UBER–OLA DRIVER'S UNIONISATION ATTEMPT IN BENGALURU: CHALLENGES UNDER THE TRADE UNIONS ACT, 1926

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ABSTRACT

The unionisation of gig workers in Bengaluru presents a critical challenge under the Trade Unions Act, 1926, a statute originally framed to protect collective bargaining rights of industrial workers in conventional sectors. The Act's definitions, especially of "workman," do not extend to platform-based drivers working with companies like Uber and Ola. While designed to combat exploitative conditions in traditional industries, the law fails to accommodate the realities of the gig economy, where employment relationships are ambiguous, and workers are often classified as independent contractors. Unionisation attempts by ride-hailing drivers in Bengaluru reveal major legal and structural barriers, including definitional exclusions, lack of bargaining rights, uncertainty in employer–employee relationships, and regulatory gaps. Possible solutions include legislative reform to widen labour law coverage, sector-specific protections for platform workers, and recognition of gig worker unions to secure fair wages, social security, and workplace rights in the digital economy.

Keywords: Gig Workers, Trade Unions, Bengaluru, Collective Bargaining, Labour Rights.

INTRODUCTION

In Bengaluru, thousands of Ola and Uber drivers begin their day with uncertainty about earnings, ride allocations, and even retaining access to the very platforms that govern their livelihoods. Despite working grueling hours, often exceeding 70 per week, many drivers struggle to secure a stable income or achieve even a basic level of economic security. Their precarious position illustrates the paradox of platform-based labour: while marketed as offering

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flexibility and autonomy, it is instead characterised by algorithmic control, volatile pay, and the absence of essential social protections.

This lived reality is part of the larger story of India's expanding gig economy. The workforce, estimated at 7.7 million in 2020–21, is projected to reach 23.5 million by 2029–30, with urban centres like Bengaluru serving as primary hubs of this transformation. Ride-hailing platforms in particular have redefined urban mobility, making drivers central to the functioning of metropolitan economies while simultaneously excluding them from the benefits of formal employment.

The legal framework, however, has not kept pace with this transformation. The Trade Unions Act, 1926, was enacted to safeguard the rights of "workmen" within conventional employer–employee relationships, determined by tests of control and supervision. By classifying drivers as "independent contractors" or "partners," Ola and Uber strategically avoid the obligations imposed by the Act. Yet these classifications are the reality of algorithmic management, where platforms exercise pervasive control without acknowledging an employment relationship. The result is that drivers remain outside the scope of statutory protection, denied both the right to collective bargaining and access to labour welfare measures.[1]

Nevertheless, drivers in Bengaluru have begun to mobilise, with organisations such as the Auto Rickshaw Drivers' Union taking steps to represent platform workers' concerns. Operating within a legal grey area, these initiatives demonstrate resilience but lack the full force of statutory recognition. This tension between a growing workforce and a regulatory framework designed for a different era underscores the urgent need for reform. Without legislative intervention to extend enforceable labour rights, platform drivers will continue to shoulder the risks of India's digital economy while being excluded from its protections.

HISTORY OF THE TRADE UNIONS ACT WITH RESPECT TO THE GIG WORKERS

The Trade Unions Act, 1926[2] is a landmark statute in Indian labour law, enacted to protect the collective rights of workers in an era marked by rapid industrialisation. The late nineteenth and early twentieth centuries saw the rise of factories, mills, and railways, where workers endured

[1] Katie Terrell Hanna, Ben Lutkevich & Alexander S. Gillis, *What Is the Gig Economy?* TechTarget (Apr. 30, 2025).

[2] The Trade Unions Act, 1926, No. 16, Acts of Parliament, 1926 (India)

long hours, abysmally low wages, and no social security. The lack of legal recognition for unions meant that strikes often exposed leaders to crippling civil or criminal liability. The 1921 Madras High Court decision in Buckingham and Carnatic Co. v. Workers of the Company[3] exemplified this vulnerability, holding union leaders liable for strike-related damages. Against this backdrop, the Trade Unions Act, 1926 sought to provide statutory recognition for unions, enabling their registration and conferring critical immunities for acts done in furtherance of trade disputes. The law was thus designed as a shield for the industrial working class, ensuring that collective bargaining could occur without fear of legal reprisals.

