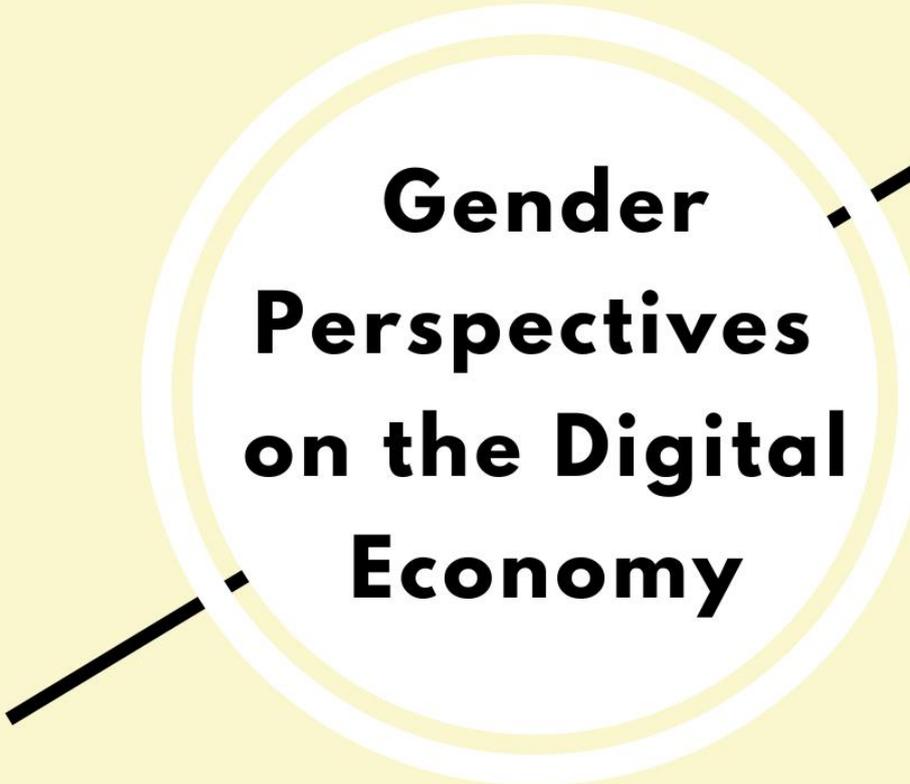


# **Platform Cooperatives in India: Using Policy to Build a Feminist Future of Work**

Sapni G K



**Gender  
Perspectives  
on the Digital  
Economy**

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These research studies were produced as part of the National Gender Fellowships Program of IT for Change under the 'Re-wiring India's Digitalising Economy for Women's Rights and Well-being: an Action-oriented Knowledge Intervention', supported by the European Commission and Friedrich-Ebert-Stiftung.



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**Platform Cooperatives in India: Using Policy to Build a Feminist Future of Work**

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## **Acknowledgements**

Thank you to all the research participants for their invaluable contribution to this paper. The early conversations with Salonie Muralidhara, Ambika Tandon, Prof Babu Mathew, Dr. Saurabh Bhattacharjee, Sachin Tiwari, Mohit Dave, Dr Srijoni Sen, Anita Gurumurthy, Khawla Zainab, Dr. Shivangi Narayan, Ann Mary Biju, Dr. Preeti Raghunath, Deepa Singh, and Arya Chandran contributed immensely to this paper. Many thanks to Anuradha Ganapathy for her review and comments in improving this paper, and Sohel Sarkar for the copyedits. Gratitude to IT for Change, Friedrich-Ebert-Stiftung (FES) and the European Commission (EU) for the funding support to cover the expenses for this project. The author has no financial or competing interests in the writing of this project.

## Table of Contents

<b>Introduction</b> .....	<b>4</b>
<b>I. India as fertile ground for platform cooperativism</b> .....	<b>6</b>
<b>II. Platform cooperativism and India</b> .....	<b>10</b>
II.1 Platform cooperativism in India .....	<b>10</b>
II.2 Understanding of platform cooperativism amongst research participants .....	<b>11</b>
II.3 Kerala Taxi – a case study .....	<b>12</b>
<b>III. Legal framework on Cooperatives</b> .....	<b>15</b>
III.1 The Cooperative Societies Act, 1912 .....	15
III.2 National Policy on Cooperatives, 2002 .....	17
III.3 Multi-State Cooperatives Act, 2002 .....	18
III.4 State Cooperative Acts.....	19
III.4.1. Gujarat.....	19
III.4.2. Kerala .....	20
III.4.3. Andhra Pradesh .....	21
III.4.4 Karnataka .....	22
III.4.5. Meghalaya .....	23
III.5 Analyzing the legal framework .....	24
<b>IV. Notes from other countries</b> .....	<b>27</b>
IV.1 Barcelona, Spain .....	27
IV.2 Bologna, Italy .....	27
IV.3 France .....	28
<b>V. Suggestions and Recommendations</b> .....	<b>30</b>
<b>V.1 Ease Regulatory hurdles</b> .....	<b>30</b>
<b>V.2 Encourage through policy measures</b> .....	<b>31</b>
<b>References</b> .....	<b>33</b>

## **Platform Cooperatives in India: Using Policy to Build a Feminist Future of Work**

The cooperative movement has a long-standing history in India. It goes back to India's independence movement and how individuals were empowered to form collectives that served their interests in a developing economy. The spirit of the collective, and its emphasis on autonomy through progress and development, aided the movement to be an inclusive alternative economic model where feminist theory of relational autonomy (Brison, 2000) manifested as agency through political participation in decision-making (R. Jayalakshmi, 2003). Over the years, regulatory support for companies and corporate model of holdings increased, while the legal framework around cooperatives saw little change. Sluggish growth and outdated regulatory policy slowed down the development of the cooperative economy outside the rural credit economy (Kerswell & Pratap, 2019). Economic liberalization and the growth of the internet turned a new leaf in the Indian economy, with the 2010s entrenching platformization of the economy in various sectors (Rathi & Tandon, 2021). The legal position as independent contractors in such arrangements further depleted the bargaining power of the worker in these arrangements. The years of operation of this model have highlighted the lack of worker welfare and social security. This moment in time presents platform cooperativism as a new organizational structure within the platform economy that offers workers autonomy, agency, and ownership of their labor.

Platform cooperatives are cooperatively owned computing-based platforms in today's platform economy, as against corporate platforms that are owned and controlled by capital infusers/VCs (Athique & Parthasarathi, 2020). Both of these operate in the platform economy, where commerce is operated on the basis of digital platforms which act as intermediaries between participants in economic transactions. This paper positions platform cooperativism in the Indian policy context by arguing that it is a pursuable feminist proposal in the platform economy, well-suited to India's cooperative legacy. As a next step in the story of cooperativism in India, it argues for regulatory and policy changes to accommodate platform cooperatives as an alternative organizational structure. It attempts to achieve these objectives by answering three research questions. Firstly, it looks at whether platform cooperativism can be a feminist answer to the challenges presented by platformization of the economy in the Indian context. Secondly, it looks at whether current regulatory policy is suitable for platform cooperatives to flourish. Lastly, it tries to address regulatory hurdles and gaps in the policy environment to establishing platform cooperatives in

India. To achieve the research objective, a case study of Kerala Taxi, a Kerala-based platform cooperative is presented and its interaction with law and policy in India is charted. It also undertakes a comparative study of policy and regulatory measures in Spain, Italy, and France to inform policy choices in India.

