

Non-Tariff Barriers Amongst SAARC Countries- A Study Of Trade In Textile And Clothing

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I. Introduction

With significant rise in Free Trade Agreements (FTAs) worldwide, importance of SAARC in global context has gained momentum. Earlier, tariff barriers were considered most crucial impediments to smooth trade. But, with establishment of FTAs amongst countries, tariff restrictions have been largely reduced and inter-country trade has increased by leaps and bounds. Despite this prominent increase in trade, the full trade potential has not been realized so far. This is primarily due to the prevalence of Non-Tariff Measures (NTMs) imposed by home countries on their trade partners.

Non-Tariff Barriers (NTBs) to trade are trade barriers that are not concerned with tariff. These include both trade restricting measures (quotas, technical barriers etc.) and trade promoting measures (export subsidies etc.). These are primarily used to shield domestic industries from foreign competition. In context of SAARC, NTMs is the major obstruction in trade liberalization among countries. Use of NTMs is against free trade and WTO accord. Such barriers are much more detrimental to free trade than tariff barriers as they are completely sponsored and supported by government to restrict market access. SAARC consists of developing countries and least developed countries (LDCs); NTMs negate the possible gains from reduced tariff restrictions for such countries. Unless such measures are tackled, even at zero tariff rates no significant benefits from trade will be reaped. Leveraging flexibility in WTO rules, NTBs have excessively increased, especially concerning standards, labeling, testing, certification, and licensing requirements. Also, such measures are generally imposed on products manufactured by developing countries having comparative advantage: food products, textiles, leather and engineering products.

The importance of T&C is reflected from its share in total exports in SAARC countries. UNCTAD statistics show that T&C constituted around 80 per cent of total exports of Bangladesh, provided direct employment to 3 million people and contributed 10 per cent of it's GDP. The textile and clothing sector contributes 6 per cent to GDP, 46 per cent to industrial employment and nearly 40 per cent to industrial production in terms of value in Sri Lanka. Pakistan's textiles and clothing sector accounts for 6 per cent of GDP, 40 per cent of industrial employment and 54 per cent of its exports. For India textile and clothing sector provides direct employment to 45 million workers. It accounts for 11 per cent of aggregate earnings from total exports, contributes 4 per cent in GDP and 14 per cent in overall industrial output. It shows that T&C sector plays crucial role in the development of SAARC countries and intra-regional trade is just 3% of its total international trade as compared to intra-regional trade in ASEAN region that is 29% of the total international trade of ASEAN nations (Wilson and Otski, 2007).

Despite growing competitiveness of textiles in SAARC region, there is growing evidence of substitution of South Asia by East Asia. Bangladesh and Sri Lanka source more than 80% of their textile requirements from regions other than SAARC, despite Pakistan and India being net exporters of textiles, reflecting over the fact that India and Pakistan are not preferred nations for textile trade for Bangladesh and Sri Lanka (Tewari, 2008).

Against this background, present study examines the structure of NTBs in the intraregional trade of Textile and Clothing amongst SAARC Countries. There are several NTBs and NTMs hampering Indian trade with other SAARC countries. These are enlisted as follows.

II. NTBs in the Textile and Clothing Sector

2.1 Custom Clearance and Administrative Procedures

Custom clearance entails preparation and submission of documents needed to facilitate export and import into a country. A shipping agent is generally assigned to check that all applicable duties have been paid

and the shipment has been approved. Administrative procedures are the rules and regulations that traders have to follow for the clearance of customs that include formalities such as collection, presentation, communication and data processing. Custom Clearance and Administrative Procedures are essential for smooth flow of goods, collecting information and revenue and to prevent the trade of illegal commodities. However, inefficient and inconsistently applied procedures, overly cumbersome requirements and lack of transparency lead to delay in clearance of goods and increase the costs of trade.

In context of Indian custom and administrative system, Indian importers have revealed that custom authorities create problems in valuation of imports of new items from Amritsar. Also, traders have complaint of excessive checks for consignments imported from Pakistan due to which goods were held for many days at custom. The surveys and revelations from traders show that India and Pakistan possess weak and inadequate transportation facilities including rail and road. It was also found that potential trade between the two countries is reduced due to the absence of warehousing and cold storage facilities, limited number of hours for trade, lack of availability of wagons, requirement of wagon balancing, non-containerized rail wagons, inadequate handling capacity at various places, poor infrastructure facilities and lack of EDI facilities at Indian border (Taneja, 2007). While on the other hand, Indian traders also face problems in Pakistan. These include inadequate handling capacity at Lahore Land Customs Station, requirement of consignment along with commercial invoice and packing list, import of cotton through port only, non-acceptance of Letter of credit by Pakistani banks from Indian banks and imposition of custom sales tax in addition to custom sales duty.