The conceptual framework of the Trade Unions Act, 1926, however, was firmly rooted in the employment realities of its time. The Act presupposed a binary employer–employee relationship, with “workmen” defined as those engaged in trade or industry under the control and supervision of an employer. Subsequent jurisprudence, such as Shri Chintaman Rao v. State of Madhya Pradesh (1958)[4] and Bengal Nagpur Cotton Mills v. Bharat Lala (2011),[5] reinforced control and payment of wages as central tests for identifying an employment relationship. Likewise, the broader labour law framework, including the Industrial Disputes Act, 1947[6] conceptualised “industry” in terms of factory- or enterprise-based production, where a workforce was clearly identifiable and hierarchically managed. These definitional categories provide coherence for conventional employment sectors but leave little scope for accommodating non-traditional, technologically mediated work.[7]

When the Trade Unions Act, 1926 was drafted, the notion of a gig worker or platform-based employment was unimaginable. Work was tied to physical workplaces and direct managerial oversight. In contrast, gig work today is shaped by digital platforms such as Uber and Ola, where drivers are designated as “independent contractors” or “partners.” While platforms claim to provide flexibility and autonomy, they exercise pervasive algorithmic control through ride allocation, dynamic pricing, performance ratings, and mandatory GPS tracking. Such mechanisms parallel, and in many ways intensify, the traditional control and supervision of an employer. Yet because these forms of technological control do not fall neatly within statutory

[3] Buckingham & Carnatic Co. v. Workers of the Buckingham & Carnatic Mills, (1921) Mad. H.C. (India)
[4] Shri Chintaman Rao v. State of Madhya Pradesh, AIR 1958 SC 388 (India).
[5] Bengal Nagpur Cotton Mills v. Bharat Lala, (2011) 1 SCC 635 (India)
[6] Industrial Disputes Act, 1947, No. 14, Acts of Parliament, 1947 (India)
[7] Dr. Sanjay Upadhyaya, *Evolution of Trade Unions in India* (V.V. Giri National Labour Institute 2022) ISBN: 978-93-82902-92-8.

definitions, platform drivers are excluded from the category of "workmen" and, by extension, from the protections of the Trade Unions Act, 1926.

This definitional mismatch has profound implications for unionisation efforts in Bengaluru and beyond. Organisations such as the Auto Rickshaw Drivers' Union have attempted to organise ride-hailing drivers, but without recognition under the Trade Unions Act, 1926, their bargaining power is severely limited. Platforms, shielded by the independent contractor classification, operate in a regulatory grey area, denying drivers access to formal collective bargaining mechanisms. Although the Code on Social Security, 2020,[8] for the first time introduced statutory recognition of "gig workers" and "platform workers," it has not yet been operationalised and does not address the fundamental issue of collective representation.

In effect, the Trade Unions Act, 1926, while revolutionary in its time, has become jurisprudentially obsolete in the context of platform capitalism. Its rigid definitions fail to capture the realities of algorithmic management, leaving gig workers in a legal vacuum. This not only undermines their capacity to unionise but also erodes the foundational purpose of the Act itself: to provide workers with meaningful tools of collective self-protection in the face of structural inequality. Legislative reform is therefore imperative to bridge this gap and ensure that the protections envisioned in 1926 are meaningfully extended to the workforce of the twenty-first century.

From the streets of Bengaluru, the story of unionisation among gig workers, particularly Ola and Uber drivers, emerges less as a tale of legal doctrine and more as a lived struggle. For many drivers, platform work is not a side hustle but their only means of livelihood. Most entered the sector with the promise of autonomy and flexible hours. Yet, as their experiences reveal, this "freedom" is often illusory, controlled by opaque algorithms, high commissions, and arbitrary customer ratings.[9]

A typical Bengaluru driver's day extends to 14–16 hours, often for an income that dwindles after fuel costs, maintenance, and deductions. One driver interviewed in a 2023 field study observed: "I drive all day, but what I take home is less than what I earned before the apps came."[10] Another described the constant fear of account deactivation based on a single unfair

[8] Code on Social Security, 2020, No. 36, Acts of Parliament, 2020 (India)
[9] NITI Aayog, India's Booming Gig and Platform Economy: Perspectives and Recommendations on the Future of Work (2022)
[10] India Labour Research Network, Precarity on Wheels: A Field Study of Gig Workers in Bengaluru (2023)

complaint, saying: "I feel like my livelihood depends not on my hard work, but on the mood of a passenger or the app's system."[11] These realities expose a profound mismatch between how drivers live and how the law sees them.

