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**“United We Stand”:
Role of Unionization among the Gig Labours in India**

Rajat Kanti Sur

2023

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Rajat Kanti Sur *

The fourth session of the Seventeenth Lok Sabha passed three amendments related to the Labour Code. There are three codes titled a) Occupational Health and Working Conditions Code 2020, b) Industrial Relations Code 2020, and c) Codes on Social Security 2020. Santosh Gangwar, the then Minister of State for Labour and Employment, expressed his concern about updating the Labour Codes with the demands of the current time and scenario while tabling the bill.¹ The minister also stated that the changes are necessary due to the emergence of a new and technically advanced India. Therefore, the laws drafted almost 73 years ago must be updated. According to him, the outdated labour laws would neither serve the new developmental world order nor the labours, work in this new order of time.²

The amendments were one of the crucial amendments in the history of the Indian legislature, where the labourers lost most of their rights. The problems of gig labourers, especially domestic workers, were more. There has been unimaginable growth in the gig-economic sector since 2020, since the lockdown was announced. According to a report by NITI Ayog, the increase in the number of gig workers in India is 6.8 million in 2019-20 to 7.7 million in the 2020-21 financial year.³ The agency also predicted that the number would increase to 23.5 million in the next few years.⁴ As per the Ministry of Labour report, the unemployment rate became much higher than in 2019 due to the pandemic. According to a report published in Forbes Magazine, the unemployment rate in 2019 was 5.27 per cent. The rate was increased to 8.00 in 2020 and then decreased to 5.80 per cent in 2021.⁵

The struggles of the gig workers have yet to be recognised for various reasons. One of the main reasons may be their inability to go for a consolidated movement. As we all know, these workforces are less consolidated than the labourers in the extensive and organised industrial sectors like factories and state-run transport services like railways, mining, Etc. Inhabiting together in a particular area and living under similar socio-economic conditions created a class consciousness on their own and helped the industrial or factory workers to form a consolidation.⁶ While, apart from belonging to a similar socio-economic background, gig workers have had no remarkable consolidation or formation of unions since the beginning. However, there are attempts at different levels. The recent COVID-19 pandemic and the crises faced by the informal workers, especially the domestic workers, gig workers were the most affected communities. Apart from some civil society organisations, there was hardly any consolidated movement in favour of them. Recently, some political party-affiliated trade unions made attempts to consolidate them. However, the

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question remains whether it had been fruitful or not. Therefore, this paper searches for whether unionisation would play an influential role in ensuring safety and socio-economic security for the informal and gig workers. It also examined the transformed role of the trade unions in the neoliberal democratic framework like India. This paper has been divided into two parts. The First part contains the debate between formality and informality and the difference of opinions about the labour leaders towards the workers in the formal and informal sectors. The responses towards the laws made favour of the informal and domestic workers by the labour unions and, thirdly, their agendas to convince the workers to form a union. The second part of this article dealt with the views of the workers. How did they deal with the neo-liberal economic challenges? Their views about the unionisations and the role of the political parties towards their well-being. Lastly, the article concluded with some policy suggestions that should be useful to improve the socio-economic positions of the informal workers.

Reason and Politics Behind the Crisis: Debate on the Labour Process

According to the Code of Social Security Act 2020, the “gig/platform-based workers” are defined as a force that work outside the traditional employer-employee relationship in which organisations or individuals use an online platform to access other organisations or individuals to solve specific problems or provide specific services.⁷ The act clearly defined that the relation between employer and employee is not going to be applicable in this case. There are different methods of controlling the labours. Several other factors played a crucial role in this case. Well known labour economists accepted the fact that the studies on this new labour process need to be conceptualised beyond the earlier frame of defining the positions of labour in a capitalist class system.⁸ Therefore, the understanding of “working class” as a single or homogenous group is completely absent. This new working class popularly known as ‘gig’, ‘platform’ or “algorithmic labour” has been treated as numbers. Employers collected different data from different sources. While some of the data gathered from the workplaces some of the data has been gathered from the different records available in public. But in algorithmic process of labour management includes workforce scheduling, coordination and direction of workers activities so that they can control the productivity management system. Therefore, they use electronic monitoring through different applications available electronically and easily downloadable in the android phones to track the workers’ productivity. Thus, they set quotas and make consequential decisions such as disciplining or firing based on the performance indicators which came in the shape of numbers.⁹

