

## GOVERNMENT'S OWN 'GIG WORKERS'

Relevant for: Indian Economy | Topic: Issues Related to Poverty, Inclusion, Employment & Sustainable Development

Swiggy's food delivery agents wait outside a restaurant in Vijayawada. | Photo Credit: GIRI KVS

When images of a langur appear on the walls of Vigyan Bhavan and nearby sites in New Delhi, the protagonist (Anjani Prasad) in the movie, *Eeb Allay Ooo!*, is summoned along with his *thekedaar* (contractor) to the office of the municipal corporation. A complaint about the images that were put up by Anjani to scare away the monkeys has reached the officer and he threatens to cancel the contract for shooing away the monkeys. The absurdity of the task, for which a *thekedaar* is appointed by floating a tender, may unsettle the viewers. However, for those engaged by the various levels of the government through such contracts, it is a lived reality.

While the Agnipath scheme has ignited a debate on the nature of jobs in the government, 'temporary' jobs have comprised the vast majority of available government employment for quite some time. They may be classified into three categories; permanent, contractual and daily wagers.

A commentator recently referred to it as "the caste system of permanent, contractual, and casual employees". Outsourcing has become the dominant mode of working in the government, from highly specialised tasks to the most routine ones. It may be a *safai karamchari* (sanitation worker), a driver/conductor of your city bus service, a junior engineer or a highly paid consultant — all engagements are usually outsourced to an agency. The modalities of "contractual" jobs in the public sector, therefore, require a much deeper examination than it has been afforded in recent debates to understand its impact on various public services.

There are two main methods to induct an 'employee' on contract in a government entity; first, directly on the payroll of the entity and, second, through a labour contractor or as part of any other contract entered into pursuant to a tender process. In both cases, the costs and liabilities of the government entity are significantly reduced compared to a "permanent" position. While the entity may remain the principal employer in both cases, the burden of responsibility is shifted to the contractor in the case of the latter, which is also the predominant mode of engaging contractual workers.

Non-payment of salaries for extended periods, fudging of statutory deductions for the worker's welfare such as provident fund (PF), employees' state insurance (ESI), etc. by the labour contractor, and uneven distribution of work vis-à-vis "permanent" employees, are all common and well-known features of such contracts. This has serious repercussions for the quality of public service that is sought to be provided including sanitation, public transport, health, etc. Urban and rural local bodies are an important site to understand the implications of a large "contractual" workforce.

Arguably, for the managers or officers in the government, the shifting of responsibility to the contractor and the possibility of litigation seeking 'regularisation' for the workers predisposes them to such labour contracts. The overwhelming reliance on contractors, who almost function as the HR managers of the government, has undermined our institutions.

It is often the case that the managers/officers in the government do not have the capability to draft or even review basic tender documents. Consequently, there is an endless chain of delegating tasks so much so that at any time there are more people to get things done than

those who could actually do things. What is our solution then? We float another tender to appoint experts or consultants who would do things for us.

I would argue that contractual recruitment has largely been a missed opportunity to augment the capacity of the government, particularly those wings of the state that cater various services to people, as well as to create a viable avenue of employment for India's burgeoning working age population. This is subject to the appropriate mode of engagement and safeguards that add institutional capabilities rather than shifting the onus of management to an external agency.

Due to fiscal constraints and a large workforce, contractual jobs will continue to eclipse 'permanent' ones at least in terms of numbers. Our local bodies, parastatals, special purpose vehicles and other public utilities stand to gain considerably if the modalities of engagement are diligently worked out.

As an example, following the recent strike by the Maharashtra State Road Transport Corporation (MSRTC) staff in Maharashtra, Aurangabad's City Bus Service, operated as a joint venture with the former, had to be suspended due to non-availability of drivers and conductors. Instead of outsourcing the service to a private agency, a decision was made to directly recruit the drivers and conductors from amongst ex-servicemen via fixed term contracts to be renewed periodically.

In addition, a maintenance division was set up for daily maintenance from amongst the ex-servicemen retired from mechanical and engineering divisions of the Army. As a result, a significant improvement was seen in various service level parameters in a short span. The Ministry of Housing & Urban Affairs' The Urban Learning Internship Program (TULIP), which enables city authorities to directly engage a young workforce for a fixed term, is another example of a step in the right direction.

Our critique of public employment, which is largely framed as the presence or absence of the security and benefits of a permanent job, may be disconnected from the predominant modes of recruitment shaping the realities of young people's lives. Moreover, even though a permanent government job remains highly coveted, it may be important to also recognise that not everyone may aspire to 'permanence' due to various reasons.

Fixed term contractual stints with the government with safeguards against sheer exploitation can be a major source of employment. However, such modes of recruitment will have to assimilate the principles of affirmative action, in line with the vision of social justice enshrined in our Constitution. This is key in order to avoid becoming a mechanism that will skirt provisions for reservation.

As we seek to regulate the "gig economy", it may be time for the government to take some concrete measures for its own "gig workers".

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