To answer the research questions, this study uses a qualitative research methodology combining a review of relevant literature with interviews and a case study. After a preliminary scoping review that was based on search results from Google Scholar, JSTOR, ProjectMUSE and ProQuest, this paper undertook an integrative review of over 40 pieces of literature, including journal articles, reports, books, newspaper reports and opinion pieces. This was followed by an analysis of relevant grey literature from organizations working on developments in the field of cooperativism in order to understand the scope of platform cooperativism as a feminist solution to exploitative platformization. A desk review was carried out to analyze bills and legislations forming the relevant regulatory framework for platform cooperatives. Further, it is informed by in-depth interviews with 16 participants who have experience with gig platforms, cooperatives, and platform cooperatives —such as workers, government officials, auditors, technologists, researchers and activists who have used, studied, or been involved with them, and customers of platform cooperatives. The interviewees were identified based on a review of news articles across media and snowball sampling method, where already identified interviewees or contacts referred the researcher to other potential interviewees from their acquaintances.

Chapter I of this paper establishes that the history of the cooperative movement in India can be reenergized in the platformized economy as an alternative organizational structure in harmony with feminist principle of relational autonomy. Chapter II presents the results of the qualitative research conducted as part of this research, including a case study of Kerala Taxi. Chapter III offers a review of the regulatory regime on cooperatives in India focusing on three main instruments – the *Cooperative Societies Act, 1912*, *Multistate Cooperatives Act, 2002*, and the *National Cooperative Policy, 2000*, in addition to select state legislations. Chapter IV of the paper presents a comparative analysis of the regulatory framework that enables platform cooperatives as a viable alternative in Spain, Italy, and France. Finally, Chapter V gives suggestions and recommendations on the changes that can be incorporated into India's regulatory regime for cooperatives to support platform cooperatives through policy.

## Chapter I

### India as fertile ground for platform cooperativism

Feminism has evolved in multiple ways to incorporate the ever-developing streams of thought on parity in power in different realms (Patil, 2013). The quest for equal opportunity to exercise power in the political, personal, social, economic and ecological spheres provide grounds for feminist analysis (Tandon, 2018). These characteristics provide multiple perspectives to analyze the cooperative movement in India. In this paper, I analyze the same on the basis of the theory of relational autonomy (Mackenzie & Stoljar, 2000). The theory of relational autonomy questions the popular understanding of autonomy as siloed and unaccommodating of social realities. According to this theory, exercise of autonomy and the agency to exercise such autonomy is relative to external conditions including social, economic, political and gendered experiences of an individual or a group of individuals. It is beneficial to understand India's cooperative history which shows that cooperativism provided space for relational autonomy to operationalize and augment the economic situation for the benefit of the workers. Finally, I extend this analysis to argue that the platform cooperative model is placed rightly to augment relative autonomy in the platform economy.

The introduction of the cooperative movement in India in the late 19<sup>th</sup> century was deliberate State action. This was an adoption of the 19<sup>th</sup> century phenomenon resultant of the famous Rochdale experiments in England, where local cottage weavers pooled their scarce resources to access basic goods at a lower price as shoppers (Fairbairn, 1994). Colonial state policy encouraged the replication of European models of cooperativism in the agricultural sector to enable farmers to break out of cycles of poverty and debt at the hands of zamindars and money lenders. Soon, the movement spread beyond the agricultural sector to other sectors such as production, marketing, housing etc. (Vaidyanathan, 2013). Early five-year plans in India focused on budgetary allocation to establish and fund cooperatives as a democratic model for economic activity (Sarma, 1958). The objective of generating maximum benefit for the members, who were now part of cooperative credit systems as well as workers cooperatives, was identified and valued as a tool for decolonized growth in the post-independence years (Moulton, 2021). The years that followed saw the growth of an indigenous story of cooperativism, different from the famous Rochdale experiments, with clear Indian cultural and economic flavors (Kamenov, 2019). The scale of cooperatives in India made credit and enterprise abilities available to a large population in the informal sector. This contributed to the empowerment of various sections of the society, particularly women. Amul

Dairy is arguably India's most famous cooperative success story. Under the Gujarat Cooperative Milk Marketing Federation, the cooperative works in a federated model where members across different states in the country join forces under this brand name.

Analysis of various case studies of cooperatives in India shows us that the seven principles of cooperative movement (International Co-operative Alliance, 1995) can empower its members and hold the potential to realize relational autonomy. In the case of Shri Mahila Griha Udyog (*Lijjat*), the organizational structure has ensured that women can join the cooperative with minimal requirements. This helps actualize the cooperative principle of voluntary and open membership. Individual workers retain ownership and have a participatory role in the election-based governance system of the cooperative, abiding by the principles of member economic participation and democratic member control. This gives them realistic exposure to economic, political and social capital, in addition to personal autonomy (Sapovadia & Patel, 2014). The autonomy within the organization also facilitates engaging in community development activities that support ecological and social initiatives (Ramanathan, 2004).

A similar trajectory can be drawn in the case of Kerala Dinesh Beedi Workers Cooperative. Largescale democratic decision-making contributed to an overall improvement in the working conditions, health, and wages of the workers who also earned dividends from the profits of the cooperative (Gulati et al., 2002). In its heyday, the cooperative was an example of industrial-level democratic governance which facilitated personal, social, political and economic growth of its workers. In a declining *beedi* market, most members of the cooperative are women, and the cooperative has diversified into other businesses (John, 2020). The recurring theme of successful ownership of produce and of labor can be observed in all these cooperatives.

Regardless of the success of specific cooperatives early on, the cooperative movement as a whole has been unable to weave a majestic success story. Ardhanareeshwasran committee in 1987 identified the cooperative movement to have made little difference as opposed to its potential due to incessant government intervention and bureaucratic hurdles within the regulatory framework (*Report of the High Powered Committee on Cooperatives*, 2009). The contribution of cooperatives in various sectors of the economy continued to diminish over the years (*Mapping: Key Figures National Report : India*, 2021). Literature points to multiple reasons for this trend including change in market demands, political interference, reduced government support and exhausting compliance requirements (Kerswell & Pratap, 2019) (Vaidyanathan, 2013) (*Autonomy and Independence of Cooperatives in India*, 2019). In the case of Dinesh Beedi, the changing demand trends and compliance complications under the Cooperative Societies Act, 1912

contributed to the fall of the cooperative (John, 2020) (Gulati et al., 2002). The pioneers of *Lijjat* preferred the relative ease of regulatory compliance under the Societies Registration Act, 1860 as against the convoluted cooperative regulatory regime, even though it functionally follows cooperative principles. This points to the need to reassess the legal framework, which becomes more crucial in today's platform economy with starkly different realities (Ramanathan, 2004). Similar constraints have been observed by other cooperatives such as the SEWA Federation (Salonie Muralidhara, personal communication, November 10, 2021).

The International Labour Organization's (ILO) Social and Solidarity Economy (SSE) model for development places high importance on the contribution of cooperatives to development (*Plan of Action for the Promotion of Social Economy Enterprises and Organizations in Africa*, 2009). Platform cooperatives fall within the ambit of the SSE model (Gurumurthy et al., 2021). It is positioned as a novel answer to the concerns within the current system of platformization of the economy. They are yet to be popularized in India. Given India's history with the cooperative movement, it can be the next development in India's SSE. The introduction of the platform cooperatives as an alternative organizational model in India's digital economy might appear shaky based on the recent trend of decreasing contribution of the cooperative sector to the economy and the regulatory issues identified above. It conflates the concerns about the regulatory vacuum on platformization of the economy and the improper regulation of cooperatives in India (*Co-Ops for the Indian Digital Economy*, 2022). However, as an organizational model it has the potential to bring the benefits of the platformization such as better structuring and formalization of informal markets. In this model, the knowledge about the workings of the platform, its objectives, and management are dependent on the decisions taken by the cooperative. This gives ample chance for the people who rely on them, particularly workers, to have a meaningful say in technology governance. This can contribute to active participation of the workers in determining the impact of the technology that they are subject to (Krishnakumar & Korjan, 2021). It can direct the development of technology, particularly in an increasingly platformized economy, towards a humane ecosystem that aligns with the cause of equal opportunity and the balancing of power dynamics within institutional relationships in the society (Schneider, 2022a).

