



## **FORMS OF SOLIDARITY FOR INFORMAL WORKERS IN INDIA: LESSONS FOR FUTURE?**

**Supriya Routh**

Rechtskulturen Fellow, Wissenschaftskolleg zu Berlin, Faculty of Law, Humboldt University, Germany  
Assistant Professor, The West Bengal National University of Juridical Sciences, India  
PhD Candidate, Faculty of Law, University of Victoria, Canada

## Forms of Solidarity for Informal Workers in India: Lessons for Future?

Supriya Routh\*

---

### 1. Introduction

The Constitution of India provides for right to unionization, freedom of speech and expression, right against forced labor, right against child labor, right to livelihood, equal pay for equal work, right to appropriate conditions of work, and maternity relief for the working population in the country. While some of these constitutional guarantees – such as right to unionization, freedom of speech and expression, right against forced labor, and right against child labor – are justiciable, others are not. The Constitution of India envisages that constitutionally guaranteed labor rights are to be realized through appropriate legislative enactment. However, the high powered National Commission for Enterprises in the Unorganised Sector (NCEUS) reports that legislative enactment realizing constitutional guarantees are inadequate so far as informal workers are concerned. Accordingly, informal workers in India remain excluded from constitutional guarantees.

According to the National Sample Survey Organisation (NSSO) data (2004-05) only 7.6% of the total workers in the country are formal workers. The rest of the 92.4% of workers are unorganized (informal) workers. 99.2% of all agricultural employment, 75% of all manufacturing employment, 78% of all building and construction employment, and 98% of all employment in trade and commerce are in the informal economy in the country.<sup>1</sup> For this

---

\* Rechtskulturen Fellow, Wissenschaftskolleg zu Berlin, Faculty of Law, Humboldt University, Germany; Assistant Professor, The West Bengal National University of Juridical Sciences, India; PhD Candidate, Faculty of Law, University of Victoria, Canada.

<sup>1</sup> Chapter 8, Para 8.1, The Ministry of Labour Annual Report 2008-2009, Ministry of Labour and Employment, Government of India (Chapter 8: Unorganised Labour); “Legal Empowerment and the informal economy – SEWA Experience”, paper presented at the Regional Dialogue on Legal Empowerment for the Poor, Bangkok, Thailand, 3-

enormous percentage of informal workers in India, the NCEUS notes that the real challenge is to improve the overall conditions of employment and livelihood of the workers.<sup>2</sup> The Commission recognizes that the problem with employment in the informal sector is essentially a problem of quality of employment.<sup>3</sup> The Commission argues that employment means *job security, income security, social security, and decent conditions of work*.<sup>4</sup>

In this backdrop of the exclusion and resultant marginalization of informal workers from law and policy, in this essay, through an empirical study of a specific category of informal workers in Kolkata, India, I show that by innovatively and strategically organizing themselves informal workers can substantially enhance their own conditions without much assistance from the government (or the state). I contend that this innovative and strategic organizing mechanism could be a future organizing model for marginalized informal workers mainly in developing countries. I also show that my case study is not unique; there have already been many innovative organizing initiatives of informal workers in India, which are improving the overall conditions of informal workers in the country.

The essay is divided in six sections. In section 2, I chart the constitutional guarantee to dignified life promised to the working population in the country and point out that this constitutional guarantee remains unrealized for informal workers in India. In section 3, based on my empirical study, I describe the organization initiative of a specific category of informal workers – waste-pickers in Kolkata – with the active participation from other like-minded institutions and individuals. In section 4, I point out that the innovative organization initiative of

---

5 March, available at <http://www.snap-undp.org/lepknowledgebank/Public%20Document%20Library/SEWA%20-%20Legal%20Empowerment%20and%20the%20informal%20economy.pdf> (site visited 18<sup>th</sup> December 2009).

<sup>2</sup> NCEUS, *The Challenge of Employment in India – An Informal Economy Perspective*, Volume 1 main Report, National Commission for Enterprises in the Unorganised Sector (New Delhi: NCEUS, 2009).

<sup>3</sup> *Ibid* at v.

<sup>4</sup> *Ibid* at 7.

waste-pickers in Kolkata is not unique in India. I briefly chart a range of other organization initiative of informal workers in the country, and identify the resultant advantages that these organizations generate for informal workers in India. Taking lessons from my empirical study and the other similar organization initiatives of informal workers in India, in section 5, I propose a strategic organization formulae for informal workers in developing countries. Section 6 is a brief conclusion.

## 2. Constitutional Guarantee of Dignified Life

The Constitution of India is the source of labor jurisprudence in the country. The labor welfare guarantees mentioned earlier are categorized as civil-political and socio-economic rights under the Constitution. Civil-political rights such as right to speech and expression, right to assembly, right to form association and union are categorized under the Fundamental Rights chapter.<sup>5</sup> Socio-economic rights such as right to work, right to unemployment assistance, right to livelihood, equal pay for equal work, right to appropriate conditions of work, maternity relief are listed under the category of Directive Principles of State Policy.<sup>6</sup> While fundamental rights are enforceable by the judiciary, directive principles of state policy are goals set for the government(s) and are not enforceable by the judiciary.

Workers in India are protected under the *socialist* Constitution of India, one that envisages providing *social justice* for its citizens.<sup>7</sup> In promoting social justice the Constitution of

---

<sup>5</sup> Part III of the *Constitution of India*, available at Ministry of Law and Justice Website, <http://lawmin.nic.in/coi/coiason29july08.pdf>, (site visited 5 September, 2010).

<sup>6</sup> Part IV of the *Constitution of India*.

<sup>7</sup> See Preamble to the *Constitution of India*. Jawaharlal Nehru, India's first Prime Minister, addressing the Constituent Assembly members, noted:

The first task of this Assembly is to free India through a new constitution to feed the starving people and cloth the naked masses and to give every Indian fullest opportunity to develop himself according to his capacity. ... [A]t present the greatest and most important question in India is how to solve the problem of the poor and the starving

India distinguishes between *rights* and *goals*.<sup>8</sup> The fundamental rights guaranteed in Part III of the Constitution are enforceable rights, whereas the directive principles in Part IV are unenforceable goals or aspirations.<sup>9</sup> If a citizen of (or a person in) the country is deprived of her fundamental rights (which are mostly civil and political rights), the deprived person can ask the Court to enforce her rights through the issuance of appropriate *Writs* (such as *habeas corpus*, *mandamus*, *quo warranto*, *prohibition*, *certiorari*). But on the other hand, the directives in Part IV (which are principally economic and social rights) need some proactive action and economic expenditure on the state's part. Therefore, these rights have been made conditional upon the availability of resources at the state's disposal. Accordingly, the Courts cannot enforce goals declared under this Part of the Constitution.

A careful perusal of the fundamental rights and the directive principles with respect to work and workers would clarify that most of the guarantees are aimed at promoting a well-rounded dignified human life for workers.<sup>10</sup> Upendra Baxi notes that despite the uncomfortable juxtaposition of unenforceable directive principles with enforceable fundamental rights, "at least upon the fulfillment of some of the major directives now depends not merely the "success" of the

---

Wherever we turn, we are confronted with this problem. If we cannot solve this problem soon, all our paper constitutions will become useless and purposeless.

