

SWS-RLS Occasional Paper 10

# GENDER, INFORMALITY AND ORGANISATION



Chitranka Banerjee  
Bratati Mukherjee  
Saurabh Paul

## **Gender, Informality and Organisation**

School of Women's Studies  
Jadavpur University

Rosa Luxemburg Stiftung  
Germany

Published in India by  
School of Women's Studies,  
Third Floor, Rabindra Bhavan.  
Jadavpur University. Kolkata 700032. India.

Sponsored by the Rosa Luxemburg Foundation e.V. with funds of the Federal  
Ministry for Economic Cooperation and Development of the Federal Republic  
of Germany.

Gefördert durch die Rosa-Luxemburg-Stiftung e.V. aus Mitteln des  
Bundesministerium für wirtschaftliche Zusammenarbeit und Entwicklung der  
Bundesrepublik Deutschland.

© School of Women's Studies, Jadavpur University

The moral right of the authors has been asserted

First published in October 2015

ISBN: 978-93-83660-28-5

Cover design and layout by Hardik Brata Biswas

Typeset in Garamond

by Tradecon, Kolkata 700009

Printed in India by Tradecon, 12 Biplabi Pulin Das Street, Kolkata 700009.

## CONTENTS

Foreword	i
Preface	ix
Rights, Identity and Unionisation: Organising Women Domestic Workers in Contemporary West Bengal <i>Chitranka Banerjee</i>	1
Notes	43
From Domestic work to Beauty work: Gender, Informality and Organization <i>Bratati Mukherjee</i>	53
Notes	84
Informal Labour, Informal Politics: A Case Study of Auto-Rickshaw Operators in Kolkata <i>Saurabh Paul</i>	89
Notes	110

**Informal Labour, Informal Politics:  
A Case Study of Auto-Rickshaw Operators in Kolkata**



## **Introduction**

More comfortable than the public bus and cheaper than the taxi, auto rickshaw is the preferred option of public transport to cover short distances, not only in the city, but also in the suburbs of Kolkata. The easy accessibility of auto rickshaws in the city and its suburbs is another reason for its reliability. Newspaper reports in the past few years reveal a remarkable shift in the number of passengers accessing public vehicle, from buses to auto rickshaws. The passengers mostly represent the urban middle class. Unlike the other public vehicles in Kolkata, auto rickshaw operators have been well known for their uniqueness with regard to their organised protest and presence on road. The leading newspapers in the city have reported about illegalities in auto rickshaw sector and regular disturbances created by auto rickshaw operators. These reported nuisances by the drivers and associated paralogalities in the sector are known to have strong association with the massive political support behind this sector. The auto rickshaw transport, as an informal sector, has a strong organisation and trade union, which is affiliated to political parties. The paper will focus on i) how auto-rickshaw operators act as support and resource for the political party in informal terms, especially at the level of neighborhoods and ii) how this becomes an impediment to any attempt at formalization in terms of legalizing their status within the transport system or providing systematic solution to questions of labour rights and welfare measures.

### **Ambiguities in the legal space**

Tracing back to 1983-84, the erstwhile Left Front led Government in West Bengal introduced auto rickshaw as a mode of public transport under the 'self-employment' scheme SESRU (Self-Employment Scheme for Registered Unemployed) targeting the educated unemployed youths in West Bengal. There has been a change in the types of permit issued to auto rickshaw operators since its inception in the early

80s till date. They were initially given the permit to ply as contract carriage, which refers to the kind of public transport working on an agreement between the driver and the passenger, in order to travel at a particular time from one place to another. They were then given the 'Calcutta Permit' which enabled them to move everywhere in Kolkata, similar to the motor cabs or taxis. The area of operation of auto rickshaws, during those times, stretched from the airport on the one side to Dakshineswar on the other. They had unrestricted mobility in both North and South 24 Parganas. The vehicles were free to operate with or without a meter and fares were decided according to meter readings or through agreement between the driver and the passenger. Later, the North South Permit was introduced which restricted the movement of the vehicle in the city, as auto rickshaws with a North Calcutta Permit could not travel to South Calcutta and vice-versa. North South Permit was followed by the introduction of Block Permit, allowing the auto rickshaw to move only within the jurisdiction of a police station. For example, the Jadavpur permit allowed the vehicles to travel in areas covered by the particular police station of the area, i.e. Jadavpur Police Station. After the North-South Permit, the Twenty Eight Days Permit was issued for a short span of time. While auto rickshaws started to run on routes in the late years of 1990s, it was only in April 2003, the West Bengal government declared formally that auto rickshaws can ply on specified routes. The present status of auto rickshaws running in particular routes is an outcome of that formal declaration. The auto rickshaws now run on routes formally specified by the Route Transport Authority (RTA) of the Government of West Bengal. The RTA issues contract carriage permits to the drivers. These permits have the routes mentioned.

It is important to have a look at the existing laws related to the transport sector. We find that there is no mention of auto rickshaw in Motor Vehicles Act 1988, which is a Central Act to consolidate and amend the law relating to motor vehicles in India. According to legal experts, the Motor Vehicles Act 1988 is applicable for the four wheelers and above and therefore it does not include the auto rickshaw. An auto rickshaw is only included in the category of the 'motor cab' in the West Bengal Motor Vehicle Rules, 1989 where a motor cab, is defined as a 'motor vehicle constructed or adapted to carry not more than six passengers excluding the drivers for hire or reward'. The Central Act of 1988 identifies the motor cab as 'contract



carriage'. The Act has a clear differentiation between contract and stage carriage, with the stage carriage defined as a system of transport which runs on a fixed route. The fare is fixed according to each stage. Both the fare and route are fixed by the RTA. Bus is an example of stage carriage. Table 1 lists distinguishing features of contract carriage and stage carriage. Thus we see that auto rickshaws are running with an amalgamation of features of both contract and stage carriage. For example, while on one hand it carries four to five passengers, it runs on specified routes, on the other. The RTA in Kolkata<sup>1</sup> had confirmed that 10,000 registered auto rickshaws were running in the city. Our findings have also revealed that the number of unregistered auto rickshaws running in Kolkata exceeds the number of registered vehicles. From our interviews<sup>2</sup>, with the government officials, trade union leaders and operators, we have arrived at the number of unregistered auto rickshaw in the range between 30,000 and 70,000. An important daily of Kolkata reported that while the official count of auto rickshaws in Kolkata and its adjoining areas was 32,000, the actual count in the region was 62,000. The daily reported the existence of 30,000 illegal or unregistered auto rickshaws in Kolkata and its adjoining areas. According to the news paper report, while the official count of routes registered by the RTA was 125, there were 180 operational routes in reality.<sup>3</sup>

**Table-1: Classification of stage carriage and contact carriage according to the Motor Vehicles Act, 1988**

Issues	Stage Carriage	Contract Carriage
Route	Specified by the RTA	No route required.
Fare	Specified by the RTA	Should be charged according to the meter.
No. of passengers	Can carry more than 6 passengers	Can carry not more than 6 passengers.

