

**REIMAGINING SOCIAL SECURITY: A COMPARATIVE ANALYSIS
OF GIG WORKERS RIGHTS UNDER SOCIAL SECURITY CODE, 2020**

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Abstract

Recently, in November 2025 the Three Labor Codes have been implemented by the Government. Gig workers are specifically in focus under these codes because for the 1st time, Gig workers have been given statutory recognition in India. However, this raises a substantial number of questions, about their rights under the Acts, impact on various stakeholders involved etc. This paper focuses on various aspects including the current situation of gig workers, rights of gig workers, their recognition and registration procedure prescribed under the Act, types of gig workers, and their rights under the Act. Moreover, it focuses on the critical analysis of the act. It focuses on the loopholes and the gaps under Social Security Code 2020. Furthermore, the paper analyses the Socio-Economic Conditions of gig workers, Comparative international perspective with various laws of other countries, it also analyses the role of various stakeholders under the Act. It focuses on the analytical study of the act and the challenges involved by its implementation. Moreover, the paper focuses on the constitutional analysis of the Code and its comparison with various other existing laws with respect to the rights of gig workers. Lastly, the paper suggests some policy recommendations for the gig workers.

Keywords: *Gig Workers, Social Security Code 2020, Socio- Economic Conditions of Gig Workers, Judicial and Regulatory Developments*

INTRODUCTION

As per the report “India’s Booming Gig and Platform Economy” by NITI Aayog, 2022, the number of gig workers and platform workers in India was 7.7 million in 2020-21 and is

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expected to rise to 23.5 million by 2029-30.¹ Similarly, as per a report by Boston Consulting Group² India's gig workforce across industries such as software, shared services, and professional services comprises 15 million and is expected to grow by 23% by 2025³. It shows that the gig economy is expanding rapidly in India, especially with the entry of companies such as Ola, Uber, Swiggy, and Zomato. In general, Gig workers refer to those workers who earn from digital platforms, particularly outside an employer-employee relationship⁴. For example, food-delivery partners, freelance designers, at-home service providers etc⁵. Therefore, it becomes important to recognise their rights and liabilities and take into consideration various issues related to their instable income and lack of job security.

DEFINING GIG WORKERS

- Section 2(35) of the Social Security Code 2020 defines gig worker as 'a person who performs work or participates in a work arrangement and earns from such activities outside of traditional employer-employee relationship'⁶.
- Platform Worker Sec. 2(60): A worker engaged in or undertaking platform work, i.e., work outside a traditional employment relationship, and who earns from online platforms⁷.
- Unorganised Worker Sec. 2(86): Includes workers in the unorganized sector, home-based, self-employed, or wage workers not covered under any other labour law⁸.

¹PRESS INFORMATION BUREAU, <https://www.pib.gov.in/PressReleasePage.aspx?PRID=2035286>(last visited on 14 October 2025).

² DRISHTIIAS, <https://www.drishitias.com/pdf/1588414679-concerns-over-use-of-bcg-vaccine-who.pdf>(last visited on 14 Oct. 2025).

³Parliament of India, *The Code on Social Security, 2020* (Act No. 36 of 2020), (came into force from 3 May 2021), ch. IX (Social Security for Unorganised Workers, Gig Workers & Platform Workers) — definitions & provisions relating to gig workers, available at: <https://www.indiacode.nic.in/handle/123456789/16823> (last visited on 14 October 2025).

⁴Agreima Tyagi, Sakshi Joshi & Aneesh K. A., *The gig economy is booming—but hardly any protection for workers*, Policy Circle, (2025), available at: <https://www.policycircle.org/opinion/india-gig-economy-gig-workers/> (last visited on 14 October 2025).

⁵ NM Law, *Employment Disputes in Gig Economy*, (Date of Publication: [n.d.]) available at: <https://nmlaw.co.in/employment-disputes-in-gig-economy/> (last visited on 14 October 2025).

⁶ Parliament of India, *The Code on Social Security, 2020* (Act No. 36 of 2020), s. 2(35), available at: <https://www.indiacode.nic.in/handle/123456789/16823> (last visited on 14 Oct. 2025).

⁷ Parliament of India, *The Code on Social Security, 2020* (Act No. 36 of 2020), s. 2(60), available at: <https://www.indiacode.nic.in/handle/123456789/16823> (last visited on 14 Oct. 2025).

⁸ Parliament of India, *The Code on Social Security, 2020* (Act No. 36 of 2020), s. 2(86), available at: <https://www.indiacode.nic.in/handle/123456789/16823> (last visited on 14 Oct. 2025).

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- Section 2(e) of The Rajasthan Platform Based Gig Workers (Registration and Welfare) Act, 2023 defines gig workers ‘a person who performs work or participates in a work arrangement and earns from such activities outside of traditional employer employee relationship and who

works on contract that results in a given rate of payment⁹, based on terms and conditions laid down in such contract and includes all piece-rate work¹⁰.’

These laws define gig workers and also provide welfare schemes for them. Under Social Security Code 2020 the appropriate government must set up schemes for their social security, including health, maternity, life insurance, pension etc¹¹. Under Karnataka’s Platform-Based Gig Workers Bill, 2024 there is a state gig-worker insurance scheme which covers life and accident for food/courier riders¹².

Gig workers are of two types¹³:

- Platform workers – workers employed by an . that provides specific services using an online platform directly to individuals/organisations¹⁴.
- Non-platform workers – workers who may be construction workers and non-technology based temporary workers¹⁵.

In the case of *Indian Fed’n of App-Based Transport Workers v. UOI, 2024* the court focused on the social security of gig workers and not to treat them as policy decision¹⁶.

⁹ Rajasthan Platform Based Gig Workers (Registration and Welfare) Bill, 2023, available at: <https://uncomplycate.com/wp-content/uploads/2023/07/Rajasthan-Platform-Based-Gig-Workers-Registration-and-Welfare-Bill-2023.pdf> (last visited on 14 October 2025).

¹⁰ Rajasthan Platform Based Gig Workers (Registration and Welfare) Act, 2023, available at: <https://www.legitquest.com/act/the-rajasthan-platform-based-gig-workers-registration-and-welfare-act-2023/E7B1> (last visited on 14 October 2025).

¹¹ Sakshi, *Gig Economy & Labour Rights Legal Protection Under The Code On Social Security 2020*, LawCurb, 11 September 2025, available at: <https://www.lawcurb.in/post/gig-economy-labour-rights-legal-protection-under-the-code-on-social-security-2020> (last visited on 14 October 2025).

¹² Bill pdf link

¹³ Kumar Dinesh Warghade, Taherali Bakir Slatewala & Ramesh Paras Gupta, *The Impact of the Gig Economy on Traditional Labour Laws in Maharashtra, India*, International Journal for Multidisciplinary Research, Vol. 7, Issue 1, Jan.–Feb. 2025, available at: <https://www.ijfmr.com/papers/2025/1/35504.pdf> (last visited on 14 Oct. 2025).

¹⁴ B.S. Mehta, *Measuring the Gig Economy: Challenges and Issues*, SSRN, 29 September 2024, available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5095180 (last visited on 14 October 2025).

¹⁵ N. Karunakaran, *The Gig Economy in India*, *Journal of Management Research and Analysis*, Vol. 12, Issue 1, 2025, pp. 67–73, available at: <https://jmra.in/archive/volume/12/issue/1/article/16073/pdf> (last visited on 14 October 2025).