See *Constituent Assembly of India Debates* (Proceedings), Vol. II, No. 3, 22 January, 1947, available at <http://164.100.47.132/issnew/constituent/vol2p3.html> (site visited 5 March 2012).

<sup>8</sup> See Shylashri Shankar, *Scaling Justice – India's Supreme Court, Anti-Terror Laws, and Social Rights* (New Delhi: Oxford University Press, 2009) at xiii.

<sup>9</sup> Even though the Constituent Assembly vigorously debated whether directive principles of state policy should be made enforceable or not, they finally settled on the unenforceability of directive principles. See generally Granville Austin, *The Indian Constitution: Cornerstone of a Nation* (Bombay: Oxford University Press, 1976) at 75-83.

<sup>10</sup> *Bandhua Mukti Morcha v. Union of India*, (1983) MANU 0051 (SC).

Constitution but also the destiny of India.”<sup>11</sup> Granville Austin terms directive principles as “statement of the social revolution”, which aim to promote positive freedom of the masses.<sup>12</sup>

However, in spite of their promise, the Constitutional guarantees have been unable to promote an overall dignified life for the people of India including informal workers. The Supreme Court noted:

“Justice, social, economic and political” and “citizens, men and women equally, have the right to an adequate means to livelihood” which the Constitution of India promises is still a distant dream. This Court, in various judgments, has reminded the Government of its constitutional obligations to ameliorate the lot of the poor in India. Nothing much has been achieved. An alarming percentage of population in India is still living below poverty-line. There are millions of registered unemployed. The Government, in spite of constitutional mandate is unable to provide them with employment.<sup>13</sup>

It is mainly informal workers who live below the poverty line in India. Informal workers suffer from multiple deprivations compared to formal workers in India. There are more than one hundred pieces of (central and state) labor welfare legislation in force in India, mostly targeted towards formal workers. Formal workers receive comprehensive benefits ranging from *employees’ state insurance* to *maternity benefits* under a plethora of labor welfare statutes. Informal workers, on the other hand, mostly remain outside the scope of these legislation.<sup>14</sup>

In its different Reports, the NCEUS has conducted comprehensive reviews of Indian labor welfare and social protection laws in order to ascertain the coverage of informal workers under those laws. The Commission surveys labor welfare legislation having a bearing on

---

<sup>11</sup> See Upendra Baxi, ““The Little Done, the Vast Undone” - Some Reflections on Reading Granville Austin's *The Indian Constitution*” (1967) 9 *Journal of the Indian Law Institute* 323 at 344.

<sup>12</sup> See Austin, *Cornerstone of a Nation*, supra note ---- at 51.

<sup>13</sup> (1989) MANU 0521 (SC), at para 4. Also see Upendra Baxi, “The (Im)possibility of Constitutional Justice – Seismographic Notes on Indian Constitutionalism” in Zoya Hasan, E. Sridharan, & R. Sudarshan eds, *India's Living Constitution – Ideas, Practices, Controversies* (London: Anthem Press, 2005) 31 at 43-46.

<sup>14</sup> See Praveen Jha, “Globalization and Labour in India: The Emerging Challenges”, available at [http://www.nottingham.ac.uk/shared/shared\\_scpolitics/documents/gwcpaper/India.pdf](http://www.nottingham.ac.uk/shared/shared_scpolitics/documents/gwcpaper/India.pdf) (site visited 16 June 2012).

informal workers and is quick to note that these laws afford protection to only a small section of informal workers in the country.<sup>15</sup> The NCEUS also documents the “abysmally poor” implementation of labor laws in India.<sup>16</sup> The small size of labor administration personnel, the exclusive focus on the formal sector, the inadequacy of infrastructure, and the lack of representative voices for informal workers are factors responsible for poor enforcement of labor law.<sup>17</sup> Thus, the exclusion of informal workers from legislative protection happens at two stages. First, informal workers are largely excluded from beneficial legislation and second, even when they are allowed legislative protection, such protection does not materialize because of non-enforcement.<sup>18</sup>

What follows from the Commission’s review of Indian labor laws is that labor laws in India are biased towards formal workers employed in an industry. Even though it is possible to argue that some of these laws address some informal workers, the majority of the statutes are not designed for them. Many of the Acts mentioned earlier have a numerical threshold for their applicability; they apply to an industry where at least twenty workers are employed (ten workers if electricity is used, and five workers for the applicability of the Migrant Workmen Act, and the Motor Transport Workers Act).<sup>19</sup> Therefore, even though it is possible to argue that some of the labor laws are applicable to informal workers who are in an employment relationship (or hidden employment relationship), once the legislative threshold is set for industries employing at least ten or twenty workers, 92% of the total workforce remains outside such legislative protection.<sup>20</sup>

---

<sup>15</sup> NCEUS, *Conditions of Work*, supra note ----; also see Rohini Hensman, “Labour and Globalization: Union Responses in India” in Paul Bowles & John Harriss eds, *Globalization and Labour in China and India – Impacts and Responses* (New York: Palgrave Macmillan, 2010) 189 at 193-196.

<sup>16</sup> NCEUS, *Conditions of Work*, ibid at 164-171; also see NCEUS, *Challenge of Employment*, supra note ---- at 186-187.

<sup>17</sup> NCEUS, *Conditions of Work*, ibid at 166-167.

<sup>18</sup> NCEUS, *Challenge of Employment*, supra note ---- at 180; also see Hensman, supra note ---- at 193-196.

<sup>19</sup> See NCEUS, *Challenge of Employment*, supra note ---- at 178-180.

<sup>20</sup> Ibid at 180.

Based on the Commission's recommended Bill on social security, the Indian Parliament enacted the Unorganised Sector Social Security Act, 2008. Apart from the exclusion of certain informal workers who are covered under other social protection statutes, Kamala Sankaran points out that the 2008 Act excludes "unpaid family workers", a vital sub-group of informal workers, from its purview.<sup>21</sup> She is also skeptical as to whether the diverse range of self-employed informal workers (such as informal entrepreneurs and own-account workers) would be covered under the 2008 Act, even though the law does not expressly exclude any category of self-employed informal workers from its purview.<sup>22</sup> Rohini Hensman argues that lumping informal employees and informal self-employed workers together in the same legislation is a recipe for the failure because the needs of informal waged workers and informal self-employed workers are different.<sup>23</sup> She also points out that in the absence of the more powerful formal sector unions' interest in the legislation, "it has less chance of success".<sup>24</sup> Even if successful, Hensman notes, the law will leave informal workers with much weaker rights than their formal counterparts.<sup>25</sup> Disadvantages emanating from these exclusions, as I show in the following sections, could be significantly overcome by informal workers' organizations.

### **3. Formation and Advantages of a Trade Union of Informal Workers**

Considering the enormity and marginalization of informal workers in India, and the role that trade unions are capable of performing in a democratic polity (discussed presently), there is an urgent need for unions in India to organize informal workers in order to ensure basic

---

<sup>21</sup> See Kamala Sankaran, "Informal Employment and the Challenges for Labour Law" in Guy Davidov & Brian Langille eds, *The Idea of Labour Law* (Oxford & New York: Oxford University press, 2011) 223 at 229.