This new process of labour control creates complications for the trade unions. Because, new system labour recruitment and the idea of workspace is virtual. Therefore labours/ workers never get a chance to assemble in their workplaces and talk about their problems. According to Marx the “simple elements of the labour process are 1) purposeful activity, that is work itself, 2) the object on which the work is performed, and 3) the instrument of that work.¹⁰ He defined labour process as an activity performed by using instruments of labour. The end result of this process would be a product that has a use-value. Therefore, according to his theory labour could be objectified through the use-value of the product. ¹¹ The product, according to Marx, is a property of the Capitalist.¹² Therefore, the labour process for this product includes the raw material, the manufacturing technology and the worker. According to Marx, the change in the general character of the labour process are not depends on the workers but on the capitalists who employed the workers.¹³ The relationship between employer and employee is important in any production system. Legal definitions of an employee in India also supported the idea was also talking about the same employer-employee relationship while viewing the workers through the lens of the use-value of the product. The legal definition categorised

the nature of employer- employee relationship through the different categories.¹⁴ The act also defined several suggestions on social welfare and occupational health of the workers based on the nature of work.

As it has been already said that the traditional employer-employee relationship does not applicable in the Gig economy, the role of the capitalists in the production system are different.

One of the main catalysts behind assembling the workers was their workspace. As per the manual produced by *Swiggy*, one of the largest food and commodity delivery platforms in India engaged “third party service providers, i.e. pick-up and delivery partners (PDP)”. According to Swiggy, these “delivery partners” are “responsible for pick-up and delivery services”. The company (Swiggy in this case) is only playing the role of the ‘middleman’ between the ‘Byers’ and ‘Marchants’.¹⁵ The relationship between Swiggy and its pick-up and delivery partners (henceforth PDPs) are based on a “platform service fee” which PDPs should pay against the duration they used the platform to earn money. The terms and condition section of the manual clearly defined that the PDPs are “independent contractor”. There is no employer-employee relationship between the “service provider” and the PDPs.¹⁶

Formal to Informal to a ‘Delivery Partner’: The ‘Worker’ in Indian Economy

‘Worker’, according to the definition in the Industrial Disputes Act 1947, is “any person (including an apprentice) employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward, whether in terms of employment or be express or limited are called as workers”.¹⁷ The legal definition of a ‘worker’ in India, mentioned in this act, secured some rights and social security from the employer. But, as per the act the employer should be associated with a registered industry or office.¹⁸ The act does not include the temporary or informal workers however the Unorganised Worker Social Security Act 2008 defines “Unorganised Worker”. According to the Act, the “Unorganised Worker” means “a home-based worker, self-employed worker or a wage worker in the unorganised sector and includes any temporary worker in the organised sector.”¹⁹ The act ensured their social security includes life and disability cover, health and maternity benefits, old age protection and any other benefits as may be determined by the Government of India.²⁰ Quoting the definition from the ILO, economists like Sugata Marjit and Saibal Kar noticed a few specialities of an informal economy. One of the essential specialities has only produced goods and services to generate employment and income for the persons involved. These are generally small units that operate at a low level of organisation, with little or no division between labour and capital as factors of production on a small scale. Therefore, according to Marjit and Kar, labour relations are primarily based on casual employment, kinship, personal or social relations rather than contractual agreements with formal guarantees.²¹

But that was not the story of the Gig workers in India. Most of the workers are involved in the platform based economic sector which are reluctant to accept them as workers. However, the NITI Ayog Report decided a few parameters for the gig worker. The report classified the gig workers into two segments. Platform based workers and non-platform-based workers. Non-platform-based workers are engaged as casual workers in the conventional sector (i.e. small factories, household services etc.). On the other hand, “platform-based gig workers” are those whose work based on the web-based applications (e.g. Swiggy, Zomato, Urban Company, Blinkit etc.).²² The same report also differentiates two kind of workers in the platform-based gig economic sector. Location based platforms allowed workers to engage into work within a specific geographical location (food and

service delivery applications), while on the other hand some web-based provide services in all over the world (e.g. global service providers like Amazon, etc.).²³

