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“Post-Pandemic Challenges of Textile Industry Workers in India: Analysis of Social Security
Laws of Select Asian Countries”

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Post-Pandemic Challenges of Textile Industry Workers in India: Analysis of Social Security Laws of Select Asian Countries

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The COVID-19 pandemic ensued a challenging period for global health; however, the loss of livelihoods throughout the lockdown also led to a significant economic issue that warranted a reassessment of the existing socio-economic structures. Manufacturing and production lines were severely impeded, particularly in the Indian textile industry, the second-largest employer and labor-intensive industry. The initial lockdown did not provide manufacturers enough time to prepare for the impending catastrophe, compelling many to shut down their operations.

The above circumstances highlighted the issue of the lack of resilient social security laws in India. Despite initiatives like the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA), the Employees' Provident Fund (EPF) Scheme, and other initiatives like grain distribution to the families below poverty line, economic security is something that needs due calibration. India has not ratified the International Labour Organizations Social Security (Minimum Standards) Convention of 1952. There is a need to have a competent social security legal framework in India to ensure economic stability for all which falls in line with the principles enshrined in our Constitution (Directive Principles of the State Policy), the guiding light for all state actions in India.

The researcher aims to begin by examining the Code on Social Security that the Ministry of Labour and Employment, Government of India passed in 2020, interpreting it in light of the COVID-19 Pandemic and its effect on the Textile Manufacturing Industry in India. In addition, it is planned to carry out a comparative analysis of the social security laws of other Asian countries to carve out best practices that can be adopted in India. The focal area of the current research would be to see if the laws are sufficient to protect the economic interests of all types of workers. It shall also be analyzed if the legal structure ensures decent working conditions, occupational health and safety, economic security, and unemployment benefits, thereof, in light of the pandemic.

Keywords: COVID-19 Lockdown, Textile Manufacturing Industry, Economic Disruptions, Social Security Laws

1. Introduction

The textile industry has time and again demonstrated its importance as a socio-economic catalyst in a nation's development. The scope of textile manufacturing in India is much more expansive and encompasses, among others, the production of cotton, jute, silk, handlooms, power looms, and ready-to-wear apparel.¹ The industry is incredibly diverse, ranging from the highly capital-intensive advanced textile mills to the hand-spun and manually woven fabrics section. India accounts for four percent of the worldwide textiles and apparel trade. With ten localities generating roughly eighty percent of the nation's textile output, the Ministry of Textiles is in charge of strengthening these regions and monitoring the industry's overall development.² A combined workforce of 4.5 crore individuals are working in the textile sector.³ Employment opportunities in the textiles sector extend to those in associated fields including cotton and jute agricultural raw material harvesting, the manufacturing of color dyes, and textile designing. Impact on one has an effect on others.

The worldwide outbreak of COVID-19 and the enforcement of restrictions on movement and activity had a significant effect on textile industry personnel, who suffered from the aftermath of the economic slump, a decline in employment opportunities, layoffs, and extreme monetary hardships.⁴ The Indian apparel and textile industry went on to encounter hardships both during the course of and as an ensuing effect of the COVID-19 pandemic. A substantial portion of the global supply chains including that in Asia were cut off during the lockdowns. Reduced hours and dismissals in the workforce were commonplace as countless manufacturing facilities were either indefinitely or temporarily shut down. Industries that have subsequently resumed have likewise experienced an overall drop in their employment. Researchers have stated that it is critical to carefully examine the current state of people who lost their jobs during the pandemic, notably potential opportunities for their re-employment,

¹ Chetana Arikatti, *Social Security of Garment Workers in India: An Empirical Survey of Bengaluru Garment Industry*, LEGAL SERVICE INDIA E-JOURNAL (2019), <https://legalserviceindia.com/legal/article-1072-social-security-of-garment-workers-in-india-an-empirical-survey-of-bengaluru-garment-industry.html> (last visited Oct 27, 2023).

² N Gokarneshan & Anu Dhishna, *Scenario of the Fashion and Textile Industries during and after the Pandemic Periods*, 5 LATEST TRENDS IN TEXTILE AND FASHION DESIGNING (2022).

³ Ministry of Commerce and Industry Government of India, *Textile Industry in India, Leading Yarn Manufacturers in India - IBEF*, INDIA BRAND EQUITY FOUNDATION, <https://www.ibef.org/industry/textiles> (last visited Oct 27, 2023).

⁴ Nur Hidayah & Fitria Esfandiari, *Constitutional Rights of Labour During Covid 19 Pandemic: A Study of India and Indonesia*, 590 in ADVANCES IN SOCIAL SCIENCE, EDUCATION AND HUMANITIES RESEARCH 250 (2021).

and the impact on their economic circumstances, their families, and their standard of life.⁵ The government's reticent attitude to addressing their plight has only made matters worse. When COVID-19 broke out in the year 2020, over fifty percent of humanity, or over 4 billion individuals, did not have social protection. The COVID-19 outbreak has necessitated the issue of the legitimacy of a nation's government to be investigated more thoroughly since a government is charged with the crucial task of guaranteeing social welfare and protection to the workforce in their territory.⁶ India's burgeoning population has ever-growing expectations and social security as a comprehensive expression featuring an international character is sought after to fulfill them.⁷ In light of the Indian federal structure, measures to alleviate suffering were deployed by both the national and local governments. These measures, unfortunately, were fragmentary in nature, often limited to a particular industry, and were implemented without prior discussion with stakeholders.⁸ These initiatives only covered a fraction of the nation's labor pool and did not adequately protect each employee's indispensable right to social security. In the meantime, four labor codes were born out of ongoing discussions among multiple stakeholders, notably the industrial community and the unions representing workers.

The influence of economic and social security regulations on manufacturing sectors, particularly the textile industry, has not been studied in depth in previous studies in light of the COVID-19 pandemic. The welfare and medical facilities of underdeveloped and developing nations are not adequate to cater to a populace of this magnitude, and disease outbreaks further aggravate the issues. The pandemic witnessed local communities, volunteer associations, collectives, and religious sects undertake key functions of helping those in need. The rapid transmission of COVID-19 resulted in international repercussions, bringing tremendous physical, financial, ecological, and social well-being challenges to humanity as a whole. This article examines the primary concerns in the operation of Indian social security legislation and state-run initiatives in the course of the Pandemic. A comparative study of the same was deemed necessary due to the diversity of Asian political economies, their national welfare policies, social security provisions, access of informal or unorganized sectors to these provisions, the commitment of the respective states to social justice, means adopted to decrease

⁵ Karan Khurana, *The Indian Fashion and Textile Sector in and Post COVID-19 Times*, 9 FASHION AND TEXTILES 15 (2022).