Source: Motor Vehicles Act, 1988

An important feature in the case of auto rickshaw is the ways in which its routes and fares are fixed. The trade union leaders and auto rickshaw operators have admitted that it is the trade union which generally decides the fare. In case of deciding the routes, apart from the trade union, many auto rickshaw operators have mentioned that the police have always played a vital role. During the formal

declaration of routes by the Left Front Government, the CITU, i.e. the trade union affiliated to CPI (M), was ruling in absolute majority in the auto rickshaw sector. Our findings have revealed that the government had relied on the CITU trade union leaders, who had played a major role in deciding the routes. The change of the ruling party at the state level in 2011 has promptly been followed by the change of the union's majority in this sector. Since 2011, INTTUC, the trade union of the Trinamool Congress, has outnumbered the CITU. Hence, it was the INTTUC which ruled decisions on fare and further changes of routes. In the interviews and talks with the team members of the Labour and Gender Project, the auto rickshaw operators and trade union leaders have admitted that the fare is decided either by the consensus of the operators in a union of that route or by the leaders themselves (see table-2). Many official routes, fixed by the RTA, are not actually in use. This has been a result of either police intervention, where the police have intervened to avoid traffic snarls or due to operators' interest. Our findings reveal that the union has always been the authority in deciding the fares. Majority of the drivers (81.0%) and the owners (76.7%) admitted that the fare of auto rickshaw is decided by the unions. 17.4% of the drivers and 10.8% of the owners said that it is decided by the drivers and owners of auto rickshaw. Only 3.3% of the owners said that it is decided by the ministry of transport. An even lower percentage, only 0.8% of the drivers mentioned that the fare is decided by the RTA and 0.8% pointed that they were unaware of this decision. Only 0.8% of the owners mentioned that the fare is decided by PVD. There are many fragmented

**Table-2: Decision of fares for routes of auto rickshaw**

Who decides the fare for route?							
	Ministry of Transport	RTA	PVD	Unions	Drivers & owners	Don't Know	Others
DRIVER	0	0.8%	0	81.0%	17.4%	0.8%	1.7%
OWNER	3.3%	3.3%	0.8%	76.7%	10.8%	0	0.8%

routes popularly known as *kata route*<sup>4</sup> found aplenty in the city, as admitted by The Vice Chairman of Public Vehicles Department (PVD), Colonel Sabyasachi Bagchi<sup>5</sup>



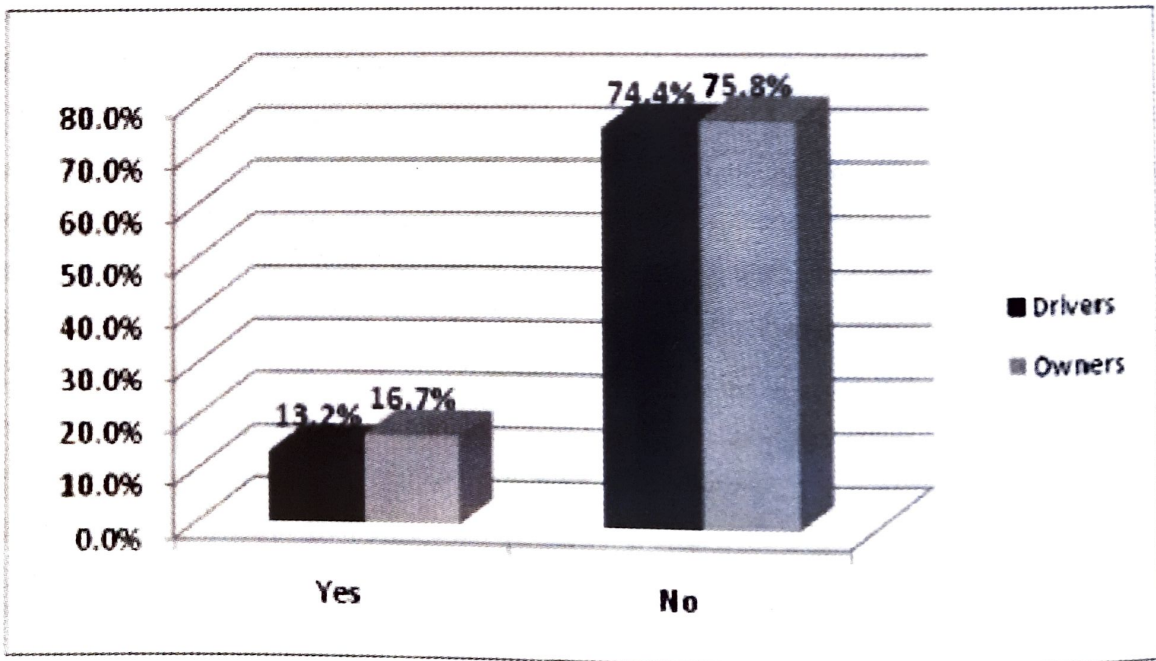
to us. These features add to the para-legality of the auto rickshaw sector. Like the previous government, the new government has not yet come up with any initiative to address the issue of para-legality in this sector. Their only initiative of the state government in this regard has been to include auto rickshaw in the Motor Vehicles Act 1988 by formulating Motor Vehicles Rules 1989. This move, however, has been regarded as constitutionally invalid by senior advocates. Supriyo Roy Chowdhury, Senior Advocate, Calcutta High Court, said that the Motor Vehicle Act, 1988 was applicable for the 4 wheelers. Therefore that did not include the auto rickshaw. Though the government of West Bengal had adapted a Motor Vehicle Rules in 1989, which was constitutionally invalid option for the inclusion of the auto rickshaw in the central Motor Vehicle Act.<sup>6</sup> These indicators of para-legality discussed above hinder auto rickshaw operators' demands for their legal rights as transport workers. The context in which auto rickshaws were introduced in West Bengal will add another dimension to this limitation.

An auto rickshaw worker was defined as 'self-employed' in the SESRU scheme of West Bengal in 1983. This was not applicable in case of auto rickshaws in the other states of India viz. Tamil Nadu, Andhra Pradesh, Tripura, etc. where auto rickshaws were not introduced under any 'self-employment' scheme. However, our interactions with different actors in this sector, namely passengers, trade union leaders, government officials, etc. revealed that gradually auto rickshaw owners in Kolkata started appointing drivers. The category 'self-employed' thereby lost its efficacy in describing auto rickshaw operators in totality. This category of auto rickshaw worker which comprised only owners till then now is consisted of both owners and drivers. Moreover the Motor Vehicles Rules, 1989 prescribes the duties of auto rickshaw drivers only as self-employed individuals; their workers' rights do not find a mention there. Neither do we see this included in the Motor Vehicles Act, 1988 or in the Motor Transport Workers' Act, 1961. Thus the issue of workers' rights in West Bengal becomes complicated with auto rickshaw workers comprising both drivers and owners. This problem is non-existent in the states of Tamil Nadu, Andhra Pradesh, Tripura, who have passed the minimum wage provision for the auto rickshaw workers.<sup>7</sup>

The West Bengal government however included auto rickshaw operators as beneficiaries in a social security scheme for transport workers called West Bengal

Transport Workers' Social Security Scheme, 2010. This scheme was formulated under the provision of the State Social Security Board which was made on the basis of the Central Act, called Unorganized Workers' Social Security Act, 2008. The Act defines 'transport workers' as those 'who are unorganised workers and, associated with the automobile sector, working in the vehicles which are used in commercial purpose.' The scheme includes auto rickshaws along with other vehicles such as bus, taxi, lorry, etc. This scheme covers not only the worker, but also the 'dependents' of the worker, which includes wife, son less than 21 years and the girl child, with no age bar for divorcee and widow daughters. The benefits of the scheme include pension, death benefits, medical benefit, maternity benefit and benefit for permanent disablement. Though auto rickshaw operators have been included in this act formulated by the state government, the number of beneficiaries is very low. In our qualitative study, drivers have admitted their failure in renewing their cards. Graph-1 shows that 74.4% drivers and 75.8% owners have denied being registered under this scheme. Only 13.2% drivers and 16.7% owners are registered under this social security scheme, revealing a very low number of beneficiaries.