The NITI Ayog report has a different idea about the gig workers. According to the report gig workers are “comparatively young, working for fewer hours a day on gig work, preferring a flexible work schedule, typically with low or middle or low level of education.”²⁴ The report assumed that most of the workers are either students or doing some other jobs which has been their primary source of livelihood. “Income through gig work is not their primary source of income,” the report said.²⁵ But, according to a recent survey on platform-based food delivery workers by the National Council of Applied Economic Research (NCAER) claimed that a large proportion of gig workers considered their job as the “primary source” of earning in their family. The survey divided the cities (workplace of the gig workers) into three different tiers.²⁶ The survey showed that at least 45 percent workers in Tier 3 and Tier 2 cities. Tire 1 cities are a little less than the two (41 percent).²⁷

Table 1: Percentage Earning Status of the Gig-Worker in the Cities

Cities	All	Tier 1	Tier 2	Tier 3
Only Wage Earner	43.7	41.9	45.5	45.7
Primary Wage Earner	20.6	23.4	17.5	18.1
Secondary Wage Earner	33.4	31.8	35.3	34.5
Other	1.4	2.4	0.3	0.9
Missing (not responded)	0.9	0.4	1.5	0.9
Total	100.0	100.0	100.0	100.0

Source: NCAER. Food Delivery Platform Workers Survey 2023.P. 23.

According to NSSO data in 2011-12, the number of informal workers increased from 37.8 per cent (1999-2000) to 54.4 per cent in 2011-12.²⁸ The number increased up to 81 per cent in 2022-23.²⁹ The data shows a considerable change in the concept of the working class in India. According to the current Economic Survey, employment in the private and informal sectors became the largest. It was mentioned in the survey that the reformation in the labour welfare policies as well as the labour codes is necessary due to the “present economic scenario and technological advancement along with reduction of the multiplicity of definitions and authorities”³⁰. The Economic Survey also mentioned that the changes in the labour code would “ease compliance mechanism aiming to promote ease of doing business/ setting up enterprises and catalyse the creation of employment opportunities while ensuring safety, health and security of every worker.”³¹ Despite repeated queries in the Upper House of the parliament (Rajya Sabha) the government expressed its inability to provide any separate account on the state-wise number of gig workers in India.³² The gig workers are registered as “Unorganised Workers” in the E-shram portal.

Although, according to a news published in Economic Times, central government’s labour ministry proposed an amendment in the Unorganised Worker Social Security Act 2008 in 2015 to prohibit getting social security for unorganised workers/ temporary workers in the formal sector.³³ According to the news, the labour ministry said that the government already announced several welfare policies for them. Therefore, they did not need any social protection facilities like the workers in the formal sector. The unorganised and informal workers should register with an online Government portal (E-Shram). The Labour Department also announced that the portal has been created to maintain the database of unorganised workers. According to a notification issued in 2021,

registered unorganised workers are entitled to get Pradhan Mantri Shram Yogi Man-Dhan (henceforth PM-SYM) and Aam Admi Bima Yojna (henceforth AABY).³⁴ Therefore, they did not get any benefit that the workers from the organised sector usually get through the Industrial Disputes Act. Some of them are able to get health facilities from the government.

The scheme announced by the government is complicated. One of the main conditions of the schemes is that the workers should be recognised as ‘workers’. Most of the trade union leaders accused that the government is not keen to run an awareness campaign for registering unorganised workers under the E-Shram portal. On the other hand, the E-Shram portal does not provide any guarantee to get proper wages. Naba Dutta, a known labour activist, commented that most of the unorganised workers do not know about the portal due to the lack of campaigning from the government. Dutta also said that most unorganised workers in the informal sectors, especially the gig workers, are working more than eight hours on an average basis. However, according to the NITI Ayog policy document the gig workers are registered with a platform for not more than three – four hours of a day. According to the government that is the reason behind not earning the minimum wages or not they are unable to fulfil the status of a permanent worker which needs at least 40 hours in a week. According to Dutta, these platform based gig workers cannot avail of the labour welfare services by the government. According to Dutta, these workers are the most exploited among the unorganised labourers.³⁵