Feminist critique of technology over the last few decades points towards the possibility that platform cooperativism could bring about a change in status quo, while being aligned with intersectional feminist principles (Dimond & Galusca, 2017). Such analysis focuses on the ability to express agency, and is relevant to the theory of relational autonomy. Feminist analysis on different kinds of technology such as facial recognition (Buolamwini & Gebu, 2018) and informal digital

labor (Schneider, 2021) has dismantled the oft repeated claim of technology neutrality. Literature has established that the garb of technology neutrality only exacerbates the harm done to already marginalized members of any population (Arcy, 2016). Many concerns of the feminist movement as a political movement that deals with addressing inequal power dynamics finds relevance here. It is within the motivations of the feminist movement that there be accountability and transparency about technology to the people who rely on them (Schneider, 2022b). The platform cooperativism movement is positioned as a solution for this problem (Scholz & Schneider, 2017). It is an extension of the principles of the cooperatives movement as identified by the International Cooperative Alliance (International Co-operative Alliance, 1995).

The alignment between cooperativism and feminism rests principally on the basis of the principles of autonomy, independence and the participatory democracy. These cardinal principles of the cooperative movement paves way to increased transparency (Pentzien, 2020), which is essential for the actualization of feminist goals on balancing the power dynamics between people and institutions in the society. This organizational structure can be utilized to enhance relational autonomy in favor of the worker, who is better-informed and has the power to make decisions on her labor in ways that directly affect her. Addressing the intersection of feminist critique of technology facilitated lives and the socio-economic flaws of the corporate platform model, platform cooperativism is a worthy proposal to address these concerns. Further, the introduction of an experiment in India on platform cooperativism would be ideal, given India's historical experience in cooperativism, and the displeasures with the current state of the corporate platform economy model. This can possibly address the displeasures of the workers (Athique & Parthasarathi, 2020), since it gives them a voice in technology governance; help the economy since it brings in competition; and the regulators to experiment in an employment model that can generate economic value in the current weak state of the economy. It is understandable that there would be concerns regarding the price sensitivity of the Indian market, given the deep discounts attracting consumers towards the corporate model (Krishnakumar & Korjan, 2021). Regulation of these markets, prioritizing the social, economic and human costs of this model can reinvigorate the seemingly structureless market, levelling the playing field for deep-pocketed corporate platforms and platform cooperatives.

## Chapter II

### Platform cooperativism and India

It is important to engage with stakeholders to understand their points of view before delving deep into regulatory analysis and suggesting possible policy measures as solutions to any identified problem in public policy. To this effect, in-depth interviews ranging from 45-60 minutes were conducted with nine workers who engage with the platform economy, across Bengaluru, Kochi and Coimbatore. One of them was a woman who worked as a beautician with Urban Company in Bengaluru and the rest were men who worked with various food delivery platforms and ride-hailing services. Of the eight, two of them were once drivers on ride-hailing apps in Kochi alongside their traditional taxi services and were also part of Kerala Taxi when it was functional. Interviews were also conducted with other stakeholders including two bureaucrats who engaged with State Cooperative departments, a technologist involved with development of an app-based platform and two auditors with experience in the cooperative sector. Additionally, two in-depth interviews were conducted with Salonie Muralidhara, a researcher and cooperative practitioner who was working with the Self Employed Women's Association (SEWA) Federation and Ambika Tandon, a researcher at the Centre for Internet & Society working on digital labor. The identities of some of these interviewees are anonymized to protect their privacy. Semi-structured interviews were conducted with most participants, taking their views on the drawbacks of the corporate platform system, and the cooperative framework. Further, their familiarity with the platform cooperative model was gleaned and alongside their view on the platform economy.

#### II.1 Platform cooperativism in India

The platform cooperative movement in India is very nascent. The sample size of cooperatives that have a platform extension or those functioning completely as platform cooperatives is very small. During the process of this research, two of them were engaged with –

1. a SEWA supported initiative in rural Gujarat that uses WhatsApp as a platform for sale of agricultural produce; and
2. Kerala Taxi — a taxi aggregation service by the Ernakulam District Car Drivers Welfare Society (EDCDWS) that had Android and web-based applications for booking and tracking taxis.

Both of these were instances of a traditional cooperative having a platform extension. In the former, only existing members were allowed to sell produce to customer through WhatsApp using groups. The latter involved creation of a new platform, which acted as a two-way market

intermediary aggregating ride hailing services for customers and enabling app-based rides for drivers. It was open for taxi drivers from across Ernakulam and not limited to the members of the EDCDWS, essentially acting as an open marketplace. On the policy front, the strategy papers released by the Government of Kerala under its Kerala Knowledge Economy Mission tries to incorporate platform cooperatives to strengthen its knowledge economy (Sapni G K, 2021).

## **II.2 Understanding of platform cooperativism amongst research participants**

The research participants who worked as independent contractors with corporate gig platforms were less concerned about the structural barriers and lack of social security. Instead, they had a more pressing worry about inadequate compensation for the hours they put in. All the workers pointed to the constant demand to understand how to maximize their ability to get well-paying gigs because of their designs. They appreciated the ease of access and reduction in barriers to entry into delivery work and taxi services that the app provided. However, they questioned the independent contractor status.

One delivery worker mentioned that these platforms considered them as partners and independent contractors, but did not fulfil any obligations expected out of a partner. The skew in power between the workers and companies are a cause of concern for most, who opine that a monthly fixed salary with additional incentives should be the minimum compensation for their hard work. The worker from Urban Company also shared that she felt penalized for working with these companies as she had faced abusive behavior from clients as well as the company, with minimal option to challenge them. Most participants mentioned the lack of agency over their work, which was originally promised to them by this model. The requirements put forward by these workers often did not extend to a demand for comprehensive social security. Their livelihoods were impacted by the pandemic, and their immediate necessities are barely fulfilled by the compensation they receive for their work after the platform charges its commission. The general opinion pointed towards fair compensation to be the first step where government intervention was necessary.

Except the drivers involved with the Kerala Taxi project, the other seven workers who were interviewed were not familiar with the concept of platform cooperativism. They were more of view that platform cooperativism could be a beneficial future project. However, they were skeptical about the development of technical infrastructure of platform cooperatives due to the lack of skill. Ibrahim,<sup>2</sup> who works as an autorickshaw driver on a ride-hailing platform in Bengaluru,

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<sup>2</sup> Pseudonymized to protect the privacy of the participant

acknowledged that there were people with technical education who were now gig workers because they were unable to find jobs, but was unsure about the prospects of the cooperative model which he saw as outdated. This wasn't the case with the two workers who had been part of Kerala Taxi, who were enthusiastic about the potential of platform cooperatives. The general trend of responses identified the size and monetary power of these corporation as concern which cannot be challenged by minimal technical knowledge and capital at the hands of these workers through platform cooperatives. Some also raised concerns with extensive government intervention to create such infrastructure as they feared corrupt practices which would prove costly to their livelihoods.

On the policy structure of platform cooperatives, Salonie Muralidhara (SEWA Federation) identified that platformization of labor has also led to more men taking up jobs in fields traditionally dominated by women, such as domestic workers and care work. She identified that a platform cooperative focusing on structural inequities faced by women could be a fitting answer to this concern. She mentioned that SEWA's experience with cooperative societies and their experiment on platform cooperatives speak to the fact that platform cooperatives could be a viable alternative situated within feminist principles. Ambika Tandon (Centre for Internet and Society) further identified the case of platformization of domestic worker labor to highlight the marginalization of the already marginalized by the platform economy, particularly women. Her insights from her research into this space also brought the concern of lack of capital availability for workers in this industry to invest in high tech alternatives such as platform cooperatives, as against working with pre-existing technical infrastructure.