Moreover, Indian importers face such hassles while exporting to Bangladesh as well. Their major issues are non-acceptance of cargo by road, rail, rover routes for all goods by Bangladesh from India, requirement of letter of credit, Pre-Shipment Certificate, requirement of Free Sale Certificate signed by origin country as well as developed country, import of yarn through land route only and non-payment of irrecoverable L/C's by various banks and reluctance to open new trade routes. Bangladeshi traders too face problems in India which majorly are acquiring license from bureau of Indian standards for various items, laboratory testing for all products, chemical testing for leather and melamine, bio-security and sanitary permit for primary agricultural products, certificate of non-halogenated hydrocarbon, pre-shipment certificate about presence of non-hazardous dyes in textile and it's products, registration of the drug with the Central Drug Standard Control Organization for pharmaceutical products and requirement of import license for most consumer goods.

Indian importers have revealed of facing difficulties while trading in Sri Lanka as well. Major issues that they face are delay in customs clearance, port restrictions for some products, food control systems in operations and checking of fulfillment of origin criteria by referring country of origin and carrying various tests despite authorized certificates for various goods (Rahman, 2011). It was found that Nepal also possessed issues in trade which majorly are custom clearance delays for cross border rail operations, lack of trained human resource and physical equipment for facilitating custom processes, crowded border points and poor land links (Singla, 2016).

Moreover, a study by deputy director of FICCI, Manish Mohan, suggests that there are detailed goods examinations while performing custom procedures in SAARC countries and it should be replaced by computerized processing. Even the president of FICCI, Mr. Sahney in 2016 proposed in his agenda that up gradation of Land Customs Stations and harmonization of custom procedures would accelerate the pace of regional integration. Also, FICCI SBCL Background paper (2014) reports through econometric evidences that a 10 per cent fall in transaction costs at borders in South Asia has the effect of increasing a country's exports by about 3 per cent.

2.2 Sanitary and Phytosanitary Measures

Sanitary and Phytosanitary measures are all relevant laws, decrees, regulations, requirements and procedures to protect human, animal or plant life or health within the territory of the country from risks arising from plant pests like insects, bacteria, virus; additives, residues of pesticides or veterinary drugs, contaminants, toxins or disease causing organisms in foods, beverages or feedstuffs, and diseases carried by animals (EC). Trade restrictions are important to protect health of animals and plants and ensure food safety but sometimes, governments go beyond a level that is needed and impose restrictions to protect their domestic producers from international competition. These measures, therefore, lead to reduction of trade with the country. It was found that Sanitary and Phytosanitary measures act as one of the major barriers in intra-SAARC trade.

In India, particularly, there are many laws and regulations regarding food products, which need to be modified logically and harmonized to avoid vagueness in them. Absence of testing facilities at border leads to consignments being held for several days (Karki, 2002). Moreover, in many cases Indian authorities do not accept pre-shipment test certificates from exporting country that increases time and cost (M. A., & Basnett, 2014).

Pakistan also has a legal framework for food safety that is formed by Pure Food Ordinance 1960 and Pure Food Rules 1965 in which analysts and inspectors perform investigation and inspection. Also, the Pakistan Standard

Institute (PSI) along with its Food and Agriculture Division develops standards for food and food products. The rules and regulations carried by Pakistan need to be restructured to cope with sanitary and phytosanitary requirements.

Considering Bangladesh, its health laws are governed by the Pure Food Ordinance 1959 and Pure Food Rules in which the inspectors carry out food safety activities while Bangladesh Standard and Testing Institution (BSTI) is the codex contact point for Bangladesh in which about 52 food commodities are included in its mandatory certification scheme.

While on the other hand, Bhutan has no food law or related regulations. Maldives, though has enacted Consumer Protection Act, the monitoring of imported food items is not routinely conducted in the country. Legislative framework in Nepal for food safety is formed by The Food Act 1966 and Food Rules 1970 which needs to be revised for its effective functioning. In Sri Lanka, The Food Act 1980 amended in 1991 forms the legal framework for food safety which embodies important elements of safety but still needs updating to harmonize sanitary and phytosanitary measures (Karki, 2002).