<sup>22</sup> Ibid at 232.

<sup>23</sup> Hensman, *supra* note ---- at 198.

<sup>24</sup> Ibid.

<sup>25</sup> Ibid.



minimum conditions of a dignified life for them. Unionization ensures the visibility of informal workers,<sup>26</sup> which is an essential requirement for an effective process of social dialogue. But, as the 2007 NCEUS Report notes, informal workers in India remain largely invisible from policy circles,<sup>27</sup> a fact confirmed through my empirical study in Kolkata, India.

Documenting the benefits of unionization for informal workers, based on her study of Self Employed Womens' Association (SEWA) members, Elizabeth Hill shows that there is a marked change in the demeanor of informal workers once they join the trade union; the once timid, insecure, vulnerable workers are transformed into assertive, confident, and empowered individuals after they joined the union.<sup>28</sup> The union inculcated a sense of identity, recognition, respect, and public status amongst its members.<sup>29</sup> Hill notes that SEWA's organization of informal women workers generates mutual recognition and respect that produce individual self-confidence, self-respect, and self-esteem amongst self-employed informal women workers in India.<sup>30</sup> She further observes: "[b]y formally coming together and establishing their own institutions, workers recognize themselves both as individuals and as part of a larger community of workers who have a legitimate claim to public resources."<sup>31</sup>

Rina Agarwala shows that in some Indian states such as Tamil Nadu, West Bengal, and Maharashtra, certain categories of informal workers (construction workers and *bidi* workers) have been able to secure legal right to economic benefits by continuously negotiating with the

---

<sup>26</sup> See generally Bhat, *supra* note ----.

<sup>27</sup> NCEUS, *Report on Conditions of Work and Promotion of Livelihoods in the Unorganised Sector*, August 2007 (New Delhi: NCEUS, 2007) at 37, 50, 75-76, 79-80, 165, 196, 356.

<sup>28</sup> Elizabeth Hill, *Worker Identity, Agency and Economic Development: Women's empowerment in the Indian informal economy* (New York: Routledge, 2010) at 97-100, 104-112.

<sup>29</sup> *Ibid* at 101-102, 109-112.

<sup>30</sup> *Ibid* at 116.

<sup>31</sup> *Ibid* at 119.

government through their respective trade unions.<sup>32</sup> Even though certain categories of informal workers have been able to negotiate with the government in availing themselves of some economic benefits, the majority of informal workers in India remain excluded from legislative and executive assistance.<sup>33</sup>

The state of West Bengal (one of the states that Agarwala covers in her study) has carved out legislative and executive schemes for the benefit of certain categories of informal workers in the state. While some of the beneficial guarantees are for specific categories of informal workers engaged in definite activities (such as transport, *bidi* manufacturing, construction), other schemes are targeted towards a range of informal workers.<sup>34</sup> Waste-pickers, however, as a specific category of informal workers, do not receive any state assistance. They are totally excluded from legislative protection and executive schemes of the state. Such exclusion of waste-pickers from state assistance forms the context of my study.

My empirical study in West Bengal indicated that one of the prominent reasons for the exclusion of waste-pickers from the purview of government welfare schemes is the absence of an association of waste-pickers. The incumbent minister and other government officials emphasized the importance of unionization in order to access government welfare schemes.<sup>35</sup> During the course of my fieldwork in Kolkata, waste-pickers of the city organized themselves into a trade union. While it is too early to analyze the significance of the unionization initiative *in toto*, some early indications point at the advantages of the unionization. I discuss how within a very short span of time waste-pickers' union in Kolkata has been able to draw attention from various

---

<sup>32</sup> Rina Agarwala, *From Work to Welfare: Informal Workers' Organizations and the State in India* (PhD Thesis, Princeton University, 2006) at 32 [unpublished] at 80-81, 89-90, 107-108, 114-116, 141-143.

<sup>33</sup> See generally NCEUS, *Conditions of Work*, supra note ----.

<sup>34</sup> See generally Government of West Bengal, *Labour in West Bengal 2010 – Annual Report* (Kolkata: Govt. of WB).

<sup>35</sup> Interviews conducted in Kolkata, India, during March to July, 2011.

quarters, which is useful in promoting visibility of the waste-pickers and drawing attention to their predicament.

I conducted my empirical study in Kolkata, West Bengal, India, during the summer of 2011, from March to July. My study is based on semi-structured interviews and participant observation methods. I was a participant observer during the unionization process of the trade union of waste-pickers in Kolkata. I regularly participated in the meetings, accompanied others to waste-picker slums in order to promote the trade union, and became an office bearer of the trade union of waste-pickers. Accordingly, this essay should be perceived as a perspective of an activist-researcher (and not an objective outsider, to the extent objectivity is possible in social research) who has been actively engaged in the unionization process.

While I was conducting my fieldwork in Kolkata, during the course of an informal meeting between the organizers of the NGO – Calcutta Samaritans, few waste-pickers, some city intellectuals, and activists, the idea of organizing waste-pickers into a trade union was discussed.<sup>36</sup> The Calcutta Samaritans has been involved with issues related to waste-pickers and other homeless population in Kolkata since 1971, and Pratim Roba, a Calcutta Samaritans organizer enthusiastically supported the unionization.<sup>37</sup> The Calcutta Samaritans had erstwhile campaigned for the inclusion of homeless population in Kolkata under the Below Poverty Line (BPL) Scheme in order to enable homeless people to seek government assistance.<sup>38</sup> In 2009, they prepared a report on the socio-economic situation of waste-pickers in Kolkata.<sup>39</sup> Recently the

---

<sup>36</sup> Meeting on 12 June 2011, at the Calcutta Samaritans Office at Ripon Street in Kolkata, India.

<sup>37</sup> Interview conducted on 30 June 2011 at the Calcutta Samaritans Office at Ripon Street in Kolkata, India.

<sup>38</sup> In this respect several NGOs in Kolkata has moved the High Court of Calcutta in a Public Interest Litigation in order to enlist homeless population in the BPL List. *Griha Adhikar Mancha and Others v Union of India and Others*, Writ Petition Number 19802 (W) of 2008 (in file with author).

<sup>39</sup> Supriya Routh et al, *Situational Analysis of Ragpickers in Kolkata* (Kolkata: Calcutta Samaritans, 2009).

Calcutta Samaritans conducted a survey on homeless population in Kolkata with assistance from the Government of West Bengal.<sup>40</sup>

Armed with the idea of forming a trade union, the Calcutta Samaritans' organizers reached out to waste-pickers in different locations of the city. The organizers received positive response from the waste-pickers in the city, and they proposed that a meeting of waste-pickers be convened with a view to initiate the formation of a trade union, and delineate a road-map for the union activities. Reshmi Ganguly, another organizer with the Calcutta Samaritans, planned the meeting with financial assistance from the Action Aid.<sup>41</sup> We (Calcutta Samaritans' organizers, city intellectuals, and I) approached the Legal Aid Society of the West Bengal National University of Juridical Sciences (WB NUJS),<sup>42</sup> Kolkata, India, to provide us a venue for the meeting of waste-pickers. The then Vice Chancellor and Registrar of the law University enthusiastically agreed to allow us the use of the university auditorium free of cost for the meeting.