### **II.3 Kerala Taxi — a case study**

The semi-structured interviews conducted with some members of the EDCDWS — drivers who used the Kerala Taxi platform — draws a clearer picture of an attempt at developing a platform cooperative in India. The iterative process for the development of the app was over 18 months with one year in ideation and development, six months of training for drivers and three months of post-pilot trials. It was an attempt at creating a level playing field for drivers within and outside corporate gig platforms to have better opportunities with legal protections offered by the cooperative framework, as against gig labor. In this process, the research participants who were users of Kerala Taxi also mentioned that it improved competition in the ride hailing services space in Ernakulam with almost 2000 drivers signing up for the service to compete with corporate cab aggregators on customer experience, rates and worker experience.

One of the participants, a technologist associated with the software development mentioned that backend software and algorithmic activity on the platform was limited to aggregation. They mentioned that it provided more opportunity for the driver to choose whether or not they want to accept a request for a ride — a clear win for worker’s agency over their labor. It employed algorithms and location-related technologies to identify the drivers closest to the vicinity of the customer and acknowledged the traditional “taxi stand” system, where taxis ready to ply wait for potential customers. A request for ride was broadcast to all drivers in the vicinity and the acceptance of a ride happened on the basis of earliest acceptor of requests. Since it was run by the EDCDWS, there were no additional incentives such as extra pay for completing a set number of rides, which are characteristic of corporate gig platforms. Further, there was no concern of algorithmic distribution of ride requests based on previous activity on the app, thereby eliminating the concern of picking one rider over the other to maximize profit interests or distribution of rides to the benefit of the aggregator. Finally, it also provided flexibility of working hours to the drivers, which according to the participants is often touted as a benefit of the corporate platform model but fails to deliver in reality because of the high commissions and structural flaws. As it was an extension of the welfare initiatives undertaken by EDCDWS, the aggregation service was free to use without any collection of commission from the riders or drivers. The funding of app development, training and maintenance, including that of data centers was borne by EDCDWS.

The participants were associated with the development of Kerala Taxi, not just during the rollout, but from the initial brainstorming on the idea. This gave them a sense of agency over the technology that they were using. They mention that it was picking up pace towards the end of 2019, even without offering steep discounts like its corporate counterpart. They also recognize that networks effects were starting to appear due to the considerable number of drivers associated with the service. They identified this as a weak point for the success of the platform cooperatives since most workers and users are hesitant to try a completely new service-delivery platform.

The pandemic and its effects considerably affected the growth and development of the service. Currently, it remains as a web-based application for booking taxis, and is functioning in association with a Kerala.com Travel Division. Members of EDCDWS who were associated with the development and deployment of the app have currently suspended the use of apps due to high server and maintenance costs associated with the same, which has led the app to be taken off popular mobile application stores such as Google’s Playstore.

They were quick to point out that the development and rollout of the application was viable only because of collaboration between spirited citizens and workers. According to them, the ease of access to the cooperative structure, political parties, and bureaucracy played a crucial role in running this experiment. They also acknowledged that their access to Chartered Accountants, software developers, and a considerable amount of capital was critical in their endeavor. They mentioned that it would have been impossible if these factors had not aligned, which could prove challenging in replicating the same elsewhere. The comparative absence of lobbying firms for these aggregator companies in Kerala and the power of political mobilization that such workers cooperatives in Kerala own also contributed to the execution of the idea.

The office bearers, drivers, customers, and technical persons who were associated with the development of the app understand aspects of the data economy and the responsibilities that come alongside data collection and use of data intensive technology for providing the service. Regardless, through the process of development, concerns about intellectual property rights, data protection and transparency of algorithms did not gather much attention here. The developers and office bearers mention that the premise of development of the app and its working was to create an environment where earnings from the profession could be increased, so that social security measures could be provided through the cooperative itself. They urged that the absence of access to the technical knowledge around these systems and the lack of support to mitigate this was hampering their freedom to work.

## Chapter III

### Legal framework on cooperatives

Any inquiry into the nature of regulations affecting platform cooperatives in India has to be steeped in an analysis of the current legal framework on cooperative societies. The regulatory framework around cooperatives in India is a combination of Union and State laws. Article 19 (1) (c) of the Constitution of India recognizes the right to form cooperative societies (Constitution of India, 1950). It is identified as a field of legislation for the States under Entry 32 of List II in the Seventh schedule to the Constitution. The statutes and subordinate legislations flow from these constitutional provisions. Cooperatives and workers have argued that the framework is inept at providing an ideal environment for their use as a vehicle of change (*Autonomy and Independence of Cooperatives in India*, 2019). It is essential to look at these legislations from the regulatory policy perspective to consider whether they can be used for positive regulation that can be useful to address the shifts brought by increased digitization. The proposal for platform cooperatives as an alternative organization model in the platform economy will have to consider the legislative framework put in place by the following legislations – the Cooperative Societies Act, 1912, Multistate Cooperatives Act, 2002, and the applicable state legislation. The overarching policy framework laid down by the National Policy on Cooperatives, 2000 will also shed light on the principles that guide these regulations. This section provides analysis into these legislations to understand the national framework on cooperatives. As part of the enquiry into state legislation, the state cooperative laws from Andhra Pradesh, Gujarat, Kerala, Karnataka, and Meghalaya are also analyzed. These states were selected based on ICA's analysis that identified self-reliant and liberal state Acts (Andhra Pradesh, Karnataka) and those that were traditional and stringent state Acts (Gujarat, Kerala) (*ICA-EU Partnership Legal Framework Analysis National Report - India*, 2021) and includes Meghalaya to present the analysis of a recently passed legislation.

#### III.1 The Cooperative Societies Act, 1912

The Cooperative Societies Act, 1904 was the first iteration on a national legislation on cooperatives in India. The latest iteration of a “national law” was passed in 1912 when India was still under the British rule, reflecting the interests of the British East India Company. The primary goal of creating systems that protect farmers from moneylenders who made credit inaccessible at high rates of interest and other exploitative practices remains clear in the Act. However, it also continues the legacy of legislator bestowing excess power at the hands of the bureaucracy as detailed below.

These flaws in the law continue to weaken the momentum of the cooperative movement as an economic vehicle. It also allows for political interference from non-members of the cooperative, often creating power imbalances within the members of the cooperative, ultimately resulting in reduced collective benefit.

The Act provides extensive scope for government intervention into the functioning of a cooperative while other mode of commercial holding of capital such as companies are not as interfered with. As a vehicle for social change driven by initial investments from the government, this was an acceptable norm at the time it was enacted. The powers granted to the Registrar under the Act is one of its major flaws. Under the Act, registration is a strictly regulated process. The Registrar has absolute powers to decide the extent of applicability of the law. S. 7 of the Act vests final and undisputable powers in the hands of the Registrar to decide on matters as fundamental as the possibility of a person being a member in a cooperative (*The Cooperative Societies Act, 1912*). Further, dispute resolution on matters regarding members or prospective cooperatives are tilted in favor of the Registrar, leaving the burden of proof on the society and the members to disprove any allegations made by the Registrar with minimal evidence in support of the claim. S. 35 of the Act provides for *ad hoc* inquiries into the constitution, working and financial conditions of a registered cooperative society on the Registrar's own accord. The inquiries are conducted by the Registrar and have negligible procedure in place to prevent abuse. According to S. 37, the Registrar is also empowered to apportion the costs of such inquiries between the cooperative society, the member and a creditor to the cooperative society, if the Registrar deems it fit. Such overtures into the administration of the society can be seen under the provisions providing for the dissolution, cancellation of registration and winding up of the cooperative society.