Apart from a policy document by the Niti Ayog, the Central Government has yet to plan to draft any separate law for the gig workers. The previous state government of Rajasthan, eventually led by the Indian National Congress, drafted a bill for the welfare of gig and platform-based workers. The Rajasthan Platform Based Gig Workers (Registration and Welfare) Bill 2023 proposed to constitute a welfare board, which the labour minister of the state has led. Along with the bureaucrats from the concerned departments (labour, health, law and justice, finance, transport and health and social welfare), the bill proposed to include five representatives from the gig workers, five representatives from the primary employers and two representatives from the civil society (who have an evident interest of the field) as nominated members of the board.³⁶ The board has the sole authority to register the platform-based workers and the employers under Section 9 of the bill. They will generate a unique ID for each gig worker, which will help them get health and social protection services.³⁷ The bill has a provision to establish a fund (Rajasthan Platform Based Gig Workers Social Security Fund) to benefit registered platform-based gig workers. According to the bill, the workers should get help from the fund in case of medical and other emergency purposes.³⁸

The bill has also ensured some rights for the workers. The bill admitted that there are exploitations and grievances against the employers. Therefore, the bill has provisions to lodge complaints or express their grievances to the concerned authorities (a special officer in this case) appointed by the proposed board.³⁹

But trade union leaders, especially those who aligned with the left, criticised the bill in several ways. According to the Confederation of Indian Trade Unions (henceforth CITU) and several other unions there is no clear mention regarding the “definition on Social Security” in the bill. They accused that the bill does not clearly enlist the “social security” provisions for the gig workers in the bill. Apart from the social security provisions, the bill has a provision to collect “welfare cess” from the platform owners. The money collected from the “welfare cess” has been spent to create a social welfare fund that would help to build hospitals, medical centres for the gig workers.⁴⁰ Most of the trade union leaders accused that the platform owners would collect the welfare cess from the customers or the gig workers. The bill does not mention a single word about the wages. According to

trade unions and civil society organisations the bill does not secure the minimum wage for a platform worker. As a result, the bill has no value to secure the rights of the gig workers.⁴¹

However, being passed with a majority of votes in the state legislative assembly, the bill waited for the formal approval from the Governor of Rajasthan. Ashok Gehlot, the Chief Minister of Rajasthan, accused the central government of not approving the bill. "Whatever happened, we have already started the process to give INR 5000 for the welfare of each gig worker. An INR 200 Cr. budget has been sanctioned as a "seed fund" for this purpose.⁴² However the Congress government, led by Ashok Gehlot lost the election in December 2023. The legal validity of the bill has ended with the defeat of the Congress government.

Trade Union and Political Leaders in View of Informality

Inspired by the responses of the erstwhile Rajasthan Govt.'s bill the Aam Aadmi Party (henceforth AAP) led government at the UT Delhi also planned to bring a law in favour of the platform-based workers. However, the government wanted to put them under the Construction Workers Welfare Board. Aravind Kejriwal, the Chief Minister of Delhi said in a meeting of Gig Workers Association that those who did not want to identify themselves with the construction workers welfare board, they should "seek central government's help in this regard".⁴³ Congress leader Rahul Gandhi also accused the Central Government of playing bad politics with the lives of the gig workers. He said that Congress has committed to the welfare of the gig and informal workers. Therefore, they are determined to implement such acts and reforms in the Congress-ruling states in India.⁴⁴ But the trade unions affiliated with both the parties did not publish any literature in favour of the gig workers.

Debanjan Chakrabarti, Central Committee member of the CITU and Souvik Bhattacharya, All India Secretary of the Gig and Informal Workers Forum affiliated with CITU, differed from Dutta. They said that, in most cases, it has been difficult for the platform workers to assemble because of the nature of their job. Both leaders blamed the system of wages. They said that in most cases, the wage of the gig worker is based on the number of services they provide daily. The online platforms set a target for them, which they have to fulfil. Otherwise, they needed to get adequate payments. Therefore, they are in a hurry to fulfil the target most of the time. According to both Chakrabarti and Bhattacharya, the main reason behind the lack of presence of Trade Unions is their work schedule. They need to give more time to sit together and form a union. However, very recently, they understood that the problems would only be solved if they were united and put up their demands.⁴⁵