⁶ Aayesha Saxena, *(Re)Visiting the Legitimacy of the State: COVID-19 and the Migrant Labor in India*, 20 INDIA REVIEW 194 (2021).

⁷ Sujit Kar, *History of Social Security of Unorganized Workers - With Special Reference to India* (2015), <https://papers.ssrn.com/abstract=2559656> (last visited Oct 27, 2023).

⁸ Saurabh Bhattacharjee, *COVID-19 and Labour Law: India*, 13 ITALIAN LABOUR LAW E-JOURNAL (2020), <https://illej.unibo.it/article/view/10879> (last visited Oct 27, 2023).

existing disparities, mobilization of resources, and the impact of pandemic on the textile manufacturers, among other factors. A comparison of certain elementary parameters of the Asian textile-producing nation-states is shown in Table 1 below:

| Country | Form of Government and Development Status | Rank in 2021 Global Health Index⁹ | Rank in the 2021 Sustainable Development Goals Index¹⁰ | Total expenditure on social protection (apart from health)¹¹ |
|----------------|--|---|--|--|
| Bangladesh | Lower-Middle-Income Developing Unitary Republic | 95 | 109 | 0.7 % of GDP |
| China | Upper-Middle-Income Developing Unitary Socialist | 52 | 57 | 7.2 % of GDP |
| India | Lower-Middle-Income Developing Democratic Federal Republic | 66 | 120 | 1.4% of GDP |
| Vietnam | Lower-Middle-Income Developing Socialist Republic | 65 | 51 | 4.3 % of GDP |

Table 1: Comparison of Bangladesh, China, India, and Vietnam

A huge disparity exists in the share of Gross Domestic Product marked for Social Protection in the above Nation-States. The above regions which make up the “*clothing factory of the world,*” have proven extremely susceptible to the detrimental outcomes of the pandemic-induced fabric

⁹ JESSICA BELL & JENNIFER NUZZO, *Global Health Security Index: Advancing Collective Action and Accountability Amid Global Crisis, 2021*, (2021), https://www.ghsindex.org/wp-content/uploads/2021/12/2021_GHSindexFullReport_Final.pdf.

¹⁰ JEFFREY SACHS ET AL., *Sustainable Development Report 2021*, (2021).

¹¹ International Labour Organization, *Public Health and Social Protection Expenditure, 2020 or Latest Available Year (Percentage of GDP)*, (2022), <https://www.social-protection.org/gimi/ShowWiki.action?id=629#stat>.

and clothing manufacturing collapse. The socio-economic security of the textile industry workers, especially women, has been severely jeopardized by the shutdown of textile factories as a result of them not considered necessary to be exempted from lockdowns. The third and fourth segments of the research article will further delve into the measures taken by the above Asian economies to overcome the COVID-19 socio-economic security challenges. Prior to that, it is critical to gain insight into the prevailing international framework.

2. Social Security to Social Protection: The Development of International Instruments and State Obligations

In political discourse worldwide, keywords notably inclusive socio-economic rights and universal social protection are frequently employed in statements and initiatives of international organizations, evoking the impression that an even welfare state is set to take over the global community. Beginning with Bismarck's 1883 statute on sickness insurance, which offered medical attention and monetary assistance to workers in particular industries using employers' and workers' input, came the Beveridge Committee Report of 1942 that encompassed stipulations for child support, employ upkeep, and extensive healthcare coverage. The salutation of social security as an intrinsic human right at present is outlined in Articles twenty-two and twenty-five of the “Universal Declaration of Human Rights” and Articles Nine and Eleven of the “International Covenant on Economic, Social, and Cultural Rights”; along with the International Labor Organization Conventions 121, 128, 130, 168, and 183, among other international rights-based instruments and sustainable development goals.¹² The “Social Security (Minimum Standards) Convention” of 1952 and the “Social Protection Floors Recommendation” of 2012 are two chief International Labour Organization accords. The former integrates the nine conventional exigencies, namely, “*medical care, sickness, unemployment, old age, employment injury, family, maternity, invalidity, and survivors' benefits*”.¹³ Thus, social security guarantees citizens two distinct kinds of safety nets. The initial coverage is commonly referred to as social insurance for medical care, retirement benefits, disablement coverage, or fatality. The second type is social assistance which can entail

¹² Ruma Ghosh, *Social Protection in India: Understanding Trends and Policy Imperatives*, 28 LABOUR & DEVELOPMENT (2021), https://www.academia.edu/107523120/Social_Protection_in_India_Understanding_Trends_and_Policy_Imperatives_Labour_and_Development_Vol_28_No_2_December_2021 (last visited Oct 27, 2023).

¹³ International Labour Standards on Social security, INTERNATIONAL LABOUR ORGANIZATION, <https://www.ilo.org/global/standards/subjects-covered-by-international-labour-standards/social-security/lang--en/index.htm> (last visited Oct 27, 2023).

subsidized food-grain supplies to individuals not adept at earning adequate or overall. Together they remain indispensable for carving out sustainable development and fostering equitable societies. The four major Asian textile manufacturing hubs have all ratified two of the three international instruments, making social security implementation binding on the nation-states. However, as shown in Table 2, none of the four nation-states ratified the International Labor Organization's minimum standards convention.

| Country | Universal Declaration of Human Rights, 1948 ¹⁴ | The Social Security (Minimum Standards) Convention, 1952 ¹⁵ | International Covenant on Economic, Social, and Cultural Rights, 1976 ¹⁶ | |
|------------|---|--|---|------|
| Bangladesh | ✓ | ✗ | ✓ | 1998 |
| China | ✓ | ✗ | ✓ | 2001 |
| India | ✓ | ✗ | ✓ | 1979 |
| Vietnam | ✓ | ✗ | ✓ | 1982 |

Table 2: International Instruments ratified by Major Asian Textiles Manufacturing Countries

Economies with strong social security systems found themselves better equipped to cope with emergencies, even if requiring extra funds, through utilizing already-present legally binding frameworks. On the other hand, less robust systems encountered more difficulties. All states necessitate an effective regulatory structure alongside sufficient financial and institutional-level backing.¹⁷ The enactment of a citizen's right to social security entails that nation-states embrace international mandates to uphold, safeguard, and implement such rights, alongside a requirement that authorities be held responsible for their fulfillment.