**Graph-1: Membership of auto rickshaw operators in social security schemes**



As already discussed above, auto rickshaws in Kolkata operate within a legal limbo; they are not quite illegal but nor are they fully legal. There has been virtually no



attempt to improve their working conditions or to bring them under the protection of labour laws or provide them welfare measures. In case of existing schemes, beneficiaries are a bare minimum. Our study has revealed a complex relationship between auto rickshaw operators, trade unions and political parties in Kolkata.<sup>8</sup> Moreover despite being a part of informal sector and placed at the edge of law, they have one of the strongest trade unions in the city as they have repeatedly demonstrated, due to which they can bring the city to a standstill by blocking the roads. It is in this context that we look at the role of trade unions in the auto rickshaw sector in further details.

### **Trade union and informality**

There is an urban legend regarding the operators and their daily confrontations with the police, passengers and the general public. It is believed that the operators have got away with such illegalities and violence because of their importance to political parties, who have used the auto rickshaw operators for mobilising their electoral machinery. My argument is two-fold: first that this perceived mutual dependence is premised on the informal, indeed paralegal, character of the sector and second, the dynamics of this relationship is not as 'mutual' as it is usually perceived. We have already discussed a number of points about legality and workers' rights which have laid bare the vulnerability of the individuals directly related to this sector. Despite all these limitations, the auto rickshaw sector has one of the strongest trade unions in the city and they have repeatedly demonstrated their ability to bring the city to a standstill. Since the 1980s, Kolkata has experienced violent protest of auto rickshaw operators firmly backed by the unions. Gopal Sutar<sup>9</sup>, secretary of INTTUC in South Kolkata, spoke to us<sup>10</sup> about the first violent protest organised by the auto rickshaw operators launched in the late 1980s in Tollygunge area where the gathering of auto rickshaw drivers was brutally crushed by the police. The media in West Bengal, in the past few years, has reported about the disturbances created by or due to the auto rickshaw operators in Kolkata and its suburbs.<sup>11</sup> We have lot of news on atrocities by auto rickshaw drivers, particularly in the last few months of 2013 and the initial months of 2014. The media has openly accused the operators for hooliganism. On 29 January 2014, news papers in Kolkata reported a violent confrontation between drivers and the police in the Palmer Bazar area of Tyangra, Kolkata, where auto rickshaw drivers beat up the outnumbered police.<sup>12</sup>

However the operators have a different version on the incident where 'Md. Salauddin, an auto driver, present at the spot, in Tyangra, claimed that it was the cops who were harassing them since Monday. "They were not even checking our papers and fining us Rs.3000 for violating Motor Vehicles Act. When we protested and asked the traffic sergeant at Palmer Bazar to let us go, he suddenly smashed an auto windscreen and then lathi-charged at us. As we beat a hasty retreat a driver staying in Tangra – Israel – fell on the road where he was beaten up with a baton in front of his family members. We rushed him in a goods van to NRS Hospital where his condition is critical." The police denied the claims alleging that the auto rickshaw drivers first attacked the traffic cops on duty, when the police tried to issue challans to drivers carrying more than four passengers in their vehicles.<sup>13</sup> There were other reports on helplessness of the police in curbing the menace of auto rickshaw operators on road due to political backing of the trade unions. A report in 'The Statesman' describes about the action of Salt Lake police on the unregistered auto rickshaws, stating that there were 50,000 illegal auto rickshaws among the total number of 1.20 lakh operating in Kolkata and its adjoin areas .<sup>14</sup> The leading dailies in Kolkata also regularly reported violence on passengers by the drivers. One of the reports claimed death of a senior citizen in south Kolkata (near Baghajatin area, Raja SC Mullick Road) due to the rash driving of auto rickshaw at night.<sup>15</sup> Many cases of harassment of women and children were also reported during these months. There was a report on auto rickshaw drivers harassing a freelance photographer attached to a media house when he was trying to take a photograph of some alleged 'illegalities' of the drivers.<sup>16</sup>

The newspapers also reported the involvement of the Transport Minister in handling the atrocities of the operators on road. On 10 January 2014, there was news about the initiative of Transport Department, West Bengal to form a panel to investigate the ongoing trouble in the auto rickshaw sector.<sup>17</sup> Newspaper reported about the Transport Minister Madan Mitra's threat to the operators who were creating disturbances.<sup>18</sup> Another media report<sup>19</sup> released during this time increase our curiosity about the nature of this sector and can be mentioned in this context. The INTTUC, the trade union of Trinamool Congress, too stepped in to handle the disturbed situation. Its president Dola Sen spoke to the 'The Telegraph' regarding the wish of the Chief Minister and the party line to not hike auto rickshaw fare. The drivers



were obviously unhappy given that they were struggling with inflation in fuel prices. The leader of the trade union appeared to be voicing the government without being least concerned about the anguishes of auto rickshaw drivers. Thus it was clear that though the trade union affiliated to the ruling party claim to play a benevolent role for auto rickshaw operators, they act as representatives of the political party and prefer to toe with the party line. The para-legal status of the auto rickshaw operators does not allow them to voice their opinion against the diktats of the trade union leaders. The leaders among the operators too remain helpless and are unable to prioritise their rights as union demands. The only concern that trade union leaders show is regarding police action on drivers. The interviews with auto rickshaw drivers suggest that their unions take care of them in case of police atrocity or dispute with the passengers.

We have seen a sudden and massive change in trade union affiliation in 2011. Our findings<sup>20</sup> revealed that 53.7% of the drivers and 48.3% of the owners have changed their union affiliation while being in this profession. The figure in graph-2 shows that among 243 interviewed operators, 65.3% drivers and 59.4% owners were a part of CITU till May 2011. The percentage of membership of the drivers in INTTUC and INTUC were 1.4 in both the unions. 2.9% of the owners were identified to be a part of INTTUC previously. When the operators were asked about their shift in affiliation of trade unions, it was surprising to find that none of the operators referred to the change in power at the state level. As if there was no connection between their apparent shifts of political affiliation to the Trinamool Congress and the change of political power in the state. It is surprising that a long-entrenched political equation between operators