The Calcutta Samaritans' organizers went to the different localities in order to brief waste-pickers about the advantages of unionization and the tentative agendas for a waste-pickers' union in Kolkata. After this phase of reaching out to waste-pickers, the Calcutta Samaritans' organizers sensed immense enthusiasm amongst waste-pickers to form a trade union of their

---

<sup>40</sup> Sharmistha Banerjee et al, *A Report on Rapid Assessment Survey of Homeless Population within Kolkata Municipal Corporation Area* (Kolkata: Calcutta Samaritans, Undated).

<sup>41</sup> "Action Aid is an anti-poverty agency, working in India since 1972 with the poor people to end poverty and injustice together." See Who we are, ActionAid, available at <http://www.actionaid.org/india/who-we-are> (site visited 23 May 2012).

As I mention in chapter 7, I was directly involved with the organization initiative of waste-pickers in Kolkata. During the unionization initiative I actively worked with the Calcutta Samaritans, the West Bengal National University of Juridical Sciences and waste-pickers.

<sup>42</sup> The West Bengal National University of Juridical Sciences (WB NUJS) is a premier law University in India, located in the city of Kolkata.

own. The organizers estimated about six-hundred waste-pickers' participation for the proposed meeting.<sup>43</sup>

On 6<sup>th</sup> July 2011 about five-hundred waste-pickers assembled at the WBNUJS auditorium for their meeting in furtherance of formation of a trade union. Many of the women waste-pickers came with their children because they did not want to miss the occasion but at the same time they had no one back home to take care of their children. During the meeting, waste-pickers were asked to identify their problems. Waste-pickers identified many factors inhibiting the improvement of their working and living conditions during the meeting. Some of factors identified by them are their inability to freely carry on their work and non-recognition as worker, inability to freely access their worksites, absence of a document proving citizenship, absence of a shelter not only to live but also to carry on their work, insecurity against forcible eviction from their shelter, physical and mental insecurity at work-sites, irregular nature of paid work, inappropriate payment for their work, absence of emergency fund, and absence of medical facilities. Once this exercise was completed, the idea of formation of a trade union was advanced.

Once the idea of membership of the trade union, and of the executive committee (office bearers) was discussed, all the waste-pickers present at the meeting became members of the union by paying a membership fee of Rupee 1 for a year. The women waste-pickers were enthusiastic and eager to represent their locality in the executive committee of the union. The union members elected twenty executive committee members, with Kalu Das, a waste-picker himself, elected its general secretary.<sup>44</sup> On the same day the executive committee held its first

---

<sup>43</sup> Meeting of Calcutta Samaritans' organizers at the Calcutta Samaritans Office, 4 July 2011 at Ripon Street, Kolkata, India.

<sup>44</sup> After I returned from my fieldwork in India, I was informed that the Executive Committee had to meet to reduce the strength of the Committee to nine members, on the basis of their possession of an official identity document.

meeting, and decided a name for their union: *Barjya Punarbyawaharikaran Shilpa Shramik Sangathan* (BPSSS), which was translated into English as *Association of Workers engaged in Waste Recycling Industry* (AWWRI). Kalu Das enthusiastically pointed out that the Union must have a symbol like other political parties.<sup>45</sup> In their second meeting, the executive committee of BPSSS decided on their symbol.<sup>46</sup>

Having already discussed the problems faced by waste-pickers in the general member-body meeting, it was incumbent on the executive committee of the Union to frame such problems in terms of narrow focused agenda, which the Union could pursue. Based on the discussion with the members the BPSSS identified five primary agendas: first, to provide their members with safety gears such as gum-boots, gloves, and aprons; second, to lobby with the Government of West Bengal in order to bring waste-pickers within the purview of the existing legislative protection for informal workers; third, to lobby with the Kolkata Municipal Corporation so that waste-pickers could be integrated with the municipal solid waste management system; fourth, to prepare a *Comment* on their deprivations to be submitted to the International Labour Organization (ILO); and fifth, to generate fund in order to institute a group health insurance scheme for waste-pickers.

During the first executive committee meeting, the WBNUJS Legal Aid Society expressed interest in providing legal and other assistance to BPSSS.<sup>47</sup> The WBNUJS Legal Aid Society has adopted BPSSS as one of their projects, thereby enabling students of the law university to work

---

This was necessitated when the Union members applied for the registration of their trade union. The Executive Committee was informed by the Department of Labour that for the registration of the Union, all executive committee members have to submit identity proof and residential certificate. Accordingly, Executive Committee members who did not possess valid identification document or residential certificate had to be removed from the Committee.

<sup>45</sup> Meeting of the Executive Committee of BPSSS on 6<sup>th</sup> July 2011 at the West Bengal National University of Juridical Sciences, Kolkata, India.

<sup>46</sup> Meeting of the Executive Committee of BPSSS on 12 July 2011 at the Calcutta Samaritans, Kolkata, India.

<sup>47</sup> Meeting of the Executive Committee of BPSSS on 6<sup>th</sup> July 2011 at the West Bengal National University of Juridical Sciences, Kolkata, India.

in furtherance of promoting BPSSS's interests.<sup>48</sup> Students engaged with the Legal Aid Society have undertaken to educate waste-pickers' children.<sup>49</sup> Students have also undertaken a membership drive on behalf of the Union through awareness campaign amongst waste-pickers in Kolkata.<sup>50</sup> The Legal Aid Society is also providing legal assistance to individual members of the Union when they are getting arrested or are harassed by law enforcement officials.<sup>51</sup> Recently, the WBNUJS Legal Aid Society devoted an *Open House Discussion* session in order to discuss their role in promoting BPSSS initiatives.<sup>52</sup> The Legal Aid Society prepared a petition to be filed with the Ministry of Urban Affairs, Government of India, National Human Rights Commission, and the Supreme Court of India, advocating right to work and livelihood for homeless waste-pickers in Kolkata.<sup>53</sup>

What is evident from the above description is that the waste-pickers who were living at the margins of the society became significantly visible with their unionization initiative. Within days of formation of the Union, the Legal Aid Society began collaborating with waste-pickers on different issues. Within months of the formation of the Union, the Legal Aid Society brought the waste-pickers to the notice of academics and policy makers through a national conference. The union also managed to generate funds from some sympathetic quarters. What is much more significant is that their unionization works as an instrument of social dialogue. Role of informal workers' organization in promoting social dialogue is evident from the other prominent

---

<sup>48</sup> Legal Aid Society – Brief Report of Activities Undertaken over the Period from July, 2011 to January, 2012; also E-mail conversation with Prof. Anirban Chakraborty, Assistant Professor and Faculty Advisor of the Legal Aid Society, the West Bengal National University of Juridical Sciences, Kolkata, India, on 8 February 2012.

<sup>49</sup> E-mail conversation with Prof. Anirban Chakraborty, *ibid*, on 5 February 2012.

<sup>50</sup> *Ibid*.

<sup>51</sup> *Ibid*.

<sup>52</sup> “Open House Discussion on Deemed Homeless”, AWWRI Project of NUJS Legal Aid Society & Center for Human Rights, National Conference on Place of Deemed Homeless in Good Governance and Inclusive Growth in India, January 27-29, 2012, WB NUJS Campus (in file with author).