¹⁴ Signatories for Universal Declaration of Human Rights, <https://sdg.humanrights.dk/en/instrument/signees/24> (last visited Oct 31, 2023).

¹⁵ Ratifications of C102 - Social Security (Minimum Standards) Convention, 1952 (No. 102), https://www.ilo.org/dyn/normlex/en/f?p=1000:11300:0::NO:11300:P11300_INSTRUMENT_ID:312247 (last visited Oct 31, 2023).

¹⁶ Committee on Economic, Social and Cultural Rights, *Ratification Status for CESCR - International Covenant on Economic, Social and Cultural Rights*, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/treaty.aspx?treaty=cescr&lang=en.

¹⁷ Shahra Razavi, *Making the Right to Social Security a Reality for All Workers*, 65 IND. J. LABOUR ECON. 269 (2022).

At the international stage, certain nations have embraced both unitarist and pluralist social security frameworks.¹⁸ To advance the objectives of social protection, many authorities and initiatives operate in different economies. A single institution is becoming the norm for the majority of nations. However, given the significantly varied circumstances in the countries of the Global South, it remains unclear whether extensive social security measures will ultimately be integrated into a universally accepted set of principles. In the United States of America, the term “*social security*” alludes largely to the government social insurance programs, however in developing countries such as the Indian subcontinent, it incorporates core rights including nourishment, medical care, earning a living, and education.¹⁹ The societal paradigm shifts have had a bearing on lawmaking, notably in democratic nations, fostering socio-economic adaptation and commitment to ever-evolving principles. The judicial branch is critical in settling on these challenges and making certain that social protection regulations are constructively interpreted as opposed to rigidly. Authorities have a responsibility to strive for a gradual achievement of these rights. The International Labor Organization points out that providing social protection does not constitute something that is a luxury and that emerging economies can finance essential programs with monetary assistance through global partnerships.²⁰ However, the unemployment trap conundrum, whereby welfare programs provide a peculiar reason not to seek employment, is a challenge that economies occasionally encounter.

The model regulations facilitating the establishment of either bilateral or multilateral social security mechanisms play an integral role in preserving the well-being of overseas workers. These conventions, which encompass the “Equality of Treatment (Social Security) Convention”, the Convention on the “Maintenance of Social Security Rights”, and the “Recommendation on the Maintenance of Social Security Rights”, govern the creation of national, bilateral, and international social security transportability structures. India has entered into social security accords with more than twenty nations to maintain the rights of overseas

¹⁸ Debi Saini, *Some Issues in the Working of Social Security Laws*, 48 INDIAN JOURNAL OF LABOUR ECONOMICS 1029 (2005).

¹⁹ III: Governmental and Administrative Institutions/Institutions Politiques et Administratives, 64 INTERNATIONAL POLITICAL SCIENCE ABSTRACTS 439 (2014).

²⁰ Michael Krennerich, *Social Security – Just as Much a Human Right in Developing Countries and Emerging Markets*, 47 VERFASSUNG UND RECHT IN ÜBERSEE / LAW AND POLITICS IN AFRICA, ASIA AND LATIN AMERICA 105 (2014).

workforces; and overcome double coverage, promote equitable treatment, facilitate swift transmission of benefits, and implement totalization to minimize benefit forfeiture.²¹

A high percentage of the unorganized or informal workforce remains unprotected by social security programs due to a lack of adequate funding.²² However, these issues can be traced back to some extent to poor policy decisions, a dearth of political will, and the nation-state's high ranking in the corruption index. The informal sector was identified as divisions that undertake production, create job opportunities, and earnings, exhibit a nominal degree of organization, and are dependent on casual employment, as opposed to binding agreements. Informal employment, according to the 17th International Conference of Labour Statistics, refers to those wherein a worker's employment is not governed by labor laws, taxes, or entitlement to specific job-related benefits and social protection.²³ A “*Social Protection Floor Initiative*” has been devised by the World Health Organization and the International Labor Organization to ensure primary coverage for all.

3. Social Security in India

Regional authorities and the Centre serve crucial functions in establishing social security programs in India. Constitutional Article 41 necessitates state governments, per their financial abilities and growth and development, to ensure an individual's right to earn a living and social assistance, particularly during instances of being unemployed, older age, ailments, or being disabled.²⁴ This, in combination with Articles 42 and 47, constitutes the cornerstone for the government's duty to be responsible for the welfare and social security.²⁵ The socio-economic rights have been regarded by the authorities as non-justiciable directives. However, several judges have time and again construed the Directive Principles as having been assimilated along with and in conjunction with fundamental rights. In the matter of *Olga Tellis vs. Bombay Municipal Corporation*, a bench of five justices asserted, “*If the right to livelihood is not treated as a component of the constitutional right to life, the simplest way to deprive a*

²¹ MINISTRY OF EXTERNAL AFFAIRS, *Annual Report 2021-22*, (2022), https://www.mea.gov.in/Uploads/PublicationDocs/34894_MEA_Annual_Report_English.pdf.

²² BORIS VERBRUGGE & KU LEUVEN, *Short Is Beautiful? Value Chains and Human Rights in a (Post-) Pandemic World*, (2021), <https://hiva.kuleuven.be/en/news/newsitems/short-is-beautiful-value-chains-and-human-rights-in-post-pandemic-world> (last visited Oct 27, 2023).

²³ Santosh Mehrotra, *Can India Universalize Social Insurance before Its Demographic Dividend Ends? The Principles and Architecture for Universalizing Social Security by 2030*, CENTRE FOR DEVELOPMENT STUDIES (2022).

²⁴ JEET SINGH MANN, *LABOUR LAW REFORMS* (2021).

²⁵ *L.I.C. of India & Anr. v. Consumer Education & Research Centre & Ors.*, 1995 SCC (5) 482.

*person of his right to life would be to deprive him of his means of livelihood to the point of abrogation.*²⁶ Take away an individual's claim to a livelihood, and you have ripped away his very existence.²⁷ Justice P.N. Bhagwati underlined the critical role of the judiciary in aiding the less fortunate and downtrodden people by means of moving beyond maintaining the status quo and onto a more comprehensive approach to labor laws and regulations.²⁸ This transition has liberated labor laws beyond laissez-faire perceptions and adopted the essentials of a Welfare State. The Hon’ble Supreme Court has ruled in *D.S. Nakara vs. Union of India*²⁹ and *LIC of India and Anr. vs. Consumer Education and Research*³⁰ that access to social security is a fundamental human right.³¹

The BP Adarkar Committee advocated a program of security for workers in 1943, which culminated in the enactment of the Employees State Insurance Act. The statute is binding on factories and enterprises with at least ten workers.³² The Employees' Provident Fund Act was drafted to address the obligations of enterprises with at least twenty workers. Amenities including provident funds, compensation for workers, and so on are only granted to particular designated manufacturing industries and places of employment.³³ In India, if an enterprise receives benefits through the Employees' Provident Fund Organization and/or Employee State Insurance Corporation, it is recognized as belonging to the structured industry and falls within the roughly nine percent of the working population that is formalized, while the other ninety-one percent are unorganized.³⁴ The aforementioned exceptionally widespread informality should be alarming for a market that boasted of being the fifth largest and most rapidly developing global economy before the pandemic.