As a result, CITU started the process to organise the gig workers. An article published in *People's Democracy*, the party mouthpiece of the Communist Party of India, severely criticised Niti Ayog's Policy Document on Gig Economy workers. According to the article, the social security measures proposed in Niti Ayog's policy document is a "blatant lie" because it has no word about minimum wage or provident fund benefit for gig workers. Mentioning the process as 'barbaric', the article demanded a proper legal solution from the Union Government of Labour.⁴⁶ The organisation established the All India Gig Workers Union (henceforth AIGWU) in August 2020 to fulfil the demands of the gig workers. During the first phase of COVID-19, they put up the issue and wrote a letter to the Prime Minister of India to provide approximately cash support (INR 7500) to each family of the gig workers.⁴⁷ Apart from that, they organise mass meetings and protests all over India. The AIGWU affiliated workers in Tamil Nadu, Madhya Pradesh, Haryana and Delhi NCR organised several protests. The last among the protests happened in April when thousands of workers of Blinkit (an app-based Grocery Service) went on strike.⁴⁸ In an interview, Souvik Bhattacharya,

General Secretary of the union, said this was one of the most significant strikes they have conducted in the last few years. However, there have been strikes and agitations in different cities since 2021. As an example, Bhattacharya handed over the pamphlet on a successful agitation by the Urban Company (an app-based platform to give domestic and household services) on 11 October 2021.⁴⁹ The Urban Company workers in Gurgaon sent a 13-point demand to the CEO of Urban Company. Among those demands are ensuring social security, harassment-free and decent working conditions, a proper commissioning system and a proper policy towards the workers/ delivery partners in the Urban Company.⁵⁰

Apart from their earlier demands mentioned in the charter, the workers of Urban Company went on a countrywide protest on the primary demand for the status of full-time workers instead of 'delivery partners' to avoid the policy of sudden lay-off due to lack of work.⁵¹ Haryana and Delhi NCR workers also went on strike on 11 August 2023 to fulfil the demands. In early August, the strike also demanded complete security against communal hatred in the Gurgaon area of Delhi NCR. The workers compelled the District Labour Commissioner of Gurgaon to lodge their complaints of labour exploitation and recognise them as labourers.⁵² Similar demands were raised by the Swiggy (an app-based food and goods delivery organisation) workers in Kerala on 22 August 2023. They warned to go for an indefinite strike unless the companies accepted their demands.⁵³

However, most of the affiliated trade union leaders agreed on one point. The identity of the gig and platform economy workers as "partners" made them more vulnerable. According to labour experts, the workers in the gig sectors cannot get any protection or employment benefits because their employers have not recognised them as workers. The trade union leaders also expressed that getting workers from all the platforms at a time would take much work. They also expressed that the platform-based workers are busy almost all seven days of the week. Therefore, it has been not easy to unite them for a cause. The recent convention of gig and informal workers organised by AIGWU and CITU in Kolkata reiterated the same problem. The draft suggestion of the convention accepted the gig economy and informal sector workers as the de facto working class of this time, as most of the labour movements in the organised sector were under crisis. The draft charter, therefore, concentrated on the gig and informal workers and included three significant demands in the charter. The demands are a) Ensuring Basic Minimum Wages for all Gig Workers; b) Facilitating all social security policies like the Provident Fund, E.S.I., Workmen's Compensation and Maternity Facilities; c) Separate Labour Welfare Board for the Gig Workers.⁵⁴

It is true that none other than the leftist trade unions identified the platform workers as the main working class in future. However, the number of registered workers under the left trade-unions is not more than the 10 percent of the registered gig workers in India.⁵⁵ According to the trade union leaders of the major left parties, the main reason behind the low turn-over laid behind the issue of irregular timings of the gig workers. Apart from that, most of them are working under different platforms. A platform worker can be associated with Swiggy (a food delivery platform), Uber (transport provider platform) and Blinkit (grocery delivery platform) at one point of time and allowed to divide the work hours between the three. Therefore, the worker is unable to spend time with his co-workers all the time. Although most of the political parties are concerned for the gig workers, most of them are unable to identify the problem of the workers. Meetings have been convened in the afternoon which has been known as one of the "pick-hours" for the platform-based workers. Therefore, most of the cases the workers are unable to attend the meeting.