<sup>53</sup> E-mail conversation, 5 February 2012, *supra* note ----.

organization initiative of informal workers in India. I briefly discuss those initiatives in the following section.

#### **4. Different Modes of Solidarity: Organizations of Different Statuses & their Functions**

In the absence of legal protection for informal workers' constitutional rights, workers have undertaken to promote their (well-rounded) dignified life by themselves through organizational initiatives. In this respect, informal workers have used the Indian Trade Unions Act, 1926 to their advantage. Informal workers have not only organized themselves under the Trade Unions Act, they have also organized themselves as co-operatives (under the Cooperative Societies Act, 1912), societies (under the Societies Registration Act, 1860), and trusts (under the Charitable and Religious Trusts Act, 1920), thereby innovatively using the existing legislative framework in the country. These workers' organizations promote dignified life of workers by providing for comprehensive social, economic, political, and cultural resources that are guaranteed to workers under the Constitution of India. In the absence of adequate state initiatives for the promotion of the constitutional rights of informal workers, the private membership-based and non-membership organizations seek to promote workers' constitutional rights. I discuss some of these private initiatives aimed at realizing constitutional guarantees for informal workers.

The Self Employed Women's Association (SEWA) is an internationally renowned organization for women informal workers.<sup>54</sup> The SEWA is a trade union registered under the Trade Unions Act. Registered in 1972, the SEWA is an organization of self-employed poor

---

<sup>54</sup> See generally Self Employed Women's Association (SEWA), at <http://www.sewa.org/> (site visited 5 January 2012); also see Aditi Kapoor, "The SEWA way: Shaping another future for informal labour" (2007) 39 *Futures* 554 at 555.



women workers.<sup>55</sup> The SEWA aims to promote full employment for its members “whereby workers obtain work security, income security, food security, and social security (at least health care, child care and shelter).”<sup>56</sup> The SEWA is different from the traditional concept of a trade union.<sup>57</sup> The SEWA’s functional emphasis is on an internally constructive role, rather than an external adversarial agenda.<sup>58</sup>

The SEWA functions through the constitution of trade and service cooperatives,<sup>59</sup> and it is composed of around ninety trade and service cooperatives in India.<sup>60</sup> The *Swashrayi Mahila Sewa Sahakari Bank* (SEWA Bank) is the largest cooperative of the SEWA members with 93,000 savings accounts, and it is run by the members themselves.<sup>61</sup> The SEWA’s health care initiative is a combination of health education and curative care, which is also run by the members.<sup>62</sup> The SEWA’s child care initiatives are run by local cooperatives and organizations.<sup>63</sup> The SEWA initiated its integrated insurance scheme in 1992 with the help of the national insurance companies.<sup>64</sup> The SEWA also provides legal services including legal education and

---

<sup>55</sup> See Self Employed Women's Association (SEWA), *ibid*; also see Kapoor, *ibid* at 560, for the different kinds of informal economic activities that SEWA members are engaged in.

<sup>56</sup> See SEWA, “About Us”, at [http://www.sewa.org/About\\_Us.asp](http://www.sewa.org/About_Us.asp) (site visited 5 January 2012); also see Elizabeth Hill, *Worker Identity, Agency and Economic Development: Women's empowerment in the Indian informal economy* (New York: Routledge, 2010) at 46-47.

<sup>57</sup> Hill, *Worker Identity*, *supra* note ---- at 75.

<sup>58</sup> See generally Bhat, *supra* note ----, in particular at 70, 99-122; also see Jan Breman, *The Making and Unmaking of an Industrial Working Class – Sliding Down the Labour Hierarchy in Ahmedabad, India* (New Delhi: Oxford University Press, 2004) at 282-286.

<sup>59</sup> See Bhat, *ibid* at 16-17, 53-54, 99-122; also see Janhavi Dave, Manali Shah & Yamini Parikh, “The Self-Employed Women’s Association (SEWA) Organising Through Union and Co-operative in India” in Melanie Samson ed, *Refusing to be Cast Aside: Waste Pickers Organising Around the World* (Cambridge, MA: WEIGO, 2009) 27.

<sup>60</sup> Dave, Shah & Parikh, *ibid*.

<sup>61</sup> See Bhat, *supra* note ---- at 99-122.

<sup>62</sup> See SEWA, “Sewa Services – Health Care”, available at [http://www.sewa.org/Services\\_Health\\_Care.asp](http://www.sewa.org/Services_Health_Care.asp) (site visited 5 January 2012).

<sup>63</sup> See SEWA, “Sewa Services – Child Care”, available at [http://www.sewa.org/Services\\_Child\\_Care.asp](http://www.sewa.org/Services_Child_Care.asp) (site visited 5 January 2012).

<sup>64</sup> See SEWA, “Sewa Services – VimoSEWA (SEWA Insurance)” [http://www.sewa.org/Services\\_Work\\_Security\\_Insurance.asp](http://www.sewa.org/Services_Work_Security_Insurance.asp) (site visited 5 January 2012); also see Ginnekenn, “Social Protection”, *supra* note ---- at 192-193; also see generally Mirai Chatterjee & Jayshree Vyas, “Organising Insurance for Women Workers” in Jhabvala & Subrahmanya eds, *The Unorganised Sector*, *supra* note ----, 74.

legal assistance during litigation through its legal advisory centre.<sup>65</sup> The SEWA Academy promotes its members' education and capacity building.<sup>66</sup> The SEWA established the *Mahila Housing SEWA Trust* in 1994 in order to improve "housing and infrastructural conditions" of women engaged in informal economic activities.<sup>67</sup>

The SEWA's role is not limited to the services it provides to its members. The SEWA has a strong external presence (both national and international) in the policy-development sphere.<sup>68</sup> With the members' full participation, the SEWA lobbies the government on several issues.<sup>69</sup> As a matter of strategy, the SEWA also resorts to direct struggle and agitation against myriad forms of discrimination against women informal workers.<sup>70</sup> Moreover, at a fundamental level, the SEWA unionization provides for the much needed legitimation and recognition of informal workers and their activities.<sup>71</sup> Based on her extensive study of the SEWA unionization, Hill demonstrates that the SEWA intervenes at three levels in the work-lives of informal workers.<sup>72</sup> The three levels are the *macro* or societal level, the *meso* or industry (enterprise) level, and the *micro* or individual worker (inter-personal) level.<sup>73</sup>

While the SEWA is a trade union, the *Sramajibee Mahila Samiti* (SMS) is a registered society<sup>74</sup> of women agricultural workers in West Bengal.<sup>75</sup> According to 2004-2005 data, 98.9%

---

<sup>65</sup> See SEWA, "Sewa Services – Legal Services" [http://www.sewa.org/Services\\_Legal\\_Services.asp](http://www.sewa.org/Services_Legal_Services.asp) (site visited 5 January 2012).

<sup>66</sup> See SEWA, "Sewa Services – Capacity Building of SEWA Members" [http://www.sewa.org/Services\\_Capacity\\_Building.asp](http://www.sewa.org/Services_Capacity_Building.asp) (site visited 5 January 2012).