Though, India and Pakistan have taken initiatives and adopted the Agreement on Sanitary and Phytosanitary measures developed by WTO, regulations are too divergent in SAARC region and their harmonization would increase trade in the region.

2.3 Standard, Testing and Labeling

Standard Testing and Labeling measures are the measures intended to protect human health and safety and to ensure that buyers are accurately informed about the goods on offer. Though, they are necessary to protect the safety and health of local population, countries sometimes imposes standards to block sales of products of foreign manufacturers. This acts as a barrier to trade since it prohibits trade of products due to imposition of irrelevant standards.

Both India and Pakistan have standard setting bodies, which are Bureau of Indian Standards (BIS), which has imposed standards for 68 items and Pakistan Standards, and Quality Control Authority (PSQCA) has imposed standards for 46 items, respectively. Standards in India has increased after the removal of quantitative restrictions in 2001 and with increased awareness of consumers for certified products and establishment of Consumer Protection Act which is working effectively and disposes 90 per cent of the cases, standard testing is increasing as a non-tariff barrier in India while in Pakistan, there is lack of Consumer Protection laws due to which there is low consumer protection.

Multiple standards and certifying bodies create confusion among exporters of other SAARC countries about the prevailing standard and body that is even more difficult in case of India and Pakistan since trade information flows is not smooth. While interviews and surveys analyzed that Pakistani exporters majorly face this issue and that Indian exporters to Pakistan did not face Standard Testing and labeling barriers. However, exporters have revealed that they face issues due to various standards in India and that textile products have one of the highest non-tariff barriers and that to export fabrics, they have to acquire a pre-shipment certificate from exporting country's textile laboratory accredited to the National agency of the origin country confirming non-use of hazardous dyes. Moreover, they complain that even EU accredited labs were rejected by Indian customs and that if these conditions prevailed, then it would be impossible for them to trade (Taneja, N., 2007).

Furthermore, lack of testing facilities at border, DGTF notification on labeling for consumer goods, special labeling of country of origin for jute bags and sacks and requirement of chemical testing for all products increases the hassles in trade (Rahman, 2011). India does not accept test certificates from Nepalese authorities for various products which adds to time and cost due to which no pharmaceutical products are exported from Nepal to India (Taneja, Prakash, & Kalita, 2013).

Moreover, Pakistani textile exporters have complaint that the labeling requirements in India pertaining to marking are excessive as they need to mention the details of manufacture, description, sorted number of cloth and other details. In some cases, composition of cloth and damaged pieces are required to be printed on every alternate meter and cloth (Taneja, 2007).

Bangladesh too has created standard tests like pre-shipment inspection for all products and radioactivity test for food items. Sri Lanka also carries various tests despite possession of good authorized certificates (Rahman, M., 2011). Standard testing and labeling is one of the most prevalent barrier to trade in SAARC region. In India, particular, standard testing and labeling is regarded as a major barrier by Pakistani traders.

2.4 Legal Barriers

There may be legal issues in the importing country, which may prohibit or reduce export of certain items by the exporting country. Such barriers are called Legal barriers. Bangladesh has banned imports of poultry related products in its country. Moreover, it has imposed 15 per cent VAT on all goods. It has also

prohibited issue of Khamarbari certificate for potatoes, which has prohibited import of potatoes in the country by any means. Pakistan has permitted acceptance of Indian imports of only those item, which are included in positive list specified by it. It has also prohibited screening of Indian films in its theatres. It has imposed restriction on import through Wagah border by road. Moreover, consignments are necessary to be accompanied with invoices and packing list. It has also imposed sales tax of up to 15 per cent and a withholding tax of up to 6 per cent on selected products, federal excise duty on selected products and imposition of upfront stage sales tax on 30 per cent value addition on import of pesticides.

Apart from legal issues faced by Indian importers in SAARC countries, exporters from other SAARC countries also face legal issues in India. India has imposed separate tariffs and excise duty for all products. Moreover, there is multiplicity of rules and regulations in Indian states due to which items are subjected to further inspection. There is imposition of taxes and fees for all products. Also, Indian banks do not accept letter of credit issued by Pakistani banks. Import of sensitive items is permitted only through certain ports and land custom stations. It does not accept certificate of testing from country of origin.