**Table-3: Change of union affiliation by the operators during 2011**

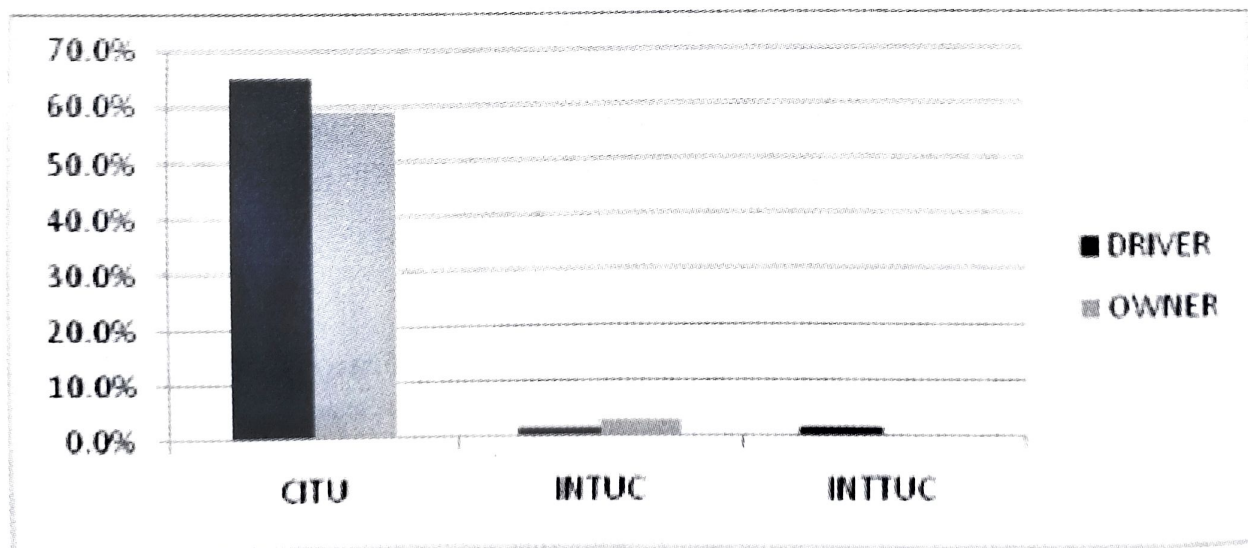
CHANGE OF UNION AFFILIATION		
	YES	NO
DRIVER	53.7%	40.5%
OWNER	48.3%	45.0%

and political party to which they were affiliated was overturned so quickly and so easily without apparently unsettling the sector in any way. However, the new government changed nothing. Attending processions and meetings of the political

party to which the union is affiliated, collection of funds for those gatherings and other purposes of the political party had been in practice since the Left Front regime. Apart from daily, weekly and yearly subscriptions and collection for funds, the auto drivers also contribute for processions and meetings like party events at Brigade Ground, claims Rakesh Kumar Yadav, an operator in Ultadanga.<sup>21</sup> Irrespective of whether the drivers understood the importance of May Day, they had to attend the routine celebration by the left affiliated union every year. When they are asked during the interviews in 2013-14 whether they continue celebrating May Day, most of them replied in the negative. Did they celebrate May Day during the Left Front rule because they believed in the ideology and importance of the day or was it just a compulsion? Their shift in their political loyalty with the shift in political power seems to have the clue to the answer.

The membership of a certain union implies the individual's support to the political party to which the union is affiliated to. Since the Left regime, the auto rickshaw drivers are attending processions, meetings and participating in the pre-election activities of the party to which their

**Graph-2: Union membership of operators till May 2011**



unions are affiliated to. The Left Front recruited these urban informal workers as their party cadres. They have been highly visible in the public sphere due to the political strength of their unions which has been dubbed by the media as 'Auto Raj'<sup>22</sup>, in the last few years. Unlike other public transports, such as bus and taxi,

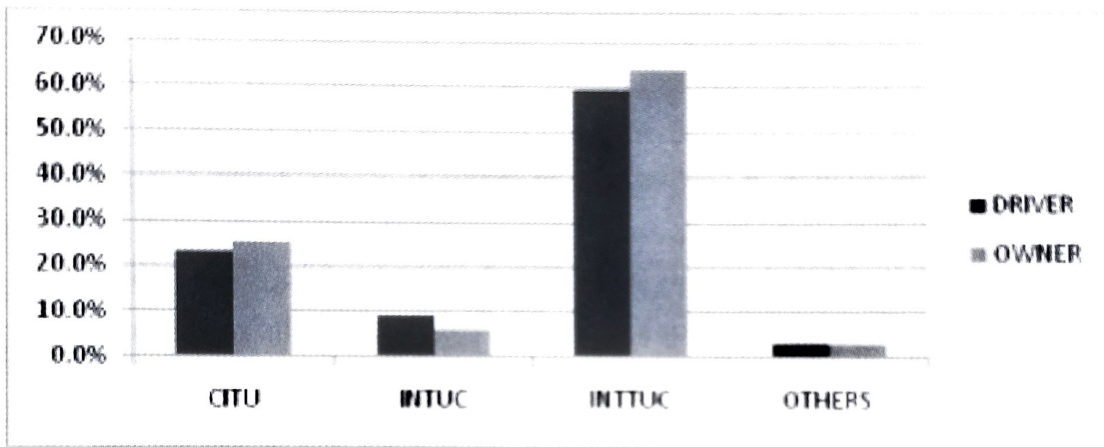


which have extreme long routes or no routes, auto rickshaw has its reach and strong hold over small zones like Garia, Jadavpur, Sinthi More Dum Dum, Dunlop More, Bara Bazar, Beck Bagan, etc. This hold becomes easier because of the presence of stands and unions in every route. The presence of the unionized groups in localities seem to be benefitting the political party, which feels its presence and hold in the areas and zones through the organization of these auto rickshaw operators. Despite its illegality, neither the ruling party nor the government opposed the introduction and existence of routes in auto rickshaw sector. The benefit in terms of powerful hold over areas and zones of auto rickshaw seems to be a major benefit for this decision. This may have also had some bearing on the decision behind the formal declaration of routes for auto rickshaws by the Left Front Government in 2003. The auto rickshaw drivers depend on the unions so that the later can save them from their daily problems of livelihood, especially caused because of their para-legal status. They have always returned the favor by contributing to the party by working as cadre for it, both before as well as during elections. This is not to say that auto rickshaw operators do not support the party due to their personal choice or ideological beliefs. The understanding of the dynamics of this connection needs further detailed research.

However, the overnight change in the political colour of the union in the routes in 2011 questions this perception. 'We are united right now, all those who were with CITU previously have joined us, and there are no such problems anymore', said Debasish Sarkar,<sup>23</sup> a driver from Garia, when he was asked about existing conflicts between two unions over the issue of deciding routes. Apart from the participation in formal politics, the political parties have always nourished the operators in different ways to win elections. Moreover, in a democratic set up where the votes decide everything, political parties go the extra mile to assure that votes are gained even if by the virtue of informal politics. These informal groups, in many ways, act for these parties with the hope that if their party wins, they may enjoy an advantageous position despite or because of the informality of their sector. The political ruler rather than the political party or ideology has been more valuable to the operators for the continuation of their existence. In his interview Biplob Das<sup>24</sup>, a driver in Garia-Sonarapur route, says that they have only one union, all the members of CITU have shifted their affiliation to INTTUC in 2011. Our finding reveals that 59.8%

of the drivers and 64.1% of the owners are a part of INTTUC union and 25.2% of the owner and 23.4% of the drivers are part of CITU union. Only 9.3% of the drivers and 5.8% of the owners are a part of INTUC. Thus, not all operators have changed their affiliation to the INTTUC. However, decision-making and power resides with operators who are members of ruling party union. The perceived mutual dependence is premised indeed on the informal and

**Graph-3: Operators' membership of trade union during the survey, October 2013 to March 2014.**



paralegal character of the sector. Two questions arise at this juncture; first, what is the actual role played by the union in these years and secondly how much the dynamics of the relationship between the political party and the operators is 'mutual'.