Here, an interesting parallel maybe drawn to the Companies Act, 2013 which is applicable in the case of entities functioning as for-profit companies. Here, the registration process has been simplified for the ease of businesses (Companies Act, 2013). Even in the previous iteration of the statute under the Companies Act, 1956 there were multiple forums to challenge irregularities, if committed at the behest of the Registrar of Companies, compared to the treatment of a Registrar under the Cooperative Societies Act, 1912. Winding up, under the Companies Act is an elaborate but clear process with adequate opportunities for the shareholder and interested parties to content claims of malice. However, this is missing in the Cooperative Societies Act, 1912 where the entire post inquiry process is limited to an appeal to the Revenue Authority of the State in most cases. This reintroduces executive-heavy dispute resolution in the case of Cooperatives, which does not apply the separation of powers doctrine adequately. These reasons also make the Act

insufficient for the regulation of non-agricultural credit cooperatives which started forming in large numbers post-independence (Sapovadia & Patel, 2012).

As the model law for most State laws post-independence, it is important to acknowledge these flaws in this legislation that still serves as applicable law in cases of cooperatives that were registered before Indian independence. It also helps bring perspective into the question of object and reasoning behind the introduction of the law, which are of prime importance in the case of policymaking and policy reform. In the instant case, it reflects British exploitative tendencies and active ignoring of the necessities of the public. This is not in spirit with the Constitution of India, which casts more duty from the State towards its citizens, as against British colonial objectives. Apart from the definitive overreach of the law into matters that are purely of operational value, it also highlights the vague but punitive auditing measures. These measures could add stress to the management of cooperative societies, which comprise of population that is not sufficiently acquainted to the processes due to structural issues such as access and literacy which are further heightened due to power dynamics owing to gender, caste, class and religion (Sapovadia & Patel, 2014).

### **III.2 National Policy on Cooperatives, 2002**

The absence of a clear vision for the cooperative sector post-independence was acknowledged by policymakers in various ways through the years. The changes that some states brought to improve their cooperative regulatory structure further prompted the Union to invest its energies into developing a National Policy on Cooperatives. To this end, a Ministerial Group was constituted in 2000, to study the cooperative framework in India. It culminated in the finalization of the draft National Policy on Cooperatives, 2002. It offers a fresh look on the historical development of Cooperatives in India, and projects the objectives of the Union in utilizing the cooperative sector for economic as well as human development. It also calls for a specific plan of action to achieve the objectives outlined in the policy (National Policy on Cooperatives, 2000). These objectives include the empowerment of cooperatives by limiting executive control. It places emphasis on executive control being limited to oversight of elections within cooperatives. Finally, it suggests that government control be limited to financial support which should also be gradually reduced to realize full autonomy of cooperatives.

The policy rightly identified inadequacies within the legal framework governing cooperatives in India. At a high level, it recognized cooperative principles and called for them to drive cooperative regulation in India. Further, it also nudged towards limiting government interference with

cooperatives which prevented the actualization of autonomy and independence of cooperatives. However, implementation of this policy did not translate into rectification of the flaws identified by it. The passing of the Multi-State cooperatives Act, 2002 was the only notable implementation of the policy. Beyond this, the action items within the policy such as the draft plan of action for implementation of policy were left unfulfilled. Finally, attention to matters related to cooperatives were limited to the agriculture and credit sectors as was evident from budget outlays. The Department of Cooperation was housed within the Ministry of Agriculture till 2021, when a separate Ministry of Cooperation was formed (Biswas, 2021). Expenditure outlays in the Union budget for the department of agriculture and cooperation show that cooperation was seen closely tied to agriculture and investment in non-agricultural cooperative initiatives was restricted. The bureaucracy paid lesser attention to cooperatives in other sectors including consumer cooperatives as is evident by perusing Union Budget document over the past twenty years. This resulted in little efforts to further the vision laid down in the policy.

### **III.3 Multi-State Cooperatives Act, 2002**

The Multi-State Cooperatives Act, 2002 was the result of decades of deliberations on overhauling the cooperative regulatory system that was put in place by the British. The Act enabled the formation of multi-state cooperatives, which were previously in regulatory vacuum, vaguely within the State legislation where the cooperative was first registered. Further, it also defined federal cooperatives which were now recognized by law as a federation of cooperatives registered under the Act, and the membership was exclusively open to cooperative societies or multi-state cooperative societies. This was done as part of the much larger exercise of policy consideration of cooperatives as a public good (Multi-State Cooperatives Act, 2002).

Significant changes were made to the law to improve its efficiency and reduce executive overreach facilitated by the law. The movement in Andhra Pradesh helmed by Jayaprakash Narayan and the shifts in the regulatory framework in Andhra Pradesh contributed to these changes (Samaddar, 2008). Lessons were taken from the Andhra Pradesh Mutually Aided Cooperatives Act, 1995. The heavy-handed nature of Registrars under the previous legislations was reduced to bring in more transparency and ease the process of registration. This also implied political change as a lot of cooperatives had monopolized their respective markets and had become powerful political actors who could influence the Registrars. The provisions reduced government interference to a large extent, mostly to cooperatives that had significant government funding. Provisions on elections

that allowed for executive interference were also removed to allow for better internal democracy with minimal government intervention.

However, these changes have not done enough for the cooperative movement to be deregulated to facilitate the use of cooperatives as independent drivers of economic growth. Firstly, the focus of the law still remains agricultural cooperatives and targets a predominantly rural population. In a system that has an improved and more nuanced accountability framework, punitive auditing of cooperative societies remain (*Autonomy and Independence of Cooperatives in India*, 2019). An example of the same is the mandate to register even small amendments to the bylaws of the cooperative society, which can be used to initiate proceedings for non-compliance. These measures, hence did not garner much interest within smaller cooperatives, which could have otherwise benefitted from lesser governmental intrusion.

Secondly, the centralization of the registration mechanism was alien to many. The interference of the Union into the legislative field of the states also created differences in opinions, which could be attributed as another cause of decreased adoption of the framework under this Act (*Consideration and Passing of the Multi-State Cooperative Societies Bill, 2000, 2002*). The cumulative effect of the reduced interest in the cooperative movement as policy shifted focus towards more capital-intensive forms of body corporates and the political power held by established cooperatives resulted in fewer states adopting this Act as the model law for cooperative regulation. Hence, the result of minimal use of this legal framework prevented the its benefits from penetrating to larger numbers of cooperatives across the country.

### **III.4 State cooperative Acts**

#### **III.4.1. Gujarat**

The Gujarat Co-operative Societies Act, 1961 is one of the oldest state legislations that is still operational. As mentioned above, the state of Gujarat is home to multiple successful and long-standing cooperative societies such as the AMUL and SEWA federations. The scheme this Act is reminiscent of the 1912 Act, and the British history that comes along. The entire framework looks at the cooperative movement from the limited perspective of agricultural and credit sectors. It sees this legislation as a vehicle to spur agricultural growth, and expand credit availability to agriculturalists. This can be observed from the minimum number of members to for the registration of a cooperative society being as less as ten (Gujarat Co-Operative Societies Act, 1961). The Act confers very wide powers to the Registrar. In case of registration, questions on finality of the purpose of society and facts such as the occupation of a member identified under S. 11 is

conclusive and not amenable to appeal. It also bestows the Registrar with the power to provisionally register cooperative societies on conditions of amendments to bye-laws which are not limited on any account. Membership is extensive, open even to other body corporates, local governments and the state government. Under the open membership schema under S. 24, the society is made accountable to prospective members whose membership applications were not accepted by mandating written reasoning for such an action. However, no such obligation is placed on the Registrar who can reject registrations, amendments and challenge the functioning of the cooperative with minimal accountability built into the framework.