¹⁶ Hindustan Times, *Latest News: Today's News Headlines, Breaking News India, World News and Cricket News* / *Latest News Today* / *Hindustan Times*, available at:

Majority of the gig workers include delivery partners, ride-sharing drivers and on demand home service providers.¹⁷ They operate across metro and smaller cities and even in rural areas with the help of online platforms¹⁸. They usually work as independent contractors which allows platforms to expand rapidly without traditional hiring¹⁹. But they have to often work for hours without any social protections including insurance, paid leave, pensions etc. which is usually provided to formal employees.²⁰ Therefore, Social Security Code 2020 (hereinafter referred to as The Code) has been enacted to provide them social security.²¹ Chapter IX of the Code expressly deals with unorganised gig and platform workers²². But it continues to reserve the category of employee for traditional employer-controlled settings. Therefore, the Code does not reclassify them as employees or workmen. India's model allows gig work "to coexist with the gig structure," workers are not converted into employees, but platforms must help fund their welfare via new schemes.²³

RIGHTS UNDER SOCIAL SECURITY CODE 2020

1. **REGISTRATION OF GIG WORKERS**- The Code deals with various rights of gig workers. Chapter IX of the Code deals with the registration of gig workers²⁴. Section 113(1) provides that "Every unorganised worker, gig worker or platform worker shall be

https://www.hindustantimes.com/?utm_source=browser_back_click&utm_medium=browser_back_click (last visited on 14 October 2025).

¹⁷ *Gig workers' welfare needs urgent attention from states and businesses*, *The New Indian Express*, 20 August 2025, available at: <https://www.newindianexpress.com/editorials/2025/Aug/20/gig-workers-welfare-needs-urgent-attention-from-states-and-businesses> (last visited on 14 October 2025).

¹⁸ *Gig workers' welfare needs urgent attention from states and businesses*, *The New Indian Express*, 20 August 2025, available at: <https://www.newindianexpress.com/editorials/2025/Aug/20/gig-workers-welfare-needs-urgent-attention-from-states-and-businesses> (last visited on 14 October 2025).

¹⁹ Agreima Tyagi, Sakshi Joshi & Aneesh K. A., *The gig economy is booming—but hardly any protection for workers*, Policy Circle, 21 May 2025, available at: <https://www.policycircle.org/opinion/india-gig-economy-gig-workers/> (last visited on 14 October 2025).

²⁰ Sakshi Joshi, *How India's Gig Worker Unions Are Fighting for Change*, Nonprofit Quarterly, 20 November 2024, available at: <https://nonprofitquarterly.org/how-indias-gig-worker-unions-are-fighting-for-change/> (last visited on 14 October 2025).

²¹ Parliament of India, *The Code on Social Security, 2020* (Act No. 36 of 2020), available at: https://labour.gov.in/sites/default/files/ss_code_gazette.pdf (last visited on 14 October 2025).

²² Gauri Kashyap, *Social Security for Gig Workers | Day 2: "Pull up your socks!" Supreme Court tells Union on delays in implementing the Social Security Code*, *Supreme Court Observer*, 18 February 2025, available at: <https://www.scobserver.in/reports/social-security-for-gig-workers-day-2-pull-up-your-socks-supreme-court-tells-union-on-delays-in-implementing-the-social-security-code/> (last visited on 14 October 2025).

²³ Jefrin Johny, *Gig Workers Under Social Security Code: Employer Obligations, Benefits & Legal Framework in India*, Corrida Legal, 1 August 2025, available at: <https://corridalegal.com/gig-workers-under-social-security-code-employer-obligations-benefits-legal-framework-in-india/> (last visited on 14 October 2025).

²⁴ Parliament of India, *The Code on Social Security, 2020* (Act No. 36 of 2020), Ch. IX, available at: <https://www.indiacode.nic.in/handle/123456789/16823> (last visited on 14 October 2025)

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required to be registered.²⁵” It is subject to the conditions that he has completed sixteen years of age and has submitted a self-declaration²⁶. Section 113(2) provides the procedure for registration²⁷. Further, Section 113(3) makes them eligible to avail the benefit of the concerned scheme framed under this Chapter²⁸. Section 112 mandated the government to assist this process via helplines or facilitation centres and to accept Aadhaar-linked applications²⁹.

2. **WELFARE SCHEMES**- Section 109(1) mandates the Central Government to frame welfare schemes for unorganised workers, which impliedly includes gig workers on “life and disability cover, health and maternity benefits, old age protection”, and education and any other benefit that the government deems fit³⁰. Moreover, Section 114(1) empowers the Central Government to “formulate and notify” schemes specifically for gig and platform workers covering life/disability cover, accident insurance, health and maternity benefits, old-age protection, crèche facilities and other benefits³¹. These schemes are statutorily binding as Section 114(2) further contemplates each scheme’s administration, implementing agencies and even the “role of aggregators³²”. In sum, gig workers have an enforceable expectation that these enumerated social security benefits will be provided through duly notified schemes under the Code.

3. **SOCIAL SECURITY FUND**- Financial support for these schemes is secured by mandatory aggregators contribution and a dedicated fund. Section 114(4) (as read with the definition of

²⁵ Parliament of India, *The Code on Social Security, 2020* (Act No. 36 of 2020), s. 113, available at: <https://www.indiacode.nic.in/bitstream/123456789/16823/1/a2020-36.pdf> (last visited on 14 October 2025).

²⁶ Parliament of India, *The Code on Social Security, 2020* (Bill No. 121 of 2020), as introduced in the Lok Sabha, available at: https://labour.gov.in/sites/default/files/ss_code_as_introduced_in_lok_sabha.pdf (last visited on 14 October 2025).

²⁷ Parliament of India, *The Code on Social Security, 2020* (Act No. 36 of 2020), s. 113(2), available at: <https://www.indiacode.nic.in/bitstream/123456789/16823/1/a2020-36.pdf> (last visited on 14 October 2025).

²⁸ Parliament of India, *The Code on Social Security, 2020* (Act No. 36 of 2020), s. 113(3), available at: <https://www.indiacode.nic.in/bitstream/123456789/16823/1/a2020-36.pdf> (last visited on 14 October 2025).

²⁹ Parliament of India, *The Code on Social Security, 2020* (Act No. 36 of 2020), s. 112, available at: https://labour.gov.in/sites/default/files/ss_code_as_introduced_in_lok_sabha.pdf (last visited on 14 October 2025).

³⁰ Parliament of India, *The Code on Social Security, 2020* (Act No. 36 of 2020), s. 109(1), available at: https://labour.gov.in/sites/default/files/ss_code_as_introduced_in_lok_sabha.pdf (last visited on 14 October 2025).

³¹ Parliament of India, *The Code on Social Security, 2020* (Act No. 36 of 2020), s. 114(1), available at: https://labour.gov.in/sites/default/files/ss_code_as_introduced_in_lok_sabha.pdf (last visited on 14 October 2025).

³² Parliament of India, *The Code on Social Security, 2020* (Act No. 36 of 2020), s. 114(2), available at: https://labour.gov.in/sites/default/files/ss_code_as_introduced_in_lok_sabha.pdf (last visited on 14 October 2025).