Naba Dutta identified two other problems among the platform workers. According to him, the workers come from different social, economic and religious backgrounds. He noticed that the platform-based workers are sometime conscious about their caste and class identity. Some of them

may not distribute prohibited food items according to their religious beliefs and made choices about the areas where they avoid to visit.⁵⁶

According to the political economists, structural changes during the post 1990s economic affairs in India has been broadly reflected into two ways. Firstly, the growth rate in India has been decided through the growth rate in the service sector instead of manufacturing sector. On one hand the service sector has grown rapidly which need highly educated professionals, on the other hand, manufacturing sector become capital intensive that need high skilled labour.⁵⁷ Secondly, the nature of employment has also been transformed. Non-farm employment has taken the place of farm-based employment and most of the increase has been concentrated into the informal or unorganised sector in both rural and urban areas.⁵⁸ As a result, the labour recruitment process become informalized. This bring changes in the nature of the working class and the ability to form unions have been neutralised by the demand for 'flexibility' in the labour market.⁵⁹ The same thing is applicable for the platform workers. The traditional approach through conventions, meetings and strikes may not be applicable as the socio-economic and cultural character of platform workers are different. The demands of the labours are also different than industrial workers, agrarian workers, domestic or other informal sector workers.

The contrast of approaches between two forums gives a clear picture. Delivery Voice, a social media based forum for the gig and informal Workers involved in app-based services, criticised the Gig Workers Bill 2023 by saying that "the act neither honestly engages with the precariousness of workers in the gig industry nor attempts to address the structural exploitation that is at work to remain so."⁶⁰ They stated that there should be a solution for recognising the gig workers as workers instead of delivery partners.⁶¹ They organised talks on the bill on 30 September 2023 to discuss the loopholes and asked the workers to focus on their identity and assurance of basic minimum wages. Interestingly, the number of followers of their social media page is much higher than the formal trade unions. Five major protest marches have been organised through the social media campaigns of Delivery Voice.

Useful? or Unnecessary? Platform Workers on the Role of Trade Unions

The gig workers are under the dilemma on accepting trade unions. Rajib Ghosh, a worker from Zomato (an app-based food delivery concern), said in an interview that most of the time, the app-based workers/ partners did not manage time to have their food. The app-based companies do not pay the fuel cost for their vehicles. They said they would get a share of the profit earned by the delivery app. Ghosh accused the companies of sending unattainable targets in most cases. As a result, the helpless workers are always in a hurry to meet the targets to earn money and rewards. He said that once he got an order from Zomato 8 km away from where he was that day. He hurriedly tried to reach that place, which caused a road accident. The app did not take any responsibility for that. They blocked his identity due to his absence from the service and his need to meet the target. He returned to his job despite repeated appeals, but the company did not compensate for his loss.⁶² He expressed the thought that affiliating with a trade union may help him to ensure the job security and proper wages for the gig workers. However, he accepted the fact that most of his co-workers are "not very keen" to be a part of any political party affiliated trade unions. They thought that it may create an effect in their jobs. "The companies may not renew the registration if they come to know that delivery workers are trying to form a union"⁶³.

Biswajit Dhar, a taxi driver works with Uber (one of the application-based transport and delivery service providers) and district committee secretary of All India Central Council of Trade

Unions (henceforth AICCTU) accepted the fact. According to him the reluctance comes from a fear of loosing the job. He described that all the platform workers known as “delivery partners” are independent to decide the time that she/he would devote for a particular service provider (e.g. Swiggy, Zomato, Blinkt etc.). However, the service providers also have the independence to decide the terms and conditions of the service of a delivery partner. They have the right to ‘block’ a delivery partner against a ‘penal offence’, ‘behavioural problems’ or ‘complains of indiscipline’ during their service. Once they have been accused by any of the offence and blocked by any one of the service providers, others may blacklist the delivery partner also.⁶⁴

Apart from this fear of losing jobs these workers tried to deliver as many orders as possible within a short span of time. As a result, they faced deadly road accidents most of the time. According to newspaper reports, gig workers, specifically delivery persons, are at the top of the causality list.⁶⁵ West Bengal is not an exception. The loss of Abhijit Das is one of them. Intending to deliver as many orders as possible to earn more profit, Das lost his life in one of the deadly accidents on the highway near Barasat, West Bengal.⁶⁶