<sup>67</sup> See SEWA, "Sewa Services – Housing and Infrastructure" <http://www.sewahousing.org/> (site visited 5 January 2012).

<sup>68</sup> See Bhat, *supra* note ---- at 70, 213; also see Hill, *Worker Identity*, *supra* note ---- at 139-142; also see Kapoor, *supra* note ---- at 564-566.

<sup>69</sup> See Bhat, *ibid* at 70; also see Hill, *ibid* at 76-77, 139-142; also see Dave, Shah & Parikh, "The Self-Employed Women's Association", *supra* note ---- at 32.

<sup>70</sup> See Bhat, *ibid* at 70; also see Hill, *ibid* at 76-77, 89-93.

<sup>71</sup> Hill, *ibid* at 76-83.

<sup>72</sup> *Ibid* at 58-72, 76-94.

<sup>73</sup> *Ibid* at 59-72, 77.

<sup>74</sup> *Ibid* at 22, 32, 75; The *Sramajibee Mahila Samiti* (SMS) is a Society registered under the Societies Registration Act.

of workers in the agricultural sector in India are informal workers.<sup>76</sup> The organization functions through six elected committees at different levels.<sup>77</sup> Through direct political action the SMS has taken up issues such as women's employment, government corruption, and minimum wages.<sup>78</sup> The SMS has successfully organized rallies, agitations, and picketing in order to pressure the government of West Bengal to implement government welfare schemes in a fair and transparent manner.<sup>79</sup> The SMS has successfully lobbied the government to implement an employment generation scheme for agricultural workers during the non-agricultural season in southern districts of West Bengal.<sup>80</sup> The SMS has also initiated an open forum bringing together all stakeholders involved in the development of local areas in the four districts of the SMS's operation.<sup>81</sup> The SMS mobilizes local people to participate in such forums along with representatives of political parties, and civil society.<sup>82</sup>

Even though predominantly political, the SMS's activities are not limited to direct political mobilization. The SMS undertakes a range of socio-economic programs. The voluntary organization *Jan Sangati Kendra* (JSK) that promoted the SMS has established a dairy farm, a training centre, residential villas, a mess, and a child care facility.<sup>83</sup> The SMS separately owns land where full-time workers live in a community.<sup>84</sup> The SMS members have access to the JSK facilities. Members of the community draw from the community as per their need.<sup>85</sup> Community living is devised to ensure stakeholder participation in management (workers' participation in

---

<sup>75</sup> Antony, *ibid* at 22.

<sup>76</sup> NCEUS, *Definitional and Statistical Issues*, *supra* note ---- at 44.

<sup>77</sup> *Ibid*.

<sup>78</sup> *Ibid* at 75, 78-80.

<sup>79</sup> *Ibid* at 77.

<sup>80</sup> *Ibid* at 77-78.

<sup>81</sup> *Ibid* at 78.

<sup>82</sup> *Ibid*.

<sup>83</sup> *Ibid* at 76.

<sup>84</sup> *Ibid*.

<sup>85</sup> *Ibid*.

management is a constitutional right).<sup>86</sup> While the JSK provides for food, education (for children), and health needs, the SMS organizes training of new members, imparts social education, and promotes self-help groups.<sup>87</sup> The SMS has also promoted village level arbitration by organizing *salishi* sessions in matters such as divorce, compensation etc.<sup>88</sup> The SMS undertakes development works such as road repair by successfully establishing relations with the government.<sup>89</sup> The SMS is part of a network of forty women's organizations named *Maitri*.

Quite contrary to the SMS's orientation, the *Annapurna Mahila Mandal* (AMM) is more concerned with informal workers' socio-economic betterment, rather than their political empowerment. The AMM is a charitable trust and society registered in Mumbai.<sup>90</sup> The AMM membership is not subscription-based membership – membership is granted while workers avail credit from the organization.<sup>91</sup> The AMM members engage in a variety of informal economic activities such as cooking and serving food; selling fruits, vegetables, fish, flowers, bangles, and grain; stitching; and beading.<sup>92</sup> The AMM's principal activity is their micro-credit program for these informal workers.<sup>93</sup> However, apart from the micro-credit program, the AMM undertakes a range of socio-economic initiatives for informal women workers. The AMM imparts leadership and vocational training to its members; the society also sensitizes its members on matters such as health, sanitation, family planning, domestic violence, child marriage, access to electricity,

---

<sup>86</sup> Ibid; also see Article 43A, Part IV of the *Constitution of India*.

<sup>87</sup> Antony, *ibid* at 76-77.

<sup>88</sup> *Ibid* at 78-79.

<sup>89</sup> *Ibid* at 79.

<sup>90</sup> *Ibid* at 91.

<sup>91</sup> *Ibid* at 27.

<sup>92</sup> *Ibid* at 92.

<sup>93</sup> *Ibid* at 28, 91-93.

access to water, and access to gas.<sup>94</sup> The society (i.e., AMM) also educates and trains its members' daughters, and encourages them to join the society.<sup>95</sup>

Apart from income generating programs for its members, the AMM houses destitute women, such as victims of domestic violence and physically and mentally disabled persons, in its rehabilitation centre at Vashi Nagar in Navi Mumbai.<sup>96</sup> The society also provides medical and legal aid to its members, and mediates in domestic disputes.<sup>97</sup> The AMM runs a crèche for its members' children; it also bears the cost for their education and sometimes arranges their marriages.<sup>98</sup> Apart from running a hostel for working women with government collaboration, the AMM has established two co-operative housing societies in Mumbai.<sup>99</sup>

A final form of organization of informal workers that I want to discuss is a co-operative society, the *Sakti Mahila Vikas Swavlambi Co-operative Society* (SMVSS), registered in the state of Bihar.<sup>100</sup> Members of the co-operative society are engaged in creative activities such as traditional Maithili painting, appliqué work, manufacturing of paper toys, and carpet manufacturing.<sup>101</sup> By collaborating with the government, the NGO (i.e., SMVSS) avails itself of government welfare schemes for the cooperative members; it undertakes awareness programs on health and nutrition, specifically focused on children; it conducts awareness drives to promote girl-child education and prevent child marriage.<sup>102</sup> The SMVSS networks with government agencies and NGOs in order to enhance its visibility and strengthen its voice.<sup>103</sup>

---

<sup>94</sup> Ibid at 92-95.

<sup>95</sup> Ibid at 93.

<sup>96</sup> Ibid.

<sup>97</sup> Ibid at 94-95.

<sup>98</sup> Ibid at 95.

<sup>99</sup> Ibid.

<sup>100</sup> Ibid at 89.

<sup>101</sup> Ibid.

<sup>102</sup> Ibid.

<sup>103</sup> Ibid at 90.