“aggregator” in Sec. 2(1) which requires platform-based companies to contribute a portion of their turnover to social security funds³³. These contributions cannot exceed 2% of their turnover and not less than 1% of their turnover. Provided that it shall not exceed 5% of the total amount payable to gig workers. Further, Section 141³⁴ establishes a Central Social Security Fund for social security and welfare of the unorganised workers, gig workers and platform workers. This fund is financed by (i) contributions under Sections 109(3) and 114(3), and (ii) other specified sources. This means that gig workers’ rights to benefits are underpinned by a statutory fund mechanism. In addition to this a State-level fund must be set up for unorganised workers under Section 141(5), ensuring resources for state-notified schemes³⁵.

Therefore, The Code confers concrete rights to Gig Workers while ensuring their mandatory registration and their entitlement to Social Security Schemes³⁶. It also mandates funding to finance these entitlements. While some critics said that it still lacks essential rights of all workers³⁷.

KEY FEATURES AND GAPS

1. **DISTINCT CATEGORY**: Gig and platform workers are not granted full employee status. They remain outside classic labour laws (e.g. Industrial Disputes Act, Provident Fund

³³ Parliament of India, *The Code on Social Security, 2020* (Act No. 36 of 2020), s. 141, available at: https://labour.gov.in/sites/default/files/ss_code_as_introduced_in_lok_sabha.pdf (last visited on 14 October 2025).

³⁴ Parliament of India, *The Code on Social Security, 2020* (Act No. 36 of 2020), s. 141, available at: https://labour.gov.in/sites/default/files/ss_code_as_introduced_in_lok_sabha.pdf (last visited on 14 October 2025).

³⁵ Parliament of India, *The Code on Social Security, 2020* (Act No. 36 of 2020), s. 141(5), available at: https://labour.gov.in/sites/default/files/ss_code_as_introduced_in_lok_sabha.pdf (last visited on 14 October 2025).

³⁶ Ulka Bhattacharyya & Soumya Jha, "Understanding Social Security for Gig Workers: Analyzing Recent Developments," *NLIU Law Review*, Vol. XI, Issue I, February 2022, pp. 61–113, available at <https://nliulawreview.nliu.ac.in/wp-content/uploads/2022/02/3.-Understanding-Social-Security-for-Gig-Workers.pdf> (last visited on October 14, 2025).

³⁷ Godala Alexandria Minakshi Devi, *Empowering the Gig Worker: Comparative Insights and Pathways for Reform*, *Indian Journal of Law and Legal Research*, Vol. VI, Issue VI, 2025, pp. 3097–3101, available at: https://3fdef50c-add3-4615-a675-a91741bcb5c0.usrfiles.com/ugd/3fdef5_2f016c1ac8b94f99951f288279b1ba69.pdf (last visited on 14 October 2025).

Act) in terms of rights³⁸. They cannot independently claim mandatory provident fund, gratuity or notice-period benefits³⁹.

2. **NEW BOARD MECHANISMS:** The Code establishes *unorganized worker welfare boards* (national and state levels) to register and support gig workers⁴⁰. The central government formed a National Social Security Board (including gig and platform workers) to advise on the scheme⁴¹. Similarly, states are to notify their own welfare boards under the Unorganised Workers Act of 2008⁴².

DEFERRED DETAILS: There are no details provided under the Code regarding the schemes⁴³. It delegates the power to the government to specify the benefits via further notifications⁴⁴. Therefore as of now there are no entitlements in force yet⁴⁵. Implementation mechanism is already slow in India and the Code merely allows the government to create social security schemes further. Supreme Court has already said that the gig workers cannot be denied rights under the guise of policy decision⁴⁶. In short, the SSC recognizes gig/platform work but leaves major details open pending rules and schemes⁴⁷.

³⁸ R. Ramaswamy, *An Analysis of the Impact of India's Labour Codes on Its Unorganized Sector and the IT Sector*, *Cogent Social Sciences*, 2023, available at: <https://www.tandfonline.com/doi/full/10.1080/23311886.2023.2238458> (last visited on 14 October 2025).

³⁹ Jefrin Johny, *Gig Workers Under Social Security Code: Employer Obligations, Benefits & Legal Framework in India*, *Corrida Legal*, 1 August 2025, available at: <https://corridalegal.com/gig-workers-under-social-security-code-employer-obligations-benefits-legal-framework-in-india/> (last visited on 14 October 2025).

⁴⁰ Ulka Bhattacharyya & Soumya Jha, "Understanding Social Security for Gig Workers: Analyzing Recent Developments," *NLIU Law Review*, Vol. XI, Issue I, February 2022, pp. 61–113, available at <https://nliulawreview.nliu.ac.in/wp-content/uploads/2022/02/3.-Understanding-Social-Security-for-Gig-Workers.pdf> (last visited on October 14, 2025).

⁴¹ NM Law, *Employment Disputes in Gig Economy*, available at: <https://nmlaw.co.in/employment-disputes-in-gig-economy/> (last visited on 14 October 2025).

⁴² Parliament of India, *The Code on Social Security, 2020* (Act No. 36 of 2020), available at: https://labour.gov.in/sites/default/files/ss_code_gazette.pdf (last visited on 14 October 2025).

⁴³ Nidhi Prakash, *Reforming India's Labor Laws: Ensuring Social Security for Gig Workers in the Digital Economy*, *Trinity Law Review*, Vol. 4, No. 2 (2024), pp. 1–6, available at: <https://doi.org/10.48165/tlr.2024.4.2.1> (last visited on 14 October 2025).

⁴⁴ Dr. Saurabh Bhattacharjee, *Gig Work Legislations Significant In Opening The Space For Labour Protection*, *IndiaSpend*, 10 September 2025, available at: <https://www.indiaspend.com/indiaspend-interviews/gig-work-legislations-significant-in-opening-the-space-for-labour-protection-966392> (last visited on 14 October 2025).

⁴⁵ Parliament of India, *The Code on Social Security, 2020*, available at: https://en.wikipedia.org/wiki/The_Code_on_Social_Security%2C_2020 (last visited on 14 October 2025).

⁴⁶ Abraham Thomas, *Cannot deny gig workers' rights under guise of policy decision: SC tells govt*, *Hindustan Times*, 20 November 2024, available at: <https://www.hindustantimes.com/india-news/cannot-deny-gig-workers-rights-under-guise-of-policy-decision-sc-tells-govt-101732042482760.html> (last visited on 14 October 2025).