Rajib Ghosh and Abhijit Das’s incident is not an exception. According to an online news portal, 978 traffic rule violation cases have been lodged in a day against delivery workers from different agencies in Chennai. ⁶⁷ There are similar acquisitions against the “delivery partners/executives” in all over the country. However, the workers differed on the theory of traffic violations made by the police. Ismail Sardar accused the police authorities of being behind the accidents. He said that the traffic police not only rudely behaved with the gig workers, they harassed them and put unnecessary fines for breaking the traffic rules. The police persons asked for bribes and threatened them to suspend their driving licenses. The delivery workers are blamed for the traffic rules being violated by others. He demands prevention from police harassment. According to Sardar, if trade unions can help them in this regard, the workers will automatically be in favour of them. He also said that the harassment from the police could be stopped if the trade unions would issue an identity card in favour of them. He said the trade unions also initiated health and other social security demands.⁶⁸ Bablu Mondal and his wife pointed out another problem. Both of them engaged with Swiggy and Urban Company. His wife is a beautician and gives home services through the app. Apart from paying the fuel cost for their vehicles, they have to buy all the essential commodities from the company-mentioned dealers. Otherwise, the company deducted the cost of the cosmetics and other essential commodities from their daily profit. Bablu's wife Namita (name changed upon her request) faced harassment from the clients sometimes. Despite repeated complaints, the company did not take any steps. They were present at the convention on 22 August and discussed their crisis. They demanded a suitable solution from the trade union leaders. They were agreed with the demand of Ismail Sardar to issue identity cards. They felt that it would protect them from all kinds of harassment. ⁶⁹

However, the trade union leaders said that issuing membership is not a solution against the harassment. Because most of the platform-based workers’ forum are run by the left political parties which are not in power or considered as one of the main pressure groups in most of the states. Therefore, a strong consolidation of the gig workers is necessary to raise their rightful demands. The leaders accepted the fact that such type of consolidation is difficult due to the job profile of platform-based workers. According to Debanjan Chakrabarty, the workers are not getting chance to talk with each other due the commission-based wage system. The platforms are creating a competitive mindset among the workers. The workers do not have time to discuss about their common problems.⁷⁰ CITU run a successful union among the app cab workers. The leaders said it has been possible due to the nature of the job. The app cab drivers usually met in taxi stands at

airports and railway stations. They also meet each other during the orientation meeting organised by the app-based transport service corporations. They pointed out one important fact. The app-based car hires companies that hire cars along with drivers. These drivers are recognised as transport workers. Therefore, they can be able to raise their demands as workers.

Although trade union leaders have identified the problem, they are confused about the solution. Almost all of them are trying to assemble the platform-based workers through meetings or conventions. These conventional approaches are not applicable for them. The essay has earlier discussed about Delivery Voice, a social media-based platform for the workers may able to fulfil some criteria because all the platform-based workers have access to the social media platforms. Trade Unions, like CITU, AICCTU and others also started to venture out through the social media platforms but this has a long way to go to get a success.

The possible solutions are also hidden in the arguments from the labourers, trade unionists and economists. The gig and other informal workers' primary need is economic and social security. Although acts have provisions for securing health, minimum wage and social security, the primary duty of the trade unions is to ensure it. It is a fact that the trade unions are dispassionate about the formation of cooperative societies. There are reasons behind it. The union leaders raised the issue of trust as one of the problems regarding cooperation as one of the possible solutions. However, it has only sometimes been true. There are experiments on a housing cooperative by the construction workers in West Bengal and Kerala by the CITU-affiliated construction workers. It has been a successful experiment. According to Souvik Bhattacharya, the union has tried to build a cooperative of gig workers. But they failed.⁷¹ He accepted that the gig workers are keen to get some assurance of economic protection. Economic insecurities are the main problem behind their vulnerable condition. Therefore, it would be helpful if the trade unions started by forming cooperatives and issuing small personal loans with suitable interest. Most of the trade union leaders presented at the CITU convention for Gig and Informal Workers accepted that it would be helpful to incorporate more gig and informal workers in the trade unions.