Also, it is necessary for registration of drugs with the Central Drug Standard Control Organization for pharmaceutical products. Import from new vehicles is allowed only through three ports. Further, there is imposition of countervailing duty of 4 per cent for all products, national calamity duty on selected items, additional duty of excise and specific duty per meter or kg on textile products and education cess at the rate of 2 per cent of the aggregate duty for all products.

Moreover, exporters from Bangladesh also face legal issues while exporting to India. The issues that they majorly face are requirement of import license for most consumer goods and registration of drug with the Central Drug Standard Control Organization for pharmaceutical products, Rahman (2010). The study analyses that though legal barriers are prevalent in SAARC region, they do not act as a major non-tariff barrier in SAARC region. Study by Husain, I. (2011) analyses that to increase intra-SAARC trade, the agreement signed by Governor Reddy in 2005 to open two Indian banks in Pakistan and two Pakistani banks in India must come in action which would ease the functioning of cross border fund transactions. Moreover, Federation of Indian Chambers of Commerce and Industry (FICCI) has suggested that reduction of visa restrictions, signing of regional transit agreement, signing of a multi-modal transport agreement would boost the region's vast economic potential.

2.5 Licensing Requirements and Quotas

WTO defines Import licensing as administrative procedures requiring the submission of an application or other documentation (other than those required for custom purposes) to the relevant administrative body as a prior condition for importation of goods.

While reviewing for licensing requirements and quotas for India, the study found that there are 428 products at 8-digit HS code level, which are restricted and cannot be imported without any license. Moreover, 33 categories of products can be imported only by State Trading Enterprise of India.

Further, it is one of the most cited non-tariff barriers in Sri Lanka. 335 categories of products with different levels of HS chapters and codes for imports are regulated under E129 in Sri Lanka. Research from interviews analyzed that the process to obtain licenses from various authorities is time consuming, which increases costs and hassles to the business. Also, members of Sri Lankan business community face quantitative restrictions imposed by Indian authorities on certain products like hydrogenated vegetable oil. Also, exports are prohibited or require license for sensitive product categories like endangered animal and plant species, arms, drugs, ivory products, antiques and minerals.

In Bangladesh, there are 21 categories of products under 4-digit HS heading, which includes 2-stroke motor engines, reconditioned office equipment etc. Also, 13 categories of products which include jute and shan sheets, unprocessed and certain categories of shrimp, raw and wet blue leather, etc. are subject to export ban. Considering Bhutan, it was found that all import consignments originating from countries other than India and entering Bhutan by road through India need an import license, which is issued up for one year of validity period. Further, the maximum quantity an importer can import without generating foreign exchange on their own and without being cleared by central bank of Bhutan from any country other than India is 4 container loads per year. Moreover, 14 categories of products are restricted from import from all countries and are subject to licensing requirement. Also, each import consignment is required separate import license for the already registered importer, though, it takes place within 1-2 days and is issued free of cost.

In Pakistan, it was found that 20 categories of products, which included cotton and yarn, are allowed for trade only after obtaining special permissions from relevant authorities or fulfilling certain other conditions. Moreover, 44 categories of industrial products are banned from imports for protective reasons while another 9 broad categories of used machinery and equipment are banned from imports. Further, to import another 56 categories of items including animal and plant products, special permissions have to be taken from relevant authorities (SAARC TPN and ni-msme, 2016).

2.6 Technical Barriers to Trade

Technical barriers to trade are mandatory technical regulations and voluntary standards that define specific characteristics that a product should have, such as its size, shape, design, labeling, marking, packaging, functionality or performance. Procedures like product testing, inspection and certification activities are used to check whether a product is in compliance with these requirements or not. (EC)

In India, there are cumbersome procedures in trade due to involvement of multiple agencies or excessive formalities and add on to time and cost of trade. Also, inadequate testing facilities at ports often leads to additional delays and costs as samples have to be sent to distant locations for testing. Moreover, custom authorities create unnecessary hassles for traders while clearing their goods at some custom stations. Also, in case of woolen textiles, Indian regulations lack clarity on the requirement of brand owner certificate, which can be applied arbitrarily since it is open to interpretation (Razzaque&Basnett, 2014). Further, import of genetically modified food, feed, genetically modified organism and living modified organisms are subject to various kinds of certifications (ni-msme, 2016). Also, in Sri Lanka, technical barriers to trade are one the major cited non-tariff barrier. Various kinds of packing, labeling, certifications and conformity assessments or other restrictions pertaining to category B of UNCTAD classification have been found applicable to 90 categories of product majorly belonging to machinery, equipment, chemicals, household and consumer products.