COVID-19 was a health catastrophe that put country's ability to successfully protect all segments of its population from illness, and poverty, and to prevent human casualties to the test.³⁵ The Indian Government retracted the directive which it had issued in 2020 requiring

²⁶ 1986 AIR 180.

²⁷ Kamala Sankaran, *Emerging Perspectives in Labour Regulation in the Wake of COVID-19*, 63 IND. J. LABOUR ECON. 91 (2020).

²⁸ *People's Union for Democratic Rights & Ors. v. Union of India & Ors.*, 1983 SCR (1) 456.

²⁹ 1983 SCR (2) 165.

³⁰ 1995 SCC (5) 482.

³¹ Dipti Rekha Mohapatra, *Role of Judiciary for the Social Security and Protection of Women Labour in India*, INTERNATIONAL JOURNAL OF TECHNICAL RESEARCH AND APPLICATIONS 25 (2015).

³² III: Governmental and Administrative Institutions/Institutions Politiques et Administratives, *supra* note 19.

³³ *Id.*

³⁴ Sankaran, *supra* note 27.

³⁵ Ms Debalina Chatterjee & Dr Madhubrata Mohanty, *Social Security of Migrant Workers in India: A Critical Analysis in the Light of Covid-19 Pandemic*, 12 TURKISH ONLINE JOURNAL OF QUALITATIVE INQUIRY 5134 (2021).

enterprises to keep paying living wages to all personnel during the pandemic.³⁶ The Hon’ble Supreme Court in *Gujarat Mazdoor Sabha v. The State of Gujarat*, a matter on the payment of overtime wages, asserted that “*financial losses cannot be offset on the weary shoulders of the laboring worker, who provides the backbone of the economy*”, wherein a significant drop in business operations following the pandemic brought about the unparalleled amount of migration of people, diminution in earnings, and loss of their source of income.³⁷ The Central Government received a mandate from the Apex Court to establish a Portal for facilitating the registration of migrant workers and the redistribution of food grains to them through corresponding states.³⁸ The Labour and Employment Department set up the E-Shram Portal to acquire figures on the migrant labor force.³⁹

3.1. Social Assistance Schemes and Health and Welfare Policy measures undertaken in India

State agencies have primarily distributed in-kind social assistance, such as kerosene and grains for food security, or cash assistance for housing in rural regions to individuals falling beneath the poverty threshold. The 2017 National Health Policy of India seeks to provide affordable preventive, essential, and fundamental health services to all individuals backed by national revenue generated from taxes.⁴⁰ In *Calcutta Electric Supply Corporation v. Subhash Chandra Bose*, Justice Ramaswamy underlined the necessity of medical assistance for workers, citing it as a vital fragment of their right to life.⁴¹ The *Consumer Education Research Centre v. Union of India* verdict highlighted the imperative of states fostering workmen's well-being, endurance, and spirit during the course of and subsequent to their employment, rendering their everyday lives meaningful and valuable. The right to health was determined by the highest court in the nation to be a component of the right to livelihood and life within Article 21 interpreted with Articles 38 (1), 39 (e), 42, 43, and 48A of the Constitution of India.⁴² After COVID-19, a need was felt for the federal system to boost its healthcare budget to ensure that all citizens have access to fundamental health services.

³⁶ Hidayah and Esfandiari, *supra* note 4.

³⁷ Writ Petition (Civil) No. 708 of 2020.

³⁸ *Re: Problems and Miseries of Migrant Labourers*, Suo Motu Writ Petition (Civil) No. 6 Of 2020.

³⁹ Chatterjee and Mohanty, *supra* note 35.

⁴⁰ MINISTRY OF HEALTH AND FAMILY WELFARE, *National Health Policy 2017*, (2017), <https://main.mohfw.gov.in/sites/default/files/9147562941489753121.pdf>.

⁴¹ 1992 AIR 573.

⁴² 1995 SCC (3) 42.

The government of India has put forth the Atal Pension Yojana, Pradhan Mantri Suraksha Bima Yojana, and Pradhan Mantri Jeevan Jyoti Bima Yojana, which offer pensions for the elderly, accidental injury coverage, and life insurance.⁴³ Introduced in 2010, the Indira Gandhi Matritva Sahyog Yojana Program grants government-financed monetary aid to pregnant and breastfeeding women. The Maternity Benefit Act strives to secure social justice for female laborers.⁴⁴ The Rozgar Protsahan Yojana promotes enrollment with the Employees' Provident Fund by remitting businesses that enlist workers. The Janashree Bima Yojana offers social health coverage to handicraft artisans, handloom weavers, leather processing, and powered loom workers, among others in the textile sector.⁴⁵ Handloom Weavers Comprehensive Welfare Schemes insure weavers for their lives, accidental injuries, and disabilities. Award-winning Weavers can receive accreditation for financial aid in cases of destitution.⁴⁶ Old findings of the Centre for Budget and Governance Accountability recommended a sum of ₹ 22,841 crores to realize access to social security for the entire population.⁴⁷ A National Social Security Fund was set up in the country to pay for the above initiatives. However, the sum allocated has always been meager.

Therefore, India's nationwide social assistance, health insurance, and food security initiatives particularly address an unorganized workforce, whereas the middle-income strata are making the shift towards privatized social assistance services.⁴⁸ In India, unprotected workers are denoted as unorganized as opposed to informal.⁴⁹ Unorganized textile workers in India are utilizing the above welfare benefits provided by governments, but these fail to fulfill the social security criteria. The initiatives do not operate on an ongoing basis and support cannot be assured for individuals who steadily need these schemes. For example, the Life Insurance Corporation of India devised the Khadi Artisans Insurance Scheme, which insured skillful artisans. Recipients acquired financial assistance in the wake of their demise

⁴³ MANN, *supra* note 24.

⁴⁴ Mohapatra, *supra* note 31.

