maker there has little expertise. Excepting three units for which the decision-maker has obtained technical expertise through either technical education or experiences at other units or through both, at eight units such person has acquired technical expertise only through experiences at their own unit.

Figure 3 Technical expertise are obtained from education and experiences



5.3 Employment

Table 10 illustrates breakdown of total number of employee into administrative staffs and production workers.

Even how small the size of production of employment is, administrative job cannot be taken care by less than one person because of human resources' indivisibility. We can imagine such cases that each unit needs to have one finance person regardless of the size of employment. Then we can assume that the smaller the number of employment is, the higher the share of administrative staff and the lower the share of production workers is. The last column of Table 10 shows the share of a production worker, but does not indicate clear tendency as such.

Another possible factor which leads higher share of administrative staff is sub-contracting practice. To monitor sub-contractors and conduct day to day business transactions, firms might be required to have additional administrative staffs.

Table 10 Breakdown of total number of employee

Unit	Total number of employee (person)		
	Administrative staff	Production worker	(share, %)
A	7	2	5 (71.4)
B	14	2	12 (85.7)
C	15	4	11 (73.3)
D	27	2	25 (92.6)
E	29	4	25 (86.2)
F	36	9	27 (75.0)
G	37	8	29 (78.4)
H	46	4	42 (91.3)
I	47	5	42 (89.4)
J	50	10	40 (80.0)
K	94	2	92 (97.9)

Table 11 shows that firms which put emphasis on QCD (Quality, Cost and Delivery) in their sub-contracting practice have administrative staffs to engage especially in sub-contracting.

Table 11 Number of administrative staffs for and emphasis on sub-contracting

Unit	Number	Emphasis
A	0	-
B	1	Quality & timely delivery
C	1	Price
D	0	-
E	1	Price & Quality
F	0	-
G	1	Commitment
H	0	-
I	0	-
J	2	Quality
K	1	Quality & timely delivery

Next table 12 shows breakdown of permanent and casual status of administrative staffs. We can see even for administrative staffs, some units hire larger number in casual status.

Table 12 Breakdown of administrative staffs by employment status

(person)

Unit	Administrative staff		
		Permanent	Casual
A	2	1	1
B	2	2	0
C	4	4	0
D	2	2	0
E	4	3	1
F	9	2	7
G	8	5	3
H	4	2	2
I	5	5	0
J	10	6	4
K	2	2	0

As for production workers, the breakdown by skill and employment status is shown in table 13. Here we can find practice to hire in permanent or casual status varies from unit to unit.

Table 13 Breakdown of production workers by skill and employment status

(person)

Unit	Production worker						
		Skilled			Unskilled		
			Permanent	Casual		Permanent	Casual
A	5	4	0	4	1	0	1
B	12	10	4	6	2	1	1
C	11	1	1	0	10	0	10
D	25	21	0	21	4	0	4
E	25	21	10	11	4	3	1
F	27	26	26	0	1	1	0
G	29	22	0	22	7	0	7
H	42	32	2	30	10	2	8
I	42	32	32	0	10	10	0
J	40	32	32	0	8	8	0
K	92	82	0	82	10	10	0

There are some units that hire both skilled and unskilled worker as permanent workers. But at the same time there are other units that hire both skilled and unskilled worker as casual workers. And such tendency that units employ skilled workers as permanent and unskilled as casual is not clear from table 13.

5.4 Wage and cost of labour

Table 14 illustrates wages for production workers by their skill and employment status. For all types of actual employment shown in table 13, wage level is defined.

There are only three units, unit B, E and H, that we can compare wages of workers of the same skill level but the different status of employment within the same unit. At unit B and E, workers of the same skills earn the same wages in either case if they are permanent or casual status. Only at unit H and only for skilled workers, wages for permanent skilled workers are higher than that of casual skilled workers.

Table 14 Wages for production workers by skill and employment status

Unit	(Rs. Per month)			
	Permanent		Casual	
	Skilled	Un-skilled	Skilled	Un-skilled
A	-	-	4000	3500
B	4000	3700	4000	3700
C	8000	-	-	6000
D	-	-	9000	6000
E	6000	4000	6000	4000
F	8000	4000	-	-
G	Rs 18 per shirt(plain)			
H	6500	2500	6000	2500
I	8000	6000	-	-
J	8000	3000	-	-
K	-	3000	8000	-

From table 1, we know the minimum wage per month for unskilled workers in readymade garments industry is Rs. 3044.9 from February 2005 and was Rs. 2894.9 before that.

The wage for unskilled workers at unit H is even lower than those current and former minimum wages. In some other part of the questionnaire, unit H answered that they are honoring the Minimum Wage Act and also they understand

the minimum wage is Rs. 2500 per month. We cannot tell if managers of unit H pay attention to the actual level of the minimum wage or not.