⁴⁷ N.V. Naik, *Code on Social Security: An Impact Analysis on Gig/Platform/Unorganized Workers*, *SSRN*, 2024, available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4449967 (last visited on 14 October 2025). and Susmita, *Labour Laws in the Gig Economy: A Critical Evaluation*, *International Journal of Legal*

SOCIO—ECONOMIC CONDITIONS OF GIG WORKERS

1. **INCOME INSTABILITY**- Gig workers don't have any fixed income or fixed working hours⁴⁸. Their income varies from day to day. A lot of gig workers report unstable income that forces them to work for long hours⁴⁹. For example, delivery riders may earn only ₹18–25 per order after extended travel time⁵⁰. This often leads to overwork, which forces the drivers to routinely work for 60+ hours per week to sustain their incomes⁵¹.
2. **LACK OF SOCIAL PROTECTION**- Most of the gig workers do not fall under the existing labour laws, which indicates that there is no mandated health insurance, paid leave or retirement benefits.⁵² There is no statutory minimum wage for gig workers, and the standard benefits enjoyed by gig workers, including provident fund, gratuity, or maternity leave, are generally not available⁵³. Many end up without any safety net for illness, disability or old age.⁵⁴
3. **STRENUOUS WORKING CONDITIONS**- Gig workers (especially drivers and courier delivery partners) often face long, irregular hours, traffic hazards and no fixed workplace⁵⁵. Deliveries demanded within tight deadlines can lead to unsafe driving. Exposure to extreme weather is common and editorial coverage cited gig riders delivering in monsoon downpours or heat waves as essential but unprotected workers⁵⁶. The “10-

Affairs & Exploration, Vol. 3, Issue 3 (2025), available at: <https://ijlae.com/wp-content/uploads/2025/05/labour-laws-in-the-gig-economy-a-critical-evaluation-by-susmita.pdf> (last visited on 14 October 2025).

⁴⁸ [07+HR-2047-JIER-With-DOI.docx\(JIER-FORMATTED\).pdf](https://www.jier.ac.in/HR-2047-JIER-With-DOI.docx(JIER-FORMATTED).pdf) AND N. Karunakaran, *The gig economy in India*, *J. Manage. Res. & Anal.* 12(1) (2025) 67, doi:10.18231/j.jmra.2025.012.

⁴⁹ The Status of Unorganized Workers in Digital Platforms (Gig Economy): Opportunities and Challenges, *J. Informat. Educ. & Res.* 5(2) (2025) — (Journal in downloads)

⁵⁰ Agreima Tyagi, Sakshi Joshi & Aneesh K.A., *The gig economy is booming—but hardly any protection for workers*, *Policy Circle* (21 May 2025) <https://www.policycircle.org/opinion/india-gig-economy-gig-workers/> (last visited on 15 October 2025).

⁵¹ Same as above

⁵² *Navigating Worker's Rights in the Gig Economy: Legal Framework and Emerging Challenges*, *AmLegals* (2025) <https://amlegals.com/navigating-workers-rights-in-the-gig-economy-legal-framework-and-emerging-challenges/> (last visited on 15 October 2025).

⁵³ Under existing labour laws

⁵⁴ Sabah Gurmat, *How India's Gig Worker Unions Are Fighting for Change*, *Nonprofit Quarterly* (20 November 2024) <https://nonprofitquarterly.org/how-indias-gig-worker-unions-are-fighting-for-change/> (last visited on 15 October 2025).

⁵⁵ Abhijith K, *A Study on Problems and Working Conditions of Gig Workers in the Present Market Scenario*, *Int'l J. Res. Anal. Rev. (IJRAR)* 11(3) (2024) — (Journal in downloads) (last visited on 15 October 2025).

⁵⁶ Jikku Susan Kurian & N. Bindu Madhavi, *Navigating the gig economy: exploring challenges and motivations for the wellbeing of Gen Y and Gen Z gig workers*, *Cogent Psychology* 11(1) (2024): 2357458, doi:10.1080/23311908.2024.2357458.

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minute delivery” pressure and tight ratings policies can cause fatigue and stress. Many anecdotal reports link gig work to fatigue-related accidents⁵⁷.

4. **DIGITAL PLATFORM POWER:** Gig platforms wield considerable control via algorithms and policies⁵⁸. Workers have little say in pricing, scheduling or work allocation are automated or unilaterally set by the apps⁵⁹. Performance ratings can result in deactivation (loss of livelihood) with no formal appeal⁶⁰. Platforms typically classify workers as independent contractors, disclaiming employer obligations⁶¹. This structural asymmetry means workers must bear business costs (fuel, vehicle maintenance) and risks⁶². A study of gig-worker ratings finds systemic gaps in fair representation: “These gaps can be primarily attributed to ambiguity in legal status⁶³. The lack of transparency in algorithmic decision-making and absence of adequate internal redressal mechanisms exacerbate” the problem⁶⁴. In essence, Indian gig workers face economic insecurity, isolation and exposure to risk, with little bargaining power in the employer-dominated platform economy⁶⁵.

⁵⁷ Khushboo Ashok Lala & Sanjay Rode, Socio-Economic Determinants of Work Motivation among Gig Workers in Mumbai’s Food and Beverage Sector: A Logistic Regression Analysis, *J. Informat. Educ. & Res.* 5(4) (2025): 3547, doi:10.52783/jier.v5i4.3547

⁵⁸ *The Code on Social Security, 2020*, Ministry of Labour and Employment, Government of India, 2020, https://labour.gov.in/sites/default/files/ss_code_as_introduced_in_lok_sabha.pdf (last visited on 15 October 2025).

⁵⁹ FDA Alauddin, The influence of digital platforms on gig workers: A systematic literature review, *ScienceDirect* (2025), <https://www.sciencedirect.com/science/article/pii/S2405844024175226> (last visited on 15 October 2025).

⁶⁰ *Legal Status of Gig Workers in India: Employee vs Independent Contractor*, *Lawful Legal* (2025), <https://lawfullegal.com/legal-status-of-gig-workers-in-india-employee-vs-independent-contractor/> (last visited on 15 October 2025).

⁶¹ Remya Pradosh, Digital Platforms and Human Labor: Mapping the Gig Worker’s Journey in India, *Int’l J. Adv. Res. Sci., Commun. & Technol.* 5(1) (2025) — (Journal in downloads).

⁶² Sreejaa G. Nair & Dr. Jegadeeswari S, *The Role of Digital Platforms in Shaping Work-Life Balance for Gig Workers*, *ISJEM Journal* (5 October 2025), <https://isjem.com/download/the-role-of-digital-platforms-in-shaping-work-life-balance-for-gig-workers/> (last visited on 15 October 2025).

⁶³ Khushbu Wadhvani & Insha Mirza, *AI-Powered Gig Education: Transforming Workforce Resilience and Economic Recovery in the Digital Age*, *GAP Bodhi Taru* (2025) 101–114, [https://www.gapbodhitaru.org/res/articles/\(101-114\)%2520ai-powered%2520gig%2520education%2520transforming%2520workforce%2520resilience%2520and%2520economic%2520recovery%2520in%2520the%2520digital%2520age.pdf](https://www.gapbodhitaru.org/res/articles/(101-114)%2520ai-powered%2520gig%2520education%2520transforming%2520workforce%2520resilience%2520and%2520economic%2520recovery%2520in%2520the%2520digital%2520age.pdf) (last visited on 15 October 2025).

⁶⁴ N. Hajiheydari, Investigating Engagement and Burnout of Gig-Workers in the Age of Algorithms: An Empirical Study in Digital Labor Platforms, *Int. J. Tech. & Human Interact.* (2024), <https://www.emerald.com/insight/content/doi/10.1108/ITP-11-2022-0873/full/html> (last visited on 15 October 2025).

⁶⁵ Ishita Karuturi, *The Impact of App-Based Gig Work in India*, *Int’l J. Novel Res. Dev.* 10(6) (2025): 115, <https://www.ijnrd.org/papers/IJNRD2506115.pdf> (last visited on 15 October 2025).