⁴⁵ Santosh Mehrotra, *Building a Social Security Architecture for Informal Workers in India, Finally!*, (2020), <https://cse.azimpremjuniuniversity.edu.in/publications/building-a-social-security-architecture-for-informal-workers-in-india-finally/> (last visited Oct 27, 2023).

⁴⁶ MINISTRY OF TEXTILES, *Annual Report 2021-22*, (2022), https://texmin.nic.in/sites/default/files/AR_Ministry_of_Textiles_%202021-22_Eng.pdf.

⁴⁷ Parthapratim Pal & Tina Dutta, *Politics Overpowering Welfare*, 47 ECONOMIC AND POLITICAL WEEKLY (2012).

⁴⁸ LUTZ LEISERING, ONE HUNDRED YEARS OF SOCIAL PROTECTION: THE CHANGING SOCIAL QUESTION IN BRAZIL, INDIA, CHINA, AND SOUTH AFRICA (2020), <https://link.springer.com/book/10.1007/978-3-030-54959-6> (last visited Oct 27, 2023).

⁴⁹ Jhabvala Renana, *Informal Workers & the Economy*, 48 INDIAN JOURNAL OF INDUSTRIAL RELATIONS 373 (2013).

caused by an accident or disablement. Unfortunately, the initiative came to an end in 2020.⁵⁰ The vast majority of the aforementioned social insurance schemes are voluntary, and data suggests that they will prove ineffective in the long run. The Commission for Enterprises in the Unorganized Sector assessment meticulously outlines more than ninety national and state-level initiatives, a multitude of which have proven ineffective.⁵¹ The drawback with these initiatives which lack statutory authority lies in how they do not develop into rights and obligations, visibility is low, and failure to comply often results in no significant legal recourse. Having a vision of strengthening the security of livelihoods in rural regions, the “Mahatma Gandhi National Rural Employment Guarantee Act” has transformed the nation's social protection approach closer to distributive justice and rights granted by society.⁵² This has culminated in the resurgence of gram sabhas, the empowerment of rural women, and the advancement of rural communities. Nutritional security was taken care of by the Public Distribution System preceding the “National Food Security Act” of 2013.

The government-established Commission proposed an outline for the informal workforce's insurance coverage.⁵³ The entire spectrum of textile workers and not only those who are impoverished, rural, or in formal employment should be eligible for social protection programs. The dispersed schemes render the filing procedure tiresome for workers, and it is ambiguous which jurisdiction will be paying for migrants' social safety nets, their home state or work state. A National Minimum Social Security System that provides an extensive program for workforce members, covering their pension, life, and dependent health insurance is advocated for.⁵⁴ It is challenging for people who earn little or sporadic wages to make monthly payments to public contributory schemes or privately run health insurance policies.

3.2. Advent of the Social Security Code

India realigned its forty-four initial labor regulations with its international commitments and constitutional guarantees by streamlining them into four codes in the midst of the COVID-19 distress. The 2020 Code on Social Security recommended insurance plans and healthcare coverage for gig workers in addition to securing social security for those employed in

⁵⁰ MINISTRY OF MICRO, SMALL AND MEDIUM ENTERPRISES, *Annual Report 2021-22*, (2022), <https://msme.gov.in/sites/default/files/MSMEENGLISHANNUALREPORT2021-22.pdf>.

⁵¹ Ravi Duggal, *Need to Universalise Social Security*, 41 ECONOMIC AND POLITICAL WEEKLY (2006).

⁵² MANN, *supra* note 24.

⁵³ Mehrotra, *supra* note 45.

⁵⁴ Ravi Srivastava, *Vulnerable Internal Migrants in India and Portability of Social Security and Entitlements*, INSTITUTION FOR HUMAN DEVELOPMENT (2020).

unorganized industries.⁵⁵ The Code integrated nine prevailing labor legislations passed from 1923 to 2008 encompassing rights related to employees’ compensation, state insurance, provident funds, compulsory notification of vacancies, maternity benefits, gratuity, worker’s welfare, and unorganized worker’s social security, among others. The first seven chapters were entirely devoted to the organized sector and despite advice given by the Standing Committee on Labour, the Code failed to lessen the minimum eligibility criteria based on the number of personnel and income for Employees' Provident Fund admittance. The desired timeline for achieving social insurance universality over a fixed period is lacking. The Code permits the establishment of Workers Facilitation Centers to assist with acquiring data, enrollment, and recipient recognition for an array of schemes. Yet it fails to implement it as a mandatory provision. The Social Security Code establishes Inspector-cum-Facilitators for examining establishments and recording non-payment grievances alongside dispute adjudication mechanisms. Owing to the terminology, “*as may be prescribed*” or “*as may be framed*” too much elucidation is left to the executive will.

Even though the aforementioned code and initiatives appear thoughtful and fulfill an essential function, they segment not only the members of the labor force but also the extent of their obtainable social safety nets. Indian social security regulations embody multiple tiers that decide which workers are eligible based on their earnings and the size of their workplace, barring those left behind from claiming the security.⁵⁶ Variables including shifting political and fiscal challenges, a spike in prices, low employment rates, work structures, and budgetary restrictions, each influence the remittance of social security and assistance.⁵⁷ Regardless of being employed in skilled to semi-skilled work, the vast majority of women in the textile sector, particularly weavers, knitters, and embroiderers, are without social insurance and are employed in low-income, long-hour jobs.⁵⁸ India has two options for implementing social protection to all workforce members by patiently waiting for the entire industry to register as formal, or to provide opt-in social insurance policies to unorganized. These policies, unfortunately, often encounter impediments such as slow inception, sudden closure, and

⁵⁵ MANN, *supra* note 24.

⁵⁶ Mridusmita Bordoloi, Sharad Pandey & Mohammad Hamza Farooqui, *Social Security for Informal Workers in India*, CPR (2020), <https://cprindia.org/briefsreports/social-security-for-informal-workers-in-india/> (last visited Oct 31, 2023).

⁵⁷ Pradeep M. D. & Ravindra B. K., *Effective Disbursement of Social Security Benefits to the Labour through Information Technology in India*, 1 INTERNATIONAL JOURNAL OF ADVANCED TRENDS IN ENGINEERING AND TECHNOLOGY (2017).

⁵⁸ BIDISHA MONDAL ET AL., *Women Workers in India*, (2018).

operation challenges. As India's aging population approaches 2036, it is crucial to prepare for a universalized social insurance architecture.