From the driver's perspective, the first gap is social security. Despite their central role in Bengaluru's transport ecosystem, they remain outside schemes like the Employees' Provident Fund Act, 1952, or the Employees' State Insurance Act, 1948. No pensions, no paid leave, no medical coverage. A health emergency, accident, or even a temporary suspension from the app can throw an entire family into a financial crisis.[12] In contrast, factory workers covered by statutory protections enjoy a safety net designed a century ago. For platform drivers, there is no such floor beneath them.

The Trade Unions Act, 1926, which in theory secures the right to collective organisation, fails to acknowledge drivers as "workmen." From their vantage point, this is the most debilitating gap. They organise, form associations, and even march in protest, yet their collective voice carries no formal weight. The law's definitional rigidity, tying "workmen" to traditional employment contracts, strips them of the shield of legal recognition. The case of the Namma Bike Taxi Association, which petitioned the Karnataka government after the 2023 ban on bike taxis, is a telling example.[13] The association represented over one lakh affected workers, but in legal terms, it was not a "trade union" under the 1926 Act. Drivers perceive this not as a neutral legal technicality, but as a denial of dignity: "If we drive your people to work every day, why are we not recognised as workers ourselves?"[14]

Even when drivers attempt to organise, they face structural resistance. Platforms dismiss their associations as informal bodies, while state regulators oscillate between bans and partial recognition. Seen through their eyes, Bengaluru's drivers are not seeking special treatment but parity with other categories of workers who enjoy the right to organise, bargain, and claim social protections. The Trade Unions Act, 1926, drafted for a factory-based economy, has not kept pace with the realities of algorithmic labour. For drivers, the law's silence translates to

[11] Special Correspondent, Voices from the Gig Economy: Bengaluru's Drivers Speak, The Hindu (July 14, 2023)
[12] Int'l Lab. Org., World Employment and Social Outlook 2021: The Role of Digital Labour Platforms in Transforming the World of Work (2021).
[13] Staff Reporter, Bengaluru's Namma Bike Taxi Association Challenges State Ban, Deccan Herald (Aug. 23, 2023)
[14] Vindhya Pabolu, Over 1 Lakh Gig Workers Affected: Bengaluru Bike Taxi Ban Sparks Demand for Policy Framework; Riders Say Service Was Their Only Lifeline, Times of India (June 17, 2025).

precarity: long hours without rest, fluctuating incomes, the constant fear of deactivation, and no institutional recourse. Their collective action, be it through street protests, petitions, or associations, is an effort to bridge these social, legal, and economic gaps. In short, from the driver's perspective, the unionisation movement in Bengaluru is not only about negotiating better pay or conditions. It is about demanding recognition as workers in law and society a recognition that the Trade Unions Act, in its current form, continues to deny.

LEGAL AND STRUCTURAL BARRIERS FOR UNIONISATION OF GIG WORKERS

The struggle for the unionisation of gig workers in Bengaluru highlights the widening gulf between the lived realities of platform-based labour and the outdated statutory framework of the Trade Unions Act, 1926. Drafted in the early twentieth century, the Act presupposes a binary between "employer" and "workman." Section 2(g)[15] defines a "trade dispute" as one arising between "employers and workmen," while Section 2(h)[16] defines a "trade union" as a combination formed to regulate relations "between workmen and employers." This definitional architecture excludes workers engaged under a "contract for service," the precise category into which Uber and Ola strategically situate their drivers.

The classification of drivers as "independent contractors" is not a neutral choice but a deliberate legal design that allows platforms to sidestep obligations of minimum wage, social security contributions, and collective bargaining. Though this model projects an image of autonomy, in practice, drivers face tight algorithmic control. Ride allocation, fare structures, incentives, penalties, and even deactivation are determined by opaque algorithmic management systems, closely mirroring the control tests traditionally used in Indian labour jurisprudence.[17] Judicial scrutiny has started to recognise these realities: the Karnataka High Court in a 2023 matter involving Ola noted that platforms exert sufficient control to resemble an employment relationship. Comparative insights reinforce this reasoning; see Uber BV v. Aslam.[18] The UK Supreme Court held that Uber drivers were in fact "workers" entitled to employment protections despite contractual language to the contrary. Yet, in India, these judicial insights remain piecemeal and have not restructured the statutory exclusion under the 1926 Act.