In Bangladesh, it was found that 218 categories of products possess various kinds of packing, labeling, certifications and conformity assessments or restrictions pertaining to category B under UNCTAD classification.

In Pakistan, it was found that 186 product categories possess TBT restrictions in category B of UNCTAD classification. Technical barriers to trade have been one of the major reasons in restricting India-Pakistan trade. Pakistan's capacity trade of textiles and agricultural products get reduced due to India's technical barriers to trade and Sanitary and Phytosanitary measures which are applied on a non-discriminatory basis and are General Agreements on Tariffs and Trade (GATT) compatible import controls but hinder Pakistan's trade majorly due to supply side constraints of Pakistani exporters and their lack of capacity to meet Indian compliance requirements. Deputy Director of FICCI, Manish Mohan suggests through his report that SAARC countries have to spur new competitive advantages and investment in technological capability if they are to overcome this problem effectively.

2.7 Rules of origin

Rules of origin are the criteria needed to determine the national source of a product for the purpose of international trade. Their importance is defined from the fact that duties and restrictions in several cases depend upon the source of imports (WTO). In SAARC countries, to avail the concessions of the items included in positive list of countries in SAARC region, a rules of origin certificate has to be issued whose authorized body is Chambers of Commerce in the South Asian countries from where traders have to collect the certificate and submit to the custom authorities. This procedure is time consuming and costly as mentioned by traders and that direct or electronically produced certificates would reduce the inconveniences in trade (Taneja, 2007).

Study by analyses that Rules of origin agreed under SAFTA are general in nature, that is, one criterion for all products barring 1991 products for which product specific rules are applied. Thus, SAFTA rules of origin require that in order to enjoy the preference under SAFTA, a product must undergo sufficient processing for changing the tariff heading from non-originating inputs and for having at least 40 per cent value addition measures as percentage of fob value. However, value addition requirement is lower for Sri Lanka and least developed nations, which is 35 per cent and 30 per cent, respectively (Singh, 2014).

Pakistan and Bangladesh notified that a labeling requirement under Jute and Jute Textiles Control Order of 2000 of India stipulated that each and every jute bag must show the country of origin discouraged imports as bags which carried such labeling could not be used for packing goods made in India since the label would showcase that the goods contained in the bag were made in Bangladesh. Moreover, only products originating from Pakistan and Sri Lanka would benefit from Rules of Origin requirement. Other products that have some imported materials as inputs have to have 35 per cent value addition criteria (Razzaque&Basnett, 2014).

2.8 Anti-Dumping

When a country exports a product at a price lower than that charged in home country, then it is said to be "dumping" of the product. Trading partners discriminate against such activity as it causes harm to the domestic industry.

WTO have not passed any legislation per se to curb the practice, but it allows the government to act against dumping where there is genuine harm to domestic industries. Anti-dumping law is controversial and highly debated on international forums. Sometimes, countries use the law to merely protect themselves from international competition, in light of falling tariffs and reducing quotas (Bhagwati, 1988). Several times Pakistan