5.5 Training system and promotion

Training system is not widely seen among sample units. Unit J is the only unit which provides trainings for workers, rotates workers and makes them capable of engaging more than one process of production. As for skill leveling, both unit J and K have such system and skill levels are reflected to wages.

When it comes to promotion, it is even rarer. We found no unit at which there was foreman or supervisor promoted from operator or operator promoted from helper.

Table 15 Breakdown of production worker by position

Unit	(person)				
	Production worker	Supervisor	Foreman	Operator	Helper
A	5	1	0	3	1
B	12	0	0	10	2
C	11	1	0	8	2
D	25	1	0	20	4
E	25	1	0	20	4
F	27	1	0	25	1
G	29	2	0	20	7
H	42	2	0	30	10
I	42	2	0	30	10
J	40	2	0	30	8
K	92	8	4	70	10

Table 15 shows the breakdown of production workers by their position. As there is no promotion within units, all the operators joined each unit as operators, foremen as foremen and supervisors as supervisors.

5.6 Industrial relations

There is no unit among samples that has union. Owners or managers describe their relationship with workers as listed in table 16. There are two units at which they have so good relationship that has good influence on production. Among those two, one is unit J which was mentioned as an unique case above to have training system.

Seven out of eleven units has so bad relationship that even production is disturbed (table 16).

Table 16 Relationship between owner/manager and workers

Unit	Relationship between owner/manager and workers
A	So bad that production is disturbed
B	So bad that production is disturbed
C	So bad that production is disturbed
D	So bad that production is disturbed
E	So good and has good influence on production
F	So bad that production is disturbed
G	Bad but not as bad as to disturb production
H	So bad that production is disturbed
I	Good but does not have good influence of productio
J	So good and has good influence on production
K	So bad that production is disturbed

No unit has any facilities such as room to have lunch nor any system such as pension or health insurance. Also we found no unit that has any rule to fire employee or to compensate fired employee.

5.7 Policy issues

The last part is about how sample units understand labour regulations and laws and how their practices are influenced.

Table 17 shows “names of all labour related regulations and acts which you think are applicable to this unit” and “names of all labour related regulations and acts

which you are not sure if they are applicable to this unit or not”. We noticed there are many units at which owners or managers do not know which regulations and acts are applicable to them.

In table 17, we listed names as they are mentioned by respondents and most of those names are mentioned in informal ways. We understand they meant The Employees’ Provident Fund and Miscellaneous Provisions Act, 1952 by provident fund and The Employees’ State Insurance Act by ESI.

Table 17 Labour related regulations and acts which are applicable or which you are not sure if applicable

	Applicable to this unit	Not sure if applicable
A	Do Not Know	Do Not Know
B	Labour Laws	Do Not Know
C	Provident Fund, Gratuity	Do Not Know
D	Labour Laws	Do Not Know
E	Provident fund, Gratuity act	ESI
F	Provident fund, Gratuity	ESI
G	Labour Laws, Child labour act	Do Not Know
H	Provident Fund, Gratuity	ESI
I	Do Not Know	Do Not Know
J	Do Not Know	Do Not Know
K	Do Not Know	Do Not Know

Answers to the question “Please describe which labour related regulations and acts affect practices at this unit and how” are listed in table 18. There are very few units which identify names of specific regulations or acts that affect actual practice. Answers listed in table 17 and 18 indicate that owners or managers do not know much about each regulation or act. But about half of them have some certain image that “labour laws”, the system of various regulations and acts as a whole, affect practices of firms.

Table 18 Which labour related regulations and acts affect practices at this unit and how

A	None
B	The labour laws are biased in favor of labour only; the solutions are difficult in such cases like absent without prior information, not working in full capacity and to fire in spite of them being casual.
C	Making labours permanent becomes costly
D	None
E	Labour act
F	Labour Law
G	Child labour act ,they were cheap
H	Expensive to maintain detail of accounts
I	None
J	Do Not Know
K	Do Not Know

Table 19 illustrates some clue to understand the core problem of “labour laws” for them. We can see two possibilities for the core problem. One is interruption of labour officers which is indicated by unit B and C and the other is complicatedness as indicated by unit H, I and K. Answer of unit A indicates one of the way to escape from those problems.

Table 19 How do you see impacts of labour regulations to this unit

A	Not mach impact as we have very few labour
B	It is always a pressure due to corrupt labour officers
C	Very complicated, so the corrupt labour officers take advantage of it.
D	Not Good
E	Labour regulations are not productivity linked
F	Not Good
G	Not good for this unit
H	Tricky & complicated
I	Very complicated
J	It is Good
K	Not flexible & complicated

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