JUDICIAL AND REGULATORY DEVELOPMENTS

1. **SUPREME COURT LITIGATION:** The landmark case of *Indian Federation of App-Based Transport Workers v. Union of India* is still pending before the Supreme Court of India⁶⁶. In November 2024, the Court said that the current contracts illegally deny social security to gig workers and violate constitutional rights under Articles 14 and 21 of the Constitution⁶⁷. The court held that they cannot be denied social security rights under the guise of a policy decision when the law provides for such safeguards⁶⁸. The court gave deadlines to the government to ensure compliance with these provisions⁶⁹. It noted that neither the Unorganized Workers Act of 2008 nor the new SSC has actually delivered protection to gig workers yet⁷⁰. The justices demanded concrete dates for scheme implementation and said pull up your socks on delay in the implementation of these provisions. This litigation is very crucial, and its outcome may clarify whether gig workers will be deemed “unorganised workers” entitled to existing benefits.
2. **LABOUR CODE IMPLEMENTATION:** The Social Security Code has not been completely in force yet. The government has not notified its implementation yet. The Ministry of Labour has repeatedly indicated that schemes are being formulated, but no official notifications specific to gig workers have been released. The government launched the **e-Shram portal** in 2021 to register unorganised workers including gig workers. However, this classified gig workers into a distinct category, without any specific benefits. As one expert notes, it “does not categorise gig workers as a distinct group, and has failed to

⁶⁶Cannot Deny Gig Workers’ Rights Under Guise of Policy Decision: SC Tells Govt, *Hindustan Times* (20 November 2024), <https://www.hindustantimes.com/india-news/cannot-deny-gig-workers-rights-under-guise-of-policy-decision-sc-tells-govt-101732042482760.html> (last visited on 15 October 2025).

⁶⁷Gauri Kashyap, Gig Workers’ Access to Social Security: Writ Petition Summary (The Indian Federation of App-based Transport Workers v. Union of India), *Supreme Court Observer* (7 December 2021)

⁶⁸Gauri Kashyap, *Cannot Deny Gig Workers’ Rights Under Guise of Policy Decision: SC Tells Govt*, *Supreme Court Observer* (20 November 2024), <https://www.scobserver.in/court-case-summaries/cannot-deny-gig-workers-rights-under-guise-of-policy-decision-sc-tells-govt>(last visited on 15 October 2025).

⁶⁹Gauri Kashyap, *Social Security for Gig Workers | Day 2: “Pull up your socks!” Supreme Court tells Union on delays in implementing the Social Security Code*, *Supreme Court Observer* (18 February 2025), <https://www.scobserver.in/reports/social-security-for-gig-workers-day-2-pull-up-your-socks-supreme-court-tells-union-on-delays-in-implementing-the-social-security-code/>(last visited on 15 October 2025).

⁷⁰Jeferin Johny, *Gig Workers Under Social Security Code: Employer Obligations, Benefits & Legal Framework in India*, *Corrida Legal* (1 August 2025), <https://corridalegal.com/gig-workers-under-social-security-code-employer-obligations-benefits-legal-framework-in-india/> (last visited on 15 October 2025).

address their unique vulnerabilities⁷¹”. Thus, existing central policy tools have yet to deliver targeted support to gig workers.

3. **STATE LEGISLATION:** Even though at the federal level there is no specific action to support the gig workers, several states have enacted various laws to support them. Rajasthan passed the Platform-Based Gig Workers (Regulation and Welfare) Act, 2023, creating a Tripartite Gig Welfare Board, which mandates registration and a welfare fund. Similarly, Karnataka has also passed a comprehensive Platform-Based Gig Workers (Social Security and Welfare) Act, 2025⁷². It includes welfare cess (1–5% of each transaction), which is levied on platforms, protection against arbitrary deactivation⁷³, and transparency obligations, e.g. explaining algorithmic decisions⁷⁴. Even several other states, including Bihar, Jharkhand, and Telangana are at draft stages. As compared to the Code, state laws go further in addressing their work conditions, for instance, Karnataka’s Act expressly covers occupational safety and provides a grievance redressal mechanism⁷⁵. Nevertheless, state laws still doesn’t deal with minimum wages or union rights, as noted by experts.
4. **REGULATORY ALERTS:** The Central government has set up a National Social Security Board in August 2022 to advise on various schemes for gig and platform workers. In the 2025 Union Budget, Finance Minister Sitharaman announced new welfare schemes for online gig workers however, they still await their implementation⁷⁶. A 2024 rating study found that most of the platforms failed to provide even a local living wage or fair

⁷¹Agreima Tyagi, Sakshi Joshi & Aneesh KA, *The Gig Economy is Booming—but Hardly Any Protection for Workers*, Policy Circle (21 May 2025), <https://www.policycircle.org/opinion/india-gig-economy-gig-workers/>(last visited on 15 October 2025).

⁷²Editorial, *Gig Workers' Welfare Needs Urgent Attention from States and Businesses*, *The New Indian Express* (20 August 2025), <https://www.newindianexpress.com/editorials/2025/Aug/20/gig-workers-welfare-needs-urgent-attention-from-states-and-businesses/>(last visited on 15 October 2025).

⁷³NewsIndia Express, [Gig workers' welfare needs urgent attention from states and businesses](#)(20 August 2025).

⁷⁴Saurabh Bhattacharjee, Compared to the Union government’s social security code, the state gig work legislations go further by not just providing a framework, but also regulating certain aspects of conditions of work, National Law School of India University (10 September 2025), <https://www.nls.ac.in/research/publications/>(last visited on 15 October 2025).

⁷⁵Indiaspend, [Compared to the Union government’s social security code, the state gig work legislations go further by not just providing a framework, but also regulating certain aspects of conditions of work, says Saurabh Bhattacharjee](#) (18 February 2025).

⁷⁶Gauri Kashyap, *Social Security for Gig Workers | Day 2: “Pull up your socks!” Supreme Court tells Union on delays in implementing the Social Security Code*, *Supreme Court Observer* (18 February 2025), <https://www.scobserver.in/reports/social-security-for-gig-workers-day-2-pull-up-your-socks-supreme-court-tells-union-on-delays-in-implementing-the-social-security-code/>(last visited on 15 October 2025).

negotiation norms⁷⁷. In 2021, the Supreme Court expedited the IFAT case in response to a writ petition submitted by the NHRC, which called for social security for platform workers⁷⁸.

COMPARATIVE INTERNATIONAL PERSPECTIVE

India's model contrasts with global approaches to gig work. Key comparisons include:

1. **EUROPEAN UNION:** In 2024, the EU adopted a new Platform Work Directive to uplift the conditions of these workers. It presumes that a platform worker is an employee if the company has significant control or direction over the work⁷⁹. Therefore, the burden of proof shifts on the platform to prove that a worker is not an employee⁸⁰. It also mandates transparency in automated management which ensures that the workers must be informed when algorithms monitor or evaluate them, and certain sensitive data collection (e.g. health or union activity) is banned⁸¹. Further they must declare workers and activities to the authorities, aiding enforcement⁸². In sum, the EU emphasizes on treating gig work as de-facto employment in many cases⁸³.
2. **UNITED STATES (CALIFORNIA):** In 2019 California's AB5 law applied the "ABC test" to classify gig workers as employees if the platform fails to meet specific criteria. It created an intermediate status as "independent contractor plus" for app-based drivers, granting benefits including a guaranteed minimum per-hour earning, healthcare subsidies, and injury protection, but without full employee rights⁸⁴. It also barred local governments from imposing stricter rules. Critics argue this weakens worker protection. The U.S. example shows how political bargaining can yield only partial coverage for gig workers⁸⁵.