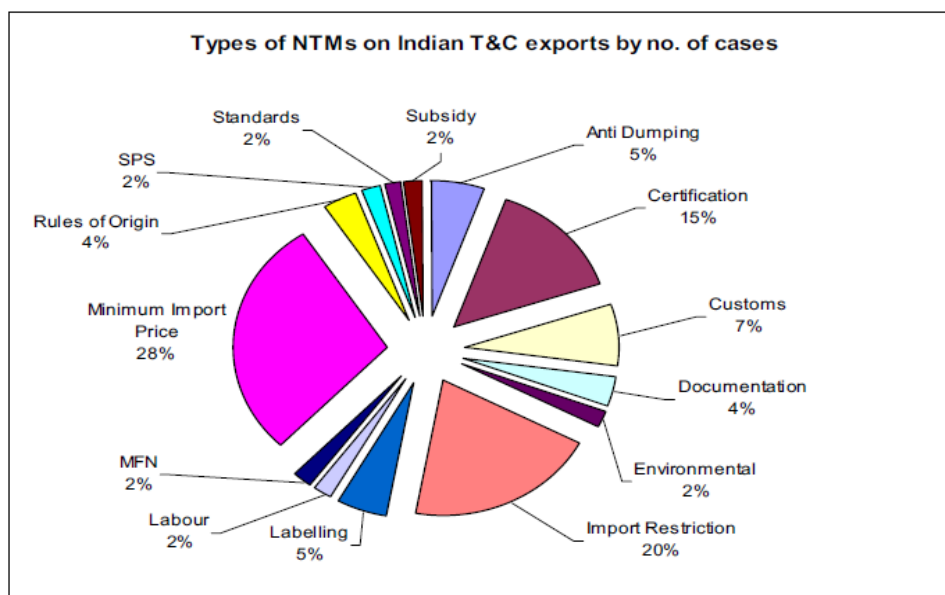
has accused India of imposing anti-dumping duty on its products, but India has always dismissed such allegations.

NTMs in Textile and Clothing Sector

Table. 1. Non Tariff Measures in T&C Sector Amongst SAARC Countries.

HS Chapters	Products Description	Cases of NTMs
52	Cotton	19
54	Man-Made filaments	2
55	Man-Made staple fibres	2
56	Wadding, felt and non wovens; special yarn; twine, cordage etc	1
57	Carpets and other textile floor covering	1
58	Special woven fabrics; tufted textile fabrics; lace; tapestries; embroidery etc	5
59	Impregnated, laminated textile fabrics; articles suitable for industrial use	5
60	Knitted or crocheted fabrics	6
61	Article of apparel and clothing accessories, Knitted or crocheted	8
62	Article of apparel and clothing accessories, not Knitted or crocheted	6
63	Other made up textile articles; sets; worn clothing and worn textile articles	1
	Total	56

Source- Data compiled from Ministry of Commerce and Industry, GOI



Source: Ministry of Commerce and Industry, GOI

As we discussed above Textile and clothing industry is the major source of Employment, Foreign Exchange, Exports and GDP of SAARC countries but still highly effected by the non tariffs barrier. Table 1 shows that items of H.S. chapter 52 are highly affected by the Non Tariffs Barrier where around nineteen types of Non Tariff Measures are adopted, followed by 61,60,62,58,59,54,52 and 56. If we talks about the other items of textile and clothing (50, 51, 53, 64 and 65), which are free from the Non Tariffs Barrier, accounted around 3 percent in the total trade of SAARC countries in textile and clothing. It shows that 97% percent of textile and clothing Trade amongst SAARC countries are affected by Non Tariffs Barrier. Moreover, if we talk about the types of Non Tariff Measures used by the SAARC countries in the exports of India in Textile and clothing sector, contribution of minimum imports price is 28% followed by imports restrictions (20%), certification (15%), Custom Clearance (7%) and Anti Dumping Measure (5%).

II. Conclusion

In view of recent developments, NTBs play a crucial role in determining textile and clothing trade between SAARC nations. Poor connectivity such as lack of border infrastructure, inadequate traffic planning, improper cross-border transportation agreements and poor port storages grossly affect the textile trade potential of a country.

From the aforesaid discussion, the upshot of the most prevalent NTBs in textile industry in SAARC is that custom clearance, administrative procedures, technical barriers to trade, certifications, legal barriers and rules of origin affect the textile trade most in relation to other NTBs. Labeling requirements imposed by India on other SAARC nations are quite exacting and cumbersome. Such impositions discourage exporters to export textile commodities to India. In SAARC scenario, legal barriers arise due to political tensions between two countries. For instance, Pakistan has prohibited entry of certain textile commodities from India via Wagah border and banned imports of some textile goods; this has resulted in significant increase in transaction costs and informal trade between two countries. There are currently no Mutual Recognition Agreements (MRAs) making the testing procedure more cumbersome as 100 percent testing is done at the borders with no adequate testing labs. National and regional chambers of commerce rather than government may take up these issues, to make them less politicized.

India's political and economic influence over SAARC only magnifies given the size of Indian economy, its trade and investment layouts and political stance in relation to other SAARC nations. Thus, making it all the more relevant for India to relax the structural rigidities, improve connectivity and increase efficiency to eliminate all NTBs for seamless flow of textiles and other commodities to and from India.

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