The second question was most evident when there was a court-directed conversion of auto-rickshaws from 'two-stroke' to 'four-stroke' in West Bengal. The Left front led government in West Bengal was not in sympathy with the decision of the court and had been delaying its implementation for about four years. In 2009, the government had no option but to implement the verdict of the Calcutta High Court<sup>25</sup> which ordered the conversion in response to a Public Interest Litigation filed by an eminent environmentalist, Subhas Dutta. When the government finally embarked on the process of implementation, there was a huge tension between the operators, trade unions, the party and the government. Different actors in this drama pulled in different directions. There were huge protests. It is true that the government took up this project only at the insistence of the judiciary and was fully aware of the possible political costs, but they made very little effort to mitigate



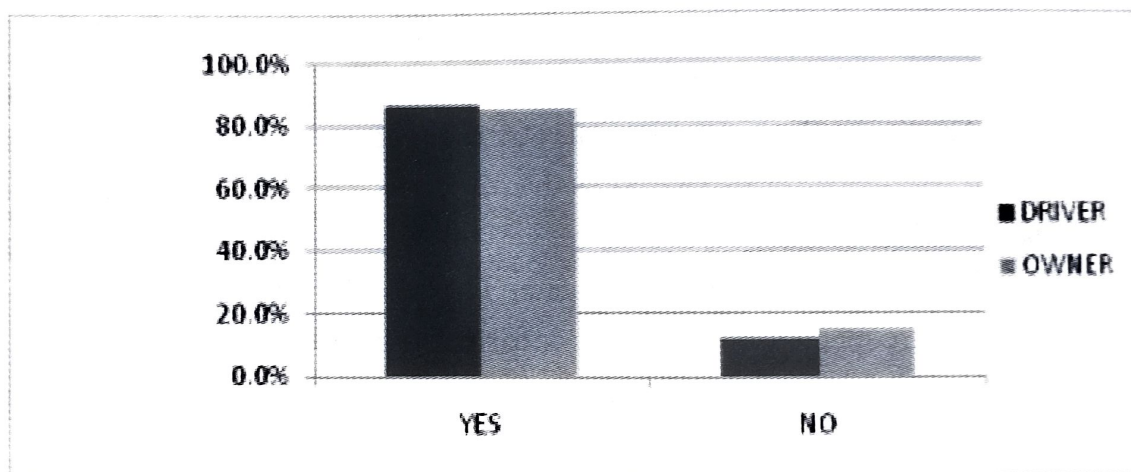
these costs with governmental solutions such as compensations, adequate loans, arrangements with banks and other measures routinely adopted by state governments elsewhere (such as Delhi and Mumbai). The government (or the ruling party) had either taken the support and dependence of the operators for granted or they had left all the hopes of their sustenance in power. This incident demonstrates the operators' vulnerability and the government's relative carelessness. There has been, therefore, very little by way of civic services and welfare benefits forthcoming from the state. The INTTUC has become the dominant trade union leading the operators; and yet no new law or policy has been made to reward their switch in loyalty. The operators remain in the same legal limbo previously inhabited by them. It appeared as though, given the unemployment situation in West Bengal and the operators' dependence on the auto for their survival, they had no option but to ally themselves with the party in power. This strategy was further dictated by the very fact of their legal uncertainty and their existence was contingent on the indulgence of the government. While the state does enter into negotiation with the operators, despite the illegalities of their situation and their activism, the persistence of informality (or para-legality) also weakens the operators' ability to bend the state to their demands. There has been, therefore, very little by way of civic services and welfare benefits forthcoming from the state. The role of the union in this case deserves to be introspected. Despite the informal nature of the sector with the existing para-legalities, the auto-rickshaw sector is highly organised under the trade union.

### **Trade union and politics**

John Harriss has observed 'politics' as the only resource available to informal workers and their valuation in the electoral democracy can be understood only in the context of their participation in politics.<sup>26</sup> In the case of the auto rickshaw operators, platforms like the trade union play a vital role. It appears that these drivers exist on the power of their unions, but are helpless in availing what they deserve from the government, as workers in informal sector. The field interviews demonstrate the relation between the individual operator and his trade union. Responding to the question, whether he has changed his union or not, Hari Biswas<sup>27</sup>, an operator from Dum Dum says, 'you have to be with the people who are in power, be with the flow. If you want to exist in the transport sector, then you have to support those who are

in power.’ Replying to another question on whether membership of union is mandatory, he continued, ‘it is not mandatory, when you are in driving, anything can happen on road, you can be treated as badly as animal. But union’s protection can save you in such cases.’ Another operator, Rakesh Kumar Yadav<sup>28</sup> says that it is not mandatory to be a member of the union. However, he adds that it is better to be a member because the union is their guardian in this profession. Our findings reveal that while 86.8% of the drivers and 85.0% of the owners are members of the trade union, 15.0% of the owners and 12.4% of the drivers are not a part of any trade union. On the issue of new appointments as drivers on the route, an operator, Shantanu Sen’s<sup>29</sup> statement may give a clear idea about the ‘apparent’ unconditional authority of the union. He says anyone

**Graph-4: Membership of trade union**



can appoint any persons his vehicle’s driver. But generally the person recommended by the union is appointed, as he is a familiar person, and it is not safe or even logical to appoint someone who is unknown. Another auto driver, Ajit Roy<sup>30</sup>, says that obedience to the union is persistent, whether it is CITU or INTTUC. This helps them to survive on road. Answering the question regarding whether the union leaders in their route are drivers or owners, Ajit Roy<sup>31</sup> says that the top leader of his route is a leader of the ruling party, TMC. Recently due to his absence, his wife has taken the charge of this route. Hanif Gaji<sup>32</sup>, an operator from Garia, has similar views to that of Ajit Roy<sup>33</sup>. According to him, the general secretary of his route is a leader of Trinamool. The drivers of the routes generally assist him in managing the route related affairs. Thus, the power obviously does not lie with the operators but with the union leaders.