⁷⁷ Saurabh Bhattacharjee, Compared to the Union government's social security code, the state gig work legislations go further by not just providing a framework, but also regulating certain aspects of conditions of work, National Law School of India University (10 September 2025), <https://www.nls.ac.in/research/publications/> (last visited on 15 October 2025).

⁷⁸ *Ibid.*

⁷⁹ *EU Rules on Platform Work*, Consilium (14 October 2024), <https://www.consilium.europa.eu/en/policies/platform-work-eu/> (last visited on 15 October 2025).

⁸⁰ *Ibid.*

⁸¹ *EU Rules on Platform Work*, Consilium (14 October 2024), <https://www.consilium.europa.eu/en/policies/platform-work-eu/> (last visited on 15 October 2025).

⁸² *Ibid.*

⁸³ *Ibid.*

⁸⁴ Jefrin Johny, *Gig Workers Under Social Security Code: Employer Obligations, Benefits & Legal Framework in India*, Corrida Legal (1 August 2025), <https://corridalegal.com/gig-workers-under-social-security-code-employer-obligations-benefits-legal-framework-in-india/> (last visited on 15 October 2025).

⁸⁵ *Ibid.*

3. **UNITED KINGDOM:** UK courts have emphasized on worker rights. In the case of *Uber BV v. Aslam, 2021*, the UK Supreme Court held that ride-share drivers are “workers” and entitled to National Minimum Wage and holiday pay, based on various factors like company control and “integration” into its business. The UK has also introduced an “employee-like” category for legislative reform, though its details are still not finalized. Similarly, the 2017 Taylor Review (Good Work Plan) recommended a new status of “dependent contractor” with some rights, but there is no specific law in this regard.
4. **AUSTRALIA:** In 2024, Australia passed the Fair Work Legislation Amendment Act. It created an “employee-like worker” category, giving many gig workers minimum standards of wage, leave, insurance and the right to collectively bargain⁸⁶. The law also bans “unfair deactivation” of these workers. This hybrid model acknowledges independent status of these workers but mandates core protections via industry-wide minimum standards and social safety nets⁸⁷.

Unlike the EU/Australia which reshape labour rights, and unlike California which carved out exemptions, India’s Code takes a unique “funded welfare” approach. It adds gig workers to Social Security nets without altering their contractor status⁸⁸. By taking into consideration, all these legislations India could strengthen protections under the Code. For instance, mandates on algorithmic transparency and collective representation as in the EU or accident compensation schemes as in the US and Australia could address these gaps. Also, India has historical court precedents of mid-20th century judgments recognized atypical workers e.g. beedi, salt-pan workers as employees under labour laws. Supreme Court observers have noted that similar tests could potentially be applied to Indian platform workers⁸⁹. Overall, global trends points out increasing rights such as wages and benefits for gig workers, which India can adopt.

⁸⁶ *Gig Workers and Labour Rights*, Gigpedia, <https://gigpedia.org/resources/visuals/left-behind-labour-rights-and-gig-workers>. (last visited on 15 October 2025).

⁸⁷ *Gig Workers and Labour Rights*, Gigpedia, <https://gigpedia.org/resources/visuals/left-behind-labour-rights-and-gig-workers>. (last visited on 15 October 2025).

⁸⁸ Jefrin Johny, *Gig Workers Under Social Security Code: Employer Obligations, Benefits & Legal Framework in India*, Corrida Legal (1 August 2025), <https://corridalegal.com/gig-workers-under-social-security-code-employer-obligations-benefits-legal-framework-in-india> (last visited on 15 October 2025).

⁸⁹ Saurabh Bhattacharjee, Compared to the Union government’s social security code, the state gig work legislations go further by not just providing a framework, but also regulating certain aspects of conditions of work, National Law School of India University (10 September 2025), <https://www.nls.ac.in/research/publications/> (last visited on 15 October 2025).

POLICY ANALYSIS AND STAKEHOLDER ROLES

1. **GOVERNMENT:** The central government's role under the Code is to frame and implement the social security schemes. Till now the progress has been limited to planning and creating regulatory frameworks. Ministries have cited the e-Shram portal and budget pledges but have not delivered any specific benefits. State governments have taken initiative through welfare laws and boards. Civil servants and labour experts acknowledge that designing workable schemes for a fluid workforce is comple⁹⁰. For example, linking gig workers often multi-platform and unbanked into formal schemes will require new ID and verification systems. The idea of a unique "Gig ID" has been proposed to track workers across platforms and ensure portability of benefits⁹¹. Fiscal allocations will be needed: the SSC mandates platform contributions, but actual fund collection and disbursement mechanisms must be established. Overall, the government's challenge is to translate the Code's vision into operational programs at both central and state levels.
2. **WORKERS' ORGANISATIONS:** Trade unions and collectives are becoming vocal stakeholders⁹². The Indian Federation of App-based Transport Workers (IFAT), founded in 2019, now has ~36,000 members nationwide, mainly drivers for Uber/Ola⁹³. The Telangana Gig & Platform Workers' Union TGPWU and others have mobilised delivery riders and logistics workers. These unions have staged protests example, over pay cuts or deactivations. and have filed legal petitions (IFAT's Supreme Court case). They lobby for enforceable labour rights example wages, benefits and often collaborate with NGOs and political leader⁹⁴. Their emergence has pressured governments: for instance, IFAT was involved in drafting state gig laws and in the SC hearings⁹⁵. Going forward, worker representatives could help tailor the welfare schemes to actual needs e.g. by advising on reasonable contribution levels, or defining dependents for benefits.

⁹⁰*Ibid.*

⁹¹*Ibid.*

⁹²How India's Gig Worker Unions Are Fighting for Change, Nonprofit Quarterly (20 November 2024), <https://nonprofitquarterly.org/how-indias-gig-worker-unions-are-fighting-for-change/> (last visited on 15 October 2025).

⁹³Varsha Bansal, Meet the Most Powerful Driver on Uber App in India: Gig Workers' Union Leader Shaik Salauddin, Rest of World (4 January 2023), <https://restofworld.org/2023/india-powerful-uber-driver/>. (last visited on 15 October 2025).

⁹⁴*Ibid.*

⁹⁵Varsha Bansal, Meet the Most Powerful Driver on Uber App in India: Gig Workers' Union Leader Shaik Salauddin, Rest of World (4 January 2023), <https://restofworld.org/2023/india-powerful-uber-driver/>. (last visited on 15 October 2025).

3. **CIVIL SOCIETY & ACADEMIA:** Think tanks like NITI Aayog, Fairwork India, ILO India, and legal researchers provide analysis and advocacy. Reports highlight best practices and shortcomings, informing policymakers⁹⁶. Media and NGOs amplify gig workers' voices – stories of accidents, discrimination and exploitation (as in NonprofitQuarterly and Rest of World articles) raise public awareness⁹⁷. These groups often push for data-driven policies e.g. the NITI Aayog gig-economy report, State of Working India⁹⁸.
4. **PLATFORMS AND INDUSTRY:** Aggregator companies like Uber, Swiggy, etc., must execute compliance (registering workers, contributing to funds). Publicly, they have announced some driver support (e.g. emergency funds, advisory councils) but resisted formal “employer” status. Industry bodies (like NASSCOM) demand clear, uniform definitions to avoid fragmented state rules. Some companies argue that piecemeal regulations hinder innovation, while worker advocates counter that unregulated platforms externalize costs onto riders. In practice, platforms are likely to work with authorities to implement mandatory schemes (as they did with motor insurance schemes), but they may push back on anything seen as imposing full labor liability. Investors, customers and the tech sector will watch how policy strikes a balance between flexibility and fairness.