4. Textile Industry and Social Security in other Asian Nation-States

The immeasurable detrimental effect of COVID-19 on Asian textile exports has culminated in considerable disruption in manufacturing and distribution networks, and an immediate stop of production activities. Economies including Vietnam, China, India, and Bangladesh have stepped up their competitiveness and built their place in the large-scale clothing items and textiles manufacturing industries.⁵⁹ With 4.3 percent of the population working in the apparel and textiles industry, Southern Asia boasts the most substantial percentage of personnel working in this industry, coming in second are the Southeast and the Pacific regions with 3.7 percent, followed by the Eastern region at 2.6 percent.⁶⁰ Females constitute a significant portion of textile personnel wherein, one out of five females in Cambodia, one out of seven in Sri Lanka, and around one out of nine in Bangladesh, are in this sector.⁶¹ In September 2020, one out of two garment-related employees in Asia and the Pacific resided in nations wherein textile mills were compelled to stop operating.⁶² Markets were reliant on local or foreign buyers, and export shipments from the Asian textile and apparel manufacturing nation-states to the chief purchasing economies fell by as much as seventy percent in certain regions.⁶³ Previous research figures demonstrate that in Bangladesh 348 garment mills collapsed, in Vietnam 80 percent of suppliers had to lay off hired individuals, Indonesia reported 30 percent employment declines, and in Myanmar forty-four textile factories shut down.⁶⁴ The abovementioned data was that of 2020, consequently, additional cutbacks and closures were anticipated.

The landscape of China, India, and Vietnam varies on account of variables such as the sheer number of their respective labor forces, legal parlance and principles, and the dichotomy among labor markets and legal structures that stage from the colonial era.⁶⁵ That, together with the

⁵⁹ Kanupriya, *COVID-19 and the Indian Textiles Sector: Issues, Challenges and Prospects*, 25 VISION 7 (2021).

⁶⁰ JAMES LOWELL JACKSON, JASON JUDD & CHRISTIAN VIEGELAHN, *The Supply Chain Ripple Effect: How COVID-19 Is Affecting Garment Workers and Factories in Asia and the Pacific*, ILO (2020).

⁶¹ *Id.*

⁶² *Id.*

⁶³ *Id.*

⁶⁴ *Id.*

⁶⁵ Sean Cooney, *Legal Segmentation in China, India, Malaysia and Viet Nam*, INTERNATIONAL LABOUR REVIEW (2022).

production and export share of textiles across these countries, renders it imperative to look into the social security structures in the aforementioned economies, including Bangladesh, which was once part of the Indian Subcontinent.

4.1. People's Republic of China

Social welfare has undergone tremendous structural modifications throughout China's illustrious past. Beginning with a substantial State stronghold in the socialist era to the subsequent withdrawal of public obligations at the outset of the period of reform, and ultimately, to the current resurgence of the State that emerges to be progressively getting back its control over additional sectors of society and organizations.⁶⁶ Subsequent to the enactment of the “Social Insurance Law” in 2011 and the declaration of social protection as a countrywide policy priority, this Asian nation has made impressive strides in the direction of achieving universal social coverage. China constituted a Ministry of Social Security and Human Resources. Workers faced issues like textile mills operating using temporary agreements as a means of reducing expenses while addressing fluctuations in textile demand and workers relocating to urban centers adhering to the Hukou system would often find themselves ineligible for social security payouts if they originated from rural regions.⁶⁷ China enacted the Labor Contract Law, which administers the formalization of worker relations, and the Social Insurance Law, which mandates health insurance for full-time workers independent of the nature of the firm or the status of the Hukou registration.⁶⁸ For freelance workers, the application process remains elective. Still, registration of informal workmen in insurance programs remains notably low but not as low as in India. The ordinary revenues of regional governments are put to use to cover the operation of the aforementioned social insurance programs. A slice of the expense associated with social security must be transmitted by the center. For the period spanning 2021–2025, the Five-Year Plan holds a vision of establishing a national pension protection system.⁶⁹ The ratio of senior citizens sans health protection was a mere 1.6 percent; however, the financial burden of long-term medical treatments remains in excess of primary health coverage. COVID-19 led to face mask manufacturing accounting for a sizable share in the state. No doubt China has emerged as a leading global source of textiles for multiple nations that trade in articles of clothing, in addition to having a leading customer

⁶⁶ LEISERING, *supra* note 48.

⁶⁷ RESPONSIBLE BUSINESS CONDUCT IN CHINA TEXTILE INDUSTRY, RESPONSIBLE SUPPLY CHAINS IN ASIA, ILO (2020).

⁶⁸ Yuting Han et al., *Aging in China: Perspectives on Public Health*, 4 GLOBAL HEALTH JOURNAL 11 (2020).

⁶⁹ Qian Jiwei & Zhuoyi Wen, *Extension of Social Insurance Coverage to Informal Economy Workers in China: An Administrative and Institutional Perspective*, INTERNATIONAL SOCIAL SECURITY REVIEW (2021).

base. However, other manufacturing centers in the Asian region might flourish exponentially as an outcome of the “*China plus one*” approach growing into standard practice.⁷⁰ In the meantime Vietnam has rapidly boosted its long-distance trading, capturing a sizable chunk of Chinese manufacturing exports.⁷¹

4.2. Vietnam

With the second-highest export revenue garment manufacturing creates extensive job prospects in Vietnam.⁷² Article 34 of the 2013 Constitution guarantees social security.⁷³ However, there has been minimal coverage and low-impact concerns. Vietnam's social insurance system was not fully implemented until later, whereby, workers in industries with less than ten workers were previously not protected.⁷⁴ Until the 2006 Social Insurance Law took effect, the nation stipulated insurance coverage only to the public sector. Vietnam's Unemployment Insurance Program went into effect in 2009 offering income support coupled with vocational training and job-search aid. In 2014, the Vietnamese National Assembly advanced the Law on Social Insurance, which identified employment to encompass individuals engaging in “indefinite-term, definite-term, seasonal, or short-term” work contracts. As a body affiliated with the state, Vietnam Social Security is in charge of administering and allocating funds in line with legal requirements, granting insurance cards, providing unemployment benefits, and overseeing the implementation of welfare and healthcare policies. The governing body administers a not-for-profit health coverage program.

4.3. Bangladesh

In light of the pandemic, the Bangladeshi apparel segment has endured massive economic and social issues. Bangladesh's minimal cost of labor marks it as a compelling choice for “ready-made garment-making” plants.⁷⁵ Ready-made garment manufacturing is integral to Bangladesh's economic expansion. In the initial year of the outbreak, Bangladesh's exports of these garments plummeted by seventeen percent, indicating financial losses of upwards of five

⁷⁰ VERBRUGGE AND LEUVEN, *supra* note 22.