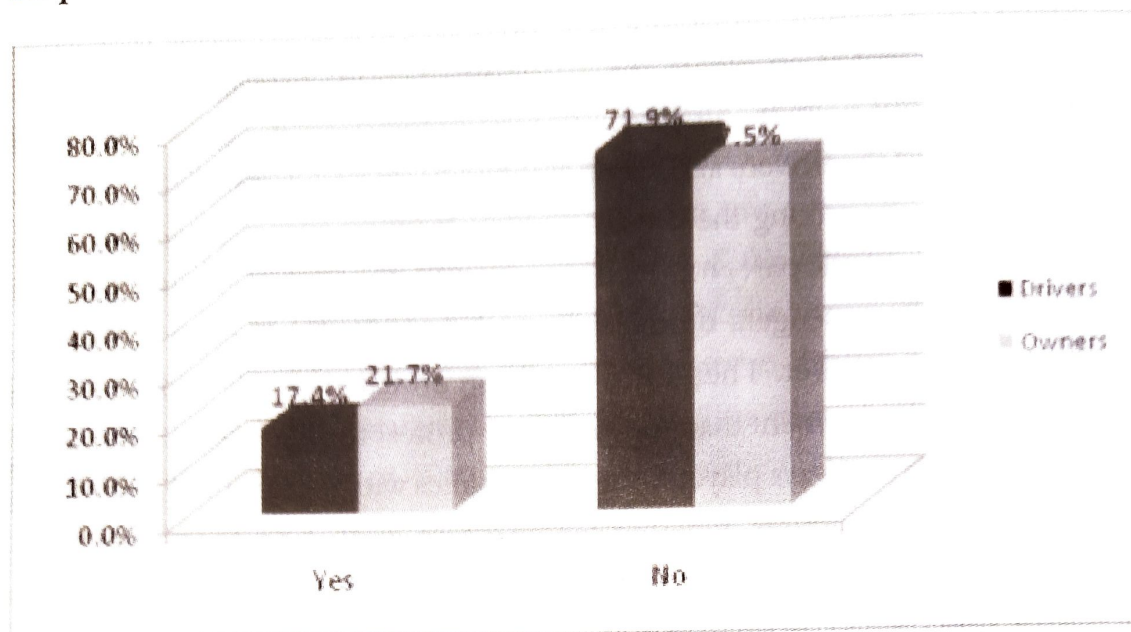


Hanif Gaji<sup>34</sup> adds that they try to settle their problems by internal meetings and discussions. As everything goes in a smooth way, there is no scope or need for protest or movement. Two points are noteworthy from these views; first, it is the political power, and neither the union nor the political party which is the actual basis of loyalty for the drivers and secondly, the union, mostly acts as an extension of the political party among the drivers and its absolute authority is derived from the power position of the party to which it is affiliated. Certainly the union negotiates with the police or passengers during dispute, but the political party remains the actual source of its power. Therefore, the union affiliated to the ruling party, has preferred peaceful settlement than movement or protest for the rights of the drivers. People in power have always played vote-bank politics with members of the informal sectors. Most of the drivers, whether belonging to TMC or CITU unions, have accepted that they participate in the political activities of the party. This becomes an indicator and their assurance of loyalty to the party. But the loyalty changes with the shifts in power. Javed Akhtar<sup>35</sup>, an operator from Park Circus, accuses the PVD for issuing permits to excessive numbers of vehicles under the instructions from the Ministry. Javed Akhtar and Shakil Khan<sup>36</sup> are exceptions, who, despite of the change in power have remained loyal to CITU. In the context of power, I would like to add another point which Hari Biswas<sup>37</sup> from Dum Dum mentions in his interview. According to him, despite the monopoly of INTTUC in the routes around Sinthi More, Dum Dum, unions of adjacent routes are involved in clashes between each other. This implies clash among fractions of the party in power for supremacy.

### **Trade union in the everyday affair**

From the appointment of the starter in a route to settling disputes between drivers and owners, the union is omnipresent in the daily life of the drivers. Debasish Sarkar<sup>38</sup>, an auto rickshaw operator has informed that they have submitted their insurance papers to the union, whose leaders are expected to negotiate with the insurance company in case of any insurance claim. But unfortunately, trade unions only inform the drivers about existing schemes and do not take any initiative in securing those benefits. Biplob Ghosh Dastidar<sup>39</sup>, an operator from Ramnagar, Gardenrich and Rajat Bose<sup>40</sup>, an operator from Jadavpur, who were union leaders of CITU, claimed that there were personal initiatives by the CITU leaders in different routes to avail the

**Graph-5: Inclusion of the issue of occupational health in union's agenda**



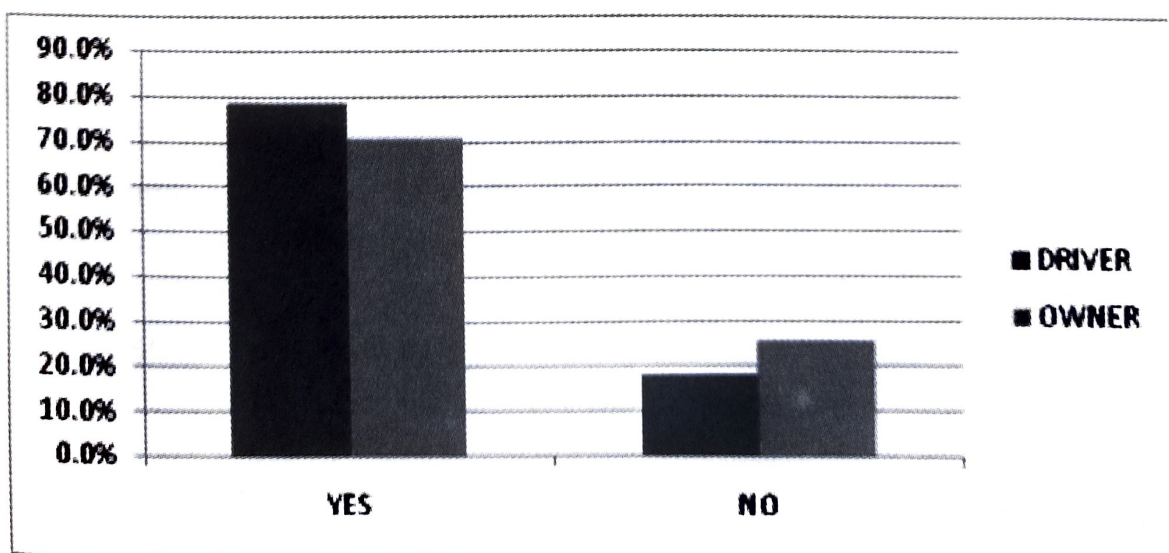
governmental schemes for the unaware operators, during the left front rule. But those personal initiatives had failed to reach the majority drivers, as they hardly have any time to furnish the formalities required to avail those schemes. Moreover, there is confusion around the beneficiary of the scheme, whether it is the driver or owner. During the field interviews, it has been perceived that individuals may be related to the auto rickshaw in three ways, the driver who drives someone else's vehicle, the owner who only owns an auto rickshaw but does not drive it, and the owner who drives his own auto rickshaw. The trade unions also identify these three kinds of people in a uniform way by coding them as 'Auto Rickshaw Operators'. But how will the legal identities be established? If possessing official papers in one's name is the criteria of an individual's legal claim in the eyes of the Government, how will the individual who is only driving someone else's auto be benefitted? The contradiction in the legal identity of auto rickshaw operators, between the owner and the drivers resurfaces again in this context. The lack of clear definition of the legal beneficiaries in social security schemes again act as an impediments to rights of operators.

On the question of awareness, most of the operators are unaware of it. While a number of operators have heard about the scheme during their discussions with the trade union leaders, they have not been able to find time to avail the benefits of



the scheme. In many cases, unions have not shown much interest. Graph-5 shows the union's inclusion of the issue of occupational health hazards in their agenda. 71.9% drivers and 67.5% owners said that the union does not include the issue of occupational health hazards in their agenda, while only 17.4% drivers and 21.7% owners admitted that the union includes the issue of occupational health hazards in their agenda. It is also difficult for the operators to find time to get certificate of fitness, insurance, registration, permit/ renewal, licence, etc. due to long formal procedure involved. Unions help by recruiting men who acts as middle men/ brokers to get these works done for a lump sum amount of money. Again, while the unions do protect drivers from police harassments during accidents, they have not been able to successfully solve the problems of excessive citation cases issued by the police against the drivers. This is especially important, given that auto rickshaw operators have reported about false cases in this regard. The drivers and owners spoke about false citation cases used against them in the legal aid camps arranged by us.<sup>41</sup> Among 243 interviewed operators, 78.5% drivers and 70.8% owners mentioned that they face police harassment regularly whereas 25.8% owners and 18.2% drivers had no such complaint (refer graph-6). When speaking to the team members of Labour and Gender Project, Colonel Sabyasachi Bagchi, Vice Chairman of PVD<sup>42</sup>, supported the police. In his opinion the police have no other way to deal with the problem of over loading or 'kata-route'. But unions are a saviour from the police only up to a certain extent with serious limitations. Acting as a guardian and negotiator, it can only assure regular mobility of auto rickshaw on road.