There is extensive government interference and control of cooperative societies within this framework. S 51 of the Act mandates that the cooperative takes prior sanction from the government even to return the share capital subscribed by the government, making it difficult to exercise autonomy. This is also reflected in dividend payments to members, which is also controlled by the government under S. 68. The mere government subscription of shares gives immense power to the government on the management of the cooperative, as the Act allows the Government to nominate three nominees to the Committee that manages the affairs of the cooperative. The Registrar is further empowered to conduct audits of the accounts and books of the cooperative, except State and Central cooperatives banks. Registrar's powers also extend to dispute resolution, with a great degree of finality. The appeals mechanism laid down in the Act and the Rules thereunder are narrowly framed. The Appeals mechanism is easily accessible only in the case of a dispute regarding elections conducted within the Cooperative. This further entrenches the power of the Registrar under the Act.

### **III.4.2. Kerala**

The Kerala Cooperative Societies Act, 1969 follows a very similar pattern to the Gujarat Act. However, it is further regulated with more government interference. It also has improved procedural accountability measures in matters such as election, through a separate election commission (Kerala Cooperative Societies Act, 1969). S 4 of the Act requires at least 25 members of different families for a society to be registered. Refreshingly, it mentions and acknowledges the cooperative principles in the Schedule to the Act. Akin to the Gujarat model, the government has deep control, even within the voting system in cooperative societies. The government has an overwhelming shareholding capacity of 1/5<sup>th</sup> of cooperatives it is involved with, which is not permissible for other members. This inadvertently strikes at autonomy of cooperative societies and can skew the practice of democracy within the cooperative. The general body of the cooperative under S. 27 appears more empowered to take decisions but is practically shackled by

government interference. The Committee which looks after day-to-day business of the cooperative under the Act can be mired in executive interference as the regulations around the bye-laws are stringently under government regulation, which is fertile ground for mandatory involvement of executive interests such as nomination of members of political parties, family and friends etc. in the absence of qualifying requirements. This is exacerbated by the Committee members being paid an honorarium and that it need not always be members of the cooperative who volunteers for such work. Within the meetings framework addressing the general body and special meetings, the Registrar has overarching powers to interfere. Further, S. 69 provides for most disputes to be adjudicated by the Registrar. This limits the availability application of impartial judicial mind to disputes within the cooperative, particularly ones with monetary claims.

It is useful that the Act delves into aspects of Cooperative Union and welfare schemes for cooperative members unlike other state legislations. However, this also brings in the question external political interference into the operation of cooperative societies. It is noteworthy that there is an Ombudsman scheme within this framework under S 69A, where ombudsman is appointed by the government for concerns on the functioning of cooperatives. However, the biggest critique of the Indian regulatory framework around cooperatives has been that it imposes an external objectivity which is devoid of the understanding of the internal workings of a cooperative. This is further reflected in the detailed mandates for spending profits of the cooperative, limiting the autonomy of the members in deciding how to divide and utilize the profits. Service cooperatives do not appear to have been a point of consideration within this framework either. Finally, the audit procedure for cooperatives is headed by the director of cooperative audits, a part of the executive. Auditors and Chartered Accountants involved in such audits of cooperatives were quick to point out the lack of robustness of this audit system. They mention that it fails to identify fissure points before complete collapse of cooperatives. This was accepted by one of the officials in the cooperative bureaucracy during qualitative interviews, while another rejected the same.

### **III.4.3. Andhra Pradesh**

The Andhra Pradesh Mutually Aided Cooperative Societies (APMACS) Act, 1995 was the first shift towards a more liberal regulatory regime for cooperative societies in India, after the Brahmaprakash Committee Report in 1991 (*Seventeenth Report on Action Taken by Government Recommendations/Observations Contained in the Third Report of the Standing Committee on Agriculture (1993-94) (Tenth Lok Sabha) on the Annual Report (1992-93) Pertaining to Ministry of Agriculture (Department of Agriculture and Cooperation)*, 1995). It adopted many of the suggestions

in the model Act under the Report, but also took additional measures to ease the registration and management of cooperatives.

It acknowledges the cooperative principles and makes it the basis for registration of any society under S. 3. S. 4 of the Act allows for smaller local cooperatives with a minimum of 10 members and lesser total authorized share capital to accommodate more people into the cooperative economy, with an option to be registered as limited or unlimited liability cooperatives. The hegemony of the Registrar within the framework, which was characteristic of all earlier legislations was reduced in this iteration. It tried to limit the powers that the Registrar held over the functioning of the cooperative society in multiple ways (Andhra Pradesh Mutually Aided Cooperative Societies, 1995). At the instance of registration, more safeguards were placed against the Registrar misusing the law, but the decision continued to be conclusive. It gave greater powers to the general body, which had the final say in the matters of the cooperative. Independent audit of the books of the cooperative by a Chartered Accountant was introduced, removing the power from the executive, except when the cooperative received government funding. Nevertheless, it retained the Registrar's powers to initiate voluntary inquiries which are to be paid for by the cooperatives. However, it introduced procedural safeguards in terms of prior notice and an opportunity to the cooperative for representation which was previously absent. Further, it also introduced a tribunal mechanism for dispute resolution under S. 37 instead of making the Registrar the adjudicator at the first instance, which later paved the way for other States to adopt the same.

### **III.4.4. Karnataka**

The Karnataka Souharda Sahakari Act, 1997 was passed in an attempt to introduce some of the changes suggested by the Brahma Prakash Committee report into the regulatory framework for cooperatives in the state. The Act was enforced in 2001, marginally easing the regulatory framework from the previous Karnataka Co-operative Societies Act, 1959. Like the APMACS Act, it allowed for smaller cooperatives with 10 members or more. The appeals for rejecting registration and on amendments to the bylaws continued to lie with the executive, with no independent judicial oversight. Utilization of funds continued to be strictly regulated with the law dictating the exact proportions of fund utilizations under S. 10 (2) (xxi). S. 14 of the Act introduced the ability of cooperatives to enter into partnerships with one another, without the application of the Indian Partnerships Act, 1932. This enabled cooperatives to explore newer business models and ventures within the cooperative regulatory framework. Further, in a move to limit interference of political parties, it prohibited the use of cooperative funds to donate to political parties or religious organizations under S. 19. It also allows independent audits with oversight of the executive,

similar to the Companies Act framework. However, an independent tribunal or judicial oversight is not a part of the dispute resolution framework under this Act, even though it adds procedural safeguards for dispute resolution by the Registrar. Finally, while individual cooperatives are given more freedom on their day-to-day governance and compliance requirements, the government retains control and oversight through the Federal Cooperative under S. 53, of which all cooperatives registered under the Act are mandated to be members of (The Karnataka Souhardha Sahakari Bill, 1997). This results in an overall reduction in autonomy and freedom for cooperatives, which limits the effects of other positive changes that were incorporated into the framework.

### ***III.4.5. Meghalaya***

The Meghalaya Cooperative Societies Act, 2015 is one of the most recent state legislations passed on the subject. It replaces the Meghalaya Cooperative Societies Act which was an adoption of the Assam Cooperative Act of 1950. Under the act, a cooperative Society requires a minimum of 15 members to be registered. Even though it is a recent legislation, the powers of the Registrar follow the traditional model with extensive executive reach, as identified in the case of Gujarat and Kerala. Under the Act, the Registrar's powers are so wide that binding suggestions can be made amend byelaws even before incorporation, without reasons in writing. However, compared to the Gujarat and Kerala models, government interference in management of day-to-day affairs is lesser. For example, S. 34 clarifies that the state can depute officials for managing the affairs of the cooperative only upon written request from the cooperative society and its members, unlike previous legislation that allowed unilateral action (The Meghalaya Cooperative Societies Act, 2015). It also mandates cooperative training for all members under S. 43, nudging towards empowerment of members and cooperative societies at large. In the case of financial investment and assistance from the government, direct investment from the government is structurally disincentivized. Under S. 44, financial assistance can be given by the government to cooperative societies only with detailed written scheme for utilization of such funds and its repayment, giving more agency to the cooperative society. It also mandates independent audit by Chartered Accountant instead of directorate of cooperative audits or the Registrar. However, all disputes arising in cooperative societies are to be settled by the Registrar, monetary ones with a more a stringent timeline than others. It is also concerning that the Appeals against the Registrar lie to the Government of Meghalaya instead of a Court or an independent Tribunal. Finally, the overarching scope of the legislation appears to focus on cooperative credit facilitation and the agricultural

sector. However, it is less narrowly worded leaving some leeway for cooperatives in other sectors to operate more efficiently.