⁷¹ Lori Ann LaRocco, *China, “factory of the World,” Is Losing Its Manufacturing Dominance*, CNBC, 2022.

⁷² Nhat-To Huynh, *Status and Challenges of Textile and Garment Enterprises in Vietnam and a Framework toward Industry 3.5*, 0 INTERNATIONAL JOURNAL OF LOGISTICS RESEARCH AND APPLICATIONS 1 (2022).

⁷³ Lan Nguyen & Minh Bui, *Social Protection Response to COVID-19: Experiences and Lessons from Vietnam*, 32 ASIA PACIFIC JOURNAL OF SOCIAL WORK AND DEVELOPMENT 278 (2022).

⁷⁴ Mehrotra, *supra* note 23.

⁷⁵ Gokarneshan and Dhishna, *supra* note 2.

billion dollars.⁷⁶ In mid-2022, Bangladesh's Ministry approved the nation's maiden “*employment injury insurance*” policy catering to the ready-made garments industry in conjunction with state and private insurance companies.⁷⁷ The Ready-Made Apparel contributed 28.14 billion dollars in the fiscal year 2016-17, accounting for eighty percent of export revenue.⁷⁸ Bangladesh's National Social Security Strategy and greater state budgetary allocations are designed to consolidate and reinforce ongoing social security programs with the objective of eradicating poverty, advancing the general public, and minimizing disparity.⁷⁹ The principle is set forth in Article 15 (d) of the Bangladeshi Constitution which serves as legal groundwork for social security benefits.⁸⁰ The nation-state is yet to come up with a social security statutory law.

4.4. Other Asian State Measures

Thailand's Universal Health Coverage Scheme, which began operation in 2002, expanded social health coverage to the entire population, having an estimated 71.2 percent enrollment in 2020. Thailand offers universal health care, health insurance, and employer-assisted programs. The National Health Security Office devised a purchaser-provider split for the Scheme, therefore, reducing the Ministry of Public Health's financial load. Likewise, Sri Lanka, which guarantees primary medical services insurance for the entirety of its citizens, offers helpful insights in this domain of healthcare security measures.⁸¹ The Indonesian government laid out a proposed version of the Revised Law on Social Insurance in 2023 inviting civic feedback.⁸² Singapore provided COVID-19 medical assistance to its overseas labor force by covering for their testing, vaccine shots, and medication. Food sustenance, accommodation, and gratuitous payments have also been backed by Singapore’s Migrant Worker Assistance Fund.⁸³

⁷⁶ Chim Berg et al., *What’s next for Bangladesh’s Garment Industry, after a Decade of Growth?* | McKinsey, MCKINSEY & COMPANY (2021), <https://www.mckinsey.com/industries/retail/our-insights/whats-next-for-bangladeshs-garment-industry-after-a-decade-of-growth> (last visited Oct 31, 2023).

⁷⁷ ILO, *Bangladesh Government Launches First Employment Injury Scheme Pilot in the Garment Sector*, INTERNATIONAL LABOUR ORGANIZATION (2022), http://www.ilo.org/global/topics/geip/news/WCMS_849244/lang--en/index.htm (last visited Oct 31, 2023).

⁷⁸ Md Abdur & Abdur Sikder, *A Review of Textile Industry in Bangladesh*, 6 INTERNATIONAL JOURNAL OF ADVANCED MULTIDISCIPLINARY RESEARCH 9 (2019).

⁷⁹ *Id.*

⁸⁰ MOHAMMAD KHALED HASAN, *ABCD of Social Protection in Bangladesh*, (2018).

⁸¹ Duggal, *supra* note 51.

⁸² Vietnam: Draft of the Revised Law on Social Insurance, BAKER MCKENZIE (2023), https://insightplus.bakermckenzie.com/bm/employment-compensation/vietnam-draft-of-the-revised-law-on-social-insurance_1 (last visited Oct 31, 2023).

⁸³ ASEAN MIGRATION OUTLOOK, (2022), <https://asean.org/wp-content/uploads/2022/08/ASEAN-Migration-Outlook-Final.pdf>.

Among other measures, India created the Skilled Workers Arrival Database for Employment Support (SWADES), a digital platform for returnees, whereby, they fill out an online skill card with their job experience, job description, and sector of employment. Vietnamese Government also created a database of workers’ skills, line of work, and experience, to facilitate the employment of COVID-19 migrant returnees.⁸⁴

4.5. A Comparative Data Representation

Before concluding the present research article and proceeding to suggestions, it is imperative to contrast the statistical data of the four predominant textile manufacturing and exporting economies. Data from Bangladesh, China, India, and Vietnam are juxtaposed on the following four parameters:

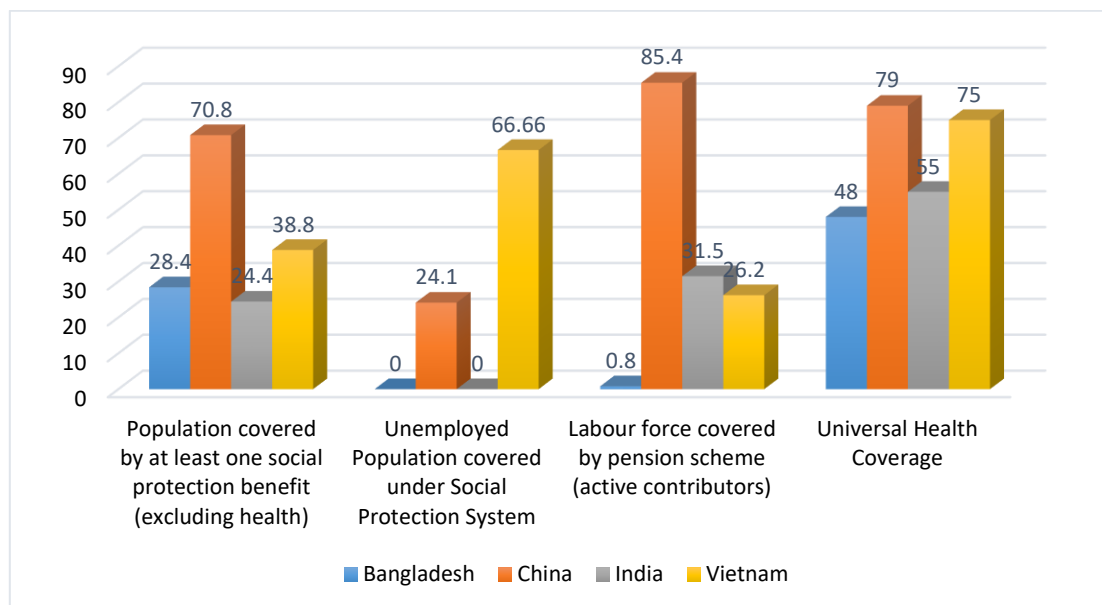


Figure 1: Percentage of Population Covered under Social Protection Structures⁸⁵

Data comparison illustrates inconsistencies in the implementation of social protection programs in the Asian region. Fortunately, the measures adopted by each nation discussed in the preceding sections have resulted in a favorable impact on social protection coverage, even though respective state issues remain. China and Vietnam are far ahead in their universal coverage and legislative and policy measures taken by them outlined above should be adopted