**Graph-6: Operators response about police harassment**



## **Trade Union and Crisis**

The INTTUC, though in a minority at the time of conversion of auto rickshaw from two stroke to four stroke, organised protests from different routes as a part of their political agenda. A committee named '*Auto-banchao*' (save auto) was formed by operators opposing the government's decision. Most of the drivers lost employment during this phase. The Left Front government declared a monthly aid of Rs. 2000 for the drivers where a few drivers received the sum for few months from the government. Apart from this, neither the ruling party nor the majority union played any significant role during this time. Javed Akhtar<sup>43</sup> and Shakil Khan<sup>44</sup>, who were and are still members of CITU, stood by the party decision during the transition. The drivers, who were members of CITU and were not happy with the transition, also followed the party line, i.e. the decision of the Left Front government. This was despite the fact that they had faced problems as shared by Rajat Bose<sup>45</sup>, a driver from Jadavpur. He said how almost all the operators had taken loan either from private financiers or from their relatives.

Biren Roy has correctly observed this issue as, 'the problem of working class unity [which] is endangered by the fact that the organised working class is divided by their affiliation with different political parties'<sup>46</sup>. He has further questioned the union's position of obeying the party's decision without taken in account, the labour rights or interests of the worker. He writes, 'is it incumbent upon the left trade unions including the CITU, to support each and every decision of the Left Front and its Government?' The interest of the political party and its government was not questioned during that time because of the presence of that political party's affiliated trade union among the workers. This can be seen as the ruling party's hegemony over the workers through its affiliated union. Partha Chatterjee's idea of 'political society'<sup>47</sup> justifies the position of these workers who are not citizens but member of political society. According to Chatterjee, these members of political society, unlike the citizens or members of civil society (consisting of the middle class and upper classes in the developing world) are 'populations whose periodically changing demographics and political role are defined by the policymakers. Since they lack the citizens' moral claim on the state, any benefit that they receive from the state are based on the government's calculation of cost and benefits. At times, this population demonstrate their presence to the state by controlled or uncontrolled



violence.<sup>48</sup> Chatterjee accepts that political demonstration and client patron relationships may bring real benefits to less privileged populations but also mentions that this kind of relationships fail to give effective agencies to the underprivileged.<sup>49</sup> The welfare benefits that the government policy makers offer at one point of time may subsequently be withdrawn if the cost-benefit calculations change. Perhaps this is a way to understand the position of these auto rickshaw operators as members of political society and their relation with the political party and the government. However events of 2010 leave us with a query: if this informal relation with these workers and the party stands on the calculation of cost and benefit, then, why did the left front government, not put any effort to stop the transition when the Assembly election of 2011 was knocking at their doors? The government, in a democratic set up like India, is not comprised of the executive alone. Instead the judiciary, executive and legislative are expected to work together. The executive, in the case of transition of auto rickshaw from two stroke to four stroke, was compelled to follow the judiciary's decision. The auto rickshaw operators were a clear victim of these differences and suffered most due to this fragmentation or serious differences among the decision makers. The workers existing in the para-legal state and who are not formally protected by any legal system have been observed to be the worst sufferer of these situations. The Left Front government still took no adequate measures for the operators except for releasing a monthly aid of rupees two thousand. However, according to our findings, many respondents could not avail that as well.

A new legal complexity came up in the initial months of 2013, when the Calcutta High Court had given a decision on converting auto rickshaw into contract carriage. Justice Arun Mishra and Justice Joymalya Bagchi had given their judgement which indicated that auto rickshaw should run on meter-system. The state government has, however, failed to act on a legislation which makes this conversion possible. A Bengali daily<sup>50</sup> reported in February 2014 that the state government had got relaxation of time for implementing the High Court's order in March 2013. There are media reports<sup>51</sup> on the Transport Minister's interview, where he said that the government wanted to legalise the auto rickshaw (or remove the para-legality from this sector?). According to the reports, the Minister further blamed the previous government for the existence of illegalities in this sector. But till December 2015, the government has not been observed to initiate any process of legislation related to this sector.

In the course of reading and analysing the interviews of auto rickshaw operators, it felt better to read those interviews where the drivers said that they have been able to repay their loan and have gradually improved their family's financial condition. The strong and masculine auto rickshaw drivers rule the roads of Kolkata but most of them, specifically who are drivers only, live vulnerable lives due to the para-legal nature of this sector. During the project, the project team of the School of Women's Studies, Jadavpur University, have been able to organise legal aid camps. The team made an effort to create a platform for auto rickshaw operators to communicate with advocates to find solutions to their legal problems. The team wanted to make the operators conscious about the legal complexities which they generally face in their sector. If the project team, devoid of any kind of political or financial power or influence, has been able to provide a platform to the auto-rickshaw drivers to have dialogues with different stake holders like doctors of occupational diseases, lawyers, journalists, police, government officials etc., then organisation like trade unions could have easily played the role. Apart from this, the project team has also been successful in establishing links between the operators and the lawyers to sort out the legal complexities, such as innumerable citation cases, which have become regular phenomenon in the auto rickshaw sector. Our successful though small effort makes me wonder why trade unions, apart from being an extension of political party among the workers, cannot play an effective role in working for the operators' rights. This should have been the obvious role of the trade unions, given that the sector is blessed with a strong sense of collectivity and a powerful union.

The contemporary status in no way directs to the settlement of illegalities existing in this sector. Attempts of legalising their status within the transport system would have been the initial way for providing systematic solution to the questions of labour rights and welfare measures.

## NOTES

<sup>1</sup>Director, '*Auto Rickshaws Laws: Duties and Rights of Operators and Passengers*' – *A Legal Handbook*, The School of Women's Studies, Jadavpur University, Kolkata 700032, June 2014.



<sup>2</sup> A 'research project' named, 'Increased understanding of gendering of workers and culture and politics of organization of workers with special reference to auto rickshaw drivers and beauty workers in Kolkata', housed in the School of Women Studies, Jadavpur University, from 2013 – 2015, hence will be referred as 'Labour and Gender Project' in this paper.

<sup>3</sup>*The Telegraph*, 25 January 2014 and 13 February 2014

<sup>4</sup> 'Kata-route' used in Bengali, which refers to the routes which has been fragmented by the drivers due to different reasons including, their own interest of getting comparatively more fare, police harassment or clash between two or more auto rickshaw unions

<sup>5</sup> Interviewed by Team Members of Labour and Gender Project, Kolkata, 4 February 2014, Source: School of Women's Studies, Jadavpur University – Rendered into English by the author.

<sup>6</sup>A consultative meeting was organised by the School of Women's Studies, Jadavpur University, in November, 2013, where advocates expressed their views on the issue of para-legality in auto rickshaw sector.

<sup>7</sup>Nandita Dhawan, 'A Feminist Action Research Project on Labour and Gender', Newsletter, Volume 33, February 2015, School of Women's Studies, Jadavpur University.

<sup>8</sup>We have conducted a research project (Labour and Gender Project), named 'Increased understanding of gendering of workers and culture and politics of organization of workers with special reference to auto rickshaw drivers and beauty workers in Kolkata', in the School of Women's Studies, Jadavpur University from 2013-15. We have conducted interviews with 243 auto-rickshaw operators in sixty two (62) routes. We have also conducted interviews with police, government officials and trade union leaders. This paper has used this collection as its primary source of data. The graphs and the tables used in this paper are derived from the data analysis of the quantitative interviews of the auto rickshaw operators.