CHALLENGES AND RECOMMENDATIONS

Ensuring meaningful rights for gig workers faces numerous hurdles. Key challenges and possible reforms include:

1. **AMBIGUOUS LEGAL STATUS:** The Code preserves gig workers' contractor status, leaving many labour rights uncertain. Legal recognition of “worker” status for at least some categories can be considered, or create a clear special status with guaranteed rights as in EU/UK/Australia. Courts might be encouraged to interpret existing laws in favour of gig

⁹⁶How India's Gig Worker Unions Are Fighting for Change, Nonprofit Quarterly (20 November 2024), <https://nonprofitquarterly.org/how-indias-gig-worker-unions-are-fighting-for-change/> (last visited on 15 October 2025).

⁹⁷Varsha Bansal, Meet the Most Powerful Driver on Uber App in India: Gig Workers' Union Leader Shaik Salauddin, Rest of World (4 January 2023), <https://restofworld.org/2023/india-powerful-uber-driver/>. (last visited on 15 October 2025).

⁹⁸*Ibid.*

workers⁹⁹. Loopholes can be avoided by defining “employees” and “unorganised workers”, so that gig workers cannot be excluded by semantics¹⁰⁰.

2. **TIMELY IMPLEMENTATION:** Despite the provisions under the Code, no gig-specific social security scheme has been there. The government should set and adhere to firm timelines to ensure the implementation of the schemes under the Code¹⁰¹. Draft rules and schemes should be finalised in consultation with workers’ groups and states. Until full implementation, interim measures could provide some protection to them.
3. **PORTABLE WORKER REGISTRY:** Many gig workers lack formal IDs or bank accounts, making it difficult to ensure the implementation of the schemes. Strengthening registration, upgrading the e-Shram portal to tag gig workers separately can help. A unique digital identity (linked to Aadhaar) capturing a worker’s platform engagements and earnings, as some experts propose, can be helpful¹⁰². This would enable targeted benefits (health insurance, loans) and prevent loss of benefits when switching platforms.
4. **FINANCIAL VIABILITY:** Whether platform contributions will fund effective benefits is also a matter of concern. Structured contributions can be link directly to workers. For instance, one proposal is to levy a fixed percentage of each transaction (not just aggregate turnover) so each worker’s activity accrues to their own benefit account (akin to a mini

⁹⁹ Saurabh Bhattacharjee, Compared to the Union government’s social security code, the state gig work legislations go further by not just providing a framework, but also regulating certain aspects of conditions of work, National Law School of India University (10 September 2025), <https://www.nls.ac.in/research/publications/> (last visited on 15 October 2025).

¹⁰⁰ Gauri Kashyap, *Gig Workers’ Access to Social Security: Writ Petition Summary (The Indian Federation of App-based Transport Workers v. Union of India)*, Supreme Court Observer (7 December 2021), <https://www.scobserver.in/reports/gig-workers-access-to-social-security-the-indian-federation-of-app-based-transport-workers-ifat-v-union-of-india-writ-petition-summary/> (last visited on 15 October 2025).

¹⁰¹ Gauri Kashyap, *Social Security for Gig Workers | Day 2: “Pull up your socks!” Supreme Court tells Union on delays in implementing the Social Security Code*, Supreme Court Observer (18 February 2025), <https://www.scobserver.in/reports/social-security-for-gig-workers-day-2-pull-up-your-socks-supreme-court-tells-union-on-delays-in-implementing-the-social-security-code/> (last visited on 15 October 2025).

¹⁰² Agreima Tyagi, Sakshi Joshi & Aneesh KA, *The Gig Economy is Booming—but Hardly Any Protection for Workers*, Policy Circle (21 May 2025), <https://www.policycircle.org/opinion/india-gig-economy-gig-workers/> (last visited on 15 October 2025).

pension fund)¹⁰³. This would ensure transparency and eventual payoff. Regular audits and a Parliamentary oversight committee could improve accountability¹⁰⁴.

5. **WELFARE SCHEME DESIGN:** Schemes should address real needs. For example, accident insurance must be adequate given high road risks. Introducing mandatory minimum earnings or work-hour caps to curb overwork. State welfare boards should include worker representatives and may pilot services like subsidised health insurance or no-questions-exit schemes. Propose sectoral tripartite boards (as in Karnataka) so that each platform industry (ride-hail, delivery, etc.) can tailor norms.
6. **ALGORITHMIC ACCOUNTABILITY:** Platforms' opaque algorithms drive much worker stress. Transparency requirements can be enacted. For example, platforms must explain how workers' ratings, deactivations or dynamic pricing are determined (as Karnataka's Act begins to mandate). Grievance systems should be independent of the platform for example integrated labour departments, so workers can appeal deactivations or unfair penalties.
7. **EMPOWERING REPRESENTATION:** Collective action is encouraged, without running afoul of competition laws. For example, the labour code could explicitly exempt gig-worker unions or federations from anti-trust constraints, allowing them to negotiate standards or contest deactivations. The government could facilitate the formation of industry councils (like the driver advisory council Uber set up) involving independent worker-elected members.
8. **EDUCATION AND SKILL UPGRADING:** Many gig workers entered the sector by necessity. Policy should include training programs (digital and vocational) to improve their earnings over time. Schemes under the Code could provide for periodic skill grants or digital literacy courses, as well as financial planning guidance (e.g. for savings and insurance).

¹⁰³ Saurabh Bhattacharjee, Compared to the Union government's social security code, the state gig work legislations go further by not just providing a framework, but also regulating certain aspects of conditions of work, National Law School of India University (10 September 2025), <https://www.nls.ac.in/research/publications/> (last visited on 15 October 2025).

¹⁰⁴ [Compared to the Union government's social security code, the state gig work legislations go further by not just providing a framework, but also regulating certain aspects of conditions of work, says Saurabh Bhattacharjee](#)

Public-private collaborations with e-learning platforms could expand affordable upskilling tailored to the gig economy.

9. **INCLUSION AND EQUITY:** Design schemes that account for diversity. For instance, only 19% of Indian gig workers are women; schemes should actively reach out to include them (e.g. maternity benefits, family care incentives). Consider rural-specific outreach and platforms (e.g. agricultural gig tasks).

Each of these recommendations draws on interdisciplinary insights, legal reform to clarify status, administrative measures (IDs, boards) for program delivery, and economic policy (fund structures, minimum standards) to ensure viability. The Indian government and stakeholders should learn from global practice (e.g. the EU's algorithm rules, Singapore's partial CPF contribution but adapt to local labour markets and fiscal constraints¹⁰⁵.