⁸⁴ *Id.*

⁸⁵ International Labour Organization, *Social Protection Effective Coverage (Including SDG Indicators 1.3.1 and 3.8.1), 2020 or Latest Available Year (Percentage of the Relevant Population Group)*, (2022), <https://www.social-protection.org/gimi/ShowWiki.action?id=629#stat>.

in India and Bangladesh to get one step closer to social protection for all. Social Security Code in India and National Social Security Strategy in Bangladesh is one such step.

Post COVID-19 most pressing requirement was to attend to health concerns, to provide enough food for everyone, and to generate employment opportunities. The next priority was rebuilding the economy, alongside the ultimate aim of eradicating poverty, sustainable development and industry-specific skill development, and the implementation of Industry 4.0 technologies.⁸⁶ All nation-states and their textile and apparel manufacturing industries must learn and tackle the immediate and longstanding impacts of the worldwide outbreak on their workforce and operations. The global Call to Action serves as a sector-wide campaign designed to assist manufacturers and laborers through the economic downturn, encouraging dedicated intervention from the textile traders. The alliance has named eight critical nations in dire requirement of monetary support and resources for rebuilding post-pandemic, including, India and other Asian countries.

5. Conclusion and Suggestions

The worldwide outbreak had culminated in downward economic trends, global trade failures, layoffs, destitution, closures of manufacturing facilities, retail outlet shutdowns, labor migration, and scarcity. The pandemic has also brought to attention the fragility and dearth of social safety net for these individuals whose work support substantially the textile and apparel industries. Although the outbreak of the pandemic has resulted in significant repercussions for the economy, it is another chance for reform and betterment. Programs fostering comprehensive social security have the potential to boost human capital and work efficiency, minimize income disparities and poverty, and stimulate equitable development. Global sentiment is in favor of social security and existing protective labor laws have hit a record level paving the way for additional reforms. However, given the magnitude of a nation, the extent of its population, its plurality, and the intricate nature of informal employment in labor markets, the path to such transformation can be daunting and take some time. One approach to guarantee financial security is to either reinstate the ability to earn or enable monetary assistance in place of lost income, which could be short-term or long-term.

⁸⁶ Golam Rasul et al., *Socio-Economic Implications of COVID-19 Pandemic in South Asia: Emerging Risks and Growing Challenges*, 6 FRONTIERS IN SOCIOLOGY (2021).

The community at large should campaign towards enhancing the framework for social security in their republics. A great majority of nations have established constitutional rights pertaining to labor, which is a testament to equitable socio-economic development and a prerequisite of an egalitarian social order. Social welfare initiatives frequently concentrate on non-labor market recipients, including senior citizens, children, and rural dwellers, as opposed to those in informal employment who already find themselves on the verge of poverty, leaving these individuals susceptible to becoming impoverished owing to high expenses that are not covered by insurance. To achieve full protection for the most vulnerable, it is essential to ensure that short-term solutions that cater to the immediate requirements of the individuals suffering from the global outbreak are accompanied by more inclusive and extensive substantial legal reforms and economic policies. Textile industries as well as governments must take the appropriate steps to safeguard personnel against the pandemic's monetary repercussions and potential medical and safety issues while providing accessibility to essential social safety nets.

The apparel and textiles industry in India must be subject to periodic inspections of labor conditions to guarantee that the laws and regulations safeguarding the rights of workers, especially those stipulated by the Social Security Code, 2020, are being strictly adhered to. The intent behind enacting the aforementioned Codes was to streamline and bring up-to-date the laws governing labor. All industries and workers in the textile sector including self-employed and free-lance should be registered with a single comprehensive agency that offers simple low-cost registration to avail social protection. A non-contributory model for administering social safety nets must be developed to safeguard indigent workers in informal employment. It is important to understand that unorganized workers may have multiple avenues of income. The labor code should thoroughly identify unorganized laborers to ensure that no one category is omitted or overlapped.

A National Database can bring together wide-ranging social security programs for workers who are not organized and help offer benefit mobility, notably when they migrate or to their dependents. State governments must reach an understanding of the mobility of social security benefits for them. Informational databases ranging from the MGNREGA, Industrial Surveys, the Employees' State Insurance data, and the Economic Census must be accessed, cross-checked, and verified when designing a virtual employment registry. Consideration must be given to labor-intensive industries like textiles, particularly informal workers. The Indian government encountered barriers in operating its social security programs, however technological advances can assist in releasing payments to them and their dependents using

digital money transmit networks, bypassing unforeseen challenges such as the COVID-19 lockdowns. The workers must be given a digital identification card which enables them to make contributions and receive benefits from virtually any part of the nation-state.

The size of the industry, organization structure, or the number of people employed should not control the Social Security application. It is a universal right. These requirements will have to be steadily decreased and ultimately eliminated. Expanding textile workers' insurance under the Employee State Insurance Corporation for health cover and the prevailing Employee Provident Fund Organization for retirement benefits along with disability or death coverage could lead to progressive inclusion. There is a need to create tax-revenue-based textile ministry and state-authority distinct funds for textile worker's benefit. Deterrence, rewards, and persuasive strategies can be utilized to foster adherence to prevailing legislation and policies. Engagement of Non-Governmental Organizations and labor unions must be recognized to assist in the registration of unorganized workers, allotment of identity cards, disseminating legal literacy on social security schemes, legislation, and procedures, and providing reporting on grassroots implementation and concerns of stakeholders. Constructing an improved, robust, and adaptable post-COVID-19 textile production and distribution network and social protection structure can minimize future economic slump repercussions for the industry and the region as a whole.

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