<sup>9</sup> Interviewed by Team Members of Labour and Gender Project, Kolkata, 10 September 2013, Source: School of Women's Studies, Jadavpur University – Rendered into English by the author.

<sup>10</sup> Team members of Labour and Gender Project.

<sup>11</sup>*Ananda Bazar Patrika*, *The Telegraph*, *Times of India* and *Ei Samay*, leading news papers in Kolkata. Editions of these news papers have been referred in this paper.

<sup>12</sup>Panel to look into auto-craze" – *The Telegraph*, 10 January 2014

"Panel ploy to protect auto routes" – *The Telegraph*, 22 January 2014

<sup>13</sup>*The Time Of India*, Kolkata, Wednesday, 29 January 2014

<sup>14</sup>*The Statesman*, 30 July 2015

<sup>15</sup>*Ananda Bazar Patrika*, Kolkata, 19 February 2014.

<sup>16</sup> *The Telegraph*, 30 January 2014.

<sup>17</sup> *The Telegraph* reported on January 10, 2014.

<sup>18</sup> *Ananda Bazar Patrika*, made a report on January 24, 2014.

<sup>19</sup> "Trinamool meet to 'discipline' autos" – *The Telegraph*, Kolkata, 8 January 2014.

<sup>20</sup> Field survey carried on by the members of Labour and Gender Project, of SWS, JU during 2013-2014 among the auto rickshaw operators in Kolkata and suburbs.

<sup>21</sup> Name Changed, interviewed by team members of Labour and Gender Project, December 10, 2013, Ultodanga, Kolkata, Source: School of Women's Studies, Jadvapour University – Rendered into English by the author.

<sup>22</sup> *Ananda Bazar Patrika*, Kolkata, 19 March 2014.

*Ananda Bazar Patrika*, Kolkata, 26 January 2014.

*The Telegraph*, Kolkata, 11 March 2014.

<sup>23</sup> Name Changed, Interviewed by Team Members of Labour and Gender Project, Kolkata, 10 November 2013, Source: School of Women's Studies, Jadvapour University – Rendered into English by the author.

<sup>24</sup> Name Changed, Interviewed by Team Members of Labour and Gender Project, Kolkata, 14 November 2013, Source: School of Women's Studies, Jadvapour University – Rendered into English by the author.

<sup>25</sup> The order of Honorable S S Nirjjhar, Chief Justice, Calcutta High Court on 18<sup>th</sup> July 2008.

<sup>26</sup> John Harriss, 'Middle Class Activism And The Politics Of The Informal Working Class', *Critical Asian Studies*, 38:4, pp. 445-465.

<sup>27</sup> Name Changed, Interviewed by Team Members of Labour and Gender Project, Kolkata, 2 December 2013, Source: School of Women's Studies, Jadvapour University – Rendered into English by the author.

<sup>28</sup> Name Changed, Interviewed by Team Members of Labour and Gender Project, Kolkata, 10 December 2013, Source: School of Women's Studies, Jadvapour University – Rendered into English by the author.

<sup>29</sup> Name Changed, Interviewed by Team Members of Labour and Gender Project, Kolkata, 5 January 2014, Source: School of Women's Studies, Jadvapour University – Rendered into English by the author.

<sup>30</sup> Name Changed, Interviewed by Team Members of Labour and Gender Project, Kolkata, 10 January 2014, Source: School of Women's Studies, Jadvapour University – Rendered into English by the author.

<sup>31</sup> Name Changed, Interviewed by Team Members of Labour and Gender Project, Kolkata, 10 January 2014, Source: School of Women's Studies, Jadvapour University – Rendered into English by the author.



<sup>32</sup> Name Changed, Interviewed by Team Members of Labour and Gender Project, Kolkata, 12 December 2013, Source: School of Women's Studies, Jadvapour University – Rendered into English by the author.

<sup>33</sup> Name Changed, Interviewed by Team Members of Labour and Gender Project, Kolkata, 10 January 2014, Source: School of Women's Studies, Jadvapour University – Rendered into English by the author.

<sup>34</sup> Name Changed, Interviewed by Team Members of Labour and Gender Project, Kolkata, 12 December 2013, Source: School of Women's Studies, Jadvapour University – Rendered into English by the author.

<sup>35</sup> Name Changed, Interviewed by Team Members of Labour and Gender Project, Kolkata, 30 December 2013, Source: School of Women's Studies, Jadvapour University – Rendered into English by the author.

<sup>36</sup> Name Changed, Interviewed by Team Members of Labour and Gender Project, Kolkata, 28 December 2013, Source: School of Women's Studies, Jadvapour University – Rendered into English by the author.

<sup>37</sup> Name Changed, Interviewed by Team Members of Labour and Gender Project, Kolkata, 2 December 2013, Source: School of Women's Studies, Jadvapour University – Rendered into English by the author.

<sup>38</sup> Name Changed, Interviewed by Team Members of Labour and Gender Project, Kolkata, 10 November 2013, Source: School of Women's Studies, Jadvapour University – Rendered into English by the author.

<sup>39</sup> Name Changed, Interviewed by Team Members of Labour and Gender Project, Kolkata, 28 October 2013, Source: School of Women's Studies, Jadvapour University – Rendered into English by the author.

<sup>40</sup> Name Changed, Interviewed by Team Members of Labour and Gender Project, Kolkata, 10 January 2014, Source: School of Women's Studies, Jadvapour University – Rendered into English by the author.

<sup>41</sup> The team members of the Labour and Gender Project had organised two Legal Aid Camps and several meetings between auto rickshaw operators and advocates/ lawyers to facilitate the former to handle with the different types of legal cases charged against them by the Traffic Police.

<sup>42</sup> Interviewed by Team Members of Labour and Gender Project, Kolkata, 4 February 2014, Source: School of Women's Studies, Jadvapour University – Rendered into English by the author.

<sup>43</sup> Name Changed, Interviewed by Team Members of Labour and Gender Project, Kolkata, 30 December 2013, Source: School of Women's Studies, Jadvapour University – Rendered into English by the author.

<sup>44</sup> Name Changed, Interviewed by Team Members of Labour and Gender Project, Kolkata, 28 December 2013, Source: School of Women's Studies, Jadvapur University – Rendered into English by the author.

<sup>45</sup> Name Changed, Interviewed by Team Members of Labour and Gender Project, Kolkata, 10 January 2014, Source: School of Women's Studies, Jadvapur University – Rendered into English by the author.

<sup>46</sup> Biren Roy, 'Left Trade Unions and New Economic Policies', *Economic and Political Weekly*, Vol. 28, No. 51(Dec. 18, 1993), pp. 2777-2779

<sup>47</sup> ParthaChatterjee, *The Politics Of The Governed*, Permanent Black, New Delhi, 2004

<sup>48</sup> Howard Handelman, *Perspective on Politics*, Vol. 5, No. 2 (June 2007), pp. 382-384, American Political Science Association

<sup>49</sup> John Borneman, *American Anthropologist*, Vol. 107, No. 3(Sept. 2005), pp.- 513-514

<sup>50</sup> *EiSamay*, Kolkata, 4 February 2014.

<sup>51</sup> *Ananda Bazar Patrika*, Kolkata, 12 February 2014.