[15] The Trade Unions Act, 1926, No. 16 of 1926, Sec. 2(g)
[16] The Trade Unions Act, 1926, No. 16 of 1926, Sec. 2(h)
[17] Ananya Radhakrishnan & Namrata Singha Roy, Gig Economy Workers' Livelihood: A Qualitative Study of Ride-Hailing Platforms in Bangalore City, India, 65 Artha Vijnana 2 (2023).
[18] Uber BV v. Aslam, [2021] UKSC 5

For drivers in Bengaluru, this legal exclusion is not theoretical; it defines their daily lives. Interviews reveal that nearly 80% of drivers depend entirely on platform work as their primary income source, yet more than half report working over 16 hours daily to earn a subsistence wage.[19] Their incomes fluctuate with algorithmic incentives, sudden changes in commission rates, and customer demand, leaving them in a perpetual cycle of economic insecurity. The absence of statutory entitlements like Employees' Provident Fund or Employees' State Insurance further compounds their vulnerability.[20]

The human cost of this precarious existence is profound.

- Driver's shoulder heavy debt burdens from vehicle loans, making them economically dependent on platforms despite their classification as "independent."
- Arbitrary customer ratings function as a form of constant surveillance, with even minor acts such as refusing to smoke inside the car leading to poor ratings and loss of incentives.[21]
- The absence of social security, coupled with long working hours, creates not only financial strain but also physical exhaustion and psychological stress.[22]

In the face of this precarity, drivers in Bengaluru have attempted to organise collectively. The Namma Bike Taxi Association emerged in response to the state government's sudden ban on bike taxis, which displaced over one lakh workers. Its president, Mohammed Salim, submitted a memorandum demanding a clear policy framework that would regularise bike taxis, focusing on licensing, insurance, and safety standards rather than criminalising livelihoods overnight.[23] Similarly, the Auto Rickshaw Drivers' Union (ARDU) has extended support to gig drivers, calling for social security coverage and legal recognition under labour law. Yet these associations remain precarious themselves: because the Trade Unions Act does not recognise these workers as "workmen," they cannot register as trade unions, and thus cannot claim statutory immunities or compel platforms to negotiate.

[19] R. Ramakumar & S. Rathi, The Precarity of Gig Workers in Bengaluru: A Study of Ola and Uber Drivers, India Labour Rsch. Network (2022)
[20] The Code on Social Security, 2020, No. 36 of 2020, § 2(35) (India).
[21] Radhakrishnan & Roy, supra
[22] Int'l Lab. Org., World Employment and Social Outlook 2021, supra
[23] Staff Reporter, Bike Taxi Ban in Bengaluru: Namma Bike Taxi Association Petitions Government, The Hindu (Mar. 2023)

Legislative attempts at reform have been partial and insufficient. The Code on Social Security, 2020 was the first central legislation to define “gig workers” and “platform workers.”[24] However, it categorises them as part of the unorganised sector rather than employees, thereby maintaining their exclusion from the Trade Unions Act. State-level experiments, such as the Rajasthan Platform-Based Gig Workers (Registration and Welfare) Act, 2023,[25] and the proposed Karnataka Platform Workers Bill, 2025,[26] are significant but remain narrowly focused on welfare funds and social security contributions. They avoid confronting the deeper issue: the legal fiction of “independent contractor” status that blocks access to collective bargaining rights.[27]

Thus, for drivers in Bengaluru, the barriers to unionisation are not incidental; they are systemic. They stem from:

- An outdated statutory framework premised on twentieth-century industrial relations.
- The deliberate use of contractual classifications by platforms to evade legal obligations.
- Legislative reluctance to modernise labour law in ways that grant gig workers parity with employees.

Until the definitional exclusions of the Trade Unions Act, 1926, are directly reformed, gig workers in Bengaluru will remain trapped in a cycle of economic dependence without the legal capacity to unionise effectively. Their associations, while symbolically powerful, lack the enforceability and bargaining strength envisioned by the Act. This legal mismatch between antiquated definitions and the algorithmic realities of platform work underscores the urgent need for reform not merely to extend welfare, but to restore the foundational right to collective bargaining that lies at the heart of labour law.