I have provided a brief overview of four organizational initiatives amongst informal workers in this section. Most of these organizations are organizations of women informal workers. In selecting organizational initiatives of informal workers, I wanted to identify the range of legal status of these organizations. Amongst the abovementioned organizations, while the SEWA is a trade union, the SMS is a society, the AMM is a charitable trust, and the SMVSS is a co-operative. Thus, there is a great diversity of legal status amongst the different organizations of informal workers. However, despite this diversity within the informal workers' organizations, functionally the organizations are strikingly similar. The organizations undertake a range of socio-economic-political activities with the active involvement of their members.<sup>104</sup> These organizations also network with the state organs and other non-government entities. Many of the programs undertaken by these organizations are different from functions traditionally associated with trade unions. By providing services and promoting political action, these organizations envisage to facilitate a well-rounded dignified life for informal workers. Based on my discussion of these organization initiatives, I offer a model for future organization of informal workers in the next section.

## **5. Proposed Model of Solidarity for Informal Workers**

The idea of a contributory, membership-based, and autonomous organization of workers is based on certain assumptions. These assumptions are: that the workers work together in an industry or establishment; that they are aware of the advantages of association; that they have reasonably sufficient information about the issues involving the stakeholders relating to their work; that they are aware of the social, economic, and political context of their work; and that they have an employer with whom they are to bargain in order to promote their interests. These

---

<sup>104</sup> Kapoor, supra note ---- at 561-565.

assumptions, rooted in the industrial production process, do not hold true for informal workers engaged in varieties of informal economic activities primarily in the developing regions of the globe.

Since these assumptions do not hold true for informal economic activities and informal workers, there is a visible gap between the enormous number of informal workers engaged in different activities and their membership-based organizations or trade unions (To CITE ----). However, it is not only through contributory, membership-based (as opposed to beneficiary-centered), and autonomous trade unions that informal workers are becoming part of an organization. As I have discussed earlier, informal workers are becoming part of organizations that are as varied as co-operatives, registered societies, and charitable trust. While in some of these organizations, such as trade unions and some co-operatives, informal workers are participants as autonomous equal members, for other categories of organizations, such as charitable trusts and some co-operatives, they are just beneficiaries. The primary difference between the membership-based and beneficiary-centered organizations is that functionally membership-based organizations adopt a bottom-up approach while the beneficiary-centered organizations adopt a top-down approach (even the top-downs and bottom-ups have different variations).

While a bottom-up approach to autonomous decision-making and functioning through trade unions might be more effective and indeed the preferable form of organization, in view of the contingencies surrounding informal workers and their *modus operandi*, I contend that informal workers' organizations need not conform to any definite *form* of organization. Their organization initiatives need to be based on the *functional necessities* of specific categories of

informal workers. For example, the genesis of the trade union initiative of informal waste-pickers in Kolkata had a functional and strategic underpinning.

The primary impetus for the formation of the trade union BPSSS came from two university faculties upon the advice of ILO officials based in Delhi. However, since the professors did not have much grassroots connection with informal waste-pickers they proposed and advocated the union formation to the NGO Calcutta Samaritans. Their objective was to integrate the NGO as a promoter of the trade union because the NGO provided access to the large number of informal waste-pickers in Kolkata. The NGO was already extending some program-based support to waste-pickers in Kolkata. However, the NGO was not concerned (and perhaps, not aware) about the systematic exclusion of waste-pickers from legislative and executive provisioning of the state. Moreover, the NGO did not envisage any kind of autonomous self-promoting mechanism for the waste-pickers. It was the university professors who suggested the NGO to promote a trade union of waste-pickers in view of their exclusion from law and policy. These promoters (university faculties and the NGO) of the trade union integrated some of the well known city intellectuals into the initiative. Integration of the city intellectuals gave visibility, *de facto* legitimacy, and bargaining strength to the trade union vis-a-vis the government. The WB NUJS legal aid society adopted the trade union as one of their projects and initiated an informal literacy program for the children of the waste-pickers (to be imparted by the legal aid society volunteers).

Integration of these different institutions and individuals made the trade union initiative a wider social phenomenon not limited only to the narrower perspective of the waste-pickers. Nonetheless, primarily, the initiative is a trade union initiative of informal workers. Waste-pickers were active partners all through the unionization process, from the very beginning when



the idea was mooted by the promoters of the trade union till the formation of the trade union. It was the waste-pickers working in different locations throughout the city of Kolkata who spread the word about the formation of the trade union; it was them who communicated the advantages of a membership-based organization to their colleagues; and it is them who hold the position of responsibility and decision-making within the trade union. This larger social participation with active involvement of waste-pickers generates power and opportunity for waste-pickers, who are otherwise the most marginalized of all informal workers, as is clear from their exclusion from informal worker-specific law and policy of the country.

However, there may be some serious and perfectly valid objections with respect to the formation of the BPSSS-type organizations. One of the primary objections could be that the trade union formation is a top-down initiative promoted by non-worker elites. Second, involvement of an NGO could be dubious. A significant number of NGOs are democratically unaccountable organizations; their agendas may be determined by their funding bodies; there are, sometimes lack of transparency in the functioning of some NGOs (To Cite ----). Accordingly, integration of NGOs might undermine the autonomy of the informal workers and their trade union movement. Such integration could also vitiate a trade union movement with transparency and accountability related suspicion. Third, institutions such as the WB NUJS Legal Aid Society (and the NGO) might dominate and dictate the agenda of the trade union. Workers voice might get lost in the process, and as a result, the trade union initiative might not become a grassroots movement.

As valid as some of these objections might be, the benefits of a socially broad-based organization of informal workers integrating many institutions and individuals outweighs the possible harms that might result from the inclusion of these abovementioned entities. I would like to point out that it is not only necessary for informal workers to organize by integrating these

(and other) different entities, it is absolutely essential that informal workers do involve as many entities and institutions as they could, because of the following reasons. First, because of their nature of work informal workers need to bargain mainly with the state (primarily the government) and not with the employers. Accordingly, their priority should be enhancing their bargaining power against the government rather than an employer (when one exists).

Considering their marginalization, illiteracy, lack of awareness, informational deficiency, by themselves they are unable to generate enough political power in order to influence the government (or the state mechanism). This is evident from the exclusion of informal workers in Kolkata from the government scheme of things. Therefore, it is beneficial that informal workers involve as many institutions and individuals as might help them enhance their bargaining power against the state.

Second, under existing circumstances of impoverishment and marginalization of informal workers in developing countries, informal workers need not concern themselves about long-term goals and consequences of their organizing initiative. They need to think primarily about availing themselves short-term benefits and advantages. Instead of aiming for a grandeur goal, it might be strategically more effective for informal workers to aim to achieve incremental advantages in furtherance of their interests. This strategy of organization of informal workers is close to (but not identical to) what Klaus Peter Rippe calls the *project-related solidarity*.<sup>105</sup> While Rippe's project-related solidarity aims to solve one particular problem, my proposed organizational model need not limit itself to address *only one* particular agenda. Many issues (not one) could be dealt with by the proposed organization model, but, these issues should be of immediate significance to informal workers. My case study of informal waste-pickers' organization initiative shows the wide gap between the Indian constitutional guarantee of a well-rounded

---

<sup>105</sup> Klaus Peter Rippe, "Diminishing Solidarity" (1998) 1 Ethical Theory and Moral Practice, 355 at 357-58.

dignified life and the realities of waste-pickers' exclusion from such guarantee in Kolkata. It would be difficult, if not impossible, to bridge this gap by adopting only an adversarial approach towards the state (I am not considering the possibility of a revolution here). As the experiences of the other organizations of informal workers discussed earlier show, a cooperative but occasionally agitational approach towards the state can slowly but surely facilitate better conditions for informal workers. In order to adopt such a strategy informal workers' associations need to be socially broad-based.