### **III.5 Analyzing the legal framework**

These flaws within the regulatory framework clearly exacerbate the functioning of a cooperative. Placing platform cooperatives as new organizational model within this framework may not help in its growth. As the platform economy itself is sparingly regulated (Kathuria et al., 2021), vague and executive heavy regulation does not bode well for a new organizational structure such as platform cooperatives. Furthermore, the direct competition to platform cooperatives are corporate platforms that are heavily incentivized under various schemes, including those targeted at start-ups under the Start-Up India Mission (*About Startup India Action Plan, 2016*) (Athique & Parthasarathi, 2020). A platform cooperative sector that is stringently regulated from its inception could replicate the flaws of the current cooperative framework, where relational autonomy cannot operate owing to the limited autonomy for the cooperatives — in turn limiting the agency of the worker.

The regulatory framework for platform cooperatives will involve the improperly regulated cooperative framework and a sparingly regulated platform economy, if considered as an amalgamation of the both. Using this conflated framework to regulate platform cooperatives will hamper the benefits of either of these forms of organization in terms of operations and administration. Corporate platforms in various sectors such as ride-hailing, food-delivery, domestic-work, etc. face the heat on their ill-considered labor security measures and their tendencies to corner large shares of the market with venture capital infused liquidity (Gurumurthy et al., 2018). On the other hand, cooperatives have not been very successful in expanding into the digital economy, with e-commerce being a major jolt to their established modes of operation (*COVID-19 Impact on Informal Women Workers and Their Cooperatives, 2020*). Greater competition due to the opening of markets through e-commerce has hampered the sales of traditional cooperatives such as SEWA, with the pandemic further limiting its economic prowess.

The conversation about protectionism and open markets as evident in the Startup Action Plan, 2016 must also consider incentivization of worker led organizational models, and not relegate regulatory support as protectionist measures. A big-picture analysis of these matters is incidental to arriving at the conclusion that the current regulatory framework around cooperatives and platform corporations do not support worker-led organizational structures such as platform cooperatives (*Kerala Knowledge Economy Mission Strategy Papers, 2021*). The framework that

regulates corporate platforms include the Companies Act, 1956, Partnership Act, 1932, Foreign Exchange Management Act, 1999, state Shops and Establishments Acts, Income Tax Act, 1961, Intellectual property related laws such as the Copyright Act, 1957, the Patents Act, 1970, and a host of labor related regulations which were previously under a host of legislations but come under the yet to be implemented The Code on Social Security, 2020. All these legislations are primarily legislated focusing on the private sector, and are focused on preventing unreasonable profit maximization. While the efficiency of these laws in achieving their objects can be debated, the benefits available to them such as easy access to foreign investment or more efficient compliance mechanisms are not available to cooperatives (*COVID-19 Impact on Informal Women Workers and Their Cooperatives*, 2020).

Interview participants who were workers identified that while workers moved from rural and semi-urban areas to urban areas for engaging in the platform economy, they also suggested that platformization of labor itself is flowing from urban to semi-urban and rural networks which is corroborated by government estimates (*India's Trillion-Dollar Digital Opportunity*, 2019). While this can accelerate urbanization, it may force ill-fitted mechanisms and solutions in those areas. A specific example mentioned by Raju, who works as a food delivery worker in Coimbatore<sup>3</sup> was how these platforms optimized for time-efficiency, whereas in his village cost-efficiency would be prioritized over time efficiency. This example illustrates that concerns in job security might trump job safety where according to him unsafe riding habits might not be as challenging to workers in semi-urban or rural settings as much as high delivery charges which prevent people from using the services of these platforms thereby not having adequate work opportunities. When regulating such complex systems these differences should be kept in mind to create holistic and adaptive regulatory environments.

If the platform cooperative model is forced into the current regulatory regime for cooperatives or corporate platforms, the flaws within may disincentivize the platform cooperative, thus defeating their very purpose. Analysis of corporate law on start-ups, which continue to apply to large number of corporate platforms in India, also posit that compliance is cumbersome (Ganguli & Mittal, 2019). They also seem skewed towards Information Technology and software-based start-ups, suggesting that the regulatory ecosystem is harder for start-up entrepreneurship outside the sector (Singh, 2020). The analysis of the law on cooperatives above demonstrates bureaucratic

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<sup>3</sup> Pseudonymized to protect the privacy of the participant.

overreach and the lack of autonomy in the cooperative framework. Both of these are not ideal to experiment with a new organizational structure.

In the case of the co-operative framework, it has been primarily a rural and agricultural governance focused law (*Consideration and Passing of the Multi-State Cooperative Societies Bill, 2000, 2002*) which might not be able to adapt to this space. Further, complex but unregulated issues such as algorithmic regulation will once again be side-lined, albeit this being a good opportunity to take a step forward to holistic regulation. In the case of the corporate framework, it does not take into account the specific nature of cooperatives where community development and social commitment also play a central role alongside profit-making.

Finally, adapting either of these regulatory frameworks onto the other may not strike the right balance between deregulation and regulation of the platform cooperatives. The platform economy in India is currently highly deregulated, giving space for a lot of experiments, often at human and social costs (Athique & Parthasarathi, 2020; Kathuria et al., 2021). The cooperative societies framework on the other hand is over-regulated in terms of government mandates on operation (*Autonomy and Independence of Cooperatives in India, 2019*). This new organizational model requires bits of both, so that it can be adjusted to promote investment in the use and operation of platform cooperatives. Deregulation and regulation must be adjusted to benefit the model, so that it can be used a new vehicle for economic growth through an organizational structure centered around empowered workers. This is a good area for India to experiment to improve social protection for workers as well as competition in the economy. New ideas cannot always wait for regulation of platforms and the fixing of cooperative laws. Identifying a new form of legal entity, called platform cooperatives, akin to producer companies which are specially identified under the Companies Act, 2013 can be a good start.

## Chapter IV

### Notes from other countries

While platform cooperativism is a novel concept, it has been under the radar of regulatory policy for the past couple of years. Many countries have taken efforts to utilize them as an alternative model of organization that can empower workers as well as drive economic growth (Trebor Scholz et al., 2021). The following section looks at a select regulatory and policy decisions that have aided the growth of platform cooperatives comparing it with the Indian context. They have been selected on the basis of previous unique history in the cooperative movement as well as working policy measures on platform cooperatives.

#### IV.1 Barcelona, Spain

Spain has been a leader within Europe on the cooperative movement as early as the 18<sup>th</sup> century (Tapia, 2012). The spirit of the cooperative movement has now flown into the platform model where they experiment with special regulatory policy for players in the platform economy. One of the most important aspects of this policy is the treatment of data as public good (Monge et al., 2022). According to Barcelonian local legislation, the data generated by platform companies is designated as public good that must be made available to local cooperatives and other new businesses to ensure parity in competition and access to market (Trebor Scholz et al., 2021). This is an interesting regulatory decision, in so far as it negates the intellectual property protection given to databases and the inferences drawn from proprietary software by platform companies. However, it is also important to highlight that large amount of raw data cannot be as useful, without the connections linking them, the mechanism for which would still be under intellectual property protection.