COMPARATIVE AND POLICY PERSPECTIVES

The inadequacies of the Trade Unions Act, 1926, are most starkly revealed when viewed against global legislative and judicial developments that have confronted the legal challenges posed by platform work. While the Indian model continues to treat gig workers as an

[24] The Code on Social Security, 2020, No. 36 of 2020, § 2(35) (India)
[25] Rajasthan Platform Based Gig Workers (Registration and Welfare) Act, 2023, No. 29 of 2023 (India)
[26] PRS Legis. Rsch., The Karnataka Platform Based Gig Workers (Social Security and Welfare) Bill, 2025 (Aug. 12, 2025)
[27] Agreima Tyagi, Sakshi Joshi & Aneesh K. A., The Gig Economy Is Booming — But Hardly Any Protection for Workers, Policy Circle (May 21, 2025)

exceptional category outside the protective reach of collective bargaining laws, foreign jurisdictions have experimented with doctrinal and statutory innovations that directly interrogate the fiction of "independent contractor" status. This comparative dimension highlights both the potential pathways for reform and the risks of uncritically transplanting foreign approaches into India's socio-economic context.

The United Kingdom provides perhaps the most significant judicial response. In Uber BV v. Aslam (2021), the UK Supreme Court classified Uber drivers as "workers," an intermediate legal category affording entitlements such as minimum wage and holiday pay. The Court dismissed the contractual claim that drivers were self-employed entrepreneurs, instead focusing on substantive indicia of control: Uber's power to fix fares, impose non-negotiable contractual terms, penalise refusal of rides, and prohibit drivers from establishing independent business relations with passengers. These factors, the Court held, established a relationship of subordination inconsistent with self-employment.[28][29]

Spain, through the enactment of the "Rider's Law" (2021), legislatively entrenched a presumption of employment for delivery platform workers. This law arose in direct response to Spanish Supreme Court jurisprudence finding that platforms exercised "employer-like" control through algorithms. By placing the burden on the platform to rebut the presumption, Spain has effectively shifted the evidentiary balance in favour of workers.[30] The European Union's proposed Platform Work Directive (2021) builds upon this reasoning, mandating member states to create a rebuttable presumption of employment where platforms exercise control over core aspects of work, including remuneration, working hours, and supervision.[31][32]

California's Assembly Bill 5 (2019)[33] took a more radical route, introducing the "ABC test," which presumes employee status unless the hiring entity can prove that the worker is free from its control, the work is outside its usual business, and the worker operates an independent trade. However, intense lobbying by platform companies led to Proposition 22 (2020), which reversed the presumption for app-based drivers and carved out a hybrid model granting limited

[28] Uber BV v. Aslam, supra note 16
[29] Dr. Alex Wood, *Riders and Drivers in the UK Gig Economy Suffer Anxiety Over Ratings and Pay* (June 3, 2025)
[30] Spanish "Rider's Law," Royal Decree-Law 9/2021, May 11, 2021 (Spain).
[31] European Commission, Proposal for a Directive on Improving Working Conditions in Platform Work, COM (2021) 762 final (Dec. 9, 2021)
[32] *The EU Platform Work Directive - Oct 2024*, Gigpedia (Oct. 2024).
[33] California Assembly Bill 5, 2019 Cal. Legis. Serv. ch. 296 (West).

benefits without recognising employee status. This oscillation reveals the political contestation surrounding gig work in cost-sensitive economies.[34]

The critical lesson from these jurisdictions is that legal frameworks are increasingly shifting away from formal contractual classifications and instead prioritising the functional realities of algorithmic control and economic dependence. Each model, though distinct, recognises that workers operating under continuous digital supervision cannot be meaningfully categorised as autonomous contractors. Importantly, these reforms open the gateway for unionisation by either extending employee-like rights to platform workers or by creating new intermediate categories with limited but essential collective rights.