WHETHER THE CURRENT LEGAL FRAMEWORK ADDRESS THE ISSUE OF SOCIAL SECURITY FOR GIG WORKERS

1. NO SPECIFIC LEGISLATION TAILORED TO THE NEEDS OF GIG WORKERS

Unfortunately, in the current legal system, there is no recognition of gig workers under the Industrial Disputes Act. Economy is evolving and the law is yet to evolve with the same. Existing Indian labour laws under its organised labour legislation i.e., the Industrial Disputes Act, 1947 does not recognise gig workers. They are considered as unorganised labourers and are deprived of all the benefits available in traditional employer-employee relationship.

If gig workers are to be included under the Industrial Dispute Act, major questions arise with respect to the ancillary benefits that arise out of the same. These challenges involves a)The classification of Gig workers for their tax filings, operational costs, Gratuity b)Who pays for the Employee Provident Fund when multissssple agencies are involved c)Insurance for Gig workers d)Extent of medical leave and maternity benefits. The definition of "worker" and "employee" in existing labor laws often excludes gig workers, leaving them without specific protections. Gig workers are often classified as independent contractors, which denies them employee benefits such as insurance, leave, and minimum wage.

¹⁰⁵ Jefrin Johny, *Gig Workers Under Social Security Code: Employer Obligations, Benefits & Legal Framework in India*, Corrida Legal (1 August 2025), <https://corridalegal.com/gig-workers-under-social-security-code-employer-obligations-benefits-legal-framework-in-india/>(last visited on 15 October 2025).

In *Bangalore Water Supply and Sewerage Board v. A. Rajappa*¹⁰⁶, the Supreme Court expanded the definition of "industry" but did not explicitly cover gig workers, leading to ambiguity regarding their status. The principal flaw in the current legal structure pertains to its insufficient delineation and classification of contract work, resulting in an absence of preciseness concerning the obligations of digital platforms in relation to their employees. This ambiguity facilitates the continuation of gender inequalities, as women are frequently relegated to lower-paying sectors of the freelance economy and remain underutilized. Furthermore, due to the lack of legislation specifically designed for the contract economy, employees lack knowledge regarding their rights and the procedures necessary to pursue resolution for complaints.

2. LACK OF COORDINATION AND CLARITY IN THE EXISTING LAWS

The *Code on Social Security, 2020* defines gig workers as individuals engaged in non-traditional, short-term, or project-based work arrangements. While the definition covers a range of roles like cab drivers and freelancers, the legal framework falls short in providing adequate protection to gig workers, particularly platform-based workers. It sought to define the status of gig workers who are outside the employer-employee status and suggested that they would be entitled to accident, health, retirement benefits which will be funded through contribution by the State and Central government as well as the platforms in a welfare fund.

The *Code on Social Security* dedicates only a few sections (112, 113, and 114) to gig and platform workers, with vague provisions on social security schemes and helplines, and no mandatory protections. Sexual harassment and safety concerns are also inadequately addressed. While the *POSH Act* covers workplace harassment, it remains unclear if it applies to digital platforms used by gig workers. This legal ambiguity perpetuates gender inequalities in the gig economy. The *Rajasthan Platform-Based Gig Workers Act, 2023* is a positive step, providing comprehensive protection for gig workers, but a national framework is still lacking. Until such legislation is enacted at the national level, gig workers will continue to face inconsistent protections and unclear legal rights across India.

¹⁰⁶*Bangalore Water Supply and Sewerage Board v A. Rajappa*[1978] 2 SCC 213

3. PLURALITY OF SOCIAL SECURITY SCHEMES

There is a plurality of social security schemes in India, introduced via legislation, both at the Central and State levels, creating a social security regime beset with varying legal standards, differing applicability thresholds and differing definitions. Consequently, confusion has ensued concerning scope of rights under existing laws, as well as increased compliance costs. More importantly, such incongruities have resulted in different sets of workers enjoying differing rights. In *Olga Tellis v. Bombay Municipal Corporation*¹⁰⁷, the Court had held that the right to livelihood is a part of the right to life. So, the right to livelihood includes the right to work in decent conditions of work. As gig workers do not qualify as workers, they are unable to enforce 'fair and decent conditions of work' thereby depriving gig workers of social security and violating the right to life.

4. PROVISIONS VIOLATES CONSTITUTION

Denial of Social Security Amounts to Exploitation Through Forced Labour under Article 23. Service aggregators impose rules such as minimum hours of work and a code of conduct for the workers. Workers are not allowed to refuse jobs, or negotiate prices for each job. Although the agreement indicates that workers are free agents, but the default approach is for workers to 'take it or leave it.' As the contracts do not allow negotiation of terms and conditions, this amounts to forced labour under Article 23.

Not Recognising Gig Workers as 'Employees' is a Violation of Right to Equality under Article 14 by not recognising them as workers, they are disadvantaged compared to similarly situated workers who are recognised as 'workers'. This violates their right to equality. While the gig workers doesn't resemble the emp relationship, it exhibits all the hallmarks of institutionalised power differences and subordination that make labour laws imp in the first place *E.P. Royappa v. State of Tamil Nadu*¹⁰⁸: This landmark case articulated the concept of "reasonable classification" under Article 14. It emphasized that laws must not discriminate against individuals or groups, which can be used to advocate for equal rights for gig workers. *State of Gujarat v. Umedbhai M. Patel*¹⁰⁹.; case underscored the need for legal protection for

¹⁰⁷[Olga Tellis v Bombay Municipal Corporation](#) (1985) 3 SCC 545

¹⁰⁸*E.P. Royappa v State of Tamil Nadu* [1974] 4 SCC 3

¹⁰⁹*State of Gujarat v Umedbhai M. Patel* [2001] 3 SCC 314

workers in non-traditional employment. The court recognized the importance of considering the changing nature of work and the necessity for laws that protect all types of labourers.

CONCLUSION

The Social Security Code 2020 was a landmark *recognition* of gig and platform workers in Indian law¹¹⁰. It formally brings millions of app-based workers into the social welfare ambit for the first time. However, this legal change is only the first step. As observers note, recognition must *evolve into action*¹¹¹. Without enforceable rules or funding, gig workers remain largely unprotected. Courts have underscored that statutory rights (like provident fund¹¹², accident cover, maternity benefits) should extend to gig workers, and have pressed the government to implement them¹¹³.

¹¹⁰ *The Code on Social Security, 2020*, Wikipedia (last modified 15 October 2025), https://en.wikipedia.org/wiki/The_Code_on_Social_Security,_2020(last visited on 15 October 2025).

¹¹¹ Agreima Tyagi, Sakshi Joshi & Aneesh KA, *The gig economy is booming—but hardly any protection for workers*, Policy Circle (21 May 2025), <https://www.policycircle.org/opinion/india-gig-economy-gig-workers>(last visited on 15 October 2025).

¹¹² *Cannot deny gig workers' rights under guise of policy decision: SC tells govt*, Hindustan Times (20 November 2024), <https://www.hindustantimes.com/india-news/cannot-deny-gig-workers-rights-under-guise-of-policy-decision-sc-tells-govt-101732042482760.html>(last visited on 15 October 2025).

¹¹³ Shreehari Paliath, *Gig Work Legislations Significant in Opening the Space for Labour Protection*, IndiaSpend (10 September 2025), <https://www.indiaspend.com/indiaspend-interviews/gig-work-legislations-significant-in-opening-the-space-for-labour-protection-966392>(last visited on 15 October 2025).

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