The viability of such an option is currently unlikely in the Indian scenario, since the intellectual property jurisprudence in India is fairly clear as to prohibiting interference of this kind into private rights. Further, if platform cooperatives are also mandated to share their information with already established platform corporations, that would further be an uneasy situation for newly established platform cooperatives.

#### IV.2 Bologna, Italy

Italy has had a strong story of the cooperative movement, where its cooperatives appear to be bigger than conventional businesses (Pérotin, 2017). As another leader in platform cooperativism

where the model has been under experiment for the past years, Bologna has taken certain policy measures to improve the possibility of their success. The Bologna Charter for Digital Rights is noteworthy amongst them. It is a voluntary charter that identifies the limitations to platform work. It calls for the independent contractor status, often employed by corporate platforms, to be accompanied by worker security measures. It also allows for special support to the growth of social cooperatives within which platform cooperatives are covered, which have been long established by the Italian government as an area to champion (Antonio FICI, 2017). These measures entail highly favorable taxation system for the cooperative with social security measures for workers, while maintaining autonomy of the cooperative (*Legal Framework Analysis National Report: Italy*, 2019). In the gig labor part of India's platform economy, a replication of the Charter could be an ideal first step to improve workers' positions and initiate the conversations about better working conditions for workers. However, presenting such a solution might not be necessary in the case of platform cooperatives, where workers will have a say in decision-making as members of such platform cooperatives. This can be the answer to social security for workers in India, where the special considerations that are given to Social Cooperatives in Italy do not exist (Veronese et al., 2019).

### **IV.3 France**

France uses taxation as an incentive to support newer models of organizations to contribute to the creation of socioeconomic value. French law specifically identifies the SSE model and has created a framework to regulate them under Law No. 2014-856 of 31 July 2014 (The Law on the Social and Solidarity Economy (SSE), France', 2017). However, platform cooperatives are not completely non-profit and in fact pay the members through dividends, in addition the earnings as workers or employees of the platform cooperative. Technology mediated work of cooperatives continues to fall within the ambit of for profit cooperatives (Lewkowicz & Cahier, 2022). To tackle this unique problem of considering platform cooperatives outside the SSE model, for profit firms including platform cooperatives are awarded tax breaks due to the model of functioning. This is done by granting platform cooperatives *Entreprise solidaire d'utilité sociale* (ESUS) status – which identifies enterprises that create social utility (OECD & European Union, 2017; Petrella & Richez-Battest, 2020). ESUS status also makes foreign funding in the for-profit SSEs sector comfortably available. The ease of shifting into the cooperative model helped Mobicoop, a carpooling company to convert into a cooperative which now has over 500,000 users (*Why Choose Mobicoop?*, 2022). In addition to this classification, other ESUS benefits such as funding from the Impact Invest Labs — the successor of the French Advisory Board of the G8 Taskforce on Social Impact Investment —

also makes it funds available to initiative social utility organizations such as platform cooperatives. Tax breaks for platform cooperatives can be replicated in India as a lucrative incentive to embolden people to start platform co-operatives.

## Chapter V

### Suggestions and recommendations

Multiple solutions that have been presented and put to practice in various countries can guide India's experiment into positive regulatory policy for platform cooperatives. There are various areas where regulatory overhaul is necessary to ensure that India does not lose the opportunity to experiment early with a new form of organizational structure, that can have potential benefits at scale in the Indian scenario. Encouraging the development of platform cooperatives through policy nudges can be beneficial as well. Furthermore, this would be the ideal time to do so, given the interest in rejuvenating the cooperative movement in India (Biswas, 2021). This could act as the bridge between the unregulated platform economy and the workers on these platforms, countering the former's contribution to the concentration of economic benefits and development in the hands of a few at the cost of thousands of workers.

#### V.1 Ease regulatory hurdles

1. The bureaucratic hurdles that exist in the current cooperative legal framework should be revised to balance deregulation and regulation.
2. Registration of platform cooperatives should be made as easy as registration of new companies, where support is provided under start-up policy initiatives by the government and through public-private partnerships through institutional incubators.
3. As a different type of organizational structure, it would be wise for the regulatory apparatus to identify platform cooperatives as *sui generis* body corporate within the larger body of cooperative legislation. Ideally a separate legislation should be drawn to regulate platform cooperatives with a sunset clause to review the benefits and flaws within the first iteration of the law. This would ensure that platform cooperatives are not seen as a mere extension/digital arm for existing cooperatives, but as a completely different area of economic growth and possibility.
4. Structural support should be provided to platform cooperatives through a network of trained officials across the levels of bureaucracy to help with compliance. This could also be made a part of incubators to holistically support the growth of platform cooperatives.
5. Social audits can be incorporated into the regulatory framework for compliance. Independent social audits can reduce the possibility of bureaucrats holding smaller and

newer organizations to ransom while not disturbing political consolidation of workers. If yearly social audits are conducted, Registrars should not be allowed to initiate special audits on her own accord.

6. The financial auditing mechanism under the current law must be improved. As the legally-designed bureaucratic overreach is addressed, flexible timelines for financial auditing must be added to the law. Compliance with these timelines should be mandated, but adequate appeal provisions to an independent judicial authority should be made a part of legislation.
7. Platform cooperatives should be given generous tax breaks to compete with corporate platforms. The 2022-'23 budget reduced the surcharges and alternate minimum tax rate for cooperatives to be comparable with private companies (Press Trust of India, 2022). However, the breaks for start-ups are considerably lower, depending upon the sector of operation, funding, as well as tax holiday under 80 IAC of the Income Tax Act, 1961.
8. Amendments should be made to the labor regulations under The Code on Social Security, 2020 to harmonize judicial precedent that platform cooperatives themselves can be employers.
9. A regulatory sandbox can be created to analyze how platform cooperatives can benefit from treatment of data as public good.

### **V.2 Encourage through policy measures**

1. Following the first two national five-year plans, the Union should create a Platform Cooperative Program Fund and allot them to the states. The states can provide seed funding for platform cooperatives, without disturbing the division of subjects under Schedule VII of the Constitution of India.
2. States could also offer technical assistance to platform cooperatives through programs under Start-up India and state level start-up programs, including scaling up local platform cooperatives to federated multi-state cooperatives. This could also help create digital artefacts that can become valuable assets in the future.
3. India could also consider a scheme for social and solidarity economy enterprises where resources are offered at discounted costs as well as providing tax rebates.

4. The involvement of private funds can be considered, and in case they are identified as suitable, they could also be provided with tax benefits for incubating, investing and supporting platform cooperatives.
5. The partnership funds for apex societies under the Multi-State Cooperatives Act, 2002 can be allowed to seed fund platform cooperatives, with government oversight during the initial two years.

The entire discussion presented in this paper relies on access to internet, which is fundamental to the digital economy and in driving change in the platform economy. Supporting platform cooperatives and developing internet infrastructure should go hand in hand. Platform cooperatives can be made operational only on when there is access to the internet. This demands higher investment from all stakeholders including the Union and State governments, and private corporations to improve digital infrastructure. Digitization should not leave certain parts of the society more vulnerable and marginalized, whereby amelioratory steps such as the creation of platform cooperatives will further function only in the favor of people who already have the privilege of access, education and training. This can be highly exclusionary to many, preventing the theory of relational autonomy from having ground to operate. These structural inequalities must also be addressed to find amicable solutions to the large-scale inequities posed by the digital economy. Governments should encourage and spend on programs such as the BharatNet (RailTel Corporation of India Ltd., 2011) and Government of Kerala's proposed K-FON project (KSEB & KSITI, 2020). Finally, it is necessary to remember that cooperativism is a local phenomenon. It must be ensured that a top-down approach is not imposed, but inclusive and participatory model of governance is adopted inside the platform cooperative as well as on the regulatory front.

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