India, by contrast, remains anchored to the rigid definitional framework of the Trade Unions Act, 1926, which presupposes a binary of "workmen" and "employers." The statutory exclusion is reinforced by platforms' contractual designation of drivers as "partners" or "independent contractors," thereby denying them the right to register as trade unions under Section 2(h) of the Act.[35] The Code on Social Security, 2020,[36] while a milestone in acknowledging gig and platform workers, compounds this exclusion by defining them as part of the unorganised sector rather than recognising them as employees. Consequently, gig worker collectives such as the Namma Bike Taxi Association in Bengaluru or the Indian Federation of App-Based Transport Workers (IFAT) remain outside the protective immunities afforded to registered unions.[37]

This structural gap in Indian law contrasts sharply with the intermediate categories or rebuttable presumptions deployed abroad. The absence of such mechanisms means that drivers in Bengaluru are left with informal associations that cannot compel platforms to negotiate on critical issues such as fare-setting, commission rates, or arbitrary deactivations. For drivers who spend upwards of 12–16 hours daily on the road, often as their sole source of income, this absence of legal recognition translates directly into economic precarity.[38]

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[34] California Proposition 22, App-Based Drivers as Contractors and Labor Policies Initiative (2020).
[35] The Trade Unions Act, 1926, No. 16 of 1926, India Code (1926).
[36] Code on Social Security, 2020, No. 36 of 2020, India Code (2020).
[37] Indian Fed'n of App-Based Transport Workers (IFAT) v. Union of India, Writ Petition (Civil) No. 1068 of 2021 (India).
[38] R. Ramakumar & A. Rathi, The Precarity of India's Gig Economy, India Labour Rsch. Network Report (2022)

A comparative policy lesson for India lies in the creation of a new category such as "dependent contractor," as recommended by the UK Taylor Review (2017), which would bridge the binary divide by granting platform workers access to collective bargaining and social security while preserving operational flexibility. Complementary to this, India could adopt algorithmic transparency requirements similar to those proposed in the EU, thereby subjecting platform decision-making processes such as fare calculations, account suspensions, and performance ratings to legal scrutiny.[39][40]

Yet, caution is essential. India's gig workforce is projected to reach 23.5 million by 2029–30, and unlike in Europe or the UK, gig work in India often constitutes the sole source of livelihood rather than a secondary income stream. Overly rigid reclassification, such as California's AB5 before Proposition 22, risks displacing large numbers of workers in a market where formal employment alternatives remain scarce. Thus, wholesale transplantation of foreign models risks undermining both worker welfare and employment generation.

PATHWAYS FOR REFORMS AND SOLUTIONS

The urgent task for Indian labour law, particularly in Bengaluru's ride-hailing sector, is to ensure that platform drivers are no longer excluded from the protective umbrella of collective bargaining and social security. A coherent reform agenda must move beyond rhetorical recognition of gig workers and directly alter the statutory architecture, especially the Trade Unions Act, 1926. The following proposals outline the essential pathways for reform and explain how they address the deep legal and socio-economic gaps faced by drivers of Ola and Uber.[41]

Redefining "Workman" and "Employer": At the core of the Trade Unions Act, 1926, lies the assumption of a binary employment relationship. Gig workers, who are labelled "partners" or "independent contractors" by platforms, fall outside this definition. Reform requires either (a) amending the statutory definition of "workman" to explicitly include platform workers, or (b) introducing a third legal category of "dependent contractors." This would preserve the flexible aspects of gig work while granting drivers the fundamental rights of minimum wages, collective bargaining, and protection against unfair labour practices. International examples,

[39] Matthew Taylor et al., Good Work: The Taylor Review of Modern Working Practices (U.K. Gov't 2017).
[40] *Gig economy: How the EU improves platform workers' rights*, European Parliament
[41] Priyansh Agrawal, *India's Gig Economy: Challenges, Opportunities & the Future*, ISB Blog (Sept. 3, 2024).

such as the United Kingdom Supreme Court's ruling in Uber BV v. Aslam,[42] where drivers were recognised as "workers" due to the platform's control over fares and contracts, provide a persuasive comparative model.

Guaranteed Minimum Earnings: A major source of precarity for Bengaluru drivers is income volatility. Many reports working 12–16 hours a day to barely earn subsistence-level wages once commissions and fuel costs are deducted. Reform must therefore mandate minimum earnings guarantees either hourly or per-shift so that drivers are assured of a stable income floor regardless of fluctuating demand. Spain's "Rider's Law," which ensures delivery riders cannot earn below a minimum, demonstrates how such guarantees can be integrated into platform work without eliminating flexibility.[43]

Social Security Contributions: The Code on Social Security, 2020, defines gig and platform workers but deliberately excludes them from being "employees," thereby limiting their entitlements. While the Code envisions schemes for health, maternity, and old-age benefits, these are yet to be enforced. A reformed framework should establish mandatory tripartite contributions by platforms, government, and workers themselves into a dedicated social security fund. In Bengaluru, driver unions have repeatedly highlighted the absence of accident insurance despite the high risks of road accidents. Making contributions compulsory would directly address this gap.