Therefore, thirdly, I propose that temporary coalitions are more important than permanent forms and frameworks for informal workers' organization initiative. Specific categories of informal workers need to ascertain what institutions and which individuals might be important for their specific circumstances. To be sure, the choice of integrating outside entities is not always in the hands of informal workers – a significant part of that choice depends on chance factors and priorities of the other entities. As the case may be, it is possible, as my case study shows, that temporary coalitions can become vital in the organization initiative of informal workers. One would expect that some of these temporary coalitions might evolve to take more permanent shapes.

Fourthly, for the success of organizations and coalitions of informal workers, I argue that it is necessary to decide agendas for the respective organizations locally. Such localized determination of agendas and priorities for organizations of informal workers also mandates that organizations should be decentralized (rather than a centrally controlled union structure) and based on local social fabric. Such decentralized organization is helpful because locally based organizations need not conform to any centrally adopted ideology, policy, or strategy. The flexibility in the form of organization (eg. trade union or co-operative) also needs to permeate the

agenda. Informal and atypical workers suffer from myriad forms of deprivation and marginalization that are characteristically different from formal industry-based workers. The work-life proximity and balance is central to informal economic activities. Accordingly, the agendas that informal workers need to be concerned with should be locally decided and informal activity specific.

In the organizational agenda setting context a valid objection could be (as I point out earlier) that workers' voices are lost amongst multiple coalition entities. While one cannot deny the possibility of domination by more assertive coalition partners, I would like to offer an anecdote in the BPSSS context in order to suggest that when informal workers have adequate information and are given the responsibility of owning their decision, they are capable of asserting their own opinion and ready to face its consequence. After its formation, the BPSSS has received some modest funding from another trade union and some well-wishers. The executive committee of the BPSSS was made aware of the total amount of funding and was requested to advise the account-keeper (a non-waste-picker member of the BPSSS) as to how to use the available funding. The committee discussed ideas of using the fund either for buying security gears for waste-pickers (such as gloves, boots), or buying a group medical insurance for BPSSS members. The non-waste-picker members of the executive committee (primarily the intellectuals) were certain that waste-picker members would choose to buy security gears because the benefits would be readily visible. However, to the utter (and pleasant) surprise of these intellectual members of the trade union, the executive committee decided to get a group medical insurance with the available funding.

The organization model I offer in this essay needs to involve the instrumentalities of the state as partners, rather than adversaries. A state consists of the government, the legislature, the

judiciary, members of parliament, opposition parties, local administrators, and local elected representatives. In my proposed model, some of these constitutive entities of the state need to be integrated in the organization process of informal workers. Additionally, non-state entities such as NGOs, research institutions, activist societies, and even universities could also become coalition partners in the organization process of informal workers. Seeing the constitutive entities of the state as partners rather than adversaries could be advantageous for informal workers in bargaining with the state. However, this partnership might also bring its own problems; I spare this essay, because of the lack of space, from discussing the adverse effects of partnering with state institutions. Even though the adverse effects of such partnership are worth analyzing, for my immediate concern of informal workers' organization model, such partnership seems a beneficial strategy.

The proposed model of organization of informal workers needs to be seen as a *flux* or as a *transient* framework, which lacks a definite form and characteristics – apart from the end-goal, the process too is important.<sup>106</sup> Instead of any long term goal, organization initiative of informal workers should engage with immediate agendas that are important to improve their conditions. The proposed model seeks to enhance informal workers' bargaining power through the strategies of, what Robert Putnam and Kristin A. Goss term the *bonding* and the *bridging* axis.<sup>107</sup> While waste-pickers can bond amongst themselves because of their shared or similar work-life experiences, they need to bridge and network with other entities that are empathetic to their cause and identify with their goal, in furtherance of their act of solidarity.

---

<sup>106</sup> Graham Crow, "Social Solidarities" (2010) 4: 1 Sociology Compass, 52 at 54.

<sup>107</sup> See Robert D. Putnam, *Bowling Alone* (New York: Touchstone, 2001) at 22-24, 28; also see Robert D. Putnam & Kristin A. Goss, "Introduction" in Robert D. Putnam ed, *Democracies in Flux – The Evolution of Social Capital in Contemporary Society* (New York: Oxford University Press, 2002) 3 at 11-16. Also see Crow, *ibid* at 57-58.

In the context of the United States, Robert Wuthnow notes that organizations and networks have failed to bridge between *privileged* and *marginalized* groups.<sup>108</sup> Marginalized groups in the United States remain outside organizational membership because of their gradual disempowerment.<sup>109</sup> Such situation is comparable to informal workers in India, the majority of whom remain outside any organizational structure. However, in advocating the bridging of informal workers with other entities, my proposal does not envisage the bridging of privileged and marginalized groups so that the privileged can promote the marginalized groups' cause. In my proposal, the specific informal workers who are organizing should ultimately be autonomous – if the organizing workers are not autonomous, i.e., the ultimate decision-making power do not rest with them, my proposal fails. Any bridging with other entities should be initiated on the terms set by the organizing informal workers in furtherance of their strategic agenda. These nuances could be further developed in the context of informal workers' organization. I do not undertake such theoretically informed analysis in this essay because I wanted to chart some preliminary implications of a specific organization strategy of informal workers.

## 6. Conclusion

In this essay, I propose making use of small opportunities and building wider social networks in furtherance of an organization-mediated improvement in informal workers' lives. My proposal assumes the existence of a vibrant and reasonably functioning democracy. In this essay, my specific focus has been the organizations of informal workers in India. I show that

---

<sup>108</sup> Robert Wuthnow, "The United States: Bridging the Privileged and the Marginalized?" in Robert D. Putnam ed, *Democracies in Flux – The Evolution of Social Capital in Contemporary Society* (New York: Oxford University Press, 2002) 59 at 79-83, 95-102.

<sup>109</sup> Ibid. In Wuthnow's study, marginalization of groups depended on factors such as income, education, race, and number of children. These factors of marginalization are comparable to informal workers in general and the waste-pickers I interacted with in India in particular. Ibid at 81.

varieties of informal workers' organizations are facilitating informal workers' constitutionally guaranteed dignified lives through active participation of such workers. These organizations are making use of the available opportunities in furtherance of small but long-ranging positive difference in workers' lives.

However, the model of organization for informal workers I propose can only work incrementally. The drawback of the proposed organization mechanism is that it is incapable of bringing in radical changes in socio-political structures, which might be necessary for significant changes in the lives of informal workers. Moreover, when institutions of the state are involved in the organization process (as I propose they should, along with non-government entities) and are part of the workers' movement, there is a serious possibility that workers' movement is susceptible to government or state pressure. Nonetheless, one need to be mindful that my proposal is contextualized in the backdrop of the marginalized and precarious informal workers, who remain excluded from state laws and policies, and seriously lacks bargaining power. The incremental, wider social network-based, somewhat fluid, short term agenda-centric organization mechanism is only the initial stage in furtherance of their bargaining power.

---