Conclusion

According to the Periodic Labour Survey, the unemployment rate among educated persons (both in the rural and urban sectors) is gradually increasing. According to the 2021-22 report, at least 7.5 per cent of males and 10.0 per cent of females with secondary and above education levels are unemployed. As per the report, this was the highest unemployment rate among all educational groups in this financial year.⁷² Many of these unemployed people are engaged in the gig economy sector. Quoting a report on the app-based food delivery workers by the National Council for Applied Economic Research in 2023, the Bengali daily Ananda Bazar Patrika reported that among 100 workers, at least 32 persons have a graduate (or above) degree from the university. The article also blamed the unemployment situation in post-pandemic India behind this situation.⁷³

The dilemma of the gig workers reflected their ambiguity about the trade union movement in India. The activities of the trade unions in this field are very recent. Although they are keen to consider gig workers as the “new working class”, but they are using the same old union mechanism to consolidate themselves. These trade unions started interventions through social media channels but the language that they are choosing for their campaigns are mostly based on their earlier movements with factory or other type of workers. Gig workers may not always identify themselves with a factory worker or any other form of informal workers (e.g. informal or temporary workers in the industrial sector, domestic workers etc.). Consciously or unconsciously, they wanted a separate

identity for themselves. Issuing an identity card, or encouraging to form a co-operative may not be a solution to consolidate them. The unions should study the basic demands of the gig workers. Most of the gig worker respondents in this paper are not aware about the idea of minimum wage. They are concerned about the job security, blocking their worker ID without prior intimation or warning, unnecessary harassment from the police and some social security assurance from the employer/s. Therefore, trade unions, particularly the left, may think to bring an idea of consciousness about their rightful demands. Otherwise, creating a consolidation among the gig workers is almost impossible.

Notes

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<https://www.cambridge.org/core/books/indian-economy-in-transition/introduction/A4ECC8495AB2DE85C1BD2A770A1E2C43>

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¹⁰ Karl Marx. *Capital: A Critique of Political Economy Vol.1* (London: Penguin Classics, 1990), 284.

¹¹ Marx (1990), 287.

¹² Marx (1990), 293.

¹³ Marx (1990), 291.

¹⁴ According to the *Occupational Safety, Health and Working Condition Code 2020*, "Employee" means a) in respect of an establishment, a person (other than an apprentice engaged under the Apprentices Act 1961), employed on wages, by an establishment to do any skilled, semi-skilled, unskilled, manual, operational, supervisory, managerial, technical, electrical or any other work whether the terms of employment be express or implied; b) a person declared to be an employee by the appropriate Government. (Art. 52 of 1961).

<https://www.dgms.net/Occupational%20Safety,%20Health%20And%20Working%20Conditions%20Code,%202020.pdf> accessed on 20 December 2023.

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- ¹⁸ According to the act, “employer” means, — (i) in relation to an industry carried on by or under the authority of any department of 9 [the Central Government or a State Government], the authority prescribed in this behalf, or where no authority is prescribed, the head of the department; (ii) in relation to an industry carried on by or on behalf of a local authority, the chief executive officer of that authority. For Further details please see Art.1(g) of the Act, p.7. https://www.indiacode.nic.in/bitstream/123456789/17112/1/the_industrial_disputes_act.pdf. Accessed on 21 December 2023.
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- ²⁴ Do.
- ²⁵ Do.
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- ³⁶ The Rajasthan Platform Based Gig Workers (Registration and Social Welfare) Bill 2023. Chapter II.
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- ³⁸ Gig Workers Bill 2023. Chapter IV.
- ³⁹ Gig Workers Bill 2023. Chapter VI.
- ⁴⁰ As per the Section 12 of the Rajasthan Platform Based Gig Workers (Registration and Welfare) Bill, 2023 it has been said that “The Rajasthan Platform Based Gig Workers Social Security and Welfare Fund” would be built with the help of the “Welfare Cess” that would be levied by the aggregator or primary employer and known as “The Platform Based Gig Workers Welfare Cess,” which would be decided by the State Government but should be limited between 1-2 percent of the overall income. For details, please see Section 12 of the bill.
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