Union Recognition and Collective Bargaining: The inability of gig worker collectives to gain formal recognition under the Trade Unions Act, 1926, is perhaps the greatest barrier to effective reform. Organisations such as the Namma Bike Taxi Association and the Indian Federation of App-based Transport Workers have mobilised but face statutory obstacles since their members are not legally "workmen". Reform must therefore explicitly recognise gig worker unions under the Trade Unions Act, granting them immunity and bargaining power equivalent to traditional unions. This would institutionalise a collective voice for Bengaluru drivers and allow negotiations over commissions, work hours, and safety protections.

Grievance Redressal and Due Process: One of the most pressing issues for Bengaluru drivers is arbitrary deactivation of accounts based on opaque customer ratings. Workers report being

[42] Uber BV v. Aslam, [2021] UKSC 5 (U.K. Sup. Ct.).

[43] Real Decreto-ley 9/2021, de 11 de mayo, por el que se adoptan medidas urgentes para garantizar los derechos laborales de las personas dedicadas al reparto en el ámbito de plataformas digitales, BOE No. 116, May 12, 2021 (Spain)

locked out of the app overnight without explanation, losing their only source of income [Bengaluru Ola/Uber Driver Protest, 2021]. Reform must require platforms to implement formal grievance redressal mechanisms with human oversight, including a right to be heard before termination. Karnataka's proposed Gig Workers Welfare Bill, 2025, includes an internal dispute resolution mechanism and an encouraging model that should be scaled nationally.[44]

Algorithmic Transparency and Human Oversight: Algorithmic control lies at the heart of platform power. Pricing, ride allocation, and performance monitoring are determined by opaque systems that drivers cannot challenge. This creates an unequal, almost invisible form of managerial control. Legal reform must impose obligations of transparency: platforms should be required to disclose how fares are set, how performance is measured, and to forbid terminations made solely by algorithmic decisions. The European Union's Platform Work Directive, which requires human review of automated dismissals, offers a strong policy template for India.[45]

These six reforms represent not only a response to statutory obsolescence but also an affirmation of the dignity of Bengaluru's gig workers. By redefining legal categories, guaranteeing minimum earnings, ensuring social security, recognising unions, and regulating algorithmic control, India can move towards a balanced framework where platform innovation is preserved, but workers are not condemned to perpetual precarity.

CONCLUSION

The unionisation struggles of Bengaluru's gig workers expose a fundamental tension between India's industrial-era labour laws and the realities of platform capitalism. The Trade Unions Act, 1926, with its rigid "workman–employer" binary, was never designed to regulate algorithmically managed workforces. By classifying drivers as "independent contractors," platforms like Ola and Uber exploit definitional gaps, denying workers basic protections such as collective bargaining, minimum wages, and social security. The lived consequences are stark: drivers routinely work sixteen-hour days for unstable earnings, without accident cover or due process against sudden deactivations.

[44] PRS Legislative Research, The Karnataka Platform Based Gig Workers (Social Security and Welfare) Bill, 2025: State Legislative Brief (Aug. 12, 2025).
[45] Commission Proposal for a Directive on Improving Working Conditions in Platform Work, COM (2021) 762 final (Dec. 9, 2021) (EU).

Comparative frameworks highlight workable alternatives. The UK's recognition of Uber drivers as "workers" and the EU's rebuttable presumption of employment both demonstrate legal strategies that pierce the fiction of independence by focusing on platform control. In contrast, India's legislative responses, whether the Code on Social Security, 2020, or Karnataka's draft gig worker law, have reinforced exclusion by treating drivers as unorganised, rather than extending genuine union rights.

Reform is therefore urgent. Indian law must either expand the definitions under the Trade Unions Act, 1926, or introduce a hybrid "dependent contractor" category. Such reform should enshrine statutory recognition of gig worker unions, minimum income guarantees, and algorithmic transparency.