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RIGHTS WITHOUT RECOURSE: A SOCIO-LEGAL STUDY OF LEGAL CONSCIOUSNESS AMONG INDIA'S URBAN INFORMAL WORKFORCE

~ Archi Ojha

India's cities are built on invisible labour: the delivery rider threading the evening traffic, the domestic worker unlocking a dozen homes before nine each morning, and the construction hand mixing cement on a half-finished tower. Each has statutory entitlements that rarely survive contact with everyday life. Legal consciousness — the field of study that asks how ordinary people understand, invoke and resist law — offers a sharper lens on why rights so often travel without recourse.

THE WEIGHT OF NUMBERS, THE ABSENCE OF VOICE

Nine in every ten Indian workers earn their living outside the protective architecture of formal employment. The government's e-Shram portal, built to create a national database of unorganised workers, had exceeded 31 crore registrations by mid-2026, a scale that testifies to how vast this workforce is.¹ Self-employment and casual labour combined still account for more than three-quarters of all work recorded by the Ministry of Statistics, leaving barely a quarter of India's workforce inside the "regular wage or salaried" category that most labour law was originally built to protect.²

LEGAL CONSCIOUSNESS: THE THREE POSTURES OF LIFE WITH LAW

Legal consciousness scholarship, most influentially developed by Patricia Ewick and Susan Silbey, describes people as standing in three postures towards law: before the law, treating it as a distant, authoritative system approached formally; with the law, using it strategically among one's many options; and against the law, treating it as an obstacle to be outmanoeuvred or ignored.³ Fieldwork on how marginalised communities interpret legal institutions, including Sally Engle Merry's influential study of working-class litigants, suggests that most urban

informal workers occupy the third posture by default, rather than by choice.⁴ A street vendor endlessly evicted despite the protections of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 learns quickly that citing a statute to a municipal enforcement squad is largely ineffective.⁵

Figure 1: Workforce Composition and e-Shram Registration Growth

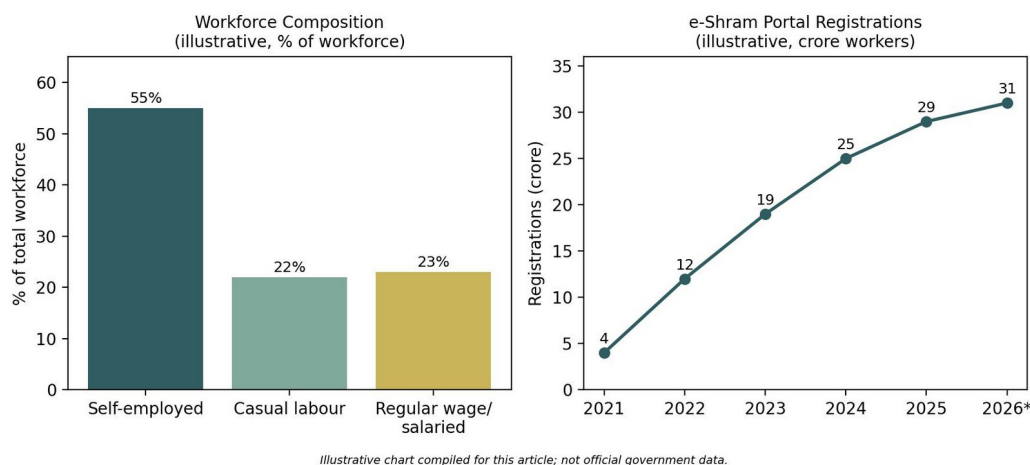


Figure 1: Workforce composition and e-Shram registration growth (author's chart, compiled from MoSPI PLFS and PIB data).

THE LEGISLATIVE PROMISE AND ITS LIMITS

India's regulatory framework for informal labour is no longer paper-thin. Parliament's four labour codes, including the Code on Social Security, 2020, were finally brought into force on 21 November 2025. The Code officially recognises gig and platform workers as a discrete labour category for the first time and requires aggregators to contribute one to two percent of annual turnover, capped at five percent of payments made to workers, to a dedicated Social Security Fund.⁶ Barely five weeks after the new regulations took effect, tens of thousands of delivery workers linked to Swiggy, Zomato, Zepto, Blinkit, Amazon and Flipkart went on strike on 25 and 31 December 2025 in a nationwide flash strike organised by the Indian Federation of App-Based Transport Workers and the Telangana Gig and Platform Workers Union, demanding a fixed minimum monthly wage of forty thousand rupees and an end to retaliatory account suspensions.⁷ The timing captures this study's thesis precisely: though a landmark statute had just taken effect, the workers it was meant to protect arrived first at the picket line, not the grievance cell.

WHY THE LAW FEELS LIKE SOMEONE ELSE'S LANGUAGE

This is not because workers are unaware that a statute exists; it is because the statute has not yet reached the street. A Delhi-based delivery worker has described how basic facilities like drinking water and a place to rest were secured only after riders at his store organised repeated strikes through a local workers' union in mid-2025 — concessions won through collective pressure rather than through the grievance mechanisms the new labour code was meant to provide.⁸ Riders describe incentive structures engineered so that earnings taper the moment a worker nears a bonus threshold, a practice yet to be audited by any inspector. Legal consciousness scholars would call this legal estrangement: people know a law exists but experience it as belonging to someone else's world, reachable only through improvised solidarity rather than the institutions Parliament has created.⁹

TOWARD RIGHTS WITH RECOURSE

Closing this gap requires more than adding statutes to an already crowded book. It requires legal literacy pitched in the vocabulary of the workplace rather than the statute book, decentralised grievance mechanisms located where informal workers actually gather rather than distant labour courts, and portable social security entitlements that follow workers between employers and cities — in the spirit of the Universal Account Number model that e-Shram has begun to attempt. Worker collectives, even informal ones organised around a single market or platform, have converted statutory rights into bargaining power more effectively than the formal machinery designed for that purpose. Recognising these collectives, rather than treating them as symptoms of informality, may do more for legal consciousness than any new welfare code.

CONCLUSION

Rights without recourse are not really rights at all; they are aspirations printed in the Gazette. For India's urban informal workforce, closing this gap will take sustained effort in building the everyday points of contact between workers and the legal system, so that law stops feeling like a language spoken elsewhere and starts feeling like one workers